

File No. 210725

Committee Item No. \_\_\_\_\_

Board Item No. 22

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: June 22, 2021

#### Cmte Board

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|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                          |                                     |                   |
|--------------------------|-------------------------------------|-------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | HR 6 - 3/22/21    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | HR 1177 - 2/28/21 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | HR 1603 - 3/22/21 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | S. 264 - 2/4/21   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | S. 306 - 2/8/21   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | S. 348 - 2/22/21  |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____             |

Prepared by: Lisa Lew

Date: June 18, 2021

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Supporting Noncitizen Residents and a Full Pathway to Citizenship]

2

3 **Resolution acknowledging the Ninth Anniversary of the Deferred Action for Childhood**  
4 **Arrivals (DACA) program, recognizing the tremendous contributions from our**  
5 **noncitizen residents including recipients of the DACA Program and their families, and**  
6 **urging Congressional approval of legislative bills that provide relief and pathways to**  
7 **citizenship for the immigrant communities.**

8

9 WHEREAS, Nine years ago on June 15, 2012, after significant demonstrations and  
10 campaigns led by undocumented youth activists, President Obama initiated the immigration  
11 program known as the Deferred Action for Childhood Arrivals (DACA), in order to allow  
12 eligible individuals to receive a renewable two-year period of deferred action from deportation  
13 and a work permit in the U.S.; and

14 WHEREAS, On his first day in office, President Biden introduced the United States  
15 Citizenship Act, a comprehensive immigration bill to provide a pathway to citizenship for all  
16 undocumented immigrants, including DACA-eligible individuals, Temporary Protected Status  
17 (TPS) and Deferred Enforced Departure (DED) recipients and certain farmworkers, which was  
18 subsequently introduced in the House as HR. 1177 and Senate as S. 348 on February 18,  
19 2021; and

20 WHEREAS, In February of 2021 the Dream Act (S. 264) and the SECURE Act (S. 306)  
21 were reintroduced in the Senate to provide pathways to citizenship for DACA-eligible and  
22 TPC/DED recipients, respectively; and.

23 WHEREAS, In March 2021, the American Dream and Promise Act of 2021 (H.R. 6)  
24 and the Farm Workforce Modernization Act of 2021 (H.R. 1603) were introduced in the House  
25 to provide relief and a pathway to citizenship to those brought to the United States as minors,

1 including DACA recipients; TPS holders; and DED individuals; and protection from deportation  
2 and pathways to citizenship for undocumented farmworkers and their family members; and

3 WHEREAS, Nearly 11 million undocumented immigrants in the United States live  
4 under the constant fear of deportation, family separation, and discrimination while working,  
5 paying taxes, and operating their own businesses; and

6 WHEREAS, Noncitizen residents and their families have spent multiple decades in  
7 their communities and play an integral role in our economy, with a combined spending power  
8 of \$217.7 billion; contributing \$31.9 billion in federal, state, and local taxes, with \$1.9 billion in  
9 California alone; and

10 WHEREAS, Noncitizen residents fill critical jobs, with nearly 5 million working in  
11 essential industries such as agriculture, construction, food services and production,  
12 transportation, health care, childcare, and hospitality that would otherwise remain vacant; and

13 WHEREAS, DACA recipients have been on the front lines during the coronavirus  
14 pandemic, with more than 200,000 considered pandemic front-line workers, including 29,000  
15 health care workers; and

16 WHEREAS, While DACA provided some relief to recipients, it stops short of providing a  
17 pathway to full citizenship; does not extend to the families and loved ones who remain at risk  
18 of deportation; and is a denial of human rights; and

19 WHEREAS, The American Dream and Promise and the Farm Workforce Modernization  
20 Acts of 2021, are critical first steps in reforming our immigration system and both passed the  
21 House with bipartisan support and have been referred to the Senate; now, therefore, be it

22 RESOLVED, The Board of Supervisors of the City and County of San Francisco  
23 recognizes the tremendous contributions from noncitizen residents on the occasion of the  
24 Ninth Anniversary of the DACA program; and, be it

25

1           FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
2 Francisco remain committed to the fight for a pathway to citizenship for all immigrants; and, be  
3 it

4           FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
5 Francisco urges Senate approval of the American Dream and Promise Act, and the Farm  
6 Worker Modernization Act; and, be it

7           FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
8 Francisco directs the Clerk of the Board to send a copy of this Resolution to the San  
9 Francisco Congressional delegation.

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117TH CONGRESS  
1ST SESSION

# H. R. 6

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IN THE SENATE OF THE UNITED STATES

MARCH 22, 2021

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

To authorize the cancellation of removal and adjustment  
of status of certain aliens, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “American Dream and Promise Act of 2021”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DREAM ACT OF 2021

Sec. 101. Short title.

Sec. 102. Permanent resident status on a conditional basis for certain long-term residents who entered the United States as children.

Sec. 103. Terms of permanent resident status on a conditional basis.

Sec. 104. Removal of conditional basis of permanent resident status.

Sec. 105. Restoration of State option to determine residency for purposes of higher education benefits.

TITLE II—AMERICAN PROMISE ACT OF 2021

Sec. 201. Short title.

Sec. 202. Adjustment of status for certain nationals of certain countries designated for temporary protected status or deferred enforced departure.

Sec. 203. Clarification.

TITLE III—GENERAL PROVISIONS

Sec. 301. Definitions.

Sec. 302. Submission of biometric and biographic data; background checks.

Sec. 303. Limitation on removal; application and fee exemption; and other conditions on eligible individuals.

Sec. 304. Determination of continuous presence and residence.

Sec. 305. Exemption from numerical limitations.

Sec. 306. Availability of administrative and judicial review.

Sec. 307. Documentation requirements.

Sec. 308. Rule making.

Sec. 309. Confidentiality of information.

Sec. 310. Grant program to assist eligible applicants.

Sec. 311. Provisions affecting eligibility for adjustment of status.

Sec. 312. Supplementary surcharge for appointed counsel.

Sec. 313. Annual report on provisional denial authority.

6 **TITLE I—DREAM ACT OF 2021**

7 **SEC. 101. SHORT TITLE.**

8 This title may be cited as the “Dream Act of 2021”.

1 **SEC. 102. PERMANENT RESIDENT STATUS ON A CONDI-**  
2 **TIONAL BASIS FOR CERTAIN LONG-TERM**  
3 **RESIDENTS WHO ENTERED THE UNITED**  
4 **STATES AS CHILDREN.**

5 (a) **CONDITIONAL BASIS FOR STATUS.**—Notwith-  
6 standing any other provision of law, and except as pro-  
7 vided in section 104(c)(2), an alien shall be considered,  
8 at the time of obtaining the status of an alien lawfully  
9 admitted for permanent residence under this section, to  
10 have obtained such status on a conditional basis subject  
11 to the provisions of this title.

12 (b) **REQUIREMENTS.**—

13 (1) **IN GENERAL.**—Notwithstanding any other  
14 provision of law, the Secretary or the Attorney Gen-  
15 eral shall adjust to the status of an alien lawfully  
16 admitted for permanent residence on a conditional  
17 basis, or without the conditional basis as provided in  
18 section 104(c)(2), an alien who is inadmissible or de-  
19 portable from the United States, is subject to a  
20 grant of Deferred Enforced Departure, has tem-  
21 porary protected status under section 244 of the Im-  
22 migration and Nationality Act (8 U.S.C. 1254a), or  
23 is the son or daughter of an alien admitted as a non-  
24 immigrant under subparagraphs (E)(i), (E)(ii),  
25 (H)(i)(b), or (L) of section 101(a)(15) of such Act  
26 (8 U.S.C. 1101(a)(15)) if—

1 (A) the alien has been continuously phys-  
2 ically present in the United States since Janu-  
3 ary 1, 2021;

4 (B) the alien was 18 years of age or  
5 younger on the date on which the alien entered  
6 the United States and has continuously resided  
7 in the United States since such entry;

8 (C) the alien—

9 (i) subject to paragraph (2), is not in-  
10 admissible under paragraph (1), (6)(E),  
11 (6)(G), (8), or (10) of section 212(a) of  
12 the Immigration and Nationality Act (8  
13 U.S.C. 1182(a));

14 (ii) has not ordered, incited, assisted,  
15 or otherwise participated in the persecution  
16 of any person on account of race, religion,  
17 nationality, membership in a particular so-  
18 cial group, or political opinion; and

19 (iii) is not barred from adjustment of  
20 status under this title based on the crimi-  
21 nal and national security grounds de-  
22 scribed under subsection (c), subject to the  
23 provisions of such subsection; and

24 (D) the alien—



1 (i) has been admitted to an institution  
2 of higher education;

3 (ii) has been admitted to an area ca-  
4 reer and technical education school at the  
5 postsecondary level;

6 (iii) in the United States, has ob-  
7 tained—

8 (I) a high school diploma or a  
9 commensurate alternative award from  
10 a public or private high school;

11 (II) a General Education Devel-  
12 opment credential, a high school  
13 equivalency diploma recognized under  
14 State law, or another similar State-  
15 authorized credential;

16 (III) a credential or certificate  
17 from an area career and technical  
18 education school at the secondary  
19 level; or

20 (IV) a recognized postsecondary  
21 credential; or

22 (iv) is enrolled in secondary school or  
23 in an education program assisting students  
24 in—

1 (I) obtaining a high school di-  
2 ploma or its recognized equivalent  
3 under State law;

4 (II) passing the General Edu-  
5 cation Development test, a high school  
6 equivalence diploma examination, or  
7 other similar State-authorized exam;

8 (III) obtaining a certificate or  
9 credential from an area career and  
10 technical education school providing  
11 education at the secondary level; or

12 (IV) obtaining a recognized post-  
13 secondary credential.

14 (2) WAIVER OF GROUNDS OF INADMIS-  
15 SIBILITY.—With respect to any benefit under this  
16 title, and in addition to the waivers under subsection  
17 (c)(2), the Secretary may waive the grounds of inad-  
18 missibility under paragraph (1), (6)(E), (6)(G), or  
19 (10)(D) of section 212(a) of the Immigration and  
20 Nationality Act (8 U.S.C. 1182(a)) for humanitarian  
21 purposes, for family unity, or because the waiver is  
22 otherwise in the public interest.

23 (3) APPLICATION FEE.—

24 (A) IN GENERAL.—The Secretary may,  
25 subject to an exemption under section 303(c),

1           require an alien applying under this section to  
2           pay a reasonable fee that is commensurate with  
3           the cost of processing the application but does  
4           not exceed \$495.00.

5           (B) SPECIAL PROCEDURES FOR APPLI-  
6           CANTS WITH DACA.—The Secretary shall estab-  
7           lish a streamlined procedure for aliens who have  
8           been granted DACA and who meet the require-  
9           ments for renewal (under the terms of the pro-  
10          gram in effect on January 1, 2017) to apply for  
11          adjustment of status to that of an alien lawfully  
12          admitted for permanent residence on a condi-  
13          tional basis under this section, or without the  
14          conditional basis as provided in section  
15          104(c)(2). Such procedure shall not include a  
16          requirement that the applicant pay a fee, except  
17          that the Secretary may require an applicant  
18          who meets the requirements for lawful perma-  
19          nent residence without the conditional basis  
20          under section 104(c)(2) to pay a fee that is  
21          commensurate with the cost of processing the  
22          application, subject to the exemption under sec-  
23          tion 303(c).

24          (4) BACKGROUND CHECKS.—The Secretary  
25          may not grant an alien permanent resident status on

1 a conditional basis under this section until the re-  
2 quirements of section 302 are satisfied.

3 (5) MILITARY SELECTIVE SERVICE.—An alien  
4 applying for permanent resident status on a condi-  
5 tional basis under this section, or without the condi-  
6 tional basis as provided in section 104(c)(2), shall  
7 establish that the alien has registered under the  
8 Military Selective Service Act (50 U.S.C. 3801 et  
9 seq.), if the alien is subject to registration under  
10 such Act.

11 (c) CRIMINAL AND NATIONAL SECURITY BARS.—

12 (1) GROUNDS OF INELIGIBILITY.—Except as  
13 provided in paragraph (2), an alien is ineligible for  
14 adjustment of status under this title (whether on a  
15 conditional basis or without the conditional basis as  
16 provided in section 104(c)(2)) if any of the following  
17 apply:

18 (A) The alien is inadmissible under para-  
19 graph (2) or (3) of section 212(a) of the Immi-  
20 gration and Nationality Act (8 U.S.C. 1182(a)).

21 (B) Excluding any offense under State law  
22 for which an essential element is the alien's im-  
23 migration status, and any minor traffic offense,  
24 the alien has been convicted of—

25 (i) any felony offense;

1           (ii) three or more misdemeanor of-  
2           fenses (excluding simple possession of can-  
3           nabis or cannabis-related paraphernalia,  
4           any offense involving cannabis or cannabis-  
5           related paraphernalia which is no longer  
6           prosecutable in the State in which the con-  
7           viction was entered, and any offense involv-  
8           ing civil disobedience without violence) not  
9           occurring on the same date, and not aris-  
10          ing out of the same act, omission, or  
11          scheme of misconduct; or

12          (iii) a misdemeanor offense of domes-  
13          tic violence, unless the alien demonstrates  
14          that such crime is related to the alien hav-  
15          ing been—

16               (I) a victim of domestic violence,  
17               sexual assault, stalking, child abuse or  
18               neglect, abuse or neglect in later life,  
19               or human trafficking;

20               (II) battered or subjected to ex-  
21               treme cruelty; or

22               (III) a victim of criminal activity  
23               described in section 101(a)(15)(U)(iii)  
24               of the Immigration and Nationality  
25               Act (8 U.S.C. 1101(a)(15)(U)(iii)).

1           (2) WAIVERS FOR CERTAIN MISDEMEANORS.—

2           For humanitarian purposes, family unity, or if oth-  
3           erwise in the public interest, the Secretary may—

4                   (A) waive the grounds of inadmissibility  
5                   under subparagraphs (A), (C), and (D) of sec-  
6                   tion 212(a)(2) of the Immigration and Nation-  
7                   ality Act (8 U.S.C. 1182(a)(2)), unless the con-  
8                   viction forming the basis for inadmissibility  
9                   would otherwise render the alien ineligible  
10                  under paragraph (1)(B) (subject to subpara-  
11                  graph (B)); and

12                  (B) for purposes of clauses (ii) and (iii) of  
13                  paragraph (1)(B), waive consideration of—

14                          (i) one misdemeanor offense if the  
15                          alien has not been convicted of any offense  
16                          in the 5-year period preceding the date on  
17                          which the alien applies for adjustment of  
18                          status under this title; or

19                          (ii) up to two misdemeanor offenses if  
20                          the alien has not been convicted of any of-  
21                          fense in the 10-year period preceding the  
22                          date on which the alien applies for adjust-  
23                          ment of status under this title.

24           (3) AUTHORITY TO CONDUCT SECONDARY RE-  
25           VIEW.—

1 (A) IN GENERAL.—Notwithstanding an  
2 alien’s eligibility for adjustment of status under  
3 this title, and subject to the procedures de-  
4 scribed in this paragraph, the Secretary may,  
5 as a matter of non-delegable discretion, provi-  
6 sionally deny an application for adjustment of  
7 status (whether on a conditional basis or with-  
8 out the conditional basis as provided in section  
9 104(c)(2)) if the Secretary, based on clear and  
10 convincing evidence, which shall include credible  
11 law enforcement information, determines that  
12 the alien is described in subparagraph (B) or  
13 (D).

14 (B) PUBLIC SAFETY.—An alien is de-  
15 scribed in this subparagraph if—

16 (i) excluding simple possession of can-  
17 nabis or cannabis-related paraphernalia,  
18 any offense involving cannabis or cannabis-  
19 related paraphernalia which is no longer  
20 prosecutable in the State in which the con-  
21 viction was entered, any offense under  
22 State law for which an essential element is  
23 the alien’s immigration status, any offense  
24 involving civil disobedience without vio-

1 lence, and any minor traffic offense, the  
2 alien—

3 (I) has been convicted of a mis-  
4 demeanor offense punishable by a  
5 term of imprisonment of more than  
6 30 days; or

7 (II) has been adjudicated delin-  
8 quent in a State or local juvenile court  
9 proceeding that resulted in a disposi-  
10 tion ordering placement in a secure  
11 facility; and

12 (ii) the alien poses a significant and  
13 continuing threat to public safety related  
14 to such conviction or adjudication.

15 (C) PUBLIC SAFETY DETERMINATION.—

16 For purposes of subparagraph (B)(ii), the Sec-  
17 retary shall consider the recency of the convic-  
18 tion or adjudication; the length of any imposed  
19 sentence or placement; the nature and serious-  
20 ness of the conviction or adjudication, including  
21 whether the elements of the offense include the  
22 unlawful possession or use of a deadly weapon  
23 to commit an offense or other conduct intended  
24 to cause serious bodily injury; and any miti-



1 gating factors pertaining to the alien's role in  
2 the commission of the offense.

3 (D) GANG PARTICIPATION.—An alien is  
4 described in this subparagraph if the alien has,  
5 within the 5 years immediately preceding the  
6 date of the application, knowingly, willfully, and  
7 voluntarily participated in offenses committed  
8 by a criminal street gang (as described in sub-  
9 sections (a) and (c) of section 521 of title 18,  
10 United States Code) with the intent to promote  
11 or further the commission of such offenses.

12 (E) EVIDENTIARY LIMITATION.—For pur-  
13 poses of subparagraph (D), allegations of gang  
14 membership obtained from a State or Federal  
15 in-house or local database, or a network of  
16 databases used for the purpose of recording and  
17 sharing activities of alleged gang members  
18 across law enforcement agencies, shall not es-  
19 tablish the participation described in such para-  
20 graph.

21 (F) NOTICE.—

22 (i) IN GENERAL.—Prior to rendering  
23 a discretionary decision under this para-  
24 graph, the Secretary shall provide written  
25 notice of the intent to provisionally deny

1 the application to the alien (or the alien's  
2 counsel of record, if any) by certified mail  
3 and, if an electronic mail address is pro-  
4 vided, by electronic mail (or other form of  
5 electronic communication). Such notice  
6 shall—

7 (I) articulate with specificity all  
8 grounds for the preliminary deter-  
9 mination, including the evidence relied  
10 upon to support the determination;  
11 and

12 (II) provide the alien with not  
13 less than 90 days to respond.

14 (ii) SECOND NOTICE.—Not more than  
15 30 days after the issuance of the notice  
16 under clause (i), the Secretary shall pro-  
17 vide a second written notice that meets the  
18 requirements of such clause.

19 (iii) NOTICE NOT RECEIVED.—Not-  
20 withstanding any other provision of law, if  
21 an applicant provides good cause for not  
22 contesting a provisional denial under this  
23 paragraph, including a failure to receive  
24 notice as required under this subpara-  
25 graph, the Secretary shall, upon a motion

1 filed by the alien, reopen an application for  
2 adjustment of status under this title and  
3 allow the applicant an opportunity to re-  
4 spond, consistent with clause (i)(II).

5 (G) JUDICIAL REVIEW OF A PROVISIONAL  
6 DENIAL.—

7 (i) IN GENERAL.—Notwithstanding  
8 any other provision of law, if, after notice  
9 and the opportunity to respond under sub-  
10 paragraph (F), the Secretary provisionally  
11 denies an application for adjustment of  
12 status under this Act, the alien shall have  
13 60 days from the date of the Secretary's  
14 determination to seek review of such deter-  
15 mination in an appropriate United States  
16 district court.

17 (ii) SCOPE OF REVIEW AND DECI-  
18 SION.—Notwithstanding any other provi-  
19 sion of law, review under paragraph (1)  
20 shall be de novo and based solely on the  
21 administrative record, except that the ap-  
22 plicant shall be given the opportunity to  
23 supplement the administrative record and  
24 the Secretary shall be given the oppor-  
25 tunity to rebut the evidence and arguments

1 raised in such submission. Upon issuing its  
2 decision, the court shall remand the mat-  
3 ter, with appropriate instructions, to the  
4 Department of Homeland Security to  
5 render a final decision on the application.

6 (iii) APPOINTED COUNSEL.—Notwith-  
7 standing any other provision of law, an ap-  
8 plicant seeking judicial review under clause  
9 (i) shall be represented by counsel. Upon  
10 the request of the applicant, counsel shall  
11 be appointed for the applicant, in accord-  
12 ance with procedures to be established by  
13 the Attorney General within 90 days of the  
14 date of the enactment of this Act, and  
15 shall be funded in accordance with fees col-  
16 lected and deposited in the Immigration  
17 Counsel Account under section 312.

18 (4) DEFINITIONS.—For purposes of this sub-  
19 section—

20 (A) the term “felony offense” means an of-  
21 fense under Federal or State law that is pun-  
22 ishable by a maximum term of imprisonment of  
23 more than 1 year;

24 (B) the term “misdemeanor offense”  
25 means an offense under Federal or State law

1 that is punishable by a term of imprisonment of  
2 more than 5 days but not more than 1 year;  
3 and

4 (C) the term “crime of domestic violence”  
5 means any offense that has as an element the  
6 use, attempted use, or threatened use of phys-  
7 ical force against a person committed by a cur-  
8 rent or former spouse of the person, by an indi-  
9 vidual with whom the person shares a child in  
10 common, by an individual who is cohabiting  
11 with or has cohabited with the person as a  
12 spouse, by an individual similarly situated to a  
13 spouse of the person under the domestic or  
14 family violence laws of the jurisdiction where  
15 the offense occurs, or by any other individual  
16 against a person who is protected from that in-  
17 dividual’s acts under the domestic or family vio-  
18 lence laws of the United States or any State,  
19 Indian Tribal government, or unit of local gov-  
20 ernment.

21 (d) LIMITATION ON REMOVAL OF CERTAIN ALIEN  
22 MINORS.—An alien who is 18 years of age or younger and  
23 meets the requirements under subparagraphs (A), (B),  
24 and (C) of subsection (b)(1) shall be provided a reasonable  
25 opportunity to meet the educational requirements under

1 subparagraph (D) of such subsection. The Attorney Gen-  
2 eral or the Secretary may not commence or continue with  
3 removal proceedings against such an alien.

4 (e) WITHDRAWAL OF APPLICATION.—The Secretary  
5 shall, upon receipt of a request to withdraw an application  
6 for adjustment of status under this section, cease proc-  
7 essing of the application, and close the case. Withdrawal  
8 of the application under this subsection shall not prejudice  
9 any future application filed by the applicant for any immi-  
10 gration benefit under this title or under the Immigration  
11 and Nationality Act (8 U.S.C. 1101 et seq.).

12 **SEC. 103. TERMS OF PERMANENT RESIDENT STATUS ON A**  
13 **CONDITIONAL BASIS.**

14 (a) PERIOD OF STATUS.—Permanent resident status  
15 on a conditional basis is—

16 (1) valid for a period of 10 years, unless such  
17 period is extended by the Secretary; and

18 (2) subject to revocation under subsection (c).

19 (b) NOTICE OF REQUIREMENTS.—At the time an  
20 alien obtains permanent resident status on a conditional  
21 basis, the Secretary shall provide notice to the alien re-  
22 garding the provisions of this title and the requirements  
23 to have the conditional basis of such status removed.

1 (c) REVOCATION OF STATUS.—The Secretary may  
2 revoke the permanent resident status on a conditional  
3 basis of an alien only if the Secretary—

4 (1) determines that the alien ceases to meet the  
5 requirements under section 102(b)(1)(C); and

6 (2) prior to the revocation, provides the alien—

7 (A) notice of the proposed revocation; and

8 (B) the opportunity for a hearing to pro-  
9 vide evidence that the alien meets such require-  
10 ments or otherwise to contest the proposed rev-  
11 ocation.

12 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

13 An alien whose permanent resident status on a conditional  
14 basis expires under subsection (a)(1) or is revoked under  
15 subsection (c), shall return to the immigration status that  
16 the alien had immediately before receiving permanent resi-  
17 dent status on a conditional basis.

18 **SEC. 104. REMOVAL OF CONDITIONAL BASIS OF PERMA-**  
19 **NENT RESIDENT STATUS.**

20 (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL  
21 BASIS.—

22 (1) IN GENERAL.—Subject to paragraph (2),  
23 the Secretary shall remove the conditional basis of  
24 an alien's permanent resident status granted under

1 this title and grant the alien status as an alien law-  
2 fully admitted for permanent residence if the alien—

3 (A) is described in section 102(b)(1)(C);

4 (B) has not abandoned the alien's resi-  
5 dence in the United States during the period in  
6 which the alien has permanent resident status  
7 on a conditional basis; and

8 (C)(i) has obtained a degree from an insti-  
9 tution of higher education, or has completed at  
10 least 2 years, in good standing, of a program in  
11 the United States leading to a bachelor's degree  
12 or higher degree or a recognized postsecondary  
13 credential from an area career and technical  
14 education school providing education at the  
15 postsecondary level;

16 (ii) has served in the Uniformed Services  
17 for at least 2 years and, if discharged, received  
18 an honorable discharge; or

19 (iii) demonstrates earned income for peri-  
20 ods totaling at least 3 years and at least 75  
21 percent of the time that the alien has had a  
22 valid employment authorization, except that, in  
23 the case of an alien who was enrolled in an in-  
24 stitution of higher education, an area career  
25 and technical education school to obtain a rec-



1           ognized postsecondary credential, or an edu-  
2           cation program described in section  
3           102(b)(1)(D)(iii), the Secretary shall reduce  
4           such total 3-year requirement by the total of  
5           such periods of enrollment.

6           (2) **HARDSHIP EXCEPTION.**—The Secretary  
7           shall remove the conditional basis of an alien’s per-  
8           manent resident status and grant the alien status as  
9           an alien lawfully admitted for permanent residence  
10          if the alien—

11                   (A) satisfies the requirements under sub-  
12                   paragraphs (A) and (B) of paragraph (1);

13                   (B) demonstrates compelling circumstances  
14                   for the inability to satisfy the requirements  
15                   under subparagraph (C) of such paragraph; and

16                   (C) demonstrates that—

17                           (i) the alien has a disability;

18                           (ii) the alien is a full-time caregiver;

19                           or

20                           (iii) the removal of the alien from the  
21                           United States would result in hardship to  
22                           the alien or the alien’s spouse, parent, or  
23                           child who is a national of the United  
24                           States or is lawfully admitted for perma-  
25                           nent residence.

1 (3) CITIZENSHIP REQUIREMENT.—

2 (A) IN GENERAL.—Except as provided in  
3 subparagraph (B), the conditional basis of an  
4 alien’s permanent resident status granted under  
5 this title may not be removed unless the alien  
6 demonstrates that the alien satisfies the re-  
7 quirements under section 312(a) of the Immi-  
8 gration and Nationality Act (8 U.S.C. 1423(a)).

9 (B) EXCEPTION.—Subparagraph (A) shall  
10 not apply to an alien who is unable to meet the  
11 requirements under such section 312(a) due to  
12 disability.

13 (4) APPLICATION FEE.—The Secretary may,  
14 subject to an exemption under section 303(c), re-  
15 quire aliens applying for removal of the conditional  
16 basis of an alien’s permanent resident status under  
17 this section to pay a reasonable fee that is commensurate with the cost of processing the application.

18 (5) BACKGROUND CHECKS.—The Secretary  
19 may not remove the conditional basis of an alien’s  
20 permanent resident status until the requirements of  
21 section 302 are satisfied.

22 (b) TREATMENT FOR PURPOSES OF NATURALIZA-  
23 TION.—  
24

1           (1) IN GENERAL.—For purposes of title III of  
2           the Immigration and Nationality Act (8 U.S.C. 1401  
3           et seq.), an alien granted permanent resident status  
4           on a conditional basis shall be considered to have  
5           been admitted to the United States, and be present  
6           in the United States, as an alien lawfully admitted  
7           for permanent residence.

8           (2) LIMITATION ON APPLICATION FOR NATU-  
9           RALIZATION.—An alien may not apply for natu-  
10          ralization while the alien is in permanent resident  
11          status on a conditional basis.

12          (c) TIMING OF APPROVAL OF LAWFUL PERMANENT  
13          RESIDENT STATUS.—

14               (1) IN GENERAL.—An alien granted permanent  
15               resident status on a conditional basis under this title  
16               may apply to have such conditional basis removed at  
17               any time after such alien has met the eligibility re-  
18               quirements set forth in subsection (a).

19               (2) APPROVAL WITH REGARD TO INITIAL APPLI-  
20               CATIONS.—

21                   (A) IN GENERAL.—Notwithstanding any  
22                   other provision of law, the Secretary or the At-  
23                   torney General shall adjust to the status of an  
24                   alien lawfully admitted for permanent resident

1 status without conditional basis, any alien  
2 who—

3 (i) demonstrates eligibility for lawful  
4 permanent residence status on a condi-  
5 tional basis under section 102(b); and

6 (ii) subject to the exceptions described  
7 in subsections (a)(2) and (a)(3)(B) of this  
8 section, already has fulfilled the require-  
9 ments of paragraphs (1) and (3) of sub-  
10 section (a) of this section at the time such  
11 alien first submits an application for bene-  
12 fits under this title.

13 (B) BACKGROUND CHECKS.—Subsection  
14 (a)(5) shall apply to an alien seeking lawful  
15 permanent resident status without conditional  
16 basis in an initial application in the same man-  
17 ner as it applies to an alien seeking removal of  
18 the conditional basis of an alien's permanent  
19 resident status. Section 102(b)(4) shall not be  
20 construed to require the Secretary to conduct  
21 more than one identical security or law enforce-  
22 ment background check on such an alien.

23 (C) APPLICATION FEES.—In the case of an  
24 alien seeking lawful permanent resident status  
25 without conditional basis in an initial applica-

1           tion, the alien shall pay the fee required under  
2           subsection (a)(4), subject to the exemption al-  
3           lowed under section 303(c), but shall not be re-  
4           quired to pay the application fee under section  
5           102(b)(3).

6 **SEC. 105. RESTORATION OF STATE OPTION TO DETERMINE**  
7                   **RESIDENCY FOR PURPOSES OF HIGHER EDU-**  
8                   **CATION BENEFITS.**

9           (a) IN GENERAL.—Section 505 of the Illegal Immi-  
10          gration Reform and Immigrant Responsibility Act of 1996  
11          (8 U.S.C. 1623) is repealed.

12          (b) EFFECTIVE DATE.—The repeal under subsection  
13          (a) shall take effect as if included in the original enact-  
14          ment of the Illegal Immigration Reform and Immigrant  
15          Responsibility Act of 1996 (division C of Public Law 104–  
16          208; 110 Stat. 3009–546).

17          **TITLE II—AMERICAN PROMISE**  
18                   **ACT OF 2021**

19 **SEC. 201. SHORT TITLE.**

20          This title may be cited as the “American Promise Act  
21          of 2021”.

1 **SEC. 202. ADJUSTMENT OF STATUS FOR CERTAIN NATION-**  
2 **ALS OF CERTAIN COUNTRIES DESIGNATED**  
3 **FOR TEMPORARY PROTECTED STATUS OR**  
4 **DEFERRED ENFORCED DEPARTURE.**

5 (a) IN GENERAL.—Notwithstanding any other provi-  
6 sion of law, the Secretary or the Attorney General shall  
7 adjust to the status of an alien lawfully admitted for per-  
8 manent residence, an alien described in subsection (b) if  
9 the alien—

10 (1) applies for such adjustment, including sub-  
11 mitting any required documents under section 307,  
12 not later than 3 years after the date of the enact-  
13 ment of this Act;

14 (2) has been continuously physically present in  
15 the United States for a period of not less than 3  
16 years; and

17 (3) subject to subsection (c), is not inadmissible  
18 under paragraph (1), (2), (3), (6)(D), (6)(E),  
19 (6)(F), (6)(G), (8), or (10) of section 212(a) of the  
20 Immigration and Nationality Act (8 U.S.C.  
21 1182(a)).

22 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
23 TUS.—An alien shall be eligible for adjustment of status  
24 under this section if the alien is an individual—

25 (1) who—

1 (A) is a national of a foreign state (or part  
2 thereof) (or in the case of an alien having no  
3 nationality, is a person who last habitually re-  
4 sided in such state) with a designation under  
5 subsection (b) of section 244 of the Immigra-  
6 tion and Nationality Act (8 U.S.C. 1254a(b))  
7 on January 1, 2017, who had or was otherwise  
8 eligible for temporary protected status on such  
9 date notwithstanding subsections (c)(1)(A)(iv)  
10 and (c)(3)(C) of such section; and

11 (B) has not engaged in conduct since such  
12 date that would render the alien ineligible for  
13 temporary protected status under section  
14 244(c)(2) of the Immigration and Nationality  
15 Act (8 U.S.C. 1245a(c)(2)); or

16 (2) who was eligible for Deferred Enforced De-  
17 parture as of January 20, 2021 and has not en-  
18 gaged in conduct since that date that would render  
19 the alien ineligible for Deferred Enforced Departure.

20 (c) WAIVER OF GROUNDS OF INADMISSIBILITY.—

21 (1) IN GENERAL.—Except as provided in para-  
22 graph (2), with respect to any benefit under this  
23 title, and in addition to any waivers that are other-  
24 wise available, the Secretary may waive the grounds  
25 of inadmissibility under paragraph (1), subpara-

1 graphs (A), (C), and (D) of paragraph (2), subpara-  
2 graphs (D) through (G) of paragraph (6), or para-  
3 graph (10)(D) of section 212(a) of the Immigration  
4 and Nationality Act (8 U.S.C. 1182(a)) for humani-  
5 tarian purposes, for family unity, or because the  
6 waiver is otherwise in the public interest.

7 (2) EXCEPTION.—The Secretary may not waive  
8 a ground described in paragraph (1) if such inad-  
9 missibility is based on a conviction or convictions,  
10 and such conviction or convictions would otherwise  
11 render the alien ineligible under section  
12 244(c)(2)(B) of the Immigration and Nationality  
13 Act (8 U.S.C. 1254a(c)(2)(B)).

14 (d) APPLICATION.—

15 (1) FEE.—The Secretary shall, subject to an  
16 exemption under section 303(c), require an alien ap-  
17 plying for adjustment of status under this section to  
18 pay a reasonable fee that is commensurate with the  
19 cost of processing the application, but does not ex-  
20 ceed \$1,140.

21 (2) BACKGROUND CHECKS.—The Secretary  
22 may not grant an alien permanent resident status on  
23 a conditional basis under this section until the re-  
24 quirements of section 302 are satisfied.



1           (3) WITHDRAWAL OF APPLICATION.—The Sec-  
2           retary of Homeland Security shall, upon receipt of  
3           a request to withdraw an application for adjustment  
4           of status under this section, cease processing of the  
5           application and close the case. Withdrawal of the ap-  
6           plication under this subsection shall not prejudice  
7           any future application filed by the applicant for any  
8           immigration benefit under this title or under the Im-  
9           migration and Nationality Act (8 U.S.C. 1101 et  
10          seq.).

11 **SEC. 203. CLARIFICATION.**

12          Section 244(f)(4) of the Immigration and Nationality  
13 Act (8 U.S.C. 1254a(f)(4)) is amended by inserting after  
14 “considered” the following: “as having been inspected and  
15 admitted into the United States, and”.

16                           **TITLE III—GENERAL**  
17                           **PROVISIONS**

18 **SEC. 301. DEFINITIONS.**

19          (a) IN GENERAL.—In this Act:

20           (1) IN GENERAL.—Except as otherwise specifi-  
21           cally provided, any term used in this Act that is  
22           used in the immigration laws shall have the meaning  
23           given such term in the immigration laws.

24           (2) APPROPRIATE UNITED STATES DISTRICT  
25           COURT.—The term “appropriate United States dis-

1       trict court” means the United States District Court  
2       for the District of Columbia or the United States  
3       district court with jurisdiction over the alien’s prin-  
4       cipal place of residence.

5               (3) AREA CAREER AND TECHNICAL EDUCATION  
6       SCHOOL.—The term “area career and technical edu-  
7       cation school” has the meaning given such term in  
8       section 3 of the Carl D. Perkins Career and Tech-  
9       nical Education Act of 2006 (20 U.S.C. 2302).

10              (4) DACA.—The term “DACA” means de-  
11       ferred action granted to an alien pursuant to the  
12       Deferred Action for Childhood Arrivals policy an-  
13       nounced by the Secretary of Homeland Security on  
14       June 15, 2012.

15              (5) DISABILITY.—The term “disability” has the  
16       meaning given such term in section 3(1) of the  
17       Americans with Disabilities Act of 1990 (42 U.S.C.  
18       12102(1)).

19              (6) FEDERAL POVERTY LINE.—The term “Fed-  
20       eral poverty line” has the meaning given such term  
21       in section 213A(h) of the Immigration and Nation-  
22       ality Act (8 U.S.C. 1183a).

23              (7) HIGH SCHOOL; SECONDARY SCHOOL.—The  
24       terms “high school” and “secondary school” have  
25       the meanings given such terms in section 8101 of

1 the Elementary and Secondary Education Act of  
2 1965 (20 U.S.C. 7801).

3 (8) IMMIGRATION LAWS.—The term “immigra-  
4 tion laws” has the meaning given such term in sec-  
5 tion 101(a)(17) of the Immigration and Nationality  
6 Act (8 U.S.C. 1101(a)(17)).

7 (9) INSTITUTION OF HIGHER EDUCATION.—The  
8 term “institution of higher education”—

9 (A) except as provided in subparagraph  
10 (B), has the meaning given such term in section  
11 102 of the Higher Education Act of 1965 (20  
12 U.S.C. 1002); and

13 (B) does not include an institution of high-  
14 er education outside of the United States.

15 (10) RECOGNIZED POSTSECONDARY CREDEN-  
16 TIAL.—The term “recognized postsecondary creden-  
17 tial” has the meaning given such term in section 3  
18 of the Workforce Innovation and Opportunity Act  
19 (29 U.S.C. 3102).

20 (11) SECRETARY.—Except as otherwise specifi-  
21 cally provided, the term “Secretary” means the Sec-  
22 retary of Homeland Security.

23 (12) UNIFORMED SERVICES.—The term “Uni-  
24 formed Services” has the meaning given the term

1 “uniformed services” in section 101(a) of title 10,  
2 United States Code.

3 (b) TREATMENT OF EXPUNGED CONVICTIONS.—For  
4 purposes of adjustment of status under this Act, the terms  
5 “convicted” and “conviction”, as used in this Act and in  
6 sections 212 and 244 of the Immigration and Nationality  
7 Act (8 U.S.C. 1182, 1254a), do not include a judgment  
8 that has been expunged or set aside, that resulted in a  
9 rehabilitative disposition, or the equivalent.

10 **SEC. 302. SUBMISSION OF BIOMETRIC AND BIOGRAPHIC**  
11 **DATA; BACKGROUND CHECKS.**

12 (a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC  
13 DATA.—The Secretary may not grant an alien adjustment  
14 of status under this Act, on either a conditional or perma-  
15 nent basis, unless the alien submits biometric and bio-  
16 graphic data, in accordance with procedures established  
17 by the Secretary. The Secretary shall provide an alter-  
18 native procedure for aliens who are unable to provide such  
19 biometric or biographic data because of a physical impair-  
20 ment.

21 (b) BACKGROUND CHECKS.—The Secretary shall use  
22 biometric, biographic, and other data that the Secretary  
23 determines appropriate to conduct security and law en-  
24 forcement background checks and to determine whether  
25 there is any criminal, national security, or other factor

1 that would render the alien ineligible for adjustment of  
2 status under this Act, on either a conditional or perma-  
3 nent basis. The status of an alien may not be adjusted,  
4 on either a conditional or permanent basis, unless security  
5 and law enforcement background checks are completed to  
6 the satisfaction of the Secretary.

7 **SEC. 303. LIMITATION ON REMOVAL; APPLICATION AND**  
8 **FEE EXEMPTION; AND OTHER CONDITIONS**  
9 **ON ELIGIBLE INDIVIDUALS.**

10 (a) **LIMITATION ON REMOVAL.**—An alien who ap-  
11 pears to be prima facie eligible for relief under this Act  
12 shall be given a reasonable opportunity to apply for such  
13 relief and may not be removed until, subject to section  
14 306(c)(2), a final decision establishing ineligibility for re-  
15 lief is rendered.

16 (b) **APPLICATION.**—An alien present in the United  
17 States who has been ordered removed or has been per-  
18 mitted to depart voluntarily from the United States may,  
19 notwithstanding such order or permission to depart, apply  
20 for adjustment of status under this Act. Such alien shall  
21 not be required to file a separate motion to reopen, recon-  
22 sider, or vacate the order of removal. If the Secretary ap-  
23 proves the application, the Secretary shall cancel the order  
24 of removal. If the Secretary renders a final administrative  
25 decision to deny the application, the order of removal or

1 permission to depart shall be effective and enforceable to  
2 the same extent as if the application had not been made,  
3 only after all available administrative and judicial rem-  
4 edies have been exhausted.

5 (c) FEE EXEMPTION.—An applicant may be exempt-  
6 ed from paying an application fee required under this Act  
7 if the applicant—

8 (1) is 18 years of age or younger;

9 (2) received total income, during the 12-month  
10 period immediately preceding the date on which the  
11 applicant files an application under this Act, that is  
12 less than 150 percent of the Federal poverty line;

13 (3) is in foster care or otherwise lacks any pa-  
14 rental or other familial support; or

15 (4) cannot care for himself or herself because of  
16 a serious, chronic disability.

17 (d) ADVANCE PAROLE.—During the period beginning  
18 on the date on which an alien applies for adjustment of  
19 status under this Act and ending on the date on which  
20 the Secretary makes a final decision regarding such appli-  
21 cation, the alien shall be eligible to apply for advance pa-  
22 role. Section 101(g) of the Immigration and Nationality  
23 Act (8 U.S.C. 1101(g)) shall not apply to an alien granted  
24 advance parole under this Act.

1 (e) EMPLOYMENT.—An alien whose removal is stayed  
2 pursuant to this Act, who may not be placed in removal  
3 proceedings pursuant to this Act, or who has pending an  
4 application under this Act, shall, upon application to the  
5 Secretary, be granted an employment authorization docu-  
6 ment.

7 **SEC. 304. DETERMINATION OF CONTINUOUS PRESENCE**  
8 **AND RESIDENCE.**

9 (a) EFFECT OF NOTICE TO APPEAR.—Any period of  
10 continuous physical presence or continuous residence in  
11 the United States of an alien who applies for permanent  
12 resident status under this Act (whether on a conditional  
13 basis or without the conditional basis as provided in sec-  
14 tion 104(c)(2)) shall not terminate when the alien is  
15 served a notice to appear under section 239(a) of the Im-  
16 migration and Nationality Act (8 U.S.C. 1229(a)).

17 (b) TREATMENT OF CERTAIN BREAKS IN PRESENCE  
18 OR RESIDENCE.—

19 (1) IN GENERAL.—Except as provided in para-  
20 graphs (2) and (3), an alien shall be considered to  
21 have failed to maintain—

22 (A) continuous physical presence in the  
23 United States under this Act if the alien has  
24 departed from the United States for any period

1           exceeding 90 days or for any periods, in the ag-  
2           gregate, exceeding 180 days; and

3           (B) continuous residence in the United  
4           States under this Act if the alien has departed  
5           from the United States for any period exceeding  
6           180 days, unless the alien establishes to the  
7           satisfaction of the Secretary of Homeland Secu-  
8           rity that the alien did not in fact abandon resi-  
9           dence in the United States during such period.

10          (2) EXTENSIONS FOR EXTENUATING CIR-  
11          CUMSTANCES.—The Secretary may extend the time  
12          periods described in paragraph (1) for an alien who  
13          demonstrates that the failure to timely return to the  
14          United States was due to extenuating circumstances  
15          beyond the alien’s control, including—

16                 (A) the serious illness of the alien;

17                 (B) death or serious illness of a parent,  
18                 grandparent, sibling, or child of the alien;

19                 (C) processing delays associated with the  
20                 application process for a visa or other travel  
21                 document; or

22                 (D) restrictions on international travel due  
23                 to the public health emergency declared by the  
24                 Secretary of Health and Human Services under



1 section 319 of the Public Health Service Act  
2 (42 U.S.C. 247d) with respect to COVID-19.

3 (3) TRAVEL AUTHORIZED BY THE SEC-  
4 RETARY.—Any period of travel outside of the United  
5 States by an alien that was authorized by the Sec-  
6 retary may not be counted toward any period of de-  
7 parture from the United States under paragraph  
8 (1).

9 (c) WAIVER OF PHYSICAL PRESENCE.—With respect  
10 to aliens who were removed or departed the United States  
11 on or after January 20, 2017, and who were continuously  
12 physically present in the United States for at least 4 years  
13 prior to such removal or departure, the Secretary may,  
14 as a matter of discretion, waive the physical presence re-  
15 quirement under section 102(b)(1)(A) or section  
16 202(a)(2) for humanitarian purposes, for family unity, or  
17 because a waiver is otherwise in the public interest. The  
18 Secretary, in consultation with the Secretary of State,  
19 shall establish a procedure for such aliens to apply for re-  
20 lief under section 102 or 202 from outside the United  
21 States if they would have been eligible for relief under  
22 such section, but for their removal or departure.

23 **SEC. 305. EXEMPTION FROM NUMERICAL LIMITATIONS.**

24 Nothing in this Act or in any other law may be con-  
25 strued to apply a numerical limitation on the number of

1 aliens who may be granted permanent resident status  
2 under this Act (whether on a conditional basis, or without  
3 the conditional basis as provided in section 104(c)(2)).

4 **SEC. 306. AVAILABILITY OF ADMINISTRATIVE AND JUDI-**  
5 **CIAL REVIEW.**

6 (a) ADMINISTRATIVE REVIEW.—Not later than 30  
7 days after the date of the enactment of this Act, the Sec-  
8 retary shall provide to aliens who have applied for adjust-  
9 ment of status under this Act a process by which an appli-  
10 cant may seek administrative appellate review of a denial  
11 of an application for adjustment of status, or a revocation  
12 of such status.

13 (b) JUDICIAL REVIEW.—Except as provided in sub-  
14 section (c), and notwithstanding any other provision of  
15 law, an alien may seek judicial review of a denial of an  
16 application for adjustment of status, or a revocation of  
17 such status, under this Act in an appropriate United  
18 States district court.

19 (c) STAY OF REMOVAL.—

20 (1) IN GENERAL.—Except as provided in para-  
21 graph (2), an alien seeking administrative or judicial  
22 review under this Act may not be removed from the  
23 United States until a final decision is rendered es-  
24 tablishing that the alien is ineligible for adjustment  
25 of status under this Act.

1           (2) EXCEPTION.—The Secretary may remove  
2           an alien described in paragraph (1) pending judicial  
3           review if such removal is based on criminal or na-  
4           tional security grounds described in this Act. Such  
5           removal shall not affect the alien’s right to judicial  
6           review under this Act. The Secretary shall promptly  
7           return a removed alien if a decision to deny an ap-  
8           plication for adjustment of status under this Act, or  
9           to revoke such status, is reversed.

10 **SEC. 307. DOCUMENTATION REQUIREMENTS.**

11           (a) DOCUMENTS ESTABLISHING IDENTITY.—An  
12           alien’s application for permanent resident status under  
13           this Act (whether on a conditional basis, or without the  
14           conditional basis as provided in section 104(c)(2)) may in-  
15           clude, as evidence of identity, the following:

16           (1) A passport or national identity document  
17           from the alien’s country of origin that includes the  
18           alien’s name and the alien’s photograph or finger-  
19           print.

20           (2) The alien’s birth certificate and an identity  
21           card that includes the alien’s name and photograph.

22           (3) A school identification card that includes  
23           the alien’s name and photograph, and school records  
24           showing the alien’s name and that the alien is or  
25           was enrolled at the school.

1           (4) A Uniformed Services identification card  
2 issued by the Department of Defense.

3           (5) Any immigration or other document issued  
4 by the United States Government bearing the alien's  
5 name and photograph.

6           (6) A State-issued identification card bearing  
7 the alien's name and photograph.

8           (7) Any other evidence determined to be cred-  
9 ible by the Secretary.

10       (b) DOCUMENTS ESTABLISHING ENTRY, CONTIN-  
11 UOUS PHYSICAL PRESENCE, LACK OF ABANDONMENT OF  
12 RESIDENCE.—To establish that an alien was 18 years of  
13 age or younger on the date on which the alien entered  
14 the United States, and has continuously resided in the  
15 United States since such entry, as required under section  
16 102(b)(1)(B), that an alien has been continuously phys-  
17 ically present in the United States, as required under sec-  
18 tion 102(b)(1)(A) or 202(a)(2), or that an alien has not  
19 abandoned residence in the United States, as required  
20 under section 104(a)(1)(B), the alien may submit the fol-  
21 lowing forms of evidence:

22           (1) Passport entries, including admission  
23 stamps on the alien's passport.

1           (2) Any document from the Department of Jus-  
2           tice or the Department of Homeland Security noting  
3           the alien's date of entry into the United States.

4           (3) Records from any educational institution  
5           the alien has attended in the United States.

6           (4) Employment records of the alien that in-  
7           clude the employer's name and contact information,  
8           or other records demonstrating earned income.

9           (5) Records of service from the Uniformed  
10          Services.

11          (6) Official records from a religious entity con-  
12          firming the alien's participation in a religious cere-  
13          mony.

14          (7) A birth certificate for a child who was born  
15          in the United States.

16          (8) Hospital or medical records showing med-  
17          ical treatment or hospitalization, the name of the  
18          medical facility or physician, and the date of the  
19          treatment or hospitalization.

20          (9) Automobile license receipts or registration.

21          (10) Deeds, mortgages, or rental agreement  
22          contracts.

23          (11) Rent receipts or utility bills bearing the  
24          alien's name or the name of an immediate family  
25          member of the alien, and the alien's address.

1 (12) Tax receipts.

2 (13) Insurance policies.

3 (14) Remittance records, including copies of  
4 money order receipts sent in or out of the country.

5 (15) Travel records.

6 (16) Dated bank transactions.

7 (17) Two or more sworn affidavits from individ-  
8 uals who are not related to the alien who have direct  
9 knowledge of the alien's continuous physical pres-  
10 ence in the United States, that contain—

11 (A) the name, address, and telephone num-  
12 ber of the affiant; and

13 (B) the nature and duration of the rela-  
14 tionship between the affiant and the alien.

15 (18) Any other evidence determined to be cred-  
16 ible by the Secretary.

17 (c) DOCUMENTS ESTABLISHING ADMISSION TO AN  
18 INSTITUTION OF HIGHER EDUCATION.—To establish that  
19 an alien has been admitted to an institution of higher edu-  
20 cation, the alien may submit to the Secretary a document  
21 from the institution of higher education certifying that the  
22 alien—

23 (1) has been admitted to the institution; or

24 (2) is currently enrolled in the institution as a  
25 student.

1 (d) DOCUMENTS ESTABLISHING RECEIPT OF A DE-  
2 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—

3 To establish that an alien has acquired a degree from an  
4 institution of higher education in the United States, the  
5 alien may submit to the Secretary a diploma or other doc-  
6 ument from the institution stating that the alien has re-  
7 ceived such a degree.

8 (e) DOCUMENTS ESTABLISHING RECEIPT OF A HIGH  
9 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-  
10 MENT CREDENTIAL, OR A RECOGNIZED EQUIVALENT.—

11 To establish that in the United States an alien has earned  
12 a high school diploma or a commensurate alternative  
13 award from a public or private high school, has obtained  
14 the General Education Development credential, or other-  
15 wise has satisfied section 102(b)(1)(D)(iii), the alien may  
16 submit to the Secretary the following:

17 (1) A high school diploma, certificate of comple-  
18 tion, or other alternate award.

19 (2) A high school equivalency diploma or certifi-  
20 cate recognized under State law.

21 (3) Evidence that the alien passed a State-au-  
22 thorized exam, including the General Education De-  
23 velopment test, in the United States.

24 (4) Evidence that the alien successfully com-  
25 pleted an area career and technical education pro-

1       gram, such as a certification, certificate, or similar  
2       alternate award.

3           (5) Evidence that the alien obtained a recog-  
4       nized postsecondary credential.

5           (6) Any other evidence determined to be cred-  
6       ible by the Secretary.

7       (f) DOCUMENTS ESTABLISHING ENROLLMENT IN AN  
8       EDUCATIONAL PROGRAM.—To establish that an alien is  
9       enrolled in any school or education program described in  
10      section 102(b)(1)(D)(iv) or 104(a)(1)(C), the alien may  
11      submit school records from the United States school that  
12      the alien is currently attending that include—

13           (1) the name of the school; and

14           (2) the alien’s name, periods of attendance, and  
15      current grade or educational level.

16      (g) DOCUMENTS ESTABLISHING EXEMPTION FROM  
17      APPLICATION FEES.—To establish that an alien is exempt  
18      from an application fee under this Act, the alien may sub-  
19      mit to the Secretary the following relevant documents:

20           (1) DOCUMENTS TO ESTABLISH AGE.—To es-  
21      tablish that an alien meets an age requirement, the  
22      alien may provide proof of identity, as described in  
23      subsection (a), that establishes that the alien is 18  
24      years of age or younger.



1           (2) DOCUMENTS TO ESTABLISH INCOME.—To  
2 establish the alien’s income, the alien may provide—

3           (A) employment records or other records of  
4 earned income, including records that have been  
5 maintained by the Social Security Administra-  
6 tion, the Internal Revenue Service, or any other  
7 Federal, State, or local government agency;

8           (B) bank records; or

9           (C) at least two sworn affidavits from indi-  
10 viduals who are not related to the alien and  
11 who have direct knowledge of the alien’s work  
12 and income that contain—

13           (i) the name, address, and telephone  
14 number of the affiant; and

15           (ii) the nature and duration of the re-  
16 lationship between the affiant and the  
17 alien.

18           (3) DOCUMENTS TO ESTABLISH FOSTER CARE,  
19 LACK OF FAMILIAL SUPPORT, OR SERIOUS, CHRONIC  
20 DISABILITY.—To establish that the alien is in foster  
21 care, lacks parental or familial support, or has a se-  
22 rious, chronic disability, the alien may provide at  
23 least two sworn affidavits from individuals who are  
24 not related to the alien and who have direct knowl-  
25 edge of the circumstances that contain—

1 (A) a statement that the alien is in foster  
2 care, otherwise lacks any parental or other fa-  
3 miliar support, or has a serious, chronic dis-  
4 ability, as appropriate;

5 (B) the name, address, and telephone num-  
6 ber of the affiant; and

7 (C) the nature and duration of the rela-  
8 tionship between the affiant and the alien.

9 (h) DOCUMENTS ESTABLISHING QUALIFICATION FOR  
10 HARDSHIP EXEMPTION.—To establish that an alien satis-  
11 fies one of the criteria for the hardship exemption set forth  
12 in section 104(a)(2)(C), the alien may submit to the Sec-  
13 retary at least two sworn affidavits from individuals who  
14 are not related to the alien and who have direct knowledge  
15 of the circumstances that warrant the exemption, that  
16 contain—

17 (1) the name, address, and telephone number of  
18 the affiant; and

19 (2) the nature and duration of the relationship  
20 between the affiant and the alien.

21 (i) DOCUMENTS ESTABLISHING SERVICE IN THE  
22 UNIFORMED SERVICES.—To establish that an alien has  
23 served in the Uniformed Services for at least 2 years and,  
24 if discharged, received an honorable discharge, the alien  
25 may submit to the Secretary—

- 1 (1) a Department of Defense form DD–214;
- 2 (2) a National Guard Report of Separation and  
3 Record of Service form 22;
- 4 (3) personnel records for such service from the  
5 appropriate Uniformed Service; or
- 6 (4) health records from the appropriate Uni-  
7 formed Service.

8 (j) DOCUMENTS ESTABLISHING EARNED INCOME.—

9 (1) IN GENERAL.—An alien may satisfy the  
10 earned income requirement under section  
11 104(a)(1)(C)(iii) by submitting records that—

12 (A) establish compliance with such require-  
13 ment; and

14 (B) have been maintained by the Social Se-  
15 curity Administration, the Internal Revenue  
16 Service, or any other Federal, State, or local  
17 government agency.

18 (2) OTHER DOCUMENTS.—An alien who is un-  
19 able to submit the records described in paragraph  
20 (1) may satisfy the earned income requirement by  
21 submitting at least two types of reliable documents  
22 that provide evidence of employment or other forms  
23 of earned income, including—

24 (A) bank records;

25 (B) business records;

1 (C) employer or contractor records;

2 (D) records of a labor union, day labor  
3 center, or organization that assists workers in  
4 employment;

5 (E) sworn affidavits from individuals who  
6 are not related to the alien and who have direct  
7 knowledge of the alien's work, that contain—

8 (i) the name, address, and telephone  
9 number of the affiant; and

10 (ii) the nature and duration of the re-  
11 lationship between the affiant and the  
12 alien;

13 (F) remittance records; or

14 (G) any other evidence determined to be  
15 credible by the Secretary.

16 (k) AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-  
17 UMENTS.—If the Secretary determines, after publication  
18 in the Federal Register and an opportunity for public com-  
19 ment, that any document or class of documents does not  
20 reliably establish identity or that permanent resident sta-  
21 tus under this Act (whether on a conditional basis, or  
22 without the conditional basis as provided in section  
23 104(e)(2)) is being obtained fraudulently to an unaccept-  
24 able degree, the Secretary may prohibit or restrict the use  
25 of such document or class of documents.

1 **SEC. 308. RULE MAKING.**

2 (a) IN GENERAL.—Not later than 90 days after the  
3 date of the enactment of this Act, the Secretary shall pub-  
4 lish in the Federal Register interim final rules imple-  
5 menting this Act, which shall allow eligible individuals to  
6 immediately apply for relief under this Act. Notwith-  
7 standing section 553 of title 5, United States Code, the  
8 regulation shall be effective, on an interim basis, imme-  
9 diately upon publication, but may be subject to change and  
10 revision after public notice and opportunity for a period  
11 of public comment. The Secretary shall finalize such rules  
12 not later than 180 days after the date of publication.

13 (b) PAPERWORK REDUCTION ACT.—The require-  
14 ments under chapter 35 of title 44, United States Code,  
15 (commonly known as the “Paperwork Reduction Act”)  
16 shall not apply to any action to implement this Act.

17 **SEC. 309. CONFIDENTIALITY OF INFORMATION.**

18 (a) IN GENERAL.—The Secretary may not disclose  
19 or use information (including information provided during  
20 administrative or judicial review) provided in applications  
21 filed under this Act or in requests for DACA for the pur-  
22 pose of immigration enforcement.

23 (b) REFERRALS PROHIBITED.—The Secretary, based  
24 solely on information provided in an application for adjust-  
25 ment of status under this Act (including information pro-  
26 vided during administrative or judicial review) or an appli-

1 cation for DACA, may not refer an applicant to U.S. Im-  
2 migration and Customs Enforcement, U.S. Customs and  
3 Border Protection, or any designee of either such entity.

4 (c) LIMITED EXCEPTION.—Notwithstanding sub-  
5 sections (a) and (b), information provided in an applica-  
6 tion for adjustment of status under this Act may be  
7 shared with Federal security and law enforcement agen-  
8 cies—

9 (1) for assistance in the consideration of an ap-  
10 plication for adjustment of status under this Act;

11 (2) to identify or prevent fraudulent claims;

12 (3) for national security purposes; or

13 (4) for the investigation or prosecution of any  
14 felony offense not related to immigration status.

15 (d) PENALTY.—Any person who knowingly uses, pub-  
16 lishes, or permits information to be examined in violation  
17 of this section shall be fined not more than \$10,000.

18 **SEC. 310. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
19 **CANTS.**

20 (a) ESTABLISHMENT.—The Secretary shall establish,  
21 within U.S. Citizenship and Immigration Services, a pro-  
22 gram to award grants, on a competitive basis, to eligible  
23 nonprofit organizations that will use the funding to assist  
24 eligible applicants under this Act by providing them with  
25 the services described in subsection (b).

1 (b) USE OF FUNDS.—Grant funds awarded under  
2 this section shall be used for the design and implementa-  
3 tion of programs that provide—

4 (1) information to the public regarding the eli-  
5 gibility and benefits of permanent resident status  
6 under this Act (whether on a conditional basis, or  
7 without the conditional basis as provided in section  
8 104(c)(2)), particularly to individuals potentially eli-  
9 gible for such status;

10 (2) assistance, within the scope of authorized  
11 practice of immigration law, to individuals submit-  
12 ting applications for adjustment of status under this  
13 Act (whether on a conditional basis, or without the  
14 conditional basis as provided in section 104(c)(2)),  
15 including—

16 (A) screening prospective applicants to as-  
17 sess their eligibility for such status;

18 (B) completing applications and petitions,  
19 including providing assistance in obtaining the  
20 requisite documents and supporting evidence;  
21 and

22 (C) providing any other assistance that the  
23 Secretary or grantee considers useful or nec-  
24 essary to apply for adjustment of status under  
25 this Act (whether on a conditional basis, or

1 without the conditional basis as provided in sec-  
2 tion 104(c)(2)); and

3 (3) assistance, within the scope of authorized  
4 practice of immigration law, and instruction, to indi-  
5 viduals—

6 (A) on the rights and responsibilities of  
7 United States citizenship;

8 (B) in civics and English as a second lan-  
9 guage;

10 (C) in preparation for the General Edu-  
11 cation Development test; and

12 (D) in applying for adjustment of status  
13 and United States citizenship.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) AMOUNTS AUTHORIZED.—There are author-  
16 ized to be appropriated such sums as may be nec-  
17 essary for each of the fiscal years 2022 through  
18 2032 to carry out this section.

19 (2) AVAILABILITY.—Any amounts appropriated  
20 pursuant to paragraph (1) shall remain available  
21 until expended.

22 **SEC. 311. PROVISIONS AFFECTING ELIGIBILITY FOR AD-**  
23 **JUSTMENT OF STATUS.**

24 An alien's eligibility to be lawfully admitted for per-  
25 manent residence under this Act (whether on a conditional



1 basis, or without the conditional basis as provided in sec-  
2 tion 104(c)(2)) shall not preclude the alien from seeking  
3 any status under any other provision of law for which the  
4 alien may otherwise be eligible.

5 **SEC. 312. SUPPLEMENTARY SURCHARGE FOR APPOINTED**  
6 **COUNSEL.**

7 (a) IN GENERAL.—Except as provided in section 302  
8 and in cases where the applicant is exempt from paying  
9 a fee under section 303(c), in any case in which a fee is  
10 charged pursuant to this Act, an additional surcharge of  
11 \$25 shall be imposed and collected for the purpose of pro-  
12 viding appointed counsel to applicants seeking judicial re-  
13 view of the Secretary’s decision to provisionally deny an  
14 application under this Act.

15 (b) IMMIGRATION COUNSEL ACCOUNT.—There is es-  
16 tablished in the general fund of the Treasury a separate  
17 account which shall be known as the “Immigration Coun-  
18 sel Account”. Fees collected under subsection (a) shall be  
19 deposited into the Immigration Counsel Account and shall  
20 remain available until expended for purposes of providing  
21 appointed counsel as required under this Act.

22 (c) REPORT.—At the end of each 2-year period, be-  
23 ginning with the establishment of this account, the Sec-  
24 retary of Homeland Security shall submit a report to the  
25 Congress concerning the status of the account, including

1 any balances therein, and recommend any adjustment in  
2 the prescribed fee that may be required to ensure that the  
3 receipts collected from the fee charged for the succeeding  
4 two years equal, as closely as possible, the cost of pro-  
5 viding appointed counsel as required under this Act.

6 **SEC. 313. ANNUAL REPORT ON PROVISIONAL DENIAL AU-**  
7 **THORITY.**

8 Not later than 1 year after the date of the enactment  
9 of this Act, and annually thereafter, the Secretary of  
10 Homeland Security shall submit to the Congress a report  
11 detailing the number of applicants that receive—

12 (1) a provisional denial under this Act;

13 (2) a final denial under this Act without seek-  
14 ing judicial review;

15 (3) a final denial under this Act after seeking  
16 judicial review; and

17 (4) an approval under this Act after seeking ju-  
18 dicial review.

Passed the House of Representatives March 18,  
2021.

Attest: CHERYL L. JOHNSON,  
*Clerk.*

117TH CONGRESS  
1ST SESSION

# H. R. 1177

To provide an earned path to citizenship, to address the root causes of migration and responsibly manage the southern border, and to reform the immigrant visa system, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2021

Ms. SÁNCHEZ (for herself, Ms. LOFGREN, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Ms. CLARKE of New York, Ms. BASS, Ms. CHU, Mr. RUIZ, Mrs. NAPOLITANO, Mr. ESPAILLAT, Mr. CARBAJAL, Mr. VARGAS, Mr. GOMEZ, Mr. GALLEGO, Mr. CORREA, Mr. AGUILAR, Ms. ESCOBAR, Ms. GARCIA of Texas, Mr. CÁRDENAS, Ms. LEGER FERNANDEZ, Mr. CASTRO of Texas, Ms. BARRAGÁN, Mr. VELA, Mr. SOTO, Mr. LEVIN of California, Mr. COSTA, Mr. TORRES of New York, Mr. SIRES, Mrs. TRAHAN, Mr. SABLAN, Mr. SAN NICOLAS, Ms. CLARK of Massachusetts, Mr. NADLER, Mr. MCGOVERN, Mrs. WATSON COLEMAN, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Ms. BONAMICI, Ms. SCANLON, Ms. BLUNT ROCHESTER, Ms. MANNING, Mr. HORSFORD, Mr. CONNOLLY, Mr. PANETTA, Mr. TAKANO, Ms. DEGETTE, Mrs. LAWRENCE, Ms. NORTON, Ms. JACOBS of California, Mr. SCHNEIDER, Mr. LIEU, Ms. WILSON of Florida, Mr. MCNERNEY, Mr. SCHIFF, Ms. MCCOLLUM, Mrs. DEMINGS, Mr. GREEN of Texas, Mr. SUOZZI, Ms. NEWMAN, Mr. EVANS, Mrs. CAROLYN B. MALONEY of New York, Mr. MEEKS, Mr. BROWN, Ms. WILLIAMS of Georgia, Mr. NEGUSE, Mr. BEYER, Mr. SWALWELL, Mr. TRONE, Ms. LOIS FRANKEL of Florida, Mr. PALLONE, Mr. GARAMENDI, Ms. TITUS, Mr. DANNY K. DAVIS of Illinois, Ms. MATSUI, Mr. CICILLINE, Ms. ROSS, Mr. JONES, Mr. VEASEY, Mr. BLUMENAUER, Mr. JOHNSON of Georgia, and Ms. PLASKETT) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Armed Services, Education and Labor, House Administration, Financial Services, Natural Resources, Oversight and Reform, Foreign Affairs, Homeland Security, Intelligence (Permanent Select), and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

To provide an earned path to citizenship, to address the root causes of migration and responsibly manage the southern border, and to reform the immigrant visa system, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) SHORT TITLE.—This Act may be cited as the  
 5        “U.S. Citizenship Act”.

6        (b) TABLE OF CONTENTS.—The table of contents for  
 7        this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Terminology with respect to noncitizens.

TITLE I—EARNED PATH TO CITIZENSHIP AND OTHER REFORMS

Subtitle A—Earned Path to Citizenship

- Sec. 1101. Lawful prospective immigrant status.
- Sec. 1102. Adjustment of status of lawful prospective immigrants.
- Sec. 1103. The Dream Act.
- Sec. 1104. The American Promise Act.
- Sec. 1105. The Agricultural Workers Adjustment Act.
- Sec. 1106. General provisions relating to adjustment of status.

Subtitle B—Other Reforms

- Sec. 1201. V nonimmigrant visas.
- Sec. 1202. Expungement and sentencing.
- Sec. 1203. Petty offenses.
- Sec. 1204. Restoring fairness to adjudications.
- Sec. 1205. Judicial review.
- Sec. 1206. Modifications to naturalization provisions.
- Sec. 1207. Relief for long-term legal residents of the Commonwealth of the Northern Mariana Islands.
- Sec. 1208. Government contracting and acquisition of real property interest.
- Sec. 1209. Conforming amendments to the Social Security Act.

TITLE II—ADDRESSING THE ROOT CAUSES OF MIGRATION AND RESPONSIBLY MANAGING THE SOUTHERN BORDER

Sec. 2001. Definitions.

Subtitle A—Promoting the Rule of Law, Security, and Economic Development  
in Central America

- Sec. 2101. United States Strategy for Engagement in Central America.
- Sec. 2102. Securing support of international donors and partners.
- Sec. 2103. Combating corruption, strengthening the rule of law, and consolidating democratic governance.
- Sec. 2104. Combating criminal violence and improving citizen security.
- Sec. 2105. Combating sexual, gender-based, and domestic violence.
- Sec. 2106. Tackling extreme poverty and advancing economic development.
- Sec. 2107. Authorization of appropriations for United States Strategy for Engagement in Central America.

Subtitle B—Addressing Migration Needs by Strengthening Regional Humanitarian Responses for Refugees and Asylum Seekers in the Western Hemisphere and Strengthening Repatriation Initiatives

- Sec. 2201. Expanding refugee and asylum processing in the Western Hemisphere.
- Sec. 2202. Further strengthening regional humanitarian responses in the Western Hemisphere.
- Sec. 2203. Information campaign on dangers of irregular migration.
- Sec. 2204. Identification, screening, and processing of refugees and other individuals eligible for lawful admission to the United States.
- Sec. 2205. Registration and intake.
- Sec. 2206. Central American Refugee Program.
- Sec. 2207. Central American Minors Program.
- Sec. 2208. Central American Family Reunification Parole Program.
- Sec. 2209. Informational campaign; case status hotline.

Subtitle C—Managing the Border and Protecting Border Communities

- Sec. 2301. Expediting legitimate trade and travel at ports of entry.
- Sec. 2302. Deploying smart technology at the southern border.
- Sec. 2303. Independent oversight on privacy rights.
- Sec. 2304. Training and continuing education.
- Sec. 2305. GAO study of waiver of environmental and other laws.
- Sec. 2306. Establishment of Border Community Stakeholder Advisory Committee.
- Sec. 2307. Rescue beacons.
- Sec. 2308. Use of force.
- Sec. 2309. Office of Professional Responsibility.

Subtitle D—Improving Border Infrastructure for Families and Children;  
Cracking Down on Criminal Organizations

- Sec. 2401. Humanitarian and medical standards for individuals in U.S. Customs and Border Protection custody.
- Sec. 2402. Child welfare at the border.
- Sec. 2403. Office of Inspector General oversight.
- Sec. 2404. Enhanced investigation and prosecution of human smuggling networks and trafficking organizations.
- Sec. 2405. Enhanced penalties for organized smuggling schemes.
- Sec. 2406. Expanding financial sanctions on narcotics trafficking and money laundering.

- Sec. 2407. Support for transnational anti-gang task forces for countering criminal gangs.
- Sec. 2408. Hindering immigration, border, and customs controls.

### TITLE III—REFORM OF THE IMMIGRANT VISA SYSTEM

#### Subtitle A—Promoting Family Reunification

- Sec. 3101. Recapture of immigrant visas lost to bureaucratic delay.
- Sec. 3102. Reclassification of spouses and minor children of lawful permanent residents as immediate relatives.
- Sec. 3103. Adjustment of family-sponsored per-country limits.
- Sec. 3104. Promoting family unity.
- Sec. 3105. Relief for orphans, widows, and widowers.
- Sec. 3106. Exemption from immigrant visa limit for certain veterans who are natives of the Philippines.
- Sec. 3107. Fiancée or fiancé child status protection.
- Sec. 3108. Retention of priority dates.
- Sec. 3109. Inclusion of permanent partners.
- Sec. 3110. Definition of child.
- Sec. 3111. Termination of conditional permanent resident status for certain noncitizen permanent partners and sons and daughters upon finding qualifying permanent partnership improper.
- Sec. 3112. Nationality at birth.

#### Subtitle B—National Origin-Based Antidiscrimination for Nonimmigrants

- Sec. 3201. Expansion of nondiscrimination provision.
- Sec. 3202. Transfer and limitations on authority to suspend or restrict the entry of a class of noncitizens.

#### Subtitle C—Diversity Immigrants

- Sec. 3301. Increasing diversity visas.

#### Subtitle D—Reforming Employment-Based Immigration

- Sec. 3401. Doctoral STEM graduates from accredited United States universities.
- Sec. 3402. Addressing visa backlogs.
- Sec. 3403. Eliminating employment-based per country levels.
- Sec. 3404. Increased immigrant visas for other workers.
- Sec. 3405. Flexible adjustments to employment-based immigrant visa program.
- Sec. 3406. Regional Economic Development Immigrant Visa Pilot Program.
- Sec. 3407. Wage-based consideration of temporary workers.
- Sec. 3408. Clarifying dual intent for postsecondary students.
- Sec. 3409. H-4 visa reform.
- Sec. 3410. Extensions related to pending petitions.

#### Subtitle E—Promoting Immigrant and Refugee Integration

- Sec. 3501. Definition of Foundation.
- Sec. 3502. United States Citizenship and Integration Foundation.
- Sec. 3503. Pilot program to promote immigrant integration at State and local levels.
- Sec. 3504. English as a Gateway to Integration grant program.
- Sec. 3505. Workforce Development and Shared Prosperity grant program.
- Sec. 3506. Existing citizenship education grants.

- Sec. 3507. Grant program to assist eligible applicants.
- Sec. 3508. Study on factors affecting employment opportunities for immigrants and refugees with professional credentials obtained in foreign countries.
- Sec. 3509. In-State tuition rates for refugees, asylees, and certain special immigrants.
- Sec. 3510. Waiver of English requirement for senior new Americans.
- Sec. 3511. Naturalization for certain United States high school graduates.
- Sec. 3512. Naturalization ceremonies.
- Sec. 3513. National citizenship promotion program.
- Sec. 3514. Authorization of appropriations for Foundation and pilot program.

#### TITLE IV—IMMIGRATION COURTS, FAMILY VALUES, AND VULNERABLE INDIVIDUALS

##### Subtitle A—Promoting Efficient Processing of Asylum Seekers, Addressing Immigration Court Backlogs, and Efficiently Repatriating Migrants Ordered Removed

- Sec. 4101. Expanding alternatives to detention.
- Sec. 4102. Eliminating immigration court backlogs.
- Sec. 4103. Improved training for immigration judges and members of the Board of Immigration Appeals.
- Sec. 4104. New technology to improve court efficiency.
- Sec. 4105. Court appearance compliance and legal orientation.
- Sec. 4106. Improving court efficiency and reducing costs by increasing access to legal information.
- Sec. 4107. Facilitating safe and efficient repatriation.

##### Subtitle B—Protecting Family Values and Monitoring and Caring for Unaccompanied Noncitizen Children After Arrival

- Sec. 4201. Definition of local educational agency.
- Sec. 4202. Responsibility of sponsor for immigration court compliance and child well-being.
- Sec. 4203. Funding to school districts for unaccompanied noncitizen children.
- Sec. 4204. School enrollment.

##### Subtitle C—Admission and Protection of Refugees, Asylum Seekers, and Other Vulnerable Individuals

- Sec. 4301. Elimination of time limits on asylum applications.
- Sec. 4302. Increasing annual numerical limitation on U visas.
- Sec. 4303. Employment authorization for asylum seekers and other individuals.
- Sec. 4304. Enhanced protection for individuals seeking T visas, U visas, and protection under VAWA.
- Sec. 4305. Alternatives to detention.
- Sec. 4306. Notification of proceedings.
- Sec. 4307. Conversion of certain petitions.
- Sec. 4308. Improvements to application process for Afghan special immigrant visas.
- Sec. 4309. Special immigrant status for certain surviving spouses and children.
- Sec. 4310. Special immigrant status for certain Syrians who worked for the United States Government in Syria.
- Sec. 4311. Authorization of appropriations.

TITLE V—EMPLOYMENT AUTHORIZATION AND PROTECTING  
WORKERS FROM EXPLOITATION

- Sec. 5101. Commission on Employment Authorization.  
 Sec. 5102. Power Act.  
 Sec. 5103. Additional civil penalty.  
 Sec. 5104. Continued application of workforce and labor protection remedies.  
 Sec. 5105. Prohibition on discrimination based on national origin or citizenship status.  
 Sec. 5106. Fairness for farmworkers.  
 Sec. 5107. Protections for migrant and seasonal laborers.  
 Sec. 5108. Directive to the United States Sentencing Commission.  
 Sec. 5109. Labor Law Enforcement Fund.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **IN GENERAL.**—Any term used in this Act  
 4 that is used in the immigration laws shall have the  
 5 meaning given such term in the immigration laws.

6 (2) **IMMIGRATION LAWS.**—The term “immigra-  
 7 tion laws” has the meaning given the term in section  
 8 101(a) of the Immigration and Nationality Act (8  
 9 U.S.C. 1101(a)).

10 (3) **SECRETARY.**—The term “Secretary” means  
 11 the Secretary of Homeland Security.

12 **SEC. 3. TERMINOLOGY WITH RESPECT TO NONCITIZENS.**

13 (a) **IMMIGRATION AND NATIONALITY ACT.**—

14 (1) **IN GENERAL.**—The Immigration and Na-  
 15 tionality Act (8 U.S.C. 1101 et seq.) is amended—

16 (A) in section 101(a) (8 U.S.C. 1101(a))—

17 (i) by striking paragraph (3) and in-  
 18 serting the following:



1 “(3) NONCITIZEN.—The term ‘noncitizen’ means any  
2 person not a citizen or national of the United States.”;  
3 and

4 (ii) by adding at the end the fol-  
5 lowing:

6 “(53) NONCITIZENSHIP.—The term ‘noncitizenship’  
7 means the condition of being a noncitizen.”;

8 (B) by striking “an alien” each place it ap-  
9 pears and inserting “a noncitizen”;

10 (C) by striking “An alien” each place it  
11 appears and inserting “A noncitizen”;

12 (D) by striking “alien” each place it ap-  
13 pears and inserting “noncitizen”;

14 (E) by striking “aliens” each place it ap-  
15 pears and inserting “noncitizens”;

16 (F) by striking “alien’s” each place it ap-  
17 pears and inserting “noncitizen’s”; and

18 (G) by striking “alienage” each place it  
19 appears and inserting “noncitizenship”.

20 (2) HEADINGS.—The Immigration and Nation-  
21 ality Act (8 U.S.C. 1101 et seq.) is amended—

22 (A) in the title and chapter headings—

23 (i) by striking “**ALIEN**” each place  
24 it appears and inserting “**NONCIT-**  
25 **IZEN**”; and

1 (ii) by striking “**ALIENS**” each  
2 place it appears and inserting “**NON-**  
3 **CITIZENS**”;

4 (B) in the section headings—

5 (i) by striking “**ALIEN**” each place it  
6 appears and inserting “**NONCITIZEN**”;

7 (ii) by striking “**ALIENS**” each place  
8 it appears and inserting “**NONCITIZENS**”;  
9 and

10 (iii) by striking “**ALIENAGE**” each  
11 place it appears and inserting “**NONCITI-**  
12 **ZENSHIP**”;

13 (C) in the subsection headings—

14 (i) by striking “**ALIEN**” each place it  
15 appears and inserting “**NONCITIZEN**”; and

16 (ii) by striking “**ALIENS**” each place it  
17 appears and inserting “**NONCITIZENS**”;  
18 and

19 (D) in the paragraph, subparagraph,  
20 clause, subclause, item, and subitem headings—

21 (i) by striking “**ALIEN**” each place it  
22 appears and inserting “**NONCITIZEN**”;

23 (ii) by striking “**ALIEN**” each place it  
24 appears and inserting “**NONCITIZEN**”;

1 (iii) by striking “ALIENS” each place  
2 it appears and inserting “NONCITIZENS”;  
3 and

4 (iv) by striking “ALIENS” each place  
5 it appears and inserting “NONCITIZENS”.

6 (3) TABLE OF CONTENTS.—The table of con-  
7 tents for the Immigration and Nationality Act (8  
8 U.S.C. 1101 et seq.) is amended—

9 (A) by striking the item relating to title V  
10 and inserting the following:

“TITLE V—NONCITIZEN TERRORIST REMOVAL PROCEDURES”;

11 and

12 (B) in the items relating to the chapters  
13 and sections—

14 (i) by striking “Alien” each place it  
15 appears and inserting “Noncitizen”;

16 (ii) by striking “Aliens” each place it  
17 appears and inserting “Noncitizens”;

18 (iii) by striking “alien” each place it  
19 appears and inserting “noncitizen”;

20 (iv) by striking “aliens” each place it  
21 appears and inserting “noncitizens”; and

22 (v) by striking “alienage” each place  
23 it appears and inserting “noncitizenship”.

24 (b) UNACCOMPANIED NONCITIZEN CHILDREN.—Sec-  
25 tion 462 of the Homeland Security Act of 2002 (6 U.S.C.

1 279) is amended by striking “alien” each place it appears  
 2 and inserting “noncitizen”.

3 (c) REFERENCES TO ALIENS.—With respect to a per-  
 4 son who is not a citizen or national of the United States,  
 5 any reference in Federal law, Federal regulation, or any  
 6 written instrument issued by the executive branch of the  
 7 Government to an alien shall be deemed to refer to a non-  
 8 citizen (as defined in section 101(a) of the Immigration  
 9 and Nationality Act, as amended by subsection (a)(1)).

10 **TITLE I—EARNED PATH TO CITI-**  
 11 **ZENSHIP AND OTHER RE-**  
 12 **FORMS**

13 **Subtitle A—Earned Path to**  
 14 **Citizenship**

15 **SEC. 1101. LAWFUL PROSPECTIVE IMMIGRANT STATUS.**

16 (a) IN GENERAL.—Chapter 5 of title II of the Immi-  
 17 gration and Nationality Act (8 U.S.C. 1255 et seq.) is  
 18 amended by inserting after section 245A the following:

19 **“SEC. 245B. ADJUSTMENT OF STATUS OF ELIGIBLE EN-**  
 20 **TRANS TO THAT OF LAWFUL PROSPECTIVE**  
 21 **IMMIGRANT.**

22 “(a) REQUIREMENTS.—Notwithstanding any other  
 23 provision of law, the Secretary may grant lawful prospec-  
 24 tive immigrant status to a noncitizen who—

1           “(1) satisfies the eligibility requirements set  
2           forth in section 245G(b), including all criminal and  
3           national security background checks and the pay-  
4           ment of all applicable fees; and

5           “(2) submits an application pursuant to the  
6           procedures under section 245G(b)(1).

7           “(b) SPOUSES AND CHILDREN.—The requirement in  
8           paragraph (2) subsection (a) shall not apply to a noncit-  
9           izen who is the spouse or child of a noncitizen who satisfies  
10          all requirements of that subsection.

11          “(c) DURATION OF STATUS AND EXTENSION.—The  
12          initial period of authorized admission for a lawful prospec-  
13          tive immigrant—

14                 “(1) shall remain valid for 6 years, unless re-  
15                 voked pursuant to subsection 245G(g)(4); and

16                 “(2) may be extended for additional 6-year  
17                 terms if—

18                         “(A) the noncitizen remains eligible for  
19                         lawful prospective immigrant status;

20                         “(B) the noncitizen has successfully passed  
21                         the background checks described in section  
22                         245G(d)(3); and

23                         “(C) such status was not revoked by the  
24                         Secretary.

1       “(d) EVIDENCE OF LAWFUL PROSPECTIVE IMMI-  
2 GRANT STATUS.—

3               “(1) IN GENERAL.—The Secretary shall issue  
4 documentary evidence of lawful prospective immi-  
5 grant status to each noncitizen, including the prin-  
6 cipal applicant and any spouse or child included in  
7 the application, whose application for such status  
8 has been approved.

9               “(2) DOCUMENTATION FEATURES.—Documen-  
10 tary evidence issued under paragraph (1) shall—

11                       “(A) comply with the requirements of sec-  
12 tion 245G(g)(3)(C); and

13                       “(B) specify a period of validity of 6 years  
14 beginning on the date of issuance.

15       “(e) TERMS AND CONDITIONS OF LAWFUL PROSPEC-  
16 TIVE IMMIGRANT STATUS.—

17               “(1) IN GENERAL.—A noncitizen granted lawful  
18 prospective immigrant status under this section shall  
19 be considered lawfully present in the United States  
20 for all purposes while such noncitizen remains in  
21 such status, except that the noncitizen—

22                       “(A) is not entitled to the premium assist-  
23 ance tax credit authorized under section 36B of  
24 the Internal Revenue Code of 1986 for his or  
25 her health insurance coverage;

1           “(B) shall be subject to the rules applica-  
2           ble to individuals not lawfully present that are  
3           set forth in subsection (e) of that section;

4           “(C) shall be subject to the rules applicable  
5           to individuals not lawfully present that are set  
6           forth in section 1402(e) of the Patient Protec-  
7           tion and Affordable Care Act (42 U.S.C.  
8           18071); and

9           “(D) shall be subject to the rules applica-  
10          ble to individuals not lawfully present set forth  
11          in section 5000A(d)(3) of the Internal Revenue  
12          Code of 1986.

13          “(2) ELIGIBILITY FOR COVERAGE UNDER A  
14          QUALIFIED HEALTH PLAN.—Notwithstanding section  
15          1312(f)(3) of the Patient Protection and Affordable  
16          Care Act (42 U.S.C. 18032(f)(3)), a lawful prospec-  
17          tive immigrant shall be treated as a qualified indi-  
18          vidual under section 1312 of that Act if the lawful  
19          prospective immigrant meets the requirements under  
20          subsection (f)(1) of that section.

21          “(3) EMPLOYMENT.—Notwithstanding any  
22          other provision of law, including section 241(a)(7),  
23          a lawful prospective immigrant shall be authorized  
24          to be employed in the United States while in such  
25          status.

1           “(4) TRAVEL OUTSIDE THE UNITED STATES.—  
2           A lawful prospective immigrant may travel outside of  
3           the United States and may be admitted, if otherwise  
4           admissible, upon returning to the United States  
5           without having to obtain a visa if—

6                   “(A) the lawful prospective immigrant is in  
7                   possession of—

8                           “(i) valid, unexpired documentary evi-  
9                           dence of lawful prospective immigrant sta-  
10                           tus; or

11                           “(ii) a travel document, duly approved  
12                           by the Secretary, that was issued to the  
13                           lawful prospective immigrant after the law-  
14                           ful prospective immigrant’s original docu-  
15                           mentary evidence was lost, stolen, or de-  
16                           stroyed;

17                   “(B) the lawful prospective immigrant’s  
18                   absences from the United States do not exceed  
19                   180 days, in the aggregate, in any calendar  
20                   year, unless—

21                           “(i) the lawful prospective immi-  
22                           grant’s absences were authorized by the  
23                           Secretary; or

24                           “(ii) the lawful prospective immi-  
25                           grant’s failure to timely return was due to



1           circumstances beyond the noncitizen’s con-  
2           trol;

3           “(C) the lawful prospective immigrant  
4           meets the requirements for an extension as de-  
5           scribed in subsection (c)(2); and

6           “(D) the lawful prospective immigrant es-  
7           tablishes that the lawful prospective immigrant  
8           is not inadmissible under subparagraph (A)(i),  
9           (A)(iii), (B), or (C) of section 212(a)(3).

10          “(5) ASSIGNMENT OF SOCIAL SECURITY NUM-  
11          BER.—

12                 “(A) IN GENERAL.—The Commissioner of  
13                 Social Security (referred to in this paragraph as  
14                 the ‘Commissioner’), in coordination with the  
15                 Secretary, shall implement a system to allow for  
16                 the assignment of a Social Security number and  
17                 the issuance of a Social Security card to each  
18                 lawful prospective immigrant.

19                 “(B) INFORMATION SHARING.—

20                         “(i) IN GENERAL.—The Secretary  
21                         shall provide the Commissioner with infor-  
22                         mation from the applications submitted by  
23                         noncitizens granted lawful prospective im-  
24                         migrant status under this section and such  
25                         other information as the Commissioner

1 considers necessary to assign a Social Se-  
2 curity account number to such noncitizens.

3 “(ii) USE OF INFORMATION.—The  
4 Commissioner may use information re-  
5 ceived from the Secretary under this sub-  
6 paragraph—

7 “(I) to assign Social Security ac-  
8 count numbers to lawful prospective  
9 immigrants; and

10 “(II) to administer the programs  
11 of the Social Security Administration.

12 “(iii) LIMITATION.—The Commis-  
13 sioner may maintain, use, and disclose  
14 such information only as permitted under  
15 section 552a of title 5, United States Code  
16 (commonly known as the Privacy Act of  
17 1974), and other applicable Federal law.”.

18 (b) ENLISTMENT IN THE ARMED FORCES.—Section  
19 504(b)(1) of title 10, United States Code, is amended by  
20 adding at the end the following:

21 “(D) A noncitizen who has been granted  
22 lawful prospective immigrant status under sec-  
23 tion 245B of the Immigration and Nationality  
24 Act.”.

25 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) TABLE OF CONTENTS.—The table of con-  
2 tents for the Immigration and Nationality Act (8  
3 U.S.C. 1101 et seq.) is amended by inserting after  
4 the item relating to section 245A the following:

“Sec. 245B. Adjustment of status of eligible entrants to that of lawful prospec-  
tive immigrant.”.

5 (2) DEFINITION OF LAWFUL PROSPECTIVE IM-  
6 MIGRANT.—Section 101(a) of the Immigration and  
7 Nationality Act (8 U.S.C. 1101(a)), as amended by  
8 section 3, is further amended by adding at the end  
9 the following:

10 “(54) LAWFUL PROSPECTIVE IMMIGRANT.—The  
11 term ‘lawful prospective immigrant’ means a noncitizen  
12 granted lawful prospective immigrant status under section  
13 245B.”.

14 **SEC. 1102. ADJUSTMENT OF STATUS OF LAWFUL PROSPEC-**  
15 **TIVE IMMIGRANTS.**

16 (a) IN GENERAL.—Chapter 5 of title II of the Immi-  
17 gration and Nationality Act (8 U.S.C. 1255 et seq.), as  
18 amended by section 1101, is further amended by inserting  
19 after section 245B the following:

20 **“SEC. 245C. ADJUSTMENT OF STATUS OF LAWFUL PRO-**  
21 **SPECTIVE IMMIGRANTS.**

22 “(a) REQUIREMENTS.—Notwithstanding any other  
23 provision of law, the Secretary may adjust the status of

1 a lawful prospective immigrant to that of a lawful perma-  
2 nent resident if the lawful prospective immigrant—

3 “(1) subject to subsection (b), satisfies the eli-  
4 gibility requirements set forth in section 245G(b),  
5 including all criminal and national security back-  
6 ground checks and the payment of all applicable  
7 fees;

8 “(2) submits an application pursuant to the  
9 procedures under section 245G(b)(1);

10 “(3) has been a lawful prospective immigrant  
11 for not less than 5 years;

12 “(4) remains eligible for such status;

13 “(5) establishes, to the satisfaction of the Sec-  
14 retary, that the lawful prospective immigrant has  
15 not been continuously absent from the United States  
16 for more than 180 days in any calendar year during  
17 the period of admission as a lawful prospective im-  
18 migrant, unless the lawful prospective immigrant’s  
19 absence was—

20 “(A) authorized by the Secretary; or

21 “(B) due to circumstances beyond the law-  
22 ful prospective immigrant’s control; and

23 “(6) has satisfied any applicable Federal tax li-  
24 ability.

1       “(b) PREVIOUS WAIVERS.—For purposes of this sec-  
2 tion, any ground of inadmissibility under section 212(a)  
3 that was previously waived for a noncitizen, or made inap-  
4 plicable under any section of this Act, shall not apply.

5       “(c) DEMONSTRATION OF COMPLIANCE.—An appli-  
6 cant may demonstrate compliance with subsection (a)(6)  
7 by submitting appropriate documentation, in accordance  
8 with regulations promulgated by the Secretary, in con-  
9 sultation with the Secretary of the Treasury.

10       “(d) APPLICABLE FEDERAL TAX LIABILITY DE-  
11 FINED.—In this section, the term ‘applicable Federal tax  
12 liability’ means all Federal income taxes assessed in ac-  
13 cordance with section 6203 of the Internal Revenue Code  
14 of 1986.”.

15       (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16           (1) TABLE OF CONTENTS.—The table of con-  
17 tents for the Immigration and Nationality Act (8  
18 U.S.C. 1101 et seq.), as amended by section 1101,  
19 is further amended by inserting after the item relat-  
20 ing to section 245B the following:

“Sec. 245C. Adjustment of status of lawful prospective immigrants.”.

21           (2) DEFINITION OF LAWFUL PERMANENT RESI-  
22 DENT.—Section 101(a) of the Immigration and Na-  
23 tionality Act (8 U.S.C. 1101(a)), as amended by sec-  
24 tion 1101, is further amended by adding at the end  
25 the following:

1 “(55) **LAWFUL PERMANENT RESIDENT.**—The term  
2 ‘lawful permanent resident’ means a noncitizen lawfully  
3 admitted for permanent residence.”.

4 **SEC. 1103. THE DREAM ACT.**

5 (a) **IN GENERAL.**—Chapter 5 of title II of the Immi-  
6 gration and Nationality Act (8 U.S.C. 1255 et seq.), as  
7 amended by section 1102, is further amended by inserting  
8 after section 245C the following:

9 **“SEC. 245D. ADJUSTMENT OF STATUS FOR CERTAIN NON-**  
10 **CITIZENS WHO ENTERED THE UNITED**  
11 **STATES AS CHILDREN.**

12 “(a) **REQUIREMENTS.**—Notwithstanding any other  
13 provision of law, the Secretary may grant lawful perma-  
14 nent resident status to a noncitizen if the noncitizen—

15 “(1) satisfies the eligibility requirements set  
16 forth in section 245G(b), including all criminal and  
17 national security background checks and the pay-  
18 ment of all applicable fees;

19 “(2) submits an application pursuant to the  
20 procedures under section 245G(b)(1);

21 “(3) was younger than 18 years of age on the  
22 date on which the noncitizen initially entered the  
23 United States;

24 “(4) has earned a high school diploma, a com-  
25 mensurate alternative award from a public or private

1 high school or secondary school, a general education  
2 development certificate recognized under State law,  
3 or a high school equivalency diploma in the United  
4 States;

5 “(5)(A) has obtained a degree from an institu-  
6 tion of higher education, or has completed at least  
7 2 years, in good standing, of a program in the  
8 United States leading to a bachelor’s degree or high-  
9 er degree or a recognized postsecondary credential  
10 from an area career and technical education school  
11 providing education at the postsecondary level;

12 “(B) has served in the uniformed services for  
13 not less than 2 years and, if discharged, received an  
14 honorable discharge; or

15 “(C) demonstrates earned income for periods  
16 totaling not less than 3 years and not less than 75  
17 percent of the time that the noncitizen has had valid  
18 employment authorization, except that, in the case  
19 of a noncitizen who was enrolled in an institution of  
20 higher education or an area career and technical  
21 education school to obtain a recognized postsec-  
22 ondary credential, the Secretary shall reduce such  
23 total 3-year requirement by the total of such periods  
24 of enrollment; and

1           “(6) establishes that the noncitizen has reg-  
2           istered under the Military Selective Service Act (50  
3           U.S.C. 3801 et seq.), if the noncitizen is subject to  
4           registration under that Act.

5           “(b) WAIVER.—The Secretary may waive the require-  
6           ment under subsection (a)(5) if the noncitizen dem-  
7           onstrates compelling circumstances for the noncitizen’s in-  
8           ability to satisfy such requirement.

9           “(c) SPOUSES AND CHILDREN.—The requirements in  
10          paragraphs (2) through (6) of subsection (a) shall not  
11          apply to a noncitizen who is the spouse or child of a non-  
12          citizen who satisfies all requirements of that subsection.

13          “(d) SPECIAL PROCEDURE FOR APPLICANTS WITH  
14          DACA.—The Secretary shall establish a streamlined pro-  
15          cedure for noncitizens who—

16                 “(1) have been granted Deferred Action for  
17                 Childhood Arrivals pursuant to the memorandum of  
18                 the Department of Homeland Security entitled ‘Ex-  
19                 ercising Prosecutorial Discretion with Respect to In-  
20                 dividuals Who Came to the United States as Chil-  
21                 dren’ issued on June 15, 2012 (referred to in this  
22                 section as ‘DACA’); and

23                 “(2) meet the requirements for renewal of  
24                 DACA to apply for adjustment of status to that of  
25                 a lawful permanent resident.



1       “(e) TREATMENT OF INDIVIDUALS GRANTED DACA  
2 AND INDIVIDUALS WHO ADJUST STATUS UNDER THIS  
3 SECTION.—

4           “(1) PRE-EXISTING CONDITION INSURANCE  
5 PLAN PROGRAM.—The interim final rule of the De-  
6 partment of Health and Human Services entitled  
7 ‘Pre-Existing Condition Insurance Plan Program’  
8 (77 Fed. Reg. 52614 (August 30, 2012)) shall have  
9 no force or effect.

10          “(2) APPLICABLE DEFINITION OF LAWFULLY  
11 PRESENT.—In determining whether an individual is  
12 lawfully present for purposes of determining whether  
13 the individual is lawfully residing in the United  
14 States under section 1903(v)(4) of the Social Secu-  
15 rity Act (42 U.S.C. 1396b(v)(4)), the definition of  
16 ‘lawfully present’ under section 152.2 of title 45,  
17 Code of Federal Regulations (or any successor regu-  
18 lation) shall be applied.

19          “(3) INAPPLICABILITY OF LIMITATION ON FED-  
20 ERAL MEANS-TESTED PUBLIC BENEFITS.—

21           “(A) IN GENERAL.—Notwithstanding any  
22 other provision of law, except as provided in  
23 subparagraph (B), with respect to eligibility for  
24 any benefit under title XIX or XXI of the So-  
25 cial Security Act (42 U.S.C. 1396 et seq. or

1           1397aa et seq.), the limitation under section  
2           403(a) of the Personal Responsibility and Work  
3           Opportunity Reconciliation Act of 1996 (8  
4           U.S.C. 1613(a)) shall not apply to an individual  
5           who adjusts status under this section.

6           “(B) EXCEPTION.—The limitation de-  
7           scribed in subparagraph (A) shall apply to an  
8           individual who was eligible to adjust status only  
9           by virtue of subsection (c).

10          “(f) INSTITUTION OF HIGHER EDUCATION DE-  
11 FINED.—In this section, the term ‘institution of higher  
12 education’ has the meaning given such term in section 102  
13 of the Higher Education Act of 1965 (20 U.S.C. 1002),  
14 except that the term does not include institutions de-  
15 scribed in subsection (a)(1)(C) of such section.”.

16          (b) COMPENSATION FOR OFFICERS OR EMPLOYEES  
17 OF THE UNITED STATES.—Section 704 of title VII of di-  
18 vision E of the Consolidated Appropriations Act, 2018  
19 (Public Law 115–141; 132 Stat. 588) is amended—

20           (1) in paragraph (3), by striking “; or” and in-  
21           serting a semicolon; and

22           (2) in paragraph (4), by inserting “; or (5) is  
23           a person who is employed by the House of Rep-  
24           resentatives or the Senate, and has been issued an

1 employment authorization document under DACA”  
2 after “United States”.

3 (c) RESTORATION OF STATE OPTION TO DETERMINE  
4 RESIDENCY FOR PURPOSES OF HIGHER EDUCATION.—

5 (1) REPEAL.—Section 505 of the Illegal Immi-  
6 gration Reform and Immigrant Responsibility Act of  
7 1996 (8 U.S.C. 1623) is repealed.

8 (2) EFFECTIVE DATE.—The repeal under para-  
9 graph (1) shall take effect as if included in the origi-  
10 nal enactment of the Illegal Immigration Reform  
11 and Immigrant Responsibility Act of 1996 (division  
12 C of Public Law 104–208).

13 (d) FEDERAL HOUSING ADMINISTRATION INSUR-  
14 ANCE OF MORTGAGES.—Section 203 of the National  
15 Housing Act (12 U.S.C. 1709) is amended by inserting  
16 after subsection (h) the following:

17 “(i) DACA RECIPIENT ELIGIBILITY.—

18 “(1) DACA RECIPIENT DEFINED.—In this sub-  
19 section, the term ‘DACA recipient’ means a noncit-  
20 izen who, at any time before, on, or after the date  
21 of enactment of this subsection, is or was subject to  
22 a grant of deferred action pursuant to the Depart-  
23 ment of Homeland Security memorandum entitled  
24 ‘Exercising Prosecutorial Discretion with Respect to

1 Individuals Who Came to the United States as Chil-  
2 dren' issued on June 15, 2012.

3 “(2) PROHIBITION.—The Secretary may not—

4 “(A) prescribe terms that limit the eligi-  
5 bility of a single family mortgage for insurance  
6 under this title because of the status of the  
7 mortgagor as a DACA recipient; or

8 “(B) issue any limited denial of partici-  
9 tion in the program for such insurance because  
10 of the status of the mortgagor as a DACA re-  
11 cipient.

12 “(3) EXEMPTION.—

13 “(A) DENIAL FOR FAILURE TO SATISFY  
14 VALID ELIGIBILITY REQUIREMENTS.—Nothing  
15 in this title prohibits the denial of insurance  
16 based on failure to satisfy valid eligibility re-  
17 quirements.

18 “(B) INVALID ELIGIBILITY REQUIRE-  
19 MENTS.—Valid eligibility requirements do not  
20 include criteria that were adopted with the pur-  
21 pose of denying eligibility for insurance because  
22 of race, color, religion, sex, familial status, na-  
23 tional origin, disability, or the status of a mort-  
24 gagor as a DACA recipient.”.

1 (e) RURAL HOUSING SERVICE.—Section 501 of the  
2 Housing Act of 1949 (42 U.S.C. 1471) is amended by  
3 adding at the end the following:

4 “(k) DACA RECIPIENT ELIGIBILITY.—

5 “(1) DACA RECIPIENT DEFINED.—In this sub-  
6 section, the term ‘DACA recipient’ means a noncit-  
7 izen who, at any time before, on, or after the date  
8 of enactment of this subsection, is or was subject to  
9 a grant of deferred action pursuant to the Depart-  
10 ment of Homeland Security memorandum entitled  
11 ‘Exercising Prosecutorial Discretion with Respect to  
12 Individuals Who Came to the United States as Chil-  
13 dren’ issued on June 15, 2012.

14 “(2) PROHIBITION.—The Secretary may not  
15 prescribe terms that limit eligibility for a single fam-  
16 ily mortgage made, insured, or guaranteed under  
17 this title because of the status of the mortgagor as  
18 a DACA recipient.”.

19 (f) FANNIE MAE.—Section 302(b) of the National  
20 Housing Act (12 U.S.C. 1717(b)) is amended by adding  
21 at the end the following:

22 “(8) DACA RECIPIENT ELIGIBILITY.—

23 “(A) DACA RECIPIENT DEFINED.—In this  
24 paragraph, the term ‘DACA recipient’ means a  
25 noncitizen who, at any time before, on, or after

1 the date of enactment of this paragraph, is or  
2 was subject to a grant of deferred action pursu-  
3 ant to the Department of Homeland Security  
4 memorandum entitled ‘Exercising Prosecutorial  
5 Discretion with Respect to Individuals Who  
6 Came to the United States as Children’ issued  
7 on June 15, 2012.

8 “(B) PROHIBITION.—The corporation may  
9 not condition purchase of a single-family resi-  
10 dence mortgage by the corporation under this  
11 subsection on the status of the borrower as a  
12 DACA recipient.”.

13 (g) FREDDIE MAC.—Section 305(a) of the Federal  
14 Home Loan Mortgage Corporation Act (12 U.S.C.  
15 1454(a)) is amended by adding at the end the following:

16 “(6) DACA RECIPIENT ELIGIBILITY.—

17 “(A) DACA RECIPIENT DEFINED.—In this  
18 paragraph, the term ‘DACA recipient’ means a  
19 noncitizen who, at any time before, on, or after  
20 the date of enactment of this paragraph, is or  
21 was subject to a grant of deferred action pursu-  
22 ant to the Department of Homeland Security  
23 memorandum entitled ‘Exercising Prosecutorial  
24 Discretion with Respect to Individuals Who

1           Came to the United States as Children’ issued  
2           on June 15, 2012.

3           “(B) PROHIBITION.—The Corporation may  
4           not condition purchase of a single-family resi-  
5           dence mortgage by the Corporation under this  
6           subsection on the status of the borrower as a  
7           DACA recipient.”.

8           (h) TECHNICAL AND CONFORMING AMENDMENT.—  
9           The table of contents for the Immigration and Nationality  
10          Act (8 U.S.C. 1101 et seq.), as amended by section 1102,  
11          is further amended by inserting after the item relating to  
12          section 245C the following:

          “Sec. 245D. The Dream Act.”.

13          **SEC. 1104. THE AMERICAN PROMISE ACT.**

14          (a) ADJUSTMENT OF STATUS FOR CERTAIN NATION-  
15          ALS OF CERTAIN COUNTRIES DESIGNATED FOR TEM-  
16          PORARY PROTECTED STATUS OR DEFERRED ENFORCED  
17          DEPARTURE.—Chapter 5 of title II of the Immigration  
18          and Nationality Act (8 U.S.C. 1255 et seq.), as amended  
19          by section 1103, is further amended by inserting after sec-  
20          tion 245D the following:

1 **“SEC. 245E. ADJUSTMENT OF STATUS FOR CERTAIN NA-**  
2 **TIONALS OF CERTAIN COUNTRIES DES-**  
3 **IGNATED FOR TEMPORARY PROTECTED STA-**  
4 **TUS OR DEFERRED ENFORCED DEPARTURE.**

5 “(a) REQUIREMENTS.—Notwithstanding any other  
6 provision of law, the Secretary may grant lawful perma-  
7 nent resident status to a noncitizen if the noncitizen—

8 “(1) satisfies the eligibility requirements set  
9 forth in section 245G(b), including all criminal and  
10 national security background checks and the pay-  
11 ment of all applicable fees;

12 “(2) submits an application pursuant to the  
13 procedures under section 245G(b)(1);

14 “(3) subject to section 245G(b)(3)(B)(ii), has  
15 been continuously physically present in the United  
16 States since January 1, 2017; and

17 “(4)(A) is a national of a foreign state (or a  
18 part thereof), or in the case of a noncitizen having  
19 no nationality, is a person who last habitually re-  
20 sided in such foreign state, with a designation under  
21 section 244(b) on January 1, 2017, who had or was  
22 otherwise eligible for temporary protected status on  
23 such date notwithstanding subsections (c)(1)(A)(iv)  
24 and (c)(3)(C) of that section; or

25 “(B) was eligible for deferred enforced depart-  
26 ture as of January 1, 2017.



1           “(b) SPOUSES AND CHILDREN.—The requirements of  
2 paragraphs (2) through (4) of subsection (a) shall not  
3 apply to a noncitizen who is the spouse or child of a non-  
4 citizen who satisfies all the requirements of subsection  
5 (a).”.

6           (b) CLARIFICATION OF INSPECTION AND ADMISSION  
7 UNDER TEMPORARY PROTECTED STATUS.—The Immi-  
8 gration and Nationality Act (8 U.S.C. 1101 et seq.) is  
9 amended—

10           (1) in section 244(f)(4) (8 U.S.C. 1254a(f)(4)),  
11           by inserting “as having been inspected and admitted  
12           to the United States” after “considered”; and

13           (2) in section 245(c) (8 U.S.C. 1255(c)), in the  
14           matter preceding paragraph (1), by inserting “or a  
15           noncitizen granted temporary protected status under  
16           section 244” after “self-petitioner”.

17           (c) TECHNICAL AND CONFORMING AMENDMENT.—  
18 The table of contents for the Immigration and Nationality  
19 Act (8 U.S.C. 1101 et seq.), as amended by section 1103,  
20 is further amended by inserting after the item relating to  
21 section 245D the following:

“Sec. 245E. Adjustment of status for certain nationals of certain countries des-  
ignated for temporary protected status or deferred enforced de-  
parture.”.

1 **SEC. 1105. THE AGRICULTURAL WORKERS ADJUSTMENT**  
2 **ACT.**

3 (a) IN GENERAL.—Chapter 5 of title II of the Immi-  
4 gration and Nationality Act (8 U.S.C. 1255 et seq.), as  
5 amended by section 1104, is further amended by inserting  
6 after section 245E the following:

7 **“SEC. 245F. ADJUSTMENT OF STATUS FOR AGRICULTURAL**  
8 **WORKERS.**

9 “(a) REQUIREMENTS.—Notwithstanding any other  
10 provision of law, the Secretary may grant lawful perma-  
11 nent resident status to a noncitizen if—

12 “(1) the noncitizen satisfies the eligibility re-  
13 quirements set forth in section 245G(b), including  
14 all criminal and national security background checks  
15 and the payment of all applicable fees; and

16 “(2) submits an application pursuant to the  
17 procedures under section 245G(b)(1); and

18 “(3) the Secretary determines that, during the  
19 5-year period immediately preceding the date on  
20 which the noncitizen submits an application under  
21 this section, the noncitizen performed agricultural  
22 labor or services for at least 2,300 hours or 400  
23 work days.

24 “(b) SPOUSES AND CHILDREN.—The requirements of  
25 paragraph (3) of subsection (a) shall not apply to a noncit-

1 izen who is the spouse or child of a noncitizen who satisfies  
 2 all the requirements of that subsection.

3 “(c) AGRICULTURAL LABOR OR SERVICES DE-  
 4 FINED.—In this section, the term ‘agricultural labor or  
 5 services’ means—

6 “(1) agricultural labor or services (within the  
 7 meaning of the term in section 101(a)(15)(H)(ii)),  
 8 without regard to whether the labor or services are  
 9 of a seasonal or temporary nature; and

10 “(2) agricultural employment (as defined in sec-  
 11 tion 3 of the Migrant and Seasonal Agricultural  
 12 Worker Protection Act (29 U.S.C. 1802)), without  
 13 regard to whether the specific service or activity is  
 14 temporary or seasonal.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 16 The table of contents for the Immigration and Nationality  
 17 Act (8 U.S.C. 1101 et seq.), as amended by section 1104,  
 18 is further amended by inserting after the item relating to  
 19 section 245E the following:

“Sec. 245F. Adjustment of status for agricultural workers.”.

20 **SEC. 1106. GENERAL PROVISIONS RELATING TO ADJUST-**  
 21 **MENT OF STATUS.**

22 (a) IN GENERAL.—Chapter 5 of title II of the Immi-  
 23 gration and Nationality Act (8 U.S.C. 1255 et seq.), as  
 24 amended by section 1105, is further amended by inserting  
 25 after section 245E the following:

1 **“SEC. 245G. GENERAL PROVISIONS RELATING TO ADJUST-**  
2 **MENT OF STATUS.**

3 “(a) **APPLICABILITY.**—Unless otherwise specified,  
4 the provisions of this section shall apply to sections 245B,  
5 245C, 245D, 245E, and 245F.

6 “(b) **COMMON ELIGIBILITY REQUIREMENTS FOR AP-**  
7 **PLICATIONS UNDER SECTIONS 245B, 245C, 245D, 245E,**  
8 **AND 245F.**—Unless otherwise specified, a noncitizen ap-  
9 plying for status under section 245B, 245C, 245D, 245E,  
10 or 245F shall satisfy the following requirements:

11 “(1) **SUBMITTAL OF APPLICATION.**—The non-  
12 citizen shall submit a completed application to the  
13 Secretary at such time, in such manner, and con-  
14 taining such information as the Secretary shall re-  
15 quire.

16 “(2) **PAYMENT OF FEES.**—

17 “(A) **IN GENERAL.**—A noncitizen who is  
18 18 years of age or older shall pay to the De-  
19 partment of Homeland Security a processing  
20 fee in an amount determined by the Secretary.

21 “(B) **RECOVERY OF COSTS.**—The proc-  
22 essing fee referred to in subparagraph (A) shall  
23 be set at a level sufficient to recover the cost  
24 of processing the application.

25 “(C) **AUTHORITY TO LIMIT FEES.**—The  
26 Secretary may—

1 “(i) limit the maximum processing fee  
2 payable under this paragraph by a family;  
3 and

4 “(ii) for good cause, exempt individual  
5 applicants or defined classes of applicants  
6 from the requirement to pay fees under  
7 this paragraph.

8 “(D) DEPOSIT.—Fees collected under this  
9 paragraph shall be deposited into the Immigra-  
10 tion Examinations Fee Account pursuant to  
11 section 286(m).

12 “(3) PHYSICAL PRESENCE.—

13 “(A) DATE OF SUBMITTAL OF APPLICA-  
14 TION.—The noncitizen shall be physically  
15 present in the United States on the date on  
16 which the application is submitted.

17 “(B) CONTINUOUS PHYSICAL PRESENCE.—

18 “(i) IN GENERAL.—Except as pro-  
19 vided in clause (ii), the noncitizen shall  
20 have been continuously physically present  
21 in the United States beginning on January  
22 1, 2021, and ending on the date on which  
23 the application is approved.

24 “(ii) EXCEPTIONS.—

1           “(I) AUTHORIZED ABSENCE.—A  
2 noncitizen who departed temporarily  
3 from the United States shall not be  
4 considered to have failed to maintain  
5 continuous physical presence in the  
6 United States during any period of  
7 travel that was authorized by the Sec-  
8 retary.

9           “(II) BRIEF, CASUAL, AND INNO-  
10 CENT ABSENCES.—

11           “(aa) IN GENERAL.—A non-  
12 citizen who departed temporarily  
13 from the United States shall not  
14 be considered to have failed to  
15 maintain continuous physical  
16 presence in the United States if  
17 the noncitizen’s absences from  
18 the United States are brief, cas-  
19 ual, and innocent, whether or not  
20 such absences were authorized by  
21 the Secretary.

22           “(bb) ABSENCES MORE  
23 THAN 180 DAYS.—For purposes  
24 of this clause, an absence of more  
25 than 180 days, in the aggregate,

1 during a calendar year shall not  
2 be considered brief, unless the  
3 Secretary finds that the length of  
4 the absence was due to cir-  
5 cumstances beyond the nonciti-  
6 zen’s control, including the seri-  
7 ous illness of the noncitizen,  
8 death or serious illness of a  
9 spouse, parent, grandparent,  
10 grandchild, sibling, son, or  
11 daughter of the noncitizen, or  
12 due to international travel re-  
13 strictions.

14 “(iii) EFFECT OF NOTICE TO AP-  
15 PEAR.—Issuance of a notice to appear  
16 under section 239(a) shall not be consid-  
17 ered to interrupt the continuity of a non-  
18 citizen’s continuous physical presence in  
19 the United States.

20 “(4) WAIVER FOR NONCITIZENS PREVIOUSLY  
21 REMOVED.—

22 “(A) IN GENERAL.—With respect to a non-  
23 citizen who was removed from or who departed  
24 the United States on or after January 20,  
25 2017, and who was continuously physically

1 present in the United States for not fewer than  
2 3 years immediately preceding the date on  
3 which the noncitizen was removed or departed,  
4 the Secretary may waive, for humanitarian pur-  
5 poses, to ensure family unity, or if such a waiv-  
6 er is otherwise in the public interest, the appli-  
7 cation of—

8 “(i) paragraph (3)(A); and

9 “(ii) in the case of an applicant for  
10 lawful prospective immigrant status under  
11 section 245B, if the applicant has not re-  
12 entered the United States unlawfully after  
13 January 1, 2021, subsection (c)(3).

14 “(B) APPLICATION PROCEDURE.—The  
15 Secretary, in consultation with the Secretary of  
16 State, shall establish a procedure by which a  
17 noncitizen, while outside the United States,  
18 may apply for status under section 245B,  
19 245C, 245D, 245E, or 245F, as applicable, if  
20 the noncitizen would have been eligible for such  
21 status but for the noncitizen’s removal or de-  
22 parture.

23 “(c) GROUNDS FOR INELIGIBILITY.—

24 “(1) CERTAIN GROUNDS OF INADMIS-  
25 SIBILITY.—



1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), a noncitizen shall be ineligible for  
3 status under sections 245B, 245C, 245D,  
4 245E, and 245F if the noncitizen—

5           “(i) is inadmissible under paragraph  
6 (2), (3), (6)(E), (8), (10)(C), or (10)(E) of  
7 section 212(a);

8           “(ii) has been convicted of a felony of-  
9 fense (excluding any offense under State  
10 law for which an essential element in the  
11 noncitizen’s immigration status); or

12           “(iii) has been convicted of 3 or more  
13 misdemeanor offenses (excluding simple  
14 possession of cannabis or cannabis-related  
15 paraphernalia, any offense involving can-  
16 nabis or cannabis-related paraphernalia  
17 that is no longer prosecutable in the State  
18 in which the conviction was entered, any  
19 offense under State law for which an es-  
20 sential element is the noncitizen’s immigra-  
21 tion status, any offense involving civil dis-  
22 obedience without violence, and any minor  
23 traffic offense) not occurring on the same  
24 date, and not arising out of the same act,  
25 omission, or scheme of misconduct.

1 “(B) WAIVERS.—

2 “(i) IN GENERAL.—For purposes of  
3 subparagraph (A), the Secretary may, for  
4 humanitarian purposes, family unity, or if  
5 otherwise in the public interest—

6 “(I) waive inadmissibility  
7 under—

8 “(aa) subparagraphs (A),  
9 (C), and (D) of section  
10 212(a)(2); and

11 “(bb) paragraphs (6)(E),  
12 (8), (10)(C), and (10)(E) of such  
13 section;

14 “(II) waive ineligibility under  
15 subparagraph (A)(ii) (excluding of-  
16 fenses described in section  
17 101(a)(43)(A)) or inadmissibility  
18 under subparagraph (B) of section  
19 212(a)(2) if the noncitizen has not  
20 been convicted of any offense during  
21 the 10-year period preceding the date  
22 on which the noncitizen applies for  
23 status under section 245B, 245C,  
24 245D, 245E, or 245F, as applicable;  
25 and

1 “(III) for purposes of subpara-  
2 graph (A)(iii), waive consideration  
3 of—

4 “(aa) 1 misdemeanor offense  
5 if, during the 5-year period pre-  
6 ceding the date on which the  
7 noncitizen applies for status  
8 under section 245B, 245C,  
9 245D, 245E, or 245F, as appli-  
10 cable, the noncitizen has not been  
11 convicted of any offense; or

12 “(bb) 2 misdemeanor of-  
13 fenses if, during the 10-year pe-  
14 riod preceding such date, the  
15 noncitizen has not been convicted  
16 of any offense.

17 “(ii) CONSIDERATIONS.—In making a  
18 determination under subparagraph (B),  
19 the Secretary of Homeland Security or the  
20 Attorney General shall consider all miti-  
21 gating and aggravating factors, includ-  
22 ing—

23 “(I) the severity of the under-  
24 lying circumstances, conduct, or viola-  
25 tion;

1 “(II) the duration of the nonciti-  
2 zen’s residence in the United States;

3 “(III) evidence of rehabilitation,  
4 if applicable; and

5 “(IV) the extent to which the  
6 noncitizen’s removal, or the denial of  
7 the noncitizen’s application, would ad-  
8 versely affect the noncitizen or the  
9 noncitizen’s United States citizen or  
10 lawful permanent resident family  
11 members.

12 “(2) NONCITIZENS IN CERTAIN IMMIGRATION  
13 STATUSES.—

14 “(A) IN GENERAL.—A noncitizen shall be  
15 ineligible for status under sections 245B, 245C,  
16 245D, 245E, and 245F if on January 1, 2021,  
17 the noncitizen was any of the following:

18 “(i) A lawful permanent resident.

19 “(ii) A noncitizen admitted as a ref-  
20 ugee under section 207 or granted asylum  
21 under section 208.

22 “(iii) A noncitizen who, according to  
23 the records of the Secretary or the Sec-  
24 retary of State, is in a period of authorized

1 stay in a nonimmigrant status described in  
2 section 101(a)(15)(A), other than—

3 “(I) a spouse or a child of a non-  
4 citizen eligible for status under section  
5 245B, 245C, 245D, 245E, or 245F;

6 “(II) a noncitizen considered to  
7 be in a nonimmigrant status solely by  
8 reason of section 702 of the Consoli-  
9 dated Natural Resources Act of 2008  
10 (Public Law 110–229; 122 Stat. 854)  
11 or section 244(f)(4) of this Act;

12 “(III) a nonimmigrant described  
13 in section 101(a)(15)(H)(ii)(a); and

14 “(IV) a noncitizen who has en-  
15 gaged in ‘essential critical infrastruc-  
16 ture labor or services’, as described in  
17 the ‘Advisory Memorandum on Identi-  
18 fication of Essential Critical Infra-  
19 structure Workers During COVID–19  
20 Response’ (as revised by the Depart-  
21 ment of Homeland Security) during  
22 the period described in subparagraph  
23 (B).

24 “(iv) A noncitizen paroled into the  
25 Commonwealth of the Northern Mariana

1 Islands or Guam who did not reside in the  
2 Commonwealth or Guam on November 28,  
3 2009.

4 “(B) PERIOD DESCRIBED.—The period de-  
5 scribed in this subparagraph is the period  
6 that—

7 “(i) begins on the first day of the  
8 public health emergency declared by the  
9 Secretary of Health and Human Services  
10 under section 319 of the Public Health  
11 Service Act (42 U.S.C. 247d) with respect  
12 to COVID–19; and

13 “(ii) ends on the date that is 90 days  
14 after the date on which such public health  
15 emergency terminates.

16 “(3) CERTAIN NONCITIZENS OUTSIDE THE  
17 UNITED STATES AND UNLAWFUL REENTRANTS.—A  
18 noncitizen shall be ineligible for status under sec-  
19 tions 245B, 245C, 245D, 245E, and 245F if the  
20 noncitizen—

21 “(A) departed the United States while sub-  
22 ject to an order of exclusion, deportation, re-  
23 moval, or voluntary departure; and

24 “(B)(i) was outside the United States on  
25 January 1, 2021; or

1                   “(ii) reentered the United States unlaw-  
2                   fully after January 1, 2021.

3                   “(d) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC  
4 DATA; BACKGROUND CHECKS.—

5                   “(1) IN GENERAL.—The Secretary may not  
6                   grant a noncitizen status under section 245B, 245C,  
7                   245D, 245E, or 245F unless the noncitizen submits  
8                   biometric and biographic data, in accordance with  
9                   procedures established by the Secretary.

10                   “(2) ALTERNATIVE PROCEDURE.—The Sec-  
11                   retary shall provide an alternative procedure for  
12                   noncitizens who are unable to provide such biometric  
13                   or biographic data due to a physical impairment.

14                   “(3) BACKGROUND CHECKS.—

15                   “(A) IN GENERAL.—The Secretary shall  
16                   use biometric and biographic data—

17                   “(i) to conduct security and law en-  
18                   forcement background checks; and

19                   “(ii) to determine whether there is  
20                   any criminal, national security, or other  
21                   factor that would render the noncitizen in-  
22                   eligible for status under section 245B,  
23                   245C, 245D, 245E, or 245F, as applica-  
24                   ble.

1           “(B) COMPLETION REQUIRED.—A noncit-  
2           izen may not be granted status under section  
3           245B, 245C, 245D, 245E, or 245F unless se-  
4           curity and law enforcement background checks  
5           are completed to the satisfaction of the Sec-  
6           retary.

7           “(e) ELIGIBILITY FOR OTHER STATUSES.—

8           “(1) IN GENERAL.—A noncitizen’s eligibility for  
9           status under section 245B, 245C, 245D, 245E, or  
10          245F shall not preclude the noncitizen from seeking  
11          any status under any other provision of law for  
12          which the noncitizen may otherwise be eligible.

13          “(2) INAPPLICABILITY OF OTHER PROVI-  
14          SIONS.—Section 208(d)(6) shall not apply to any  
15          noncitizen who submits an application under section  
16          245B, 245C, 245D, 245E, or 245F.

17          “(f) EXEMPTION FROM NUMERICAL LIMITATION.—

18          Nothing in this section or section 245B, 245C, 245D,  
19          245E, or 245F or in any other law may be construed—

20                 “(1) to limit the number of noncitizens who  
21                 may be granted status under sections 245B, 245C,  
22                 245D, 245E, and 245F; or

23                 “(2) to count against any other numerical limi-  
24                 tation under this Act.

25          “(g) PROCEDURES.—



1           “(1) OPPORTUNITY TO APPLY AND LIMITATION  
2           ON REMOVAL.—A noncitizen who appears to be  
3           prima facie eligible for status under section 245B,  
4           245C, 245D, 245E, or 245F shall be given a reason-  
5           able opportunity to apply for such adjustment of sta-  
6           tus and, if the noncitizen applies within a reasonable  
7           period, the noncitizen shall not be removed before—

8                   “(A) the Secretary has issued a final deci-  
9                   sion denying relief;

10                   “(B) a final order of removal has been  
11                   issued; and

12                   “(C) the decision of the Secretary is  
13                   upheld by a court, or the time for initiating ju-  
14                   dicial review under section 242 has expired, un-  
15                   less the order of removal is based on criminal  
16                   or national security grounds, in which case re-  
17                   moval does not affect the noncitizen’s right to  
18                   judicial review.

19           “(2) SPOUSES AND CHILDREN.—

20                   “(A) FAMILY APPLICATION.—The Sec-  
21                   retary shall establish a process by which a prin-  
22                   cipal applicant and his or her spouse and chil-  
23                   dren may file a single combined application  
24                   under section 245B, 245C, 245D, 245E, or  
25                   245F, including a petition to classify the spouse

1 and children as the spouse and children of the  
2 principal applicant.

3 “(B) EFFECT OF TERMINATION OF LEGAL  
4 RELATIONSHIP OR DOMESTIC VIOLENCE.—If  
5 the spousal or parental relationship between a  
6 noncitizen granted lawful prospective immigrant  
7 status or lawful permanent resident status  
8 under section 245B, 245C, 245D, 245E, or  
9 245F and the noncitizen’s spouse or child is  
10 terminated by death, divorce, or annulment, or  
11 the spouse or child has been battered or sub-  
12 jected to extreme cruelty by the noncitizen (re-  
13 gardless of whether the legal relationship termi-  
14 nates), the spouse or child may apply independ-  
15 ently for lawful prospective immigrant status or  
16 lawful permanent resident status if he or she is  
17 otherwise eligible.

18 “(C) EFFECT OF DENIAL OF APPLICATION  
19 OR REVOCATION OF STATUS.—If the application  
20 of a noncitizen for status under section 245B,  
21 245C, 245D, 245E, or 245F is denied, or his  
22 or her status is revoked, the spouse or child of  
23 such noncitizen shall remain eligible to apply  
24 independently for status under the applicable  
25 section.

1 “(3) ADJUDICATION.—

2 “(A) IN GENERAL.—The Secretary shall  
3 evaluate each application submitted under sec-  
4 tion 245B, 245C, 245D, 245E, or 245F to de-  
5 termine whether the applicant meets the appli-  
6 cable requirements.

7 “(B) ADJUSTMENT OF STATUS IF FAVOR-  
8 ABLE DETERMINATION.—If the Secretary deter-  
9 mines that a noncitizen meets the requirements  
10 of section 245B, 245C, 245D, 245E, or 245F,  
11 as applicable, the Secretary shall—

12 “(i) notify the noncitizen of such de-  
13 termination; and

14 “(ii) adjust the status of the noncit-  
15 izen to that of lawful prospective immi-  
16 grant or lawful permanent resident, as ap-  
17 plicable, effective as of the date of such de-  
18 termination.

19 “(C) DOCUMENTARY EVIDENCE OF STA-  
20 TUS.—

21 “(i) IN GENERAL.—The Secretary  
22 shall issue documentary evidence of lawful  
23 prospective immigrant status or lawful per-  
24 manent resident status, as applicable, to

1 each noncitizen whose application for such  
2 status has been approved.

3 “(ii) ELEMENTS.—Documentary evi-  
4 dence issued under clause (i) shall—

5 “(I) be machine-readable and  
6 tamper-resistant;

7 “(II) contain a digitized photo-  
8 graph of the noncitizen;

9 “(III) during the noncitizen’s au-  
10 thORIZED period of admission, serve as  
11 a valid travel and entry document;  
12 and

13 “(IV) include such other features  
14 and information as the Secretary may  
15 prescribe.

16 “(iii) EMPLOYMENT AUTHORIZA-  
17 TION.—Documentary evidence issued  
18 under clause (i) shall be accepted during  
19 the period of its validity by an employer as  
20 evidence of employment authorization and  
21 identity under section 274A(b)(1)(B); and

22 “(D) ADVERSE DETERMINATION.—If the  
23 Secretary determines that the noncitizen does  
24 not meet the requirements for the status for  
25 which the noncitizen applied, the Secretary

1 shall notify the noncitizen of such determina-  
2 tion.

3 “(E) WITHDRAWAL OF APPLICATION.—

4 “(i) IN GENERAL.—On receipt of a re-  
5 quest to withdraw an application under  
6 section 245B, 245C, 245D, 245E, or  
7 245F, the Secretary shall cease processing  
8 of the application and close the case.

9 “(ii) EFFECT OF WITHDRAWAL.—

10 Withdrawal of such an application shall  
11 not prejudice any future application filed  
12 by the applicant for any immigration ben-  
13 efit under this Act.

14 “(F) DOCUMENT REQUIREMENTS.—

15 “(i) ESTABLISHING IDENTITY.—A  
16 noncitizen’s application for status under  
17 section 245B, 245C, 245D, 245E, or 245F  
18 may include, as evidence of identity, the  
19 following:

20 “(I) A passport or national iden-  
21 tity document from the noncitizen’s  
22 country of origin that includes the  
23 noncitizen’s name and the noncitizen’s  
24 photograph or fingerprint.

1           “(II) The noncitizen’s birth cer-  
2           tificate and an identity card that in-  
3           cludes the noncitizen’s name and pho-  
4           tograph.

5           “(III) A school identification  
6           card that includes the noncitizen’s  
7           name and photograph, and school  
8           records showing the noncitizen’s name  
9           and that the noncitizen is or was en-  
10          rolled at the school.

11          “(IV) A uniformed services iden-  
12          tification card issued by the Depart-  
13          ment of Defense.

14          “(V) Any immigration or other  
15          document issued by the United States  
16          Government bearing the noncitizen’s  
17          name and photograph.

18          “(VI) A State-issued identifica-  
19          tion card bearing the noncitizen’s  
20          name and photograph.

21          “(VII) Any other evidence that  
22          the Secretary determines to be cred-  
23          ible.

24          “(ii) DOCUMENTS ESTABLISHING CON-  
25          TINUOUS PHYSICAL PRESENCE.—Evidence

1 that the noncitizen has been continuously  
2 physically present in the United States  
3 may include the following:

4 “(I) Passport entries, including  
5 admission stamps on the noncitizen’s  
6 passport.

7 “(II) Any document from the De-  
8 partment of Justice or the Depart-  
9 ment of Homeland Security noting the  
10 noncitizen’s date of entry into the  
11 United States.

12 “(III) Records from any edu-  
13 cational institution the noncitizen has  
14 attended in the United States.

15 “(IV) Employment records of the  
16 noncitizen that include the employer’s  
17 name and contact information.

18 “(V) Records of service from the  
19 uniformed services.

20 “(VI) Official records from a reli-  
21 gious entity confirming the nonciti-  
22 zen’s participation in a religious cere-  
23 mony.

1           “(VII) A birth certificate for a  
2 child who was born in the United  
3 States.

4           “(VIII) Hospital or medical  
5 records showing medical treatment or  
6 hospitalization, the name of the med-  
7 ical facility or physician, and the date  
8 of the treatment or hospitalization.

9           “(IX) Automobile license receipts  
10 or registration.

11           “(X) Deeds, mortgages, or rental  
12 agreement contracts.

13           “(XI) Rent receipts or utility  
14 bills bearing the noncitizen’s name or  
15 the name of an immediate family  
16 member of the noncitizen, and the  
17 noncitizen’s address.

18           “(XII) Tax receipts.

19           “(XIII) Insurance policies.

20           “(XIV) Remittance records, in-  
21 cluding copies of money order receipts  
22 sent in or out of the country.

23           “(XV) Travel records, including  
24 online or hardcopy airplane, bus and



1 train tickets, itineraries, and hotel or  
2 hostel receipts.

3 “(XVI) Dated bank transactions.

4 “(XVII) Sworn affidavits from at  
5 least two individuals who are not re-  
6 lated to the noncitizen who have di-  
7 rect knowledge of the noncitizen’s con-  
8 tinuous physical presence in the  
9 United States, that contain—

10 “(aa) the name, address,  
11 and telephone number of the affi-  
12 ant; and

13 “(bb) the nature and dura-  
14 tion of the relationship between  
15 the affiant and the noncitizen.

16 “(XVIII) Any other evidence de-  
17 termined to be credible.

18 “(iii) DOCUMENTS ESTABLISHING EX-  
19 EMPTION FROM APPLICATION FEES.—The  
20 Secretary shall set forth, by regulation, the  
21 documents that may be used as evidence  
22 that a noncitizen’s application for status  
23 under section 245B, 245C, 245D, 245E,  
24 or 245F is exempt from an application fee  
25 under subsection (b)(2).

1           “(iv) AUTHORITY TO PROHIBIT USE  
2 OF CERTAIN DOCUMENTS.—If the Sec-  
3 retary determines, after publication in the  
4 Federal Register and an opportunity for  
5 public comment, that any document or  
6 class of documents does not reliably estab-  
7 lish identity, or that any document or class  
8 of documents is frequently being used to  
9 obtain relief under this section and is being  
10 obtained fraudulently to an unacceptable  
11 degree, the Secretary may prohibit or re-  
12 strict the use of such document or class of  
13 documents.

14           “(G) SUFFICIENCY OF THE EVIDENCE.—

15           “(i) FAILURE TO SUBMIT SUFFICIENT  
16 EVIDENCE.—The Secretary may deny an  
17 application under section 245B, 245C,  
18 245D, 245E, or 245F submitted by a non-  
19 citizen who fails to submit requested initial  
20 evidence, including requested biometric  
21 data, or any requested additional evidence,  
22 by the date required by the Secretary.

23           “(ii) AMENDED APPLICATION.—A  
24 noncitizen whose application is denied  
25 under clause (i) may, without an additional

1 fee, submit to the Secretary an amended  
2 application or supplement the existing ap-  
3 plication if the amended or supplemented  
4 application contains the required informa-  
5 tion and any fee that was missing from the  
6 initial application.

7 “(iii) FULFILLMENT OF ELIGIBILITY  
8 REQUIREMENTS.—Except as provided in  
9 clause (i), an application—

10 “(I) may not be denied for fail-  
11 ure to submit particular evidence; and

12 “(II) may only be denied on evi-  
13 dentiary grounds if the evidence sub-  
14 mitted is not credible or otherwise  
15 fails to establish eligibility.

16 “(iv) AUTHORITY TO DETERMINE  
17 PROBITY OF EVIDENCE.—The Secretary  
18 may determine—

19 “(I) whether evidence is credible;

20 and

21 “(II) the weight to be given the  
22 evidence.

23 “(4) REVOCATION.—

24 “(A) IN GENERAL.—If the Secretary deter-  
25 mines that a noncitizen fraudulently obtained

1 status under section 245B, 245C, 245D, 245E,  
2 or 245F, the Secretary may revoke such status  
3 at any time after—

4 “(i) providing appropriate notice to  
5 the noncitizen;

6 “(ii) providing the noncitizen an op-  
7 portunity to respond; and

8 “(iii) the exhaustion or waiver of all  
9 applicable administrative review procedures  
10 under paragraph (6).

11 “(B) ADDITIONAL EVIDENCE.—In deter-  
12 mining whether to revoke a noncitizen’s status  
13 under subparagraph (A), the Secretary may re-  
14 quire the noncitizen—

15 “(i) to submit additional evidence; or

16 “(ii) to appear for an interview.

17 “(C) INVALIDATION OF DOCUMENTA-  
18 TION.—If a noncitizen’s status is revoked under  
19 subparagraph (A), any documentation issued by  
20 the Secretary to the noncitizen under paragraph  
21 (3)(C) shall automatically be rendered invalid  
22 for any purpose except for departure from the  
23 United States.

24 “(5) ADMINISTRATIVE REVIEW.—

1           “(A) EXCLUSIVE ADMINISTRATIVE RE-  
2 VIEW.—Administrative review of a determina-  
3 tion with respect to an application for status  
4 under section 245B, 245C, 245D, 245E, or  
5 245F shall be conducted solely in accordance  
6 with this paragraph.

7           “(B) ADMINISTRATIVE APPELLATE RE-  
8 VIEW.—

9           “(i) ESTABLISHMENT OF ADMINIS-  
10 TRATIVE APPELLATE AUTHORITY.—The  
11 Secretary shall establish or designate an  
12 appellate authority to provide for a single  
13 level of administrative appellate review of  
14 denials of applications or petitions sub-  
15 mitted, and revocations of status, under  
16 sections 245B, 245C, 245D, 245E, and  
17 245F.

18           “(ii) SINGLE APPEAL FOR EACH AD-  
19 MINISTRATIVE DECISION.—A noncitizen in  
20 the United States whose application for  
21 status under section 245B, 245C, 245D,  
22 245E, or 245F has been denied or whose  
23 status under any such section has been re-  
24 voked may submit to the Secretary not  
25 more than 1 appeal of each such decision.

1           “(iii) NOTICE OF APPEAL.—A notice  
2           of appeal under this paragraph shall be  
3           submitted not later than 90 days after the  
4           date of service of the denial or revocation,  
5           unless a delay beyond the 90-day period is  
6           reasonably justifiable.

7           “(iv) REVIEW BY SECRETARY.—Noth-  
8           ing in this paragraph may be construed to  
9           limit the authority of the Secretary to cer-  
10          tify appeals for review and final decision.

11          “(v) DENIAL OF PETITIONS FOR  
12          SPOUSES AND CHILDREN.—A decision to  
13          deny, or revoke approval of, a petition sub-  
14          mitted by a noncitizen to classify a spouse  
15          or child of the noncitizen as the spouse or  
16          child of a noncitizen for purposes of sec-  
17          tion 245B, 245C, 245D, 245E, or 245F  
18          may be appealed under this paragraph.

19          “(C) STAY OF REMOVAL.—Noncitizens  
20          seeking administrative review of a denial, or  
21          revocation of approval, of an application for sta-  
22          tus under section 245B, 245C, 245D, 245E, or  
23          245F shall not be removed from the United  
24          States before a final decision is rendered estab-  
25          lishing ineligibility for such status.

1           “(D) RECORD FOR REVIEW.—Administra-  
2           tive appellate review under this paragraph shall  
3           be de novo and based solely upon—

4                   “(i) the administrative record estab-  
5                   lished at the time of the determination on  
6                   the application; and

7                   “(ii) any additional newly discovered  
8                   or previously unavailable evidence.

9           “(6) JUDICIAL REVIEW.—Judicial review of de-  
10           cisions denying, or revoking approval of, applications  
11           or petitions under sections 245B, 245C, 245D,  
12           245E, and 245F shall be governed by section 242.

13           “(7) EFFECTS WHILE APPLICATIONS ARE  
14           PENDING.—During the period beginning on the date  
15           on which a noncitizen applies for status under sec-  
16           tion 245B, 245C, 245D, 245E, or 245F and ending  
17           on the date on which the Secretary makes a final de-  
18           cision on such application—

19                   “(A) notwithstanding section 212(d)(5)(A),  
20                   the Secretary shall have the discretion to grant  
21                   advance parole to the noncitizen;

22                   “(B) the noncitizen shall not be considered  
23                   an unauthorized noncitizen (as defined in sec-  
24                   tion 274A(h)(3)).

25           “(8) EMPLOYMENT.—

1           “(A) RECEIPT OF APPLICATION.—As soon  
2 as practicable after receiving an application for  
3 status under section 245B, 245C, 245D, 245E,  
4 or 245F, the Secretary shall provide the appli-  
5 cant with a document acknowledging receipt of  
6 such application.

7           “(B) EMPLOYMENT AUTHORIZATION.—A  
8 document issued under subparagraph (A)  
9 shall—

10                   “(i) serve as interim proof of the non-  
11 citizen’s authorization to accept employ-  
12 ment in the United States; and

13                   “(ii) be accepted by an employer as  
14 evidence of employment authorization  
15 under section 274A(b)(1)(C) pending a  
16 final decision on the application.

17           “(C) EMPLOYER PROTECTION.—An em-  
18 ployer who knows that a noncitizen employee is  
19 an applicant for status under section 245B,  
20 245C, 245D, 245E, or 245F or intends to  
21 apply for any such status, and who continues to  
22 employ the noncitizen pending a final decision  
23 on the noncitizen employee’s application, shall  
24 not be considered to be in violation of section



1           274A(a)(2) for hiring, employment, or contin-  
2           ued employment of the noncitizen.

3           “(9) INFORMATION PRIVACY.—

4                   “(A) IN GENERAL.—Except as provided in  
5           subparagraph (B), no officer or employee of the  
6           United States may—

7                           “(i) use the information provided by a  
8                           noncitizen pursuant to an application sub-  
9                           mitted under section 245B, 245C, 245D,  
10                          245E, or 245F to initiate removal pro-  
11                          ceedings against any person identified in  
12                          the application;

13                          “(ii) make any publication whereby  
14                          the information provided by any particular  
15                          individual pursuant to such an application  
16                          may be identified; or

17                          “(iii) permit any individual other than  
18                          an officer or employee of the Federal agen-  
19                          cy to which such an application is sub-  
20                          mitted to examine the application.

21                          “(B) REQUIRED DISCLOSURE.—Notwith-  
22           standing subparagraph (A), the Attorney Gen-  
23           eral or the Secretary shall provide the informa-  
24           tion provided in an application under section  
25           245B, 245C, 245D, 245E, or 245F, and any

1 other information derived from such informa-  
2 tion, to—

3 “(i) a duly recognized law enforce-  
4 ment entity in connection with an inves-  
5 tigation or prosecution of an offense de-  
6 scribed in paragraph (2) or (3) of section  
7 212(a), if such information is requested in  
8 writing by such entity; or

9 “(ii) an official coroner for purposes  
10 of affirmatively identifying a deceased indi-  
11 vidual (whether or not such individual is  
12 deceased as a result of a crime).

13 “(C) PENALTY.—Whoever knowingly uses,  
14 publishes, or permits information to be exam-  
15 ined in violation of this section shall be fined  
16 not more than \$50,000.

17 “(D) SAFEGUARDS.—The Secretary shall  
18 require appropriate administrative and physical  
19 safeguards to protect against disclosure and  
20 uses of information that violate this paragraph.

21 “(E) ANNUAL ASSESSMENT.—Not less fre-  
22 quently than annually, the Secretary shall con-  
23 duct an assessment that, for the preceding cal-  
24 endar year—

1                   “(i) analyzes the effectiveness of the  
2                   safeguards under subparagraph (D);

3                   “(ii) determines the number of au-  
4                   thorized disclosures made; and

5                   “(iii) determines the number of disclo-  
6                   sures prohibited by subparagraph (A)  
7                   made.

8                   “(10) LANGUAGE ASSISTANCE.—The Secretary,  
9                   in consultation with the Attorney General, shall  
10                  make available forms and accompanying instructions  
11                  in the most common languages spoken in the United  
12                  States, as determined by the Secretary.

13                  “(11) REASONABLE ACCOMMODATIONS.—The  
14                  Secretary shall develop a plan for providing reason-  
15                  able accommodation, consistent with applicable law,  
16                  to applicants for status under sections 245B, 245C,  
17                  245D, 245E, and 245F with disabilities (as defined  
18                  in section 3(1) of the Americans with Disabilities  
19                  Act of 1990 (42 U.S.C. 12102(1))).

20                  “(h) DEFINITIONS.—In this section and sections  
21                  245B, 245C, 245D, 245E, and 245F:

22                  “(1) FINAL DECISION.—The term ‘final deci-  
23                  sion’ means a decision or an order issued by the Sec-  
24                  retary under this section after the period for re-  
25                  questing administrative review under subsection

1 (g)(5) has expired or the challenged decision was af-  
2 firmed after such administrative review.

3 “(2) SECRETARY.—The term ‘Secretary’ means  
4 the Secretary of Homeland Security.

5 “(3) UNIFORMED SERVICES.—The term ‘uni-  
6 formed services’ has the meaning given the term in  
7 section 101(a) of title 10, United States Code.”.

8 (b) RULEMAKING.—

9 (1) RULES IMPLEMENTING SECTIONS 245B,  
10 245D, 245E, 245F, AND 245G.—

11 (A) IN GENERAL.—Not later than 1 year  
12 after the date of the enactment of this Act, the  
13 Secretary shall issue interim final rules, pub-  
14 lished in the Federal Register, implementing  
15 sections 245B, 245D, 245E, 245F, and 245G  
16 of the Immigration and Nationality Act, as  
17 added by this subtitle.

18 (B) EFFECTIVE DATE.—Notwithstanding  
19 section 553 of title 5, United States Code, the  
20 rules issued under this paragraph shall be effec-  
21 tive, on an interim basis, immediately upon  
22 publication, but may be subject to change and  
23 revision after public notice and opportunity for  
24 a period of public comment.

1           (C) FINAL RULES.—Not later than 180  
2           days after the date of publication under sub-  
3           paragraph (B), the Secretary shall finalize the  
4           interim rules.

5           (2) RULES IMPLEMENTING SECTION 245C.—Not  
6           later than 180 days after the date of the enactment  
7           of this Act, the Secretary shall issue a final rule im-  
8           plementing section 245C of the Immigration and  
9           Nationality Act, as added by this subtitle.

10          (3) REQUIREMENT.—The rules issued under  
11          this subsection shall prescribe the evidence required  
12          to demonstrate eligibility for status under sections  
13          245B, 245C, 245D, 245E, and 245F of the Immi-  
14          gration and Nationality Act, as added by this sub-  
15          title, or otherwise required to apply for status under  
16          such sections.

17          (c) PAPERWORK REDUCTION ACT.—The require-  
18          ments under chapter 35 of title 44, United States Code  
19          (commonly known as the “Paperwork Reduction Act”),  
20          shall not apply to any action to implement this title.

21          (d) TECHNICAL AND CONFORMING AMENDMENT.—  
22          The table of contents for the Immigration and Nationality  
23          Act (8 U.S.C. 1101 et seq.), as amended by section 1105,  
24          is further amended by inserting after the item relating to  
25          section 245F the following:

“Sec. 245G. General provisions relating to adjustment of status.”.

## 1           **Subtitle B—Other Reforms**

### 2   **SEC. 1201. V NONIMMIGRANT VISAS.**

3           (a)       NONIMMIGRANT       ELIGIBILITY.—Section  
4 101(a)(15)(V) of the Immigration and Nationality Act (8  
5 U.S.C. 1101(a)(15)(V)) is amended to read as follows:

6                   “(V) subject to section 214(q)(1), a noncit-  
7                   izen who is the beneficiary of an approved peti-  
8                   tion under section 203(a) or 245B.”.

9           (b) EMPLOYMENT AND PERIOD OF ADMISSION OF  
10 NONIMMIGRANTS       DESCRIBED       IN       SECTION  
11 101(a)(15)(V).—Section 214(q)(1) of the Immigration  
12 and Nationality Act (8 U.S.C. 1184(q)(1)) is amended to  
13 read as follows:

14           “(q) NONIMMIGRANTS       DESCRIBED       IN       SECTION  
15 101(a)(15)(V).—

16                   “(1) CERTAIN SONS AND DAUGHTERS.—

17                   “(A) EMPLOYMENT AUTHORIZATION.—The  
18                   Secretary shall—

19                           “(i) authorize a nonimmigrant admit-  
20                           ted pursuant to section 101(a)(15)(V) to  
21                           engage in employment in the United States  
22                           during the period of such nonimmigrant’s  
23                           authorized admission; and

24                           “(ii) provide the nonimmigrant with  
25                           an ‘employment authorized’ endorsement

1 or other appropriate document signifying  
2 authorization of employment.

3 “(B) TERMINATION OF ADMISSION.—The  
4 period of authorized admission for a non-  
5 immigrant admitted pursuant to section  
6 101(a)(15)(V) shall terminate 30 days after the  
7 date on which—

8 “(i) the nonimmigrant’s application  
9 for an immigrant visa pursuant to the ap-  
10 proval of a petition under section 203(a) is  
11 denied; or

12 “(ii) the nonimmigrant’s application  
13 for adjustment of status under section  
14 245, 245B, or 245C pursuant to the ap-  
15 proval of such a petition is denied.

16 “(C) PUBLIC BENEFITS.—

17 “(i) IN GENERAL.—A noncitizen who  
18 is lawfully present in the United States  
19 pursuant to section 101(a)(15)(V) is not  
20 eligible for any means-tested public bene-  
21 fits (as such term is defined and imple-  
22 mented in section 403 of the Personal Re-  
23 sponsibility and Work Opportunity Rec-  
24 onciliation Act of 1996 (8 U.S.C. 1613)).

1           “(ii) HEALTH CARE COVERAGE.—A  
2           noncitizen admitted under section  
3           101(a)(15)(V)—

4           “(iii) is not entitled to the premium  
5           assistance tax credit authorized under sec-  
6           tion 36B of the Internal Revenue Code of  
7           1986 for his or her health insurance cov-  
8           erage;

9           “(iv) shall be subject to the rules ap-  
10          plicable to individuals not lawfully present  
11          that are set forth in subsection (e) of such  
12          section;

13          “(v) shall be subject to the rules ap-  
14          plicable to individuals not lawfully present  
15          set forth in section 1402(e) of the Patient  
16          Protection and Affordable Care Act (42  
17          U.S.C. 18071(e)); and

18          “(vi) shall be subject to the rules ap-  
19          plicable to individuals not lawfully present  
20          set forth in section 5000A(d)(3) of the In-  
21          ternal Revenue Code of 1986.”.

22          (c) EFFECTIVE DATE.—The amendments made by  
23          this section shall take effect on the first day of the first  
24          fiscal year beginning after the date of the enactment of  
25          this Act.



1 **SEC. 1202. EXPUNGEMENT AND SENTENCING.**

2 (a) DEFINITION OF CONVICTION.—Section  
3 101(a)(48) of the Immigration and Nationality Act (8  
4 U.S.C. 1101(a)(48)) is amended to read as follows:

5 “(48)(A) The term ‘conviction’ means, with respect  
6 to a noncitizen, a formal judgment of guilt of the noncit-  
7 izen entered by a court.

8 “(B) The following may not be considered a convic-  
9 tion for purposes of this Act:

10 (i) An adjudication or judgment of guilt that  
11 has been dismissed, expunged, deferred, annulled, in-  
12 validated, withheld, or vacated.

13 (ii) Any adjudication in which the court has  
14 issued—

15 (I) a judicial recommendation against re-  
16 moval;

17 (II) an order of probation without entry  
18 of judgment; or

19 (III) any similar disposition.

20 (iii) A judgment that is on appeal or is within  
21 the time to file direct appeal.

22 (C)(i) Unless otherwise provided, with respect to an  
23 offense, any reference to a term of imprisonment or a sen-  
24 tence is considered to include only the period of incarcer-  
25 ation ordered by a court.

1 “(ii) Any such reference shall be considered to ex-  
2 clude any portion of a sentence of which the imposition  
3 or execution was suspended.”.

4 (b) JUDICIAL RECOMMENDATION AGAINST RE-  
5 MOVAL.—The grounds of inadmissibility and deportability  
6 under sections 212(a)(2) and 237(a)(2) of the Immigra-  
7 tion and Nationality Act (8 U.S.C. 1182(a)(2) and  
8 1227(a)(2)) shall not apply to a noncitizen with a criminal  
9 conviction if, not later than 180 days after the date on  
10 which the noncitizen is sentenced, and after having pro-  
11 vided notice and an opportunity to respond to representa-  
12 tives of the State concerned, the Secretary, and pros-  
13 ecuting authorities, the sentencing court issues a rec-  
14 ommendation to the Secretary that the noncitizen not be  
15 removed on the basis of the conviction.

16 **SEC. 1203. PETTY OFFENSES.**

17 Section 212(a)(2)(A)(ii) of the Immigration and Na-  
18 tionality Act (8 U.S.C. 1182(a)(2)(A)(ii)) is amended—

19 (1) in the matter preceding subclause (I), by  
20 striking “to a noncitizen who committed only one  
21 crime”;

22 (2) in subclause (I), by inserting “the noncit-  
23 izen committed only one crime,” before “the crime  
24 was committed when”; and

1           (3) by amending subclause (II) to read as fol-  
2       lows:

3                           “(II) the noncitizen committed  
4                           not more than 2 crimes, the maximum  
5                           penalty possible for each crime of  
6                           which the noncitizen was convicted (or  
7                           which the noncitizen admits having  
8                           committed or of which the acts that  
9                           the noncitizen admits having com-  
10                          mitted constituted the essential ele-  
11                          ments) did not exceed imprisonment  
12                          for 1 year and, if the noncitizen was  
13                          convicted of either crime, the noncit-  
14                          izen was not sentenced to terms of im-  
15                          prisonment with respective sentences  
16                          imposed in excess of 180 days (re-  
17                          gardless of the extent to which either  
18                          sentence was ultimately executed).”.

19 **SEC. 1204. RESTORING FAIRNESS TO ADJUDICATIONS.**

20       (a) **WAIVER OF GROUNDS OF INADMISSIBILITY.**—  
21 Section 212 of the Immigration and Nationality Act (8  
22 U.S.C. 1182) is amended by inserting after subsection (b)  
23 the following:

24       “(c) **HUMANITARIAN, FAMILY UNITY, AND PUBLIC**  
25 **INTEREST WAIVER.**—

1           “(1) IN GENERAL.—Notwithstanding any other  
2           provision of law, except section 245G(c)(1)(B), the  
3           Secretary of Homeland Security or the Attorney  
4           General may waive the operation of any 1 or more  
5           grounds of inadmissibility under this section (exclud-  
6           ing inadmissibility under subsection (a)(3)) for any  
7           purpose, including eligibility for relief from re-  
8           moval—

9                   “(A) for humanitarian purposes;

10                   “(B) to ensure family unity; or

11                   “(C) if a waiver is otherwise in the public  
12           interest.

13           “(2) CONSIDERATIONS.—In making a deter-  
14           mination under paragraph (1), the Secretary of  
15           Homeland Security or the Attorney General shall  
16           consider all mitigating and aggravating factors, in-  
17           cluding—

18                   “(A) the severity of the underlying cir-  
19           cumstances, conduct, or violation;

20                   “(B) the duration of the noncitizen’s resi-  
21           dence in the United States;

22                   “(C) evidence of rehabilitation, if applica-  
23           ble; and

24                   “(D) the extent to which the noncitizen’s  
25           removal, or the denial of the noncitizen’s appli-

1 cation, would adversely affect the noncitizen or  
2 the noncitizen’s United States citizen or lawful  
3 permanent resident family members.”.

4 (b) WAIVER OF GROUNDS OF DEPORTABILITY.—Sec-  
5 tion 237(a) of the Immigration and Nationality Act (8  
6 U.S.C. 1227(a)) is amended by adding at the end the fol-  
7 lowing:

8 “(8) HUMANITARIAN, FAMILY UNITY, AND PUB-  
9 LIC INTEREST WAIVER.—

10 “(A) IN GENERAL.—Notwithstanding any  
11 other provision of law, except section  
12 245G(c)(1)(B), the Secretary of Homeland Se-  
13 curity or the Attorney General may waive the  
14 operation of any 1 or more grounds of deport-  
15 ability under this subsection (excluding deport-  
16 ability under paragraph (2)(A)(iii) based on a  
17 conviction described in section 101(a)(43)(A)  
18 and deportability under paragraph (4)) for any  
19 purpose, including eligibility for relief from re-  
20 moval—

21 “(i) for humanitarian purposes;

22 “(ii) to ensure family unity; or

23 “(iii) if a waiver is otherwise in the  
24 public interest.

1           “(B) CONSIDERATIONS.—In making a de-  
2           termination under subparagraph (A), the Sec-  
3           retary of Homeland Security or the Attorney  
4           General shall consider all mitigating and aggra-  
5           vating factors, including—

6                   “(i) the severity of the underlying cir-  
7                   cumstances, conduct, or violation;

8                   “(ii) the duration of the noncitizen’s  
9                   residence in the United States;

10                  “(iii) evidence of rehabilitation, if ap-  
11                  plicable; and

12                  “(iv) the extent to which the nonciti-  
13                  zen’s removal, or the denial of the nonciti-  
14                  zen’s application, would adversely affect  
15                  the noncitizen or the noncitizen’s United  
16                  States citizen or lawful permanent resident  
17                  family members.”.

18 **SEC. 1205. JUDICIAL REVIEW.**

19           Section 242 of the Immigration and Nationality Act  
20 (8 U.S.C. 1252) is amended—

21                   (1) in subsection (a)(2)—

22                           (A) in subparagraph (B), by inserting “the  
23                           exercise of discretion arising under” after “no  
24                           court shall have jurisdiction to review”;

1 (B) in subparagraph (C), by inserting  
2 “and subsection (h)” after “subparagraph  
3 (D)”; and

4 (C) by amending subparagraph (D) to read  
5 as follows:

6 “(D) JUDICIAL REVIEW OF CERTAIN  
7 LEGAL CLAIMS.—Nothing in subparagraph (B)  
8 or (C), or in any other provision of this Act  
9 that limits or eliminates judicial review, shall be  
10 construed as precluding review of constitutional  
11 claims or questions of law.”;

12 (2) in subsection (b)—

13 (A) in paragraph (2), in the first sentence,  
14 by inserting “or, in the case of a decision gov-  
15 erned by section 245G(g)(6), in the judicial cir-  
16 cuit in which the petitioner resides” after “pro-  
17 ceedings”; and

18 (B) in paragraph (9), by striking the first  
19 sentence and inserting the following: “Except as  
20 otherwise provided in this section, judicial re-  
21 view of a determination respecting a removal  
22 order shall be available only in judicial review  
23 of a final order under this section.”;

24 (3) in subsection (f)—

1 (A) in paragraph (1), by striking “or re-  
2 strain the operation of”; and

3 (B) in paragraph (2), by adding “after all  
4 administrative and judicial review available to  
5 the noncitizen is complete” before “unless”; and  
6 (4) by adding at the end the following:

7 “(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINA-  
8 TIONS RELATING TO STATUS UNDER CHAPTER 5.—

9 “(1) DIRECT REVIEW.—If a noncitizen’s appli-  
10 cation under section 245B, 245C, 245D, 245E, or  
11 245F is denied, or the approval of such application  
12 is revoked, after the exhaustion of administrative ap-  
13 pellate review under section 245G(g)(5), the noncit-  
14 izen may seek review of such decision, in accordance  
15 with chapter 7 of title 5, United States Code, in the  
16 district court of the United States in which the non-  
17 citizen resides.

18 “(2) STATUS DURING REVIEW.—During the pe-  
19 riod in which a review described in paragraph (1) is  
20 pending—

21 “(A) any unexpired grant of voluntary de-  
22 parture under section 240B shall be tolled; and

23 “(B) any order of exclusion, deportation,  
24 or removal shall automatically be stayed unless  
25 the court, in its discretion, orders otherwise.



1           “(3) REVIEW AFTER REMOVAL PRO-  
2           CEEDINGS.—A noncitizen may seek judicial review of  
3           a denial or revocation of approval of the noncitizen’s  
4           application under section 245B, 245C, 245D, 245E,  
5           or 245F in the appropriate court of appeals of the  
6           United States in conjunction with the judicial review  
7           of an order of removal, deportation, or exclusion if  
8           the validity of the denial or revocation has not been  
9           upheld in a prior judicial proceeding under para-  
10          graph (1).

11           “(4) STANDARD FOR JUDICIAL REVIEW.—

12           “(A) BASIS.—Judicial review of a denial or  
13           revocation of approval of an application under  
14           section 245B, 245C, 245D, 245E, or 245F  
15           shall be based upon the administrative record  
16           established at the time of the review.

17           “(B) AUTHORITY TO REMAND.—The re-  
18           viewing court may remand a case under this  
19           subsection to the Secretary of Homeland Secu-  
20           rity (referred to in this subsection as the ‘Sec-  
21           retary’) for consideration of additional evidence  
22           if the court finds that—

23                   “(i) the additional evidence is mate-  
24                   rial; and

1           “(ii) there were reasonable grounds  
2           for failure to adduce the additional evi-  
3           dence before the Secretary.

4           “(C) SCOPE OF REVIEW.—Notwithstanding  
5           any other provision of law, judicial review of all  
6           questions arising from a denial or revocation of  
7           approval of an application under section 245B,  
8           245C, 245D, 245E, or 245F shall be governed  
9           by the standard of review set forth in section  
10          706 of title 5, United States Code.

11          “(5) REMEDIAL POWERS.—

12           “(A) JURISDICTION.—Notwithstanding any  
13           other provision of law, the district courts of the  
14           United States shall have jurisdiction over any  
15           cause or claim arising from a pattern or prac-  
16           tice of the Secretary in the operation or imple-  
17           mentation of section 245B, 245C, 245D, 245E,  
18           245F, or 245G that is arbitrary, capricious, or  
19           otherwise contrary to law.

20           “(B) SCOPE OF RELIEF.—The district  
21           courts of the United States may order any ap-  
22           propriate relief in a cause or claim described in  
23           subparagraph (A) without regard to exhaustion,  
24           ripeness, or other standing requirements (other

1 than constitutionally mandated requirements),  
2 if the court determines that—

3 “(i) the resolution of such cause or  
4 claim will serve judicial and administrative  
5 efficiency; or

6 “(ii) a remedy would otherwise not be  
7 reasonably available or practicable.

8 “(6) CHALLENGES TO THE VALIDITY OF THE  
9 SYSTEM.—

10 “(A) IN GENERAL.—Except as provided in  
11 paragraph (5), any claim that section 245B,  
12 245C, 245D, 245E, 245F, or 245G, or any reg-  
13 ulation, written policy, written directive, or  
14 issued or unwritten policy or practice initiated  
15 by or under the authority of the Secretary to  
16 implement such sections, violates the Constitu-  
17 tion of the United States or is otherwise in vio-  
18 lation of law is available in an action instituted  
19 in a district court of the United States in ac-  
20 cordance with the procedures prescribed in this  
21 paragraph.

22 “(B) SAVINGS PROVISION.—Except as pro-  
23 vided in subparagraph (C), nothing in subpara-  
24 graph (A) may be construed to preclude an ap-  
25 plicant under section 245B, 245C, 245D, 245E,

1 or 245F from asserting that an action taken or  
2 a decision made by the Secretary with respect  
3 to the applicant's status was contrary to law.

4 “(C) CLASS ACTIONS.—Any claim de-  
5 scribed in subparagraph (A) that is brought as  
6 a class action shall be brought in conformity  
7 with—

8 “(i) the Class Action Fairness Act of  
9 2005 (Public Law 109–2; 119 Stat. 4);  
10 and

11 “(ii) the Federal Rules of Civil Proce-  
12 dure.

13 “(D) PRECLUSIVE EFFECT.—The final dis-  
14 position of any claim brought under subpara-  
15 graph (A) shall be preclusive of any such claim  
16 asserted by the same individual in a subsequent  
17 proceeding under this subsection.

18 “(E) EXHAUSTION AND STAY OF PRO-  
19 CEEDINGS.—

20 “(i) IN GENERAL.—No claim brought  
21 under this paragraph shall require the  
22 plaintiff to exhaust administrative rem-  
23 edies under section 245G(g)(5).

24 “(ii) STAY AUTHORIZED.—Nothing in  
25 this paragraph may be construed to pre-

1           vent the court from staying proceedings  
2           under this paragraph to permit the Sec-  
3           retary to evaluate an allegation of an un-  
4           written policy or practice or to take correc-  
5           tive action. In determining whether to  
6           issue such a stay, the court shall take into  
7           account any harm the stay may cause to  
8           the claimant.”.

9   **SEC. 1206. MODIFICATIONS TO NATURALIZATION PROVI-**  
10                                   **SIONS.**

11           The Immigration and Nationality Act (8 U.S.C. 1101  
12 et seq.) is amended—

13                   (1) in section 316 (8 U.S.C. 1427), by adding  
14           at the end the following:

15           “(g) For purposes of this chapter, the phrases ‘law-  
16 fully admitted for permanent residence’, ‘lawfully admitted  
17 to the United States for permanent residence’, and ‘lawful  
18 admission for permanent residence’ shall refer to a noncit-  
19 izen who—

20                   “(1) was granted the status of lawful perma-  
21           nent resident;

22                   “(2) did not obtain such status through fraudu-  
23           lent misrepresentation or fraudulent concealment of  
24           a material fact, provided that the Secretary shall

1 have the discretion to waive the application of this  
2 paragraph; and

3 “(3) for good cause shown.”; and

4 (2) in section 319 (8 U.S.C. 1430)—

5 (A) in the section heading, by striking  
6 “**AND EMPLOYEES OF CERTAIN NON-**  
7 **PROFIT ORGANIZATIONS**” and inserting “,  
8 **EMPLOYEES OF CERTAIN NONPROFIT OR-**  
9 **GANIZATIONS, AND OTHER LAWFUL RESI-**  
10 **DENTS**”; and

11 (B) by adding at the end the following:

12 “(f) Notwithstanding section 316(a)(1), any lawful  
13 permanent resident who was lawfully present in the  
14 United States and eligible for employment authorization  
15 for not less than 3 years before becoming a lawful perma-  
16 nent resident may be naturalized upon compliance with  
17 all other requirements under this chapter.”.

18 **SEC. 1207. RELIEF FOR LONG-TERM LEGAL RESIDENTS OF**  
19 **THE COMMONWEALTH OF THE NORTHERN**  
20 **MARIANA ISLANDS.**

21 The Joint Resolution entitled “A Joint Resolution to  
22 approve the ‘Covenant to Establish a Commonwealth of  
23 the Northern Mariana Islands in Political Union with the  
24 United States of America’, and for other purposes”, ap-  
25 proved March 24, 1976 (48 U.S.C. 1806), is amended—

1 (1) in subsection (b)(1)—

2 (A) by amending subparagraph (A) to read  
3 as follows:

4 “(A) NONIMMIGRANT WORKERS GEN-  
5 ERALLY.—A noncitizen, if otherwise qualified,  
6 may seek admission to Guam or to the Com-  
7 monwealth during the transition program as a  
8 nonimmigrant worker under section  
9 101(a)(15)(H) of the Immigration and Nation-  
10 ality Act (8 U.S.C. 1101(a)(15)(H) without  
11 counting against the numerical limitations set  
12 forth in section 214(g) of such Act (8 U.S.C.  
13 1184(g)).”; and

14 (B) in subparagraph (B)(i), by striking  
15 “contact” and inserting “contract”;

16 (2) in subsection (e)—

17 (A) in paragraph (4), in the paragraph  
18 heading, by striking “ALIENS” and inserting  
19 “NONCITIZENS”; and

20 (B) by amending paragraph (6) to read as  
21 follows:

22 “(6) SPECIAL PROVISION REGARDING LONG-  
23 TERM RESIDENTS OF THE COMMONWEALTH.—

24 “(A) CNMI RESIDENT STATUS.—A noncit-  
25 izen described in subparagraph (B) may, upon

1 the application of the noncitizen, be admitted in  
2 CNMI Resident status to the Commonwealth  
3 subject to the following rules:

4 “(i) The noncitizen shall be treated as  
5 a noncitizen lawfully admitted to the Com-  
6 monwealth only, including permitting entry  
7 to and exit from the Commonwealth, until  
8 the earlier of the date on which—

9 “(I) the noncitizen ceases to re-  
10 side in the Commonwealth; or

11 “(II) the noncitizen’s status is  
12 adjusted under section 245 of the Im-  
13 migration and Nationality Act (8  
14 U.S.C. 1255) to that of a noncitizen  
15 lawfully admitted for permanent resi-  
16 dence in accordance with all applica-  
17 ble eligibility requirements.

18 “(ii) The Secretary of Homeland Se-  
19 curity—

20 “(I) shall establish a process for  
21 such noncitizen to apply for CNMI  
22 Resident status during the 180-day  
23 period beginning on the date that is  
24 90 days after the date of the enact-  
25 ment of the U.S. Citizenship Act;



1           “(II) may, in the Secretary’s dis-  
2           cretion, authorize deferred action or  
3           parole, as appropriate, with work au-  
4           thorization, for such noncitizen until  
5           the date of adjudication of the nonciti-  
6           zen’s application for CNMI Resident  
7           status; and

8           “(III) in the case of a noncitizen  
9           who has nonimmigrant status on the  
10          date on which the noncitizen applies  
11          for CNMI Resident status, the Sec-  
12          retary shall extend such non-  
13          immigrant status and work authoriza-  
14          tion through the end of the 180-day  
15          period described in subclause (I) or  
16          the date of adjudication of the nonciti-  
17          zen’s application for CNMI Resident  
18          status, whichever is later.

19          “(iii) Nothing in this subparagraph  
20          may be construed to provide any noncitizen  
21          granted status under this subparagraph  
22          with public assistance to which the noncit-  
23          izen is not otherwise entitled.

24          “(iv) A noncitizen granted status  
25          under this paragraph shall be deemed a

1 qualified noncitizen under section 431 of  
2 the Personal Responsibility and Work Op-  
3 portunity Reconciliation Act of 1996 (8  
4 U.S.C. 1641) for purposes of receiving re-  
5 lief during—

6 “(I) a major disaster declared by  
7 the President under section 401 of the  
8 Robert T. Stafford Disaster Relief  
9 and Emergency Assistance Act (42  
10 U.S.C. 5170);

11 “(II) an emergency declared by  
12 the President under section 501 of the  
13 Robert T. Stafford Disaster Relief  
14 and Emergency Assistance Act (42  
15 U.S.C. 5191); or

16 “(III) a national emergency de-  
17 clared by the President under the Na-  
18 tional Emergencies Act (50 U.S.C.  
19 1601 et seq.).

20 “(v) A noncitizen granted status  
21 under this paragraph—

22 “(I) subject to section 237(a)(8),  
23 is subject to all grounds of deport-  
24 ability under section 237 of the Immi-

1                   gration and Nationality Act (8 U.S.C.  
2                   1227);

3                   “(II) subject to section 212(c), is  
4                   subject to all grounds of inadmis-  
5                   sibility under section 212 of the Im-  
6                   migration and Nationality Act (8  
7                   U.S.C. 1182) if seeking admission to  
8                   the United States at a port of entry  
9                   in the Commonwealth;

10                  “(III) is inadmissible to the  
11                  United States at any port of entry  
12                  outside the Commonwealth, except  
13                  that the Secretary of Homeland Secu-  
14                  rity may in the Secretary’s discretion  
15                  authorize admission of such noncitizen  
16                  at a port of entry in Guam for the  
17                  purpose of direct transit to the Com-  
18                  monwealth, which admission shall be  
19                  considered an admission to the Com-  
20                  monwealth;

21                  “(IV) automatically shall lose  
22                  such status if the noncitizen travels  
23                  from the Commonwealth to any other  
24                  place in the United States, except that  
25                  the Secretary of Homeland Security

1 may in the Secretary’s discretion es-  
2 tablish procedures for the advance ap-  
3 proval on a case-by-case basis of such  
4 travel for a temporary and legitimate  
5 purpose, and the Secretary may in the  
6 Secretary’s discretion authorize the  
7 direct transit of noncitizens with  
8 CNMI Resident status through Guam  
9 to a foreign place;

10 “(V) shall be authorized to work  
11 in the Commonwealth incident to sta-  
12 tus; and

13 “(VI) shall be issued appropriate  
14 travel documentation and evidence of  
15 work authorization by the Secretary.

16 “(B) NONCITIZENS DESCRIBED.—A non-  
17 citizen is described in this subparagraph if the  
18 noncitizen—

19 “(i) was lawfully present on June 25,  
20 2019, or on December 31, 2018, in the  
21 Commonwealth under the immigration  
22 laws of the United States, including pursu-  
23 ant to a grant of parole under section  
24 212(d)(5) of the Immigration and Nation-

1 ality Act (8 U.S.C. 1182(d)(5)) or deferred  
2 action;

3 “(ii) subject to subsection (c) of sec-  
4 tion 212 of the Immigration and Nation-  
5 ality Act (8 U.S.C. 1182), is admissible as  
6 an immigrant to the United States under  
7 that Act (8 U.S.C. 1101 et seq.), except  
8 that no immigrant visa is required;

9 “(iii) except in the case of a noncit-  
10 izen who meets the requirements of sub-  
11 clause (III) or (VI) of clause (v), resided  
12 continuously and lawfully in the Common-  
13 wealth from November 28, 2009, through  
14 June 25, 2019;

15 “(iv) is not a citizen of the Republic  
16 of the Marshall Islands, the Federated  
17 States of Micronesia, or the Republic of  
18 Palau; and

19 “(v) in addition—

20 “(I) was born in the Northern  
21 Mariana Islands between January 1,  
22 1974, and January 9, 1978;

23 “(II) was, on November 27,  
24 2009, a permanent resident of the  
25 Commonwealth (as defined in section

1 4303 of title 3 of the Northern Mar-  
2 iana Islands Commonwealth Code, in  
3 effect on May 8, 2008);

4 “(III) is the spouse or child (as  
5 defined in section 101(b)(1) of the  
6 Immigration and Nationality Act (8  
7 U.S.C. 1101(b)(1))) of a noncitizen  
8 described in subclause (I), (II), (V),  
9 (VI), or (VII);

10 “(IV) was, on November 27,  
11 2011, a spouse, child, or parent of a  
12 United States citizen, notwithstanding  
13 the age of the United States citizen,  
14 and continues to have such family re-  
15 lationship with the citizen on the date  
16 of the application described in sub-  
17 paragraph (A);

18 “(V) had a grant of parole under  
19 section 212(d)(5) of the Immigration  
20 and Nationality Act (8 U.S.C.  
21 1182(d)(5)) on December 31, 2018,  
22 under the former parole program for  
23 certain in-home caregivers adminis-  
24 tered by United States Citizenship  
25 and Immigration Services;

1           “(VI) was admitted to the Com-  
2           monwealth as a Commonwealth Only  
3           Transitional Worker during fiscal year  
4           2015, and during every subsequent  
5           fiscal year beginning before the date  
6           of enactment of the Northern Mariana  
7           Islands U.S. Workforce Act of 2018  
8           (Public Law 115–218; 132 Stat.  
9           1547); or

10           “(VII) resided in the Northern  
11           Mariana Islands as an investor under  
12           Commonwealth immigration law, and  
13           is currently a resident classified as a  
14           CNMI-only nonimmigrant under sec-  
15           tion 101(a)(15)(E)(ii) of the Immigra-  
16           tion and Nationality Act (8 U.S.C.  
17           1101(a)(15)(E)(ii)).

18           “(C) AUTHORITY OF ATTORNEY GEN-  
19           ERAL.—Beginning on the first day of the 180-  
20           day period established by the Secretary of  
21           Homeland Security under subparagraph  
22           (A)(ii)(I), the Attorney General may accept and  
23           adjudicate an application for CNMI Resident  
24           status under this paragraph by a noncitizen

1 who is in removal proceedings before the Attor-  
2 ney General if the noncitizen—

3 “(i) makes an initial application to  
4 the Attorney General within such 180-day  
5 period; or

6 “(ii) applied to the Secretary of  
7 Homeland Security during such 180-day  
8 period and before being placed in removal  
9 proceedings, and the Secretary denied the  
10 application.

11 “(D) JUDICIAL REVIEW.—Notwithstanding  
12 any other law, no court shall have jurisdiction  
13 to review any decision of the Secretary of  
14 Homeland Security or the Attorney General on  
15 an application under this paragraph or any  
16 other action or determination of the Secretary  
17 of Homeland Security or the Attorney General  
18 to implement, administer, or enforce this para-  
19 graph.

20 “(E) PROCEDURE.—The requirements of  
21 chapter 5 of title 5 (commonly referred to as  
22 the Administrative Procedure Act), or any other  
23 law relating to rulemaking, information collec-  
24 tion, or publication in the Federal Register



1 shall not apply to any action to implement, ad-  
2 minister, or enforce this paragraph.

3 “(F) ADJUSTMENT OF STATUS FOR CNMI  
4 RESIDENTS.—A noncitizen with CNMI Resident  
5 status may adjust his or her status to that of  
6 a noncitizen lawfully admitted for permanent  
7 residence 5 years after the date of the enact-  
8 ment of the U.S. Citizenship Act or 5 years  
9 after the date on which CNMI Resident status  
10 is granted, whichever is later.

11 “(G) WAIVER OF APPLICATION DEAD-  
12 LINE.—The Secretary of Homeland Security  
13 may, in the Secretary’s sole and unreviewable  
14 discretion, accept an application for CNMI  
15 Resident status submitted after the application  
16 deadline if—

17 “(i) the applicant is eligible for CNMI  
18 Resident status;

19 “(ii) the applicant timely submitted  
20 an application for CNMI Resident status  
21 and made a good faith effort to comply  
22 with the application requirements as deter-  
23 mined by the Secretary; and

24 “(iii) the application is received not  
25 later than 90 days after the expiration of

1 the application deadline or the date on  
2 which notice of rejection of the application  
3 is submitted, whichever is later.”;

4 (3) by striking “an alien” each place it appears  
5 and inserting “a noncitizen”;

6 (4) by striking “An alien” each place it appears  
7 and inserting “A noncitizen”;

8 (5) by striking “alien” each place it appears  
9 and inserting “noncitizen”;

10 (6) by striking “aliens” each place it appears  
11 and inserting “noncitizens”; and

12 (7) by striking “alien’s” each place it appears  
13 and inserting “noncitizen’s”.

14 **SEC. 1208. GOVERNMENT CONTRACTING AND ACQUISITION**  
15 **OF REAL PROPERTY INTEREST.**

16 (a) EXEMPTION FROM GOVERNMENT CONTRACTING  
17 AND HIRING RULES.—

18 (1) IN GENERAL.—A determination by a Fed-  
19 eral agency to use a procurement competition ex-  
20 emption under section 3304(a) of title 41, United  
21 States Code, or to use the authority granted in para-  
22 graph (2), for the purpose of implementing this title  
23 and the amendments made by this title is not sub-  
24 ject to challenge by protest to the Government Ac-  
25 countability Office under chapter 35 of title 31,

1 United States Code, or to the Court of Federal  
2 Claims, under section 1491 of title 28, United  
3 States Code. An agency shall immediately advise  
4 Congress of the exercise of the authority granted  
5 under this paragraph.

6 (2) GOVERNMENT CONTRACTING EXEMPTION.—

7 The competition requirement under section 3306 of  
8 title 41, United States Code, may be waived or  
9 modified by a Federal agency for any procurement  
10 conducted to implement this title or the amendments  
11 made by this title if the senior procurement execu-  
12 tive for the agency conducting the procurement—

13 (A) determines that the waiver or modi-  
14 fication is necessary; and

15 (B) submits an explanation for such deter-  
16 mination to the Committee on Homeland Secu-  
17 rity and Governmental Affairs of the Senate  
18 and the Committee on Homeland Security of  
19 the House of Representatives.

20 (3) HIRING RULES EXEMPTION.—

21 (A) IN GENERAL.—Notwithstanding any  
22 other provision of law, the Secretary is author-  
23 ized to make term, temporary limited, and part-  
24 time appointments of employees who will imple-  
25 ment this title and the amendments made by

1           this title without regard to the number of such  
2           employees, their ratio to permanent full-time  
3           employees, and the duration of their employ-  
4           ment.

5           (B) SAVINGS PROVISION.—Nothing in  
6           chapter 71 of title 5, United States Code, shall  
7           affect the authority of any Department man-  
8           agement official to hire term, temporary limited  
9           or part-time employees under this paragraph.

10          (b) AUTHORITY TO ACQUIRE LEASEHOLDS.—Not-  
11         withstanding any other provision of law, the Secretary  
12         may acquire a leasehold interest in real property, and may  
13         provide in a lease entered into under this subsection for  
14         the construction or modification of any facility on the  
15         leased property, if the Secretary determines that the ac-  
16         quisition of such interest, and such construction or modi-  
17         fication, are necessary in order to facilitate the implemen-  
18         tation of this title and the amendments made by this title.

19         **SEC. 1209. CONFORMING AMENDMENTS TO THE SOCIAL SE-**  
20                                 **CURITY ACT.**

21          (a) IN GENERAL.—Section 208(e)(1) of the Social  
22         Security Act (42 U.S.C. 408(e)(1)) is amended—

23                 (1) in subparagraph (B)(ii), by striking “, or”  
24                 and inserting a semicolon at the end;

1           (2) in subparagraph (C), by striking the comma  
2           at the end and inserting a semicolon;

3           (3) by inserting after subparagraph (C) the fol-  
4           lowing:

5                   “(D) who is granted status as a lawful  
6                   prospective immigrant under section 245B of  
7                   the Immigration and Nationality Act; or

8                   “(E) whose status is adjusted to that of  
9                   lawful permanent resident under section 245C,  
10                  245D, 245E, or 245F of the Immigration and  
11                  Nationality Act,”; and

12           (4) in the undesignated matter at the end, by  
13           inserting “, or in the case of a noncitizen described  
14           in subparagraph (D) or (E), if such conduct is al-  
15           leged to have occurred before the date on which the  
16           noncitizen submitted an application under section  
17           245B, 245C, 245D, 245E, or 245F of such Act” be-  
18           fore the period at the end.

19           (b) EFFECTIVE DATE.—The amendments made by  
20           this section shall take effect on the first day of the tenth  
21           month beginning after the date of the enactment of this  
22           Act.

1 **TITLE II—ADDRESSING THE**  
2 **ROOT CAUSES OF MIGRATION**  
3 **AND RESPONSIBLY MAN-**  
4 **AGING THE SOUTHERN BOR-**  
5 **DER**

6 **SEC. 2001. DEFINITIONS.**

7 In this title:

8 (1) **BEST INTEREST DETERMINATION.**—The  
9 term “best interest determination” means a formal  
10 process with procedural safeguards designed to give  
11 primary consideration to the child’s best interests in  
12 decision making.

13 (2) **INTERNALLY DISPLACED PERSONS.**—The  
14 term “internally displaced persons” means persons  
15 or groups of persons who—

16 (A) have been forced to leave their homes  
17 or places of habitual residence because of armed  
18 conflict, generalized violence, violations of  
19 human rights, or natural or human-made disas-  
20 ters; and

21 (B) have not crossed an internationally  
22 recognized border of a nation state.

23 (3) **INTERNATIONAL PROTECTION.**—The term  
24 “international protection” means—

25 (A) asylum status;

1 (B) refugee status;

2 (C) protection under the Convention  
3 Against Torture and Other Cruel, Inhuman or  
4 Degrading Treatment or Punishment, done at  
5 New York December 10, 1984; and

6 (D) any other regional protection status  
7 available in the Western Hemisphere.

8 (4) LARGE-SCALE, NONINTRUSIVE INSPECTION  
9 SYSTEM.—The term “large-scale, nonintrusive in-  
10 spection system” means a technology, including x-  
11 ray, gamma-ray, and passive imaging systems, capa-  
12 ble of producing an image of the contents of a com-  
13 mercial or passenger vehicle or freight rail car in 1  
14 pass of such vehicle or car.

15 (5) PRE-PRIMARY.—The term “pre-primary”  
16 means deploying scanning technology before primary  
17 inspection booths at land border ports of entry in  
18 order to provide images of commercial or passenger  
19 vehicles or freight rail cars before they are presented  
20 for inspection.

21 (6) SCANNING.—The term “scanning” means  
22 utilizing nonintrusive imaging equipment, radiation  
23 detection equipment, or both, to capture data, in-  
24 cluding images of a commercial or passenger vehicle  
25 or freight rail car.

1 **Subtitle A—Promoting the Rule of**  
2 **Law, Security, and Economic**  
3 **Development in Central Amer-**  
4 **ica**

5 **SEC. 2101. UNITED STATES STRATEGY FOR ENGAGEMENT**  
6 **IN CENTRAL AMERICA.**

7 (a) IN GENERAL.—The Secretary of State shall im-  
8 plement a 4-year strategy, to be known as the “United  
9 States Strategy for Engagement in Central America” (re-  
10 ferred to in this subtitle as the “Strategy”)—

11 (1) to advance reforms in Central America; and

12 (2) to address the key factors contributing to  
13 the flight of families, unaccompanied noncitizen chil-  
14 dren, and other individuals from Central America to  
15 the United States.

16 (b) ELEMENTS.—The Strategy shall include efforts—

17 (1) to strengthen democratic governance, ac-  
18 countability, transparency, and the rule of law;

19 (2) to combat corruption and impunity;

20 (3) to improve access to justice;

21 (4) to bolster the effectiveness and independ-  
22 ence of judicial systems and public prosecutors’ of-  
23 fices;

24 (5) to improve the effectiveness of civilian police  
25 forces;



1           (6) to confront and counter the violence, extor-  
2           tion, and other crimes perpetrated by armed crimi-  
3           nal gangs, illicit trafficking organizations, and orga-  
4           nized crime, while disrupting recruitment efforts by  
5           such organizations;

6           (7) to disrupt money laundering and other illicit  
7           financial operations of criminal networks, armed  
8           gangs, illicit trafficking organizations, and human  
9           smuggling networks;

10          (8) to promote greater respect for internation-  
11          ally recognized human rights, labor rights, funda-  
12          mental freedoms, and the media;

13          (9) to protect the human rights of environ-  
14          mental defenders, civil society activists, and journal-  
15          ists;

16          (10) to enhance accountability for government  
17          officials, including police and security force per-  
18          sonnel, who are credibly alleged to have committed  
19          serious violations of human rights or other crimes;

20          (11) to enhance the capability of governments  
21          in Central America to protect and provide for vul-  
22          nerable and at-risk populations;

23          (12) to address the underlying causes of pov-  
24          erty and inequality and the constraints to inclusive  
25          economic growth in Central America; and

1           (13) to prevent and respond to endemic levels  
2 of sexual, gender-based, and domestic violence.

3           (c) COORDINATION AND CONSULTATION.—In imple-  
4 menting the Strategy, the Secretary of State shall—

5           (1) coordinate with the Secretary of the Treas-  
6 ury, the Secretary of Defense, the Secretary, the At-  
7 torney General, the Administrator of the United  
8 States Agency for International Development, and  
9 the Chief Executive Officer of the United States De-  
10 velopment Finance Corporation; and

11           (2) consult with the Director of National Intel-  
12 ligence, national and local civil society organizations  
13 in Central America and the United States, and the  
14 governments of Central America.

15           (d) SUPPORT FOR CENTRAL AMERICAN EFFORTS.—  
16 To the degree feasible, the Strategy shall support or com-  
17 plement efforts being carried out by the Governments of  
18 El Salvador, of Guatemala, and of Honduras, in coordina-  
19 tion with bilateral and multilateral donors and partners,  
20 including the Inter-American Development Bank.

21 **SEC. 2102. SECURING SUPPORT OF INTERNATIONAL DO-**  
22 **NORS AND PARTNERS.**

23           (a) PLAN.—The Secretary of State shall implement  
24 a 4-year plan—

1           (1) to secure support from international donors  
2           and regional partners to enhance the implementation  
3           of the Strategy;

4           (2) to identify governments that are willing to  
5           provide financial and technical assistance for the im-  
6           plementation of the Strategy and the specific assist-  
7           ance that will be provided; and

8           (3) to identify and describe the financial and  
9           technical assistance to be provided by multilateral  
10          institutions, including the Inter-American Develop-  
11          ment Bank, the World Bank, the International Mon-  
12          etary Fund, the Andean Development Corporation—  
13          Development Bank of Latin America, and the Orga-  
14          nization of American States.

15          (b) DIPLOMATIC ENGAGEMENT AND COORDINA-  
16          TION.—The Secretary of State, in coordination with the  
17          Secretary of the Treasury, as appropriate, shall—

18               (1) carry out diplomatic engagement to secure  
19               contributions of financial and technical assistance  
20               from international donors and partners in support of  
21               the Strategy; and

22               (2) take all necessary steps to ensure effective  
23               cooperation among international donors and part-  
24               ners supporting the Strategy.

1 **SEC. 2103. COMBATING CORRUPTION, STRENGTHENING**  
2 **THE RULE OF LAW, AND CONSOLIDATING**  
3 **DEMOCRATIC GOVERNANCE.**

4 The Secretary of State and the Administrator of the  
5 United States Agency for International Development are  
6 authorized—

7 (1) to combat corruption in Central America by  
8 supporting—

9 (A) Inspectors General and oversight insti-  
10 tutions, including—

11 (i) support for multilateral support  
12 missions for key ministries, including min-  
13 istries responsible for tax, customs, pro-  
14 curement, and citizen security; and

15 (ii) relevant training for inspectors  
16 and auditors;

17 (B) multilateral support missions against  
18 corruption and impunity;

19 (C) civil society organizations conducting  
20 oversight of executive and legislative branch of-  
21 ficials and functions, police and security forces,  
22 and judicial officials and public prosecutors;  
23 and

24 (D) the enhancement of freedom of infor-  
25 mation mechanisms;

1           (2) to strengthen the rule of law in Central  
2 America by supporting—

3           (A) Attorney General offices, public pros-  
4 ecutors, and the judiciary, including enhancing  
5 investigative and forensics capabilities;

6           (B) an independent, merit-based selection  
7 processes for judges and prosecutors, inde-  
8 pendent internal controls, and relevant ethics  
9 and professional training, including training on  
10 sexual, gender-based, and domestic violence;

11           (C) improved victim, witness, and whistle-  
12 blower protection and access to justice; and

13           (D) reforms to and the improvement of  
14 prison facilities and management;

15           (3) to consolidate democratic governance in  
16 Central America by supporting—

17           (A) reforms of civil services, related train-  
18 ing programs, and relevant laws and processes  
19 that lead to independent, merit-based selection  
20 processes;

21           (B) national legislatures and their capacity  
22 to conduct oversight of executive branch func-  
23 tions;

1           (C) reforms to, and strengthening of, polit-  
2           ical party and campaign finance laws and elec-  
3           toral tribunals;

4           (D) local governments and their capacity  
5           to provide critical safety, education, health, and  
6           sanitation services to citizens; and

7           (4) to defend human rights by supporting—

8           (A) human rights ombudsman offices;

9           (B) government protection programs that  
10          provide physical protection and security to  
11          human rights defenders, journalists, trade  
12          unionists, whistleblowers, and civil society activ-  
13          ists who are at risk;

14          (C) civil society organizations that promote  
15          and defend human rights, freedom of expres-  
16          sion, freedom of the press, labor rights, environ-  
17          mental protection, and the rights of individuals  
18          with diverse sexual orientations or gender iden-  
19          tities; and

20          (D) civil society organizations that address  
21          sexual, gender-based, and domestic violence,  
22          and that protect victims of such violence.

1 **SEC. 2104. COMBATING CRIMINAL VIOLENCE AND IMPROV-**  
2 **ING CITIZEN SECURITY.**

3 The Secretary of State and the Administrator of the  
4 United States Agency for International Development are  
5 authorized—

6 (1) to counter the violence and crime per-  
7 petrated by armed criminal gangs, illicit trafficking  
8 organizations, and human smuggling networks in  
9 Central America by providing assistance to civilian  
10 law enforcement, including support for—

11 (A) the execution and management of com-  
12 plex, multi-actor criminal cases;

13 (B) the enhancement of intelligence collec-  
14 tion capacity, and training on civilian intel-  
15 ligence collection (including safeguards for pri-  
16 vacy and basic civil liberties), investigative tech-  
17 niques, forensic analysis, and evidence preserva-  
18 tion;

19 (C) community policing policies and pro-  
20 grams;

21 (D) the enhancement of capacity to iden-  
22 tify, investigate, and prosecute crimes involving  
23 sexual, gender-based, and domestic violence;  
24 and

25 (E) port, airport, and border security offi-  
26 cials, agencies and systems, including—

1 (i) the professionalization of immigra-  
2 tion personnel;

3 (ii) improvements to computer infra-  
4 structure and data management systems,  
5 secure communications technologies, non-  
6 intrusive inspection equipment, and radar  
7 and aerial surveillance equipment; and

8 (iii) assistance to canine units;

9 (2) to disrupt illicit financial networks in Cen-  
10 tral America, including by supporting—

11 (A) finance ministries, including the impo-  
12 sition of financial sanctions to block the assets  
13 of individuals and organizations involved in  
14 money laundering or the financing of armed  
15 criminal gangs, illicit trafficking networks,  
16 human smuggling networks, or organized crime;

17 (B) financial intelligence units, including  
18 the establishment and enhancement of anti-  
19 money laundering programs; and

20 (C) the reform of bank secrecy laws;

21 (3) to assist in the professionalization of civilian  
22 police forces in Central America by supporting—

23 (A) reforms with respect to personnel re-  
24 cruitment, vetting, and dismissal processes, in-



1 including the enhancement of polygraph capa-  
2 bility for use in such processes;

3 (B) Inspectors General and oversight of-  
4 fices, including relevant training for inspectors  
5 and auditors, and independent oversight mecha-  
6 nisms, as appropriate; and

7 (C) training and the development of proto-  
8 cols regarding the appropriate use of force and  
9 human rights;

10 (4) to improve crime prevention and to reduce  
11 violence, extortion, child recruitment into gangs, and  
12 sexual slavery by supporting—

13 (A) the improvement of child protection  
14 systems;

15 (B) the enhancement of programs for at-  
16 risk youth, including the improvement of com-  
17 munity centers and programs aimed at success-  
18 fully reinserting former gang members;

19 (C) livelihood programming that provides  
20 youth and other at-risk individuals with legal  
21 and sustainable alternatives to gang member-  
22 ship;

23 (D) safe shelter and humanitarian re-  
24 sponses for victims of crime and internal dis-  
25 placement; and

1 (E) programs to receive and effectively re-  
2 integrate repatriated migrants in El Salvador,  
3 Guatemala, and Honduras.

4 **SEC. 2105. COMBATING SEXUAL, GENDER-BASED, AND DO-**  
5 **MESTIC VIOLENCE.**

6 The Secretary of State and the Administrator of the  
7 United States Agency for International Development are  
8 authorized to counter sexual, gender-based, and domestic  
9 violence in Central American countries by—

10 (1) broadening engagement among national and  
11 local institutions to address sexual, gender-based,  
12 and domestic violence;

13 (2) supporting educational initiatives to reduce  
14 sexual, gender-based, and domestic violence;

15 (3) supporting outreach efforts tailored to meet  
16 the needs of women, girls, individuals of diverse sex-  
17 ual orientations or gender identities, and other vul-  
18 nerable individuals at risk of violence and exploi-  
19 tation;

20 (4) formalizing standards of care and confiden-  
21 tiality at police, health facilities, and other govern-  
22 ment facilities; and

23 (5) establishing accountability mechanisms for  
24 perpetrators of violence.

1 **SEC. 2106. TACKLING EXTREME POVERTY AND ADVANCING**  
2 **ECONOMIC DEVELOPMENT.**

3 The Secretary of State and the Administrator of the  
4 United States Agency for International Development are  
5 authorized to tackle extreme poverty and the underlying  
6 causes of poverty in Central American countries by—

7 (1) strengthening human capital by sup-  
8 porting—

9 (A) workforce development and entrepre-  
10 neurship training programs that are driven by  
11 market demand, including programs that  
12 prioritize women, at-risk youth, and indigenous  
13 communities;

14 (B) improving early-grade literacy, and  
15 primary and secondary school curricula;

16 (C) relevant professional training for  
17 teachers and educational administrators;

18 (D) educational policy reform and improve-  
19 ment of education sector budgeting; and

20 (E) establishment and expansion of safe  
21 schools and related facilities for children;

22 (2) enhancing economic competitiveness and in-  
23 vestment climate by supporting—

24 (A) small business development centers  
25 and programs that strengthen supply chain in-  
26 tegration;

1 (B) the improvement of protections for in-  
2 vestors, including dispute resolution and arbi-  
3 tration mechanisms;

4 (C) trade facilitation and customs harmo-  
5 nization programs; and

6 (D) reducing energy costs through invest-  
7 ments in clean technologies and the reform of  
8 energy policies and regulations;

9 (3) strengthening food security by supporting—

10 (A) small and medium-scale sustainable  
11 agriculture, including by providing technical  
12 training, improving access to credit, and pro-  
13 moting policies and programs that incentivize  
14 government agencies and private institutions to  
15 buy from local producers;

16 (B) agricultural value chain development  
17 for farming communities;

18 (C) nutrition programs to reduce childhood  
19 malnutrition and stunting rates; and

20 (D) mitigation, adaptation, and recovery  
21 programs in response to natural disasters and  
22 other external shocks; and

23 (4) improving fiscal and financial affairs by  
24 supporting—

1 (A) domestic revenue generation, including  
2 programs to improve tax administration, collec-  
3 tion, and enforcement;

4 (B) strengthening public sector financial  
5 management, including strategic budgeting and  
6 expenditure tracking; and

7 (C) reform of customs and procurement  
8 policies and processes.

9 **SEC. 2107. AUTHORIZATION OF APPROPRIATIONS FOR**  
10 **UNITED STATES STRATEGY FOR ENGAGE-**  
11 **MENT IN CENTRAL AMERICA.**

12 (a) IN GENERAL.—There are authorized to be appro-  
13 priated \$1,000,000,000 for each of the fiscal years 2022  
14 through 2025 to carry out the Strategy.

15 (b) PORTION OF FUNDING AVAILABLE WITHOUT  
16 CONDITION.—The Secretary of State or the Administrator  
17 of the United States Agency for International Develop-  
18 ment, as appropriate, may obligate up to 50 percent of  
19 the amounts appropriated in each fiscal year pursuant to  
20 subsection (a) to carry out the Strategy on the first day  
21 of the fiscal year for which they are appropriated.

22 (c) PORTION OF FUNDING AVAILABLE AFTER  
23 PROGRESS ON SPECIFIC ISSUES.—

24 (1) EFFECTIVE IMPLEMENTATION.—The re-  
25 maining 50 percent of the amounts appropriated

1       pursuant to subsection (a) (after the obligations au-  
2       thorized under subsection (b)) may only be made  
3       available for assistance to the Government of El Sal-  
4       vador, of Guatemala, or of Honduras after the Sec-  
5       retary of State consults with, and subsequently cer-  
6       tifies and reports to, the Committee on Foreign Re-  
7       lations of the Senate, the Committee on Appropria-  
8       tions of the Senate, the Committee on Foreign Af-  
9       fairs of the House of Representatives, and the Com-  
10      mittee on Appropriations of the House of Represent-  
11      atives that the respective government is taking effec-  
12      tive steps (in addition to steps taken during the pre-  
13      vious calendar year)—

14               (A) to combat corruption and impunity, in-  
15               cluding investigating and prosecuting govern-  
16               ment officials, military personnel, and civilian  
17               police officers credibly alleged to be corrupt;

18               (B) to implement reforms, policies, and  
19               programs to strengthen the rule of law, includ-  
20               ing increasing the transparency of public insti-  
21               tutions and the independence of the judiciary  
22               and electoral institutions;

23               (C) to protect the rights of civil society,  
24               opposition political parties, trade unionists,

1 human rights defenders, and the independence  
2 of the media;

3 (D) to provide effective and accountable ci-  
4 vilian law enforcement and security for its citi-  
5 zens, and curtailing the role of the military in  
6 internal policing;

7 (E) to implement policies to reduce poverty  
8 and promote equitable economic growth and op-  
9 portunity;

10 (F) to increase government revenues, in-  
11 cluding by enhancing tax collection, strength-  
12 ening customs agencies, and reforming procure-  
13 ment processes;

14 (G) to improve border security and coun-  
15 tering human smuggling, criminal gangs, drug  
16 traffickers, and transnational criminal organiza-  
17 tions;

18 (H) to counter and prevent sexual and  
19 gender-based violence;

20 (I) to inform its citizens of the dangers of  
21 the journey to the southwest border of the  
22 United States;

23 (J) to resolve disputes involving the confis-  
24 cation of real property of United States entities;  
25 and

1 (K) to implement reforms to strengthen  
2 educational systems, vocational training pro-  
3 grams, and programs for at-risk youth.

4 **Subtitle B—Addressing Migration**  
5 **Needs by Strengthening Re-**  
6 **gional Humanitarian Responses**  
7 **for Refugees and Asylum Seek-**  
8 **ers in the Western Hemisphere**  
9 **and Strengthening Repatriation**  
10 **Initiatives**

11 **SEC. 2201. EXPANDING REFUGEE AND ASYLUM PROC-**  
12 **ESSING IN THE WESTERN HEMISPHERE.**

13 (a) REFUGEE PROCESSING.—The Secretary of State,  
14 in coordination with the Secretary, shall work with inter-  
15 national partners, including the United Nations High  
16 Commissioner for Refugees and international nongovern-  
17 mental organizations, to support and strengthen the do-  
18 mestic capacity of countries in the Western Hemisphere  
19 to process and accept refugees for resettlement and adju-  
20 dicate asylum claims by—

21 (1) providing support and technical assistance  
22 to expand and improve the capacity to identify, proc-  
23 ess, and adjudicate refugee claims, adjudicate appli-  
24 cations for asylum, or otherwise accept refugees re-  
25 ferred for resettlement by the United Nations High



1 Commissioner for Refugees or host nations, includ-  
2 ing by increasing the number of refugee and asylum  
3 officers who are trained in the relevant legal stand-  
4 ards for adjudicating claims for protection;

5 (2) establishing and expanding safe and secure  
6 locations to facilitate the safe and orderly movement  
7 of individuals and families seeking international pro-  
8 tection;

9 (3) improving national refugee and asylum reg-  
10 istration systems to ensure that any person seeking  
11 refugee status, asylum, or other humanitarian pro-  
12 tections—

13 (A) receives due process and meaningful  
14 access to existing humanitarian protections;

15 (B) is provided with adequate information  
16 about his or her rights, including the right to  
17 seek protection;

18 (C) is properly screened for security, in-  
19 cluding biographic and biometric capture; and

20 (D) receives appropriate documents to pre-  
21 vent fraud and ensure freedom of movement  
22 and access to basic social services; and

23 (4) developing the capacity to conduct best in-  
24 terest determinations for unaccompanied children  
25 with international protection needs to ensure that

1 such children are properly registered and that their  
2 claims are appropriately considered.

3 (b) DIPLOMATIC ENGAGEMENT AND COORDINA-  
4 TION.—The Secretary of State, in coordination with the  
5 Secretary, as appropriate, shall—

6 (1) carry out diplomatic engagement to secure  
7 commitments from governments to resettle refugees  
8 from Central America; and

9 (2) take all necessary steps to ensure effective  
10 cooperation among governments resettling refugees  
11 from Central America.

12 **SEC. 2202. FURTHER STRENGTHENING REGIONAL HUMANI-**  
13 **TARIAN RESPONSES IN THE WESTERN HEMI-**  
14 **SPHERE.**

15 The Secretary of State, in coordination with inter-  
16 national partners, including the United Nations High  
17 Commissioner for Refugees, shall support and coordinate  
18 with the government of each country hosting a significant  
19 population of refugees and asylum seekers from El Sal-  
20 vador, Guatemala, and Honduras—

21 (1) to establish and expand temporary shelter  
22 and shelter network capacity to meet the immediate  
23 protection and humanitarian needs of refugees and  
24 asylum seekers, including shelters for families,

1 women, unaccompanied children, and other vulner-  
2 able populations;

3 (2) to deliver gender-, trauma-, and age-sen-  
4 sitive humanitarian assistance to refugees and asy-  
5 lum seekers, including access to accurate informa-  
6 tion, legal representation, education, livelihood op-  
7 portunities, cash assistance, and health care;

8 (3) to establish and expand sexual, gender-  
9 based, and domestic violence prevention, recovery,  
10 and humanitarian programming;

11 (4) to fund national- and community-led hu-  
12 manitarian organizations in humanitarian response;

13 (5) to support local integration initiatives to  
14 help refugees and asylum seekers rebuild their lives  
15 and contribute in a meaningful way to the local  
16 economy in their host country; and

17 (6) to support technical assistance for refugee  
18 relocation and resettlement.

19 **SEC. 2203. INFORMATION CAMPAIGN ON DANGERS OF IR-**  
20 **REGULAR MIGRATION.**

21 (a) IN GENERAL.—The Secretary of State, in coordi-  
22 nation with the Secretary, shall design and implement  
23 public information campaigns in El Salvador, Guatemala,  
24 Honduras, and other appropriate Central American coun-  
25 tries—

1           (1) to disseminate information about the poten-  
2           tial dangers of travel to the United States;

3           (2) to provide accurate information about  
4           United States immigration law and policy; and

5           (3) to provide accurate information about the  
6           availability of asylum, other humanitarian protec-  
7           tions in countries in the Western Hemisphere, and  
8           other legal means for migration.

9           (b) ELEMENTS.—The information campaigns imple-  
10          mented pursuant to subsection (a), to the greatest extent  
11          possible—

12           (1) shall be targeted at regions with high levels  
13           of outbound migration or significant populations of  
14           internally displaced persons;

15           (2) shall be conducted in local languages;

16           (3) shall employ a variety of communications  
17           media, including social media; and

18           (4) shall be developed in coordination with pro-  
19           gram officials at the Department of Homeland Secu-  
20           rity, the Department of State, and other govern-  
21           ment, nonprofit, or academic entities in close contact  
22           with migrant populations from El Salvador, Guate-  
23           mala, and Honduras, including repatriated migrants.

1 **SEC. 2204. IDENTIFICATION, SCREENING, AND PROCESSING**  
2 **OF REFUGEES AND OTHER INDIVIDUALS ELI-**  
3 **GIBLE FOR LAWFUL ADMISSION TO THE**  
4 **UNITED STATES.**

5 (a) DESIGNATED PROCESSING CENTERS.—

6 (1) IN GENERAL.—The Secretary of State, in  
7 coordination with the Secretary, shall establish des-  
8 ignated processing centers for the registration,  
9 screening, and processing of refugees and other eligi-  
10 ble individuals, and the resettlement or relocation of  
11 these individuals to the United States or other coun-  
12 tries.

13 (2) LOCATIONS.—Not fewer than 1 designated  
14 processing centers shall be established in a safe and  
15 secure location identified by the United States and  
16 the host government in—

17 (A) El Salvador;

18 (B) Guatemala;

19 (C) Honduras; and

20 (D) any other Central American country  
21 that the Secretary of State considers appro-  
22 priate to accept and process requests and appli-  
23 cations under this subtitle.

24 (b) PERSONNEL.—

25 (1) REFUGEE OFFICERS AND RELATED PER-  
26 SONNEL.—The Secretary shall ensure that sufficient

1 numbers of refugee officers and other personnel are  
2 assigned to each designated processing center to ful-  
3 fill the requirements under this subtitle.

4 (2) SUPPORT PERSONNEL.—The Secretary and  
5 the Attorney General shall hire and assign sufficient  
6 personnel to ensure, absent exceptional cir-  
7 cumstances, that all security and law enforcement  
8 background checks required under this subtitle and  
9 family verification checks carried out by the Refugee  
10 Access Verification Unit are completed within 180  
11 days.

12 (c) OPERATIONS.—

13 (1) IN GENERAL.—Absent extraordinary cir-  
14 cumstances, each designated processing center shall  
15 commence operations as expeditiously as possible.

16 (2) PRODUCTIVITY AND QUALITY CONTROL.—  
17 The Secretary of State, in coordination with the Sec-  
18 retary, shall monitor the activities of each des-  
19 ignated processing center and establish metrics and  
20 criteria for evaluating the productivity and quality  
21 control of each designated processing center.

22 **SEC. 2205. REGISTRATION AND INTAKE.**

23 (a) REGISTRATION.—Each designated processing  
24 center shall receive and register individuals seeking to  
25 apply for benefits under this subtitle who meet criteria

1 specified by the Secretary of State, in coordination with  
2 the Secretary.

3 (b) INTAKE.—The designated processing center shall  
4 assess registered individuals to determine the benefits for  
5 which they may be eligible, including—

6 (1) refugee resettlement pursuant to the Cen-  
7 tral American Refugee Program described in section  
8 2206;

9 (2) the Central American Minors Program de-  
10 scribed in section 2207; and

11 (3) the Central American Family Reunification  
12 Parole Program described in section 2208.

13 (c) EXPEDITED PROCESSING.—The Secretary of  
14 State shall provide expedited processing of applications  
15 and requests under this subtitle in emergency situations,  
16 for humanitarian reasons, or if the Secretary of State oth-  
17 erwise determines that circumstances warrant expedited  
18 treatment.

19 **SEC. 2206. CENTRAL AMERICAN REFUGEE PROGRAM.**

20 (a) PROCESSING AT DESIGNATED PROCESSING CEN-  
21 TERS.—

22 (1) IN GENERAL.—Any individual who registers  
23 at a designated processing center, expresses a fear  
24 of persecution or an intention to apply for refugee  
25 status, and who is a national of El Salvador, of

1 Honduras, of Guatemala, or of any other Central  
2 American country whose nationals the Secretary of  
3 State has determined are eligible for refugee status  
4 under this section may apply for refugee resettlement  
5 under this section. Upon filing of a completed  
6 application, the applicant may be referred to a refugee  
7 officer for further processing in accordance  
8 with this section.

9 (2) SUBMISSION OF BIOGRAPHIC AND BIOMETRIC  
10 DATA.—An applicant described in paragraph (1)  
11 shall submit biographic and biometric data in accordance  
12 with procedures established by the Secretary of State,  
13 in coordination with the Secretary. An alternative procedure  
14 shall be provided for applicants who are unable to provide  
15 all required biographic and biometric data because of a  
16 physical or mental impairment.

17 (3) BACKGROUND CHECKS.—The Secretary of  
18 State shall utilize biometric, biographic, and other  
19 appropriate data to conduct security and law enforcement  
20 background checks of applicants to determine whether there  
21 is any criminal, national security, or other ground that  
22 would render the applicant ineligible for admission as a  
23 refugee under section  
24



1 207 of the Immigration and Nationality Act (8  
2 U.S.C. 1157).

3 (4) ORIENTATION.—The Secretary of State  
4 shall provide prospective applicants for refugee re-  
5 settlement with information on applicable require-  
6 ments and legal standards. All orientation materials,  
7 including application forms and instructions, shall be  
8 provided in English and Spanish.

9 (5) INTERNATIONAL ORGANIZATIONS.—The  
10 Secretary of State, in consultation with the Sec-  
11 retary, shall enter into agreements with international  
12 organizations, including the United Nations High  
13 Commissioner for Refugees, to facilitate the proc-  
14 essing and preparation of case files for applicants  
15 under this section.

16 (b) OPTIONAL REFERRAL TO OTHER COUNTRIES.—

17 (1) IN GENERAL.—An applicant for refugee re-  
18 settlement under this section may be referred to an-  
19 other country for the processing of the applicant's  
20 refugee claim if another country agrees to promptly  
21 process the applicant's refugee claim in accordance  
22 with the terms and procedures of a bilateral agree-  
23 ment described in paragraph (2).

24 (2) BILATERAL AGREEMENTS FOR REFERRAL  
25 OF REFUGEES.—

1           (A) IN GENERAL.—The Secretary of State,  
2           in consultation with the Secretary, may enter  
3           into bilateral agreements with other countries  
4           for the referral, processing, and resettlement of  
5           individuals who register at a designated proc-  
6           essing center and seek to apply for refugee re-  
7           settlement under this section. Such agreements  
8           shall be limited to countries with the dem-  
9           onstrated capacity to accept and adjudicate ap-  
10          plications for refugee status and other forms of  
11          international protection, and to resettle refugees  
12          consistent with obligations under the Conven-  
13          tion Relating to the Status of Refugees, done at  
14          Geneva July 28, 1951 and made applicable by  
15          the Protocol Relating to the Status of Refugees,  
16          done at New York January 31, 1967 (19 UST  
17          6223).

18          (B) INTERNATIONAL ORGANIZATIONS.—  
19          The Secretary of State, in consultation with the  
20          Secretary, may enter into agreements with  
21          international organizations, including the  
22          United Nations High Commissioner for Refu-  
23          gees, to facilitate the referral, processing, and  
24          resettlement of individuals described in sub-  
25          paragraph (A).

1           (c) EMERGENCY RELOCATION COORDINATION.—The  
2 Secretary of State, in coordination with the Secretary,  
3 may enter into bilateral or multilateral agreements with  
4 other countries in the Western Hemisphere to establish  
5 safe and secure emergency transit centers for individuals  
6 who register at a designated processing center, are deemed  
7 to face an imminent risk of harm, and require temporary  
8 placement in a safe location pending a final decision on  
9 an application under this section. Such agreements may  
10 be developed in consultation with the United Nations High  
11 Commissioner for Refugees and shall conform to inter-  
12 national humanitarian standards.

13           (d) EXPANSION OF REFUGEE CORPS.—Subject to the  
14 availability of amounts provided in advance in appropria-  
15 tion Acts, the Secretary shall appoint additional refugee  
16 officers as may be necessary to carry out this section.

17 **SEC. 2207. CENTRAL AMERICAN MINORS PROGRAM.**

18           (a) ELIGIBILITY.—

19               (1) PETITION.—If an assessment under section  
20 2205(b) results in a determination that a noncitizen  
21 is eligible for special immigrant status in accordance  
22 with this subsection—

23                       (A) the designated processing center that  
24                       conducted such assessment may accept a peti-  
25                       tion for such status filed by the noncitizen, or

1 on behalf of the noncitizen by a parent or legal  
2 guardian; and

3 (B) subject to subsection (d), and notwith-  
4 standing any other provision of law, the Sec-  
5 retary may provide such noncitizen with status  
6 as a special immigrant under section  
7 101(a)(27) of the Immigration and Nationality  
8 Act (8 U.S.C. 1101(a)(27)).

9 (2) CRITERIA.—A noncitizen shall be eligible  
10 under this subsection if he or she—

11 (A) is a national of El Salvador, of Hon-  
12 duras, of Guatemala, or of any other Central  
13 American country whose nationals the Secretary  
14 has determined are eligible for special immi-  
15 grant status under this section;

16 (B) is a child (as defined in section  
17 101(b)(1) of the Immigration and Nationality  
18 Act (8 U.S.C. 1101(b)(1))) of an individual who  
19 is lawfully present in the United States; and

20 (C) is otherwise admissible to the United  
21 States (excluding the grounds of inadmissibility  
22 specified in section 212(a)(4) of the Immigra-  
23 tion and Nationality Act (8 U.S.C.  
24 1182(a)(4))).

1 (b) MINOR CHILDREN.—Any child (as defined in sec-  
2 tion 101(b)(1) of the Immigration and Nationality Act (8  
3 U.S.C. 1101(b)(1))) of a noncitizen described in sub-  
4 section (a) is entitled to special immigrant status if accom-  
5 panying or following to join such noncitizen.

6 (c) EXCLUSION FROM NUMERICAL LIMITATIONS.—  
7 Noncitizens provided special immigrant status under this  
8 section shall not be counted against any numerical limita-  
9 tion under the Immigration and Nationality Act (8 U.S.C.  
10 1101 et seq.).

11 (d) APPLICANTS UNDER PRIOR CENTRAL AMERICAN  
12 MINORS REFUGEE PROGRAM.—

13 (1) IN GENERAL.—The Secretary shall deem an  
14 application filed under the Central American Minors  
15 Refugee Program, established on December 1, 2014,  
16 and terminated on August 16, 2017, which was not  
17 the subject of a final disposition before January 31,  
18 2018, to be a petition filed under this section.

19 (2) FINAL DETERMINATION.—Absent excep-  
20 tional circumstances, the Secretary shall make a  
21 final determination on applications described in  
22 paragraph (1) not later than 180 days after the date  
23 of the enactment of this Act.

24 (3) NOTICE.—The Secretary shall—

1 (A) promptly notify all relevant parties of  
2 the conversion of an application described in  
3 paragraph (1) into a special immigrant petition;  
4 and

5 (B) provide instructions for withdrawal of  
6 the petition if the noncitizen does not want to  
7 proceed with the requested relief.

8 (e) BIOMETRICS AND BACKGROUND CHECKS.—

9 (1) SUBMISSION OF BIOMETRIC AND BIO-  
10 GRAPHIC DATA.—Petitioners for special immigrant  
11 status under this section shall submit biometric and  
12 biographic data in accordance with procedures estab-  
13 lished by the Secretary. An alternative procedure  
14 shall be provided for applicants who are unable to  
15 provide all required biometric data because of a  
16 physical or mental impairment.

17 (2) BACKGROUND CHECKS.—The Secretary  
18 shall utilize biometric, biographic, and other appro-  
19 priate data to conduct security and law enforcement  
20 background checks of petitioners to determine  
21 whether there is any criminal, national security, or  
22 other ground that would render the applicant ineli-  
23 gible for special immigrant status under this section.

24 (3) COMPLETION OF BACKGROUND CHECKS.—  
25 The security and law enforcement background

1 checks required under paragraph (2) shall be com-  
2 pleted, to the satisfaction of the Secretary, before  
3 the date on which a petition for special immigrant  
4 status under this section may be approved.

5 **SEC. 2208. CENTRAL AMERICAN FAMILY REUNIFICATION**  
6 **PAROLE PROGRAM.**

7 (a) **ELIGIBILITY.**—

8 (1) **APPLICATION.**—If an assessment under sec-  
9 tion 2205(b) results in a determination that a non-  
10 citizen is eligible for parole in accordance with this  
11 section—

12 (A) the designated processing center may  
13 accept a completed application for parole filed  
14 by the noncitizen, or on behalf of the noncitizen  
15 by a parent or legal guardian; and

16 (B) the Secretary may grant parole under  
17 section 212(d)(5) of the Immigration and Na-  
18 tionality Act (8 U.S.C. 1182(d)(5)) to such  
19 noncitizen.

20 (2) **CRITERIA.**—A noncitizen shall be eligible  
21 for parole under this section if he or she—

22 (A) is a national of El Salvador, of Guate-  
23 mala, of Honduras, or of any other Central  
24 American country whose nationals the Secretary

1           has determined are eligible for parole under this  
2           section;

3                   (B) is the beneficiary of an approved immi-  
4           grant visa petition under section 203(a) of the  
5           Immigration and Nationality Act (8 U.S.C.  
6           1153(a)); and

7                   (C) an immigrant visa is not immediately  
8           available for the noncitizen, but is expected to  
9           be available within a period designated by the  
10          Secretary.

11       (b) BIOMETRICS AND BACKGROUND CHECKS.—

12                   (1) SUBMISSION OF BIOMETRIC AND BIO-  
13          GRAPHIC DATA.—Applicants for parole under this  
14          section shall be required to submit biometric and  
15          biographic data in accordance with procedures estab-  
16          lished by the Secretary. An alternative procedure  
17          shall be provided for applicants who are unable to  
18          provide all required biometric data because of a  
19          physical or mental impairment.

20                   (2) BACKGROUND CHECKS.—The Secretary  
21          shall utilize biometric, biographic, and other appro-  
22          priate data to conduct security and law enforcement  
23          background checks of applicants to determine wheth-  
24          er there is any criminal, national security, or other



1 ground that would render the applicant ineligible for  
2 parole under this section.

3 (3) COMPLETION OF BACKGROUND CHECKS.—

4 The security and law enforcement background  
5 checks required under paragraph (2) shall be com-  
6 pleted to the satisfaction of the Secretary before the  
7 date on which an application for parole may be ap-  
8 proved.

9 **SEC. 2209. INFORMATIONAL CAMPAIGN; CASE STATUS HOT-**  
10 **LINE.**

11 (a) INFORMATIONAL CAMPAIGN.—The Secretary  
12 shall implement an informational campaign, in English  
13 and Spanish, in the United States, El Salvador, Guate-  
14 mala, Honduras, and other appropriate Central American  
15 countries to increase awareness of the programs author-  
16 ized under this subtitle.

17 (b) CASE STATUS HOTLINE.—The Secretary shall es-  
18 tablish a case status hotline to provide confidential proc-  
19 essing information on pending cases.

1 **Subtitle C—Managing the Border**  
2 **and Protecting Border Commu-**  
3 **nities**

4 **SEC. 2301. EXPEDITING LEGITIMATE TRADE AND TRAVEL**  
5 **AT PORTS OF ENTRY.**

6 (a) **TECHNOLOGY DEPLOYMENT PLAN.**—The Sec-  
7 retary is authorized to develop and implement a plan to  
8 deploy technology—

9 (1) to expedite the screening of legitimate trade  
10 and travel; and

11 (2) to enhance the ability to identify narcotics  
12 and other contraband, at every land, air, and sea  
13 port of entry.

14 (b) **ELEMENTS.**—The technology deployment plan  
15 developed pursuant to subsection (a) shall include—

16 (1) the specific steps that will be taken to in-  
17 crease the rate of high-throughput scanning of com-  
18 mercial and passenger vehicles and freight rail traf-  
19 fic entering the United States at land ports of entry  
20 and rail-border crossings along the border using  
21 large-scale, nonintrusive inspection systems or simi-  
22 lar technology before primary inspections booths to  
23 enhance border security;

24 (2) a comprehensive description of the tech-  
25 nologies and improvements needed to facilitate legal

1 travel and trade, reduce wait times, and better iden-  
2 tify contraband at land and rail ports of entry, in-  
3 cluding—

4 (A) the specific steps the Secretary will  
5 take to ensure, to the greatest extent prac-  
6 ticable, that high-throughput scanning tech-  
7 nologies are deployed within 5 years at all land  
8 border ports of entry to ensure that all commer-  
9 cial and passenger vehicles and freight rail traf-  
10 fic entering the United States at land ports of  
11 entry and rail-border crossings along the border  
12 undergo pre-primary scanning; and

13 (B) the specific steps the Secretary will  
14 take to increase the amount of cargo that is  
15 subject to nonintrusive inspections systems at  
16 all ports of entry;

17 (3) a comprehensive description of the tech-  
18 nologies and improvements needed to enhance trav-  
19 eler experience, reduce inspection and wait times,  
20 and better identify potential criminals and terrorists  
21 at air ports of entry;

22 (4) a comprehensive description of the tech-  
23 nologies and improvements needed—

24 (A) to enhance the security of maritime  
25 trade;

1 (B) to increase the percent of shipping  
2 containers that are scanned; and

3 (C) to enhance the speed and quality of in-  
4 spections without adversely impacting trade  
5 flows;

6 (5) any projected impacts identified by the  
7 Commissioner of U.S. Customs and Border Protec-  
8 tion regarding—

9 (A) the number of commercial and pas-  
10 senger vehicles and freight rail traffic entering  
11 at land ports of entry and rail-border crossings;

12 (B) where such systems are in use; and

13 (C) the average wait times at peak and  
14 non-peak travel times, by lane type (if applica-  
15 ble), as scanning rates are increased;

16 (6) any projected impacts, as identified by the  
17 Commissioner of U.S. Customs and Border Protec-  
18 tion, regarding border security operations at ports of  
19 entry as a result of implementation actions, includ-  
20 ing any required changes to the number of U.S.  
21 Customs and Border Protection officers or their du-  
22 ties and assignments;

23 (7) any projected impact on—

1           (A) the ability of regular border crossers  
2           and border community residents to cross the  
3           border efficiently; and

4           (B) the privacy and civil liberties of border  
5           community residents (as identified by medical  
6           professionals), border community stakeholders  
7           (including elected officials, educators, and busi-  
8           ness leaders), and civil rights experts;

9           (8) detailed performance measures and bench-  
10          marks that can be used to evaluate how effective  
11          these technologies are in helping to expedite legal  
12          trade and travel while enhancing security at ports of  
13          entry; and

14          (9) the estimated costs and an acquisition plan  
15          for implementing the steps identified in the plan, in-  
16          cluding—

17               (A) achieving pre-primary, high-through-  
18               put scanning at all feasible land and rail ports  
19               of entry within the timeframes specified in  
20               paragraph (1);

21               (B) reducing passenger and pedestrian  
22               wait times;

23               (C) the acquisition, operations, and main-  
24               tenance costs for large-scale, nonintrusive in-

1           specification systems and other technologies identi-  
2           fied in the plan; and

3           (D) associated costs for any necessary in-  
4           frastructure enhancements or configuration  
5           changes at each port of entry.

6           (c) SMALL BUSINESS OPPORTUNITIES.—The acquisi-  
7           tion plan required under subsection (b)(9) shall promote,  
8           to the extent practicable, opportunities for entities that  
9           qualify as small business concerns (as defined under sec-  
10          tion 3(a) of the Small Business Act (15 U.S.C. 632(a))).

11          (d) MODERNIZATION OF PORT OF ENTRY INFRA-  
12          STRUCTURE.—The Secretary is authorized to develop and  
13          implement a plan that—

14               (1) identifies infrastructure improvements at  
15               ports of entry that would—

16                       (A) enhance the ability to process asylum  
17                       seekers;

18                       (B) facilitate daily pedestrian and vehic-  
19                       ular trade and traffic; and

20                       (C) detect, interdict, disrupt, and prevent  
21                       fentanyl, other synthetic opioids, and other nar-  
22                       cotics and psychoactive substances and associ-  
23                       ated contraband from entering the United  
24                       States;

1           (2) describes circumstances in which effective  
2           technology in use at certain ports of entry smart  
3           cannot be implemented at other ports of entry, in-  
4           cluding—

5                   (A) infrastructure constraints that would  
6           impact the ability to deploy detection equipment  
7           to improve the ability of such officers to iden-  
8           tify such drugs and other dangers that are  
9           being illegally transported into the United  
10          States; and

11                   (B) mitigation measures that could be im-  
12          plemented at these ports of entry; and

13          (3) includes other improvements to infrastruc-  
14          ture and safety equipment that are needed to protect  
15          officers from inclement weather, surveillance by  
16          smugglers, and accidental exposure to narcotics or  
17          other dangers associated with the inspection of po-  
18          tential drug traffickers.

19          (e) AUTHORIZATION OF APPROPRIATIONS.—There  
20          are authorized to be appropriated such funds as may be  
21          necessary to implement the plans required under this sec-  
22          tion.

1 **SEC. 2302. DEPLOYING SMART TECHNOLOGY AT THE**  
2 **SOUTHERN BORDER.**

3 (a) IN GENERAL.—The Secretary is authorized to de-  
4 velop and implement a strategy to manage and secure the  
5 southern border of the United States by deploying smart  
6 technology—

7 (1) to enhance situational awareness along the  
8 border; and

9 (2) to counter transnational criminal networks.

10 (b) CONTENTS.—The smart technology strategy de-  
11 scribed in subsection (a) shall include—

12 (1) a comprehensive assessment of the physical  
13 barriers, levees, technologies, tools, and other devices  
14 that are currently in use along the southern border  
15 of the United States;

16 (2) the deployment of technology between ports  
17 of entry that focuses on flexible solutions that can  
18 expand the ability to detect illicit activity, evaluate  
19 the effectiveness of border security operations, and  
20 be easily relocated, broken out by U.S. Border Pa-  
21 trol sector;

22 (3) the specific steps that may be taken in each  
23 U.S. Border Patrol sector during the next 5 years  
24 to identify technology systems and tools that can  
25 help provide situational awareness of the southern  
26 border;



1           (4) an explanation for why each technology,  
2 tool, or other device was recommended to achieve  
3 and maintain situational awareness of the southern  
4 border, including—

5                   (A) the methodology used to determine  
6 which type of technology, tool, or other device  
7 was recommended;

8                   (B) a specific description of how each tech-  
9 nology will contribute to the goal of evaluating  
10 the performance and identifying the effective-  
11 ness rate of U.S. Border Patrol agents and op-  
12 erations; and

13                   (C) a privacy evaluation of each tech-  
14 nology, tool, or other device that examines their  
15 potential impact on border communities;

16           (5) cost-effectiveness calculations for each tech-  
17 nology, tool, or other device that will be deployed, in-  
18 cluding an analysis of the cost per mile of border  
19 surveillance;

20           (6) a cost justification for each instance a more  
21 expensive technology, tool, or other device is rec-  
22 ommended over a less expensive option in a given  
23 U.S. Border Patrol sector; and

24           (7) performance measures that can be used to  
25 evaluate the effectiveness of each technology de-

1       ployed and of U.S. Border Patrol operations in each  
2       sector.

3       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
4       are authorized to be appropriated such sums as may be  
5       necessary to implement this section.

6       **SEC. 2303. INDEPENDENT OVERSIGHT ON PRIVACY RIGHTS.**

7       The Office of the Inspector General for the Depart-  
8       ment of Homeland Security shall conduct oversight to en-  
9       sure that—

10           (1) the technology used by U.S. Customs and  
11       Border Protection is—

12                   (A) effective in serving a legitimate agency  
13       purpose;

14                   (B) the least intrusive means of serving  
15       such purpose; and

16                   (C) cost effective;

17           (2) guidelines are developed for using such  
18       technology to ensure appropriate limits on data col-  
19       lection, processing, sharing, and retention; and

20           (3) the Department of Homeland Security has  
21       consulted with stakeholders, including affected bor-  
22       der communities, in the development of any plans to  
23       expand technology.

1 **SEC. 2304. TRAINING AND CONTINUING EDUCATION.**

2 (a) MANDATORY TRAINING AND CONTINUING EDU-  
3 CATION TO PROMOTE AGENT AND OFFICER SAFETY AND  
4 PROFESSIONALISM.—The Secretary is authorized to es-  
5 tablish policies and guidelines to ensure that every agent  
6 and officer of U.S. Customs and Border Protection and  
7 U.S. Immigration and Customs Enforcement receives  
8 training upon onboarding regarding accountability, stand-  
9 ards for professional and ethical conduct, and oversight.

10 (b) CURRICULUM.—The training required under sub-  
11 section (a) shall include—

12 (1) best practices in community policing, cul-  
13 tural awareness, and carrying out enforcement ac-  
14 tions near sensitive locations, responding to griev-  
15 ances, and how to refer complaints to the Immigra-  
16 tion Detention Ombudsman;

17 (2) interaction with vulnerable populations; and

18 (3) standards of professional and ethical con-  
19 duct.

20 (c) CONTINUING EDUCATION.—

21 (1) IN GENERAL.—The Secretary shall require  
22 all agents and officers of U.S. Customs and Border  
23 Protection and U.S. Immigration and Customs En-  
24 forcement who are required to undergo training  
25 under subsection (a) to participate in continuing  
26 education.

1           (2) CONSTITUTIONAL AUTHORITY SUBJECT  
2           MATTER.—Continuing education required under  
3           paragraph (1) shall include training regarding—

4                   (A) the protection of the civil, constitu-  
5                   tional, human, and privacy rights of individuals;  
6                   and

7                   (B) use of force policies applicable to  
8                   agents and officers.

9           (3) ADMINISTRATION.—Courses offered as part  
10           of continuing education under this subsection shall  
11           be administered in coordination with the Federal  
12           Law Enforcement Training Centers.

13           (d) MEDICAL TRAINING FOR U.S. BORDER PATROL  
14           AGENTS.—

15                   (1) IN GENERAL.—Section 411 of the Home-  
16                   land Security Act of 2002 (6 U.S.C. 211) is amend-  
17                   ed—

18                           (A) in subsection (l)—

19                                   (i) by striking “The Commissioner”  
20                                   and inserting the following:

21   “(1) CONTINUING EDUCATION.—The Commis-  
22   sioner”; and

23   (ii) by adding at the end the fol-  
24   lowing:

1           “(2) MEDICAL TRAINING FOR U.S. BORDER PA-  
2 TROL AGENTS.—

3           “(A) IN GENERAL.—

4           “(i) AVAILABILITY.—Beginning not  
5 later than 6 months after the date of the  
6 enactment of the U.S. Citizenship Act, the  
7 Commissioner shall make available, in each  
8 U.S. Border Patrol sector, at no cost to  
9 U.S. Border Patrol agents selected for  
10 such training, emergency medical techni-  
11 cian (referred to in this paragraph as  
12 ‘EMT’) and paramedic training, including  
13 pediatric medical training, which shall uti-  
14 lize nationally recognized pediatric training  
15 curricula that includes emergency pediatric  
16 care.

17           “(ii) USE OF OFFICIAL DUTY TIME.—

18 A U.S. Border Patrol agent shall be cred-  
19 ited with work time for any EMT or para-  
20 medic training provided to such agent  
21 under clause (i) in order to achieve or  
22 maintain an EMT or paramedic certifi-  
23 cation.

24           “(iii) OBLIGATED OVERTIME.—A U.S.  
25 Border Patrol agent shall not accrue any

1 debt of obligated overtime hours that the  
2 agent may have incurred, pursuant to sec-  
3 tion 5550(b) of title 5, United States  
4 Code, in order to achieve or maintain a  
5 paramedic certification.

6 “(iv) LODGING AND PER DIEM.—  
7 Lodging and per diem shall be made avail-  
8 able to U.S. Border Patrol agents attend-  
9 ing training described in clause (i) if such  
10 training is not available at a location with-  
11 in commuting distance of the agent’s resi-  
12 dence or worksite.

13 “(v) SERVICE COMMITMENT.—Any  
14 U.S. Border Patrol agent who completes a  
15 certification preparation program pursuant  
16 to clause (i) shall—

17 “(I) complete 1 year of service as  
18 a U.S. Border Patrol agent following  
19 the completion of EMT training;

20 “(II) complete 3 years of service  
21 as a U.S. Border Patrol agent fol-  
22 lowing the completion of paramedic  
23 training; or

1           “(III) reimburse U.S. Customs  
2           and Border Protection in an amount  
3           equal to the product of—

4                   “(aa) the cost of providing  
5                   such training to such agent; mul-  
6                   tiplied by

7                   “(bb) the percentage of the  
8                   service required under subclauses  
9                   (I) and (II) that the agent failed  
10                  to complete.

11                  “(B) INCREASE IN RATE OF PAY FOR BOR-  
12                  DER PATROL MEDICAL CERTIFICATION.—

13                   “(i) EMT CERTIFICATION.—A U.S.  
14                   Border Patrol agent who has completed  
15                   EMT training pursuant to subparagraph  
16                   (A)(i) and has a current, State-issued or  
17                   State-recognized certification as an EMT  
18                   shall receive, in addition to the pay to  
19                   which the agent is otherwise entitled under  
20                   this section, an amount equal to 5 percent  
21                   of such pay.

22                   “(ii) PARAMEDIC CERTIFICATION.—A  
23                   U.S. Border Patrol agent who has com-  
24                   pleted paramedic training pursuant to sub-  
25                   paragraph (A)(i) and has a current, State-

1 issued or State-recognized certification as  
2 a paramedic shall receive, in addition to  
3 the pay to which the agent is otherwise en-  
4 titled under this section (except for sub-  
5 paragraph (A)), an amount equal to 10  
6 percent of such pay.

7 “(iii) EXISTING CERTIFICATIONS.—A  
8 U.S. Border Patrol agent who did not par-  
9 ticipate in the training made available pur-  
10 suant to subparagraph (A)(i), but, as of  
11 the date of the enactment of the U.S. Citi-  
12 zenship Act, has a current State-issued or  
13 State-recognized EMT or paramedic cer-  
14 tification, shall receive, in addition to the  
15 pay to which the agent is otherwise enti-  
16 tled under this section (excluding the ap-  
17 plication of clause (i) and (ii)), an amount  
18 equal to—

19 “(I) 5 percent of such pay for an  
20 EMT certification; and

21 “(II) 10 percent of such pay for  
22 a paramedic certification.

23 “(C) AVAILABILITY OF MEDICALLY  
24 TRAINED BORDER PATROL AGENTS.—Not later  
25 than 6 months after the date of the enactment



1 of the U.S. Citizenship Act, the Commissioner  
2 of U.S. Customs and Border Protection shall—

3 “(i) ensure that—

4 “(I) U.S. Border Patrol agents  
5 with current EMT or paramedic cer-  
6 tifications are stationed at each U.S.  
7 Border Patrol sector and remote sta-  
8 tion along the southern border to the  
9 greatest extent possible;

10 “(II) not fewer than 10 percent  
11 of all U.S. Border Patrol agents as-  
12 signed to each U.S. Border Patrol  
13 sector have EMT certifications; and

14 “(III) not fewer than 1 percent  
15 of all U.S. Border Patrol agents as-  
16 signed to each U.S. Border Patrol  
17 sector have paramedic certifications;  
18 and

19 “(ii) in determining the assigned posts  
20 of U.S. Border Patrol agents who have re-  
21 ceived training under subparagraph (A)(i),  
22 give priority to remote stations and for-  
23 ward operating bases.

24 “(D) MEDICAL SUPPLIES.—

1           “(i) MINIMUM LIST.—The Commis-  
2           sioner of U.S. Customs and Border Protec-  
3           tion shall provide minimum medical sup-  
4           plies to each U.S. Border Patrol agent  
5           with an EMT or paramedic certification  
6           and to each U.S. Border Patrol sector, in-  
7           cluding all remote stations and forward op-  
8           erating bases, for use while on patrol, in-  
9           cluding—

10                   “(I) supplies designed for chil-  
11                   dren;

12                   “(II) first aid kits; and

13                   “(III) oral hydration, such as  
14                   water.

15           “(ii) CONSULTATION.—In developing  
16           the minimum list of medical supplies re-  
17           quired under clause (i), the Commissioner  
18           shall consult national organizations with  
19           expertise in emergency medical care, in-  
20           cluding emergency medical care of chil-  
21           dren.

22           “(E) MOTOR VEHICLES.—The Commis-  
23           sioner of U.S. Customs and Border Protection  
24           shall make available appropriate motor vehicles  
25           to U.S. Border Patrol agents with current EMT

1 or paramedic certifications to enable them to  
2 provide necessary emergency medical assistance.

3 “(F) GAO REPORT.—Not later than 3  
4 years after the date of the enactment of the  
5 U.S. Citizenship Act, the Comptroller General  
6 of the United States shall—

7 “(i) review the progress of the U.S.  
8 Customs and Border Protection’s pro-  
9 motion in reaching the goal of up to 10  
10 percent of all U.S. Border Patrol agents  
11 having EMT or paramedic certifications;  
12 and

13 “(ii) provide a recommendation to  
14 Congress as to whether—

15 “(I) the Commissioner of U.S.  
16 Customs and Border Protection has  
17 effectively and vigorously undertaken  
18 an agency-wide effort to encourage  
19 and promote the mandate for medical  
20 training for U.S. Border Patrol  
21 agents under this paragraph;

22 “(II) additional incentive modi-  
23 fications are needed to achieve or  
24 maintain the goal, including pay dif-  
25 ferentials; and

1                   “(III) the 10 percent goal is  
2                   properly scoped to materially con-  
3                   tribute to the preservation of life and  
4                   the effectiveness and efficiency of U.S.  
5                   Border Patrol operations, including  
6                   whether the number is too high or too  
7                   low.”; and

8                   (B) in subsection (r), by striking “section,  
9                   the terms” and inserting the following: “sec-  
10                  tion—

11                  “(1) the term ‘child’ means any individual who  
12                  has not reached 18 years of age; and

13                  “(2) the terms”.

14                  (2) AUTHORIZATION OF APPROPRIATIONS.—  
15                  There are authorized to be appropriated such sums  
16                  as may be necessary to carry out section 411(l)(2)  
17                  of the Homeland Security Act of 2002, as added by  
18                  paragraph (1).

19                  (e) IDENTIFYING AND TREATING INDIVIDUALS EX-  
20                  PERIENCING MEDICAL DISTRESS.—

21                  (1) ONLINE TRAINING.—

22                  (A) IN GENERAL.—Beginning on the date  
23                  that is 90 days after the date of the enactment  
24                  of this Act, the Commissioner of U.S. Customs  
25                  and Border Protection shall require all U.S.

1 Border Patrol agents, including agents with  
2 EMT or paramedic certification, to complete an  
3 online training program that meets nationally  
4 recognized standards for the medical care of  
5 children to enable U.S. Border Patrol agents—

6 (i) to identify common signs of med-  
7 ical distress in children; and

8 (ii) to ensure the timely transport of  
9 sick or injured children to an appropriate  
10 medical provider.

11 (B) CONTRACT.—In developing or selecting  
12 an online training program under subparagraph  
13 (A), the Commissioner may enter into a con-  
14 tract with a national professional medical asso-  
15 ciation of pediatric medical providers.

16 (2) VOICE ACCESS TO MEDICAL PROFES-  
17 SIONALS.—

18 (A) IN GENERAL.—The Commissioner of  
19 U.S. Customs and Border Protection shall en-  
20 sure that all remote U.S. Border Patrol sta-  
21 tions, forward operating bases, and remote  
22 ports of entry along the southern border of the  
23 United States have 24-hour voice access to a  
24 medical command physician whose board certifi-  
25 cation includes the ability to perform this role

1 or a mid-level health care provider with pedi-  
2 atric training for consultations regarding the  
3 medical needs of individuals, including children,  
4 taken into custody near the United States bor-  
5 der.

6 (B) ACCEPTABLE MEANS OF ACCESS.—Ac-  
7 cess under subparagraph (A) may be accom-  
8 plished through mobile phones, satellite mobile  
9 radios, or other means prescribed by the Com-  
10 missioner.

11 (f) COMMERCIAL DRIVER PROGRAM.—

12 (1) ESTABLISHMENT.—The Commissioner of  
13 U.S. Customs and Border Protection shall establish  
14 a program to expedite detainee transport to border  
15 patrol processing facilities by ensuring, beginning  
16 not later than 1 year after the date of the enactment  
17 of this Act, that—

18 (A) not fewer than 300 U.S. Border Patrol  
19 agents assigned to remote U.S. Border Patrol  
20 stations have a commercial driver's license with  
21 a passenger endorsement for detainee transport;

22 (B) in each of the El Paso, Laredo, Rio  
23 Grande Valley, San Diego, Yuma, and Tucson  
24 U.S. Border Patrol Sectors—

1 (i) not fewer than 5 U.S. Border Pa-  
2 trol agents with a commercial driver's li-  
3 cense are available during every shift; and

4 (ii) not fewer than 3 buses are as-  
5 signed to the sector; and

6 (C) in each of the Big Bend, Del Rio, and  
7 El Centro U.S. Border Patrol Sectors—

8 (i) not fewer than 2 U.S. Border Pa-  
9 trol agents with a commercial driver's li-  
10 cense are available during every shift; and

11 (ii) not fewer than 1 bus is assigned  
12 to the sector.

13 (2) RELOCATION.—Buses assigned to specific  
14 U.S. Border Patrol sectors pursuant to paragraph  
15 (1) may be relocated to other sectors in response to  
16 changing patterns.

17 (3) REDUCING WAIT TIMES AT REMOTE U.S.  
18 BORDER PATROL STATIONS.—The Commissioner of  
19 U.S. Customs and Border Protection shall ensure  
20 that sufficient buses are available in each U.S. Bor-  
21 der Patrol sector to avoid subjecting detainees to  
22 long wait times at remote border patrol stations.

23 (4) USE OF OFFICIAL DUTY TIME.—A U.S.  
24 Border Patrol agent shall be credited with work time

1 for the process of obtaining and maintaining a com-  
2 mercial driver's license under paragraph (1).

3 (5) REPORTS TO CONGRESS.—The Secretary  
4 shall submit quarterly reports regarding the average  
5 length of detainees' stay at U.S. Border Patrol sta-  
6 tions to—

7 (A) the Committee on Homeland Security  
8 and Governmental Affairs of the Senate; and

9 (B) the Committee on Homeland Security  
10 of the House of Representatives.

11 **SEC. 2305. GAO STUDY OF WAIVER OF ENVIRONMENTAL**  
12 **AND OTHER LAWS.**

13 The Comptroller General of the United States shall  
14 study the impact of the authority of the Secretary, under  
15 section 102(c) of the Illegal Immigration Reform and Im-  
16 migrant Responsibility Act of 1996 (Division C of Public  
17 Law 104–208; 8 U.S.C. 1103 note), to waive otherwise  
18 applicable legal requirements to expedite the construction  
19 of barriers and roads near United States borders, includ-  
20 ing the impact of such waiver on the environment, Indian  
21 lands, and border communities.



1 **SEC. 2306. ESTABLISHMENT OF BORDER COMMUNITY**  
2 **STAKEHOLDER ADVISORY COMMITTEE.**

3 (a) IN GENERAL.—Subtitle B of title IV of the  
4 Homeland Security Act of 2002 (6 U.S.C. 211 et seq.)  
5 is amended by inserting after section 415 the following:

6 **“SEC. 416. BORDER COMMUNITY STAKEHOLDER ADVISORY**  
7 **COMMITTEE.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ADVISORY COMMITTEE.—The term ‘Advi-  
10 sory Committee’ means the Border Community  
11 Stakeholder Advisory committee established pursu-  
12 ant to subsection (b).

13 “(2) BORDER COMMUNITY STAKEHOLDER.—  
14 The term ‘border community stakeholder’ means an  
15 individual who has ownership interests or resides  
16 near an international land border of the United  
17 States, including—

18 “(A) an individual who owns land within  
19 10 miles of an international land border of the  
20 United States;

21 “(B) a business leader of a company oper-  
22 ating within 100 miles of a land border of the  
23 United States;

24 “(C) a local official from a community on  
25 a land border of the United States;

1           “(D) a representative of an Indian Tribe  
2           possessing Tribal lands on a land border of the  
3           United States; and

4           “(E) a representative of a human rights or  
5           civil rights organization operating near a land  
6           border of the United States.

7           “(b) ESTABLISHMENT.—The Secretary shall estab-  
8           lish, within the Department, the Border Community  
9           Stakeholder Advisory Committee.

10          “(c) DUTIES.—

11           “(1) IN GENERAL.—The Secretary shall consult  
12           with the Advisory Committee, as appropriate, re-  
13           garding border security and immigration enforce-  
14           ment matters, including on the development, refine-  
15           ment, and implementation of policies, protocols, pro-  
16           grams, and rulemaking pertaining to border security  
17           and immigration enforcement that may impact bor-  
18           der communities.

19           “(2) RECOMMENDATIONS.—The Advisory Com-  
20           mittee shall develop, at the request of the Secretary,  
21           recommendations regarding policies, protocols, pro-  
22           grams, and rulemaking pertaining to border security  
23           and immigration enforcement that may impact bor-  
24           der communities.

25          “(d) MEMBERSHIP.—

1 “(1) APPOINTMENT.—

2 “(A) IN GENERAL.—The Secretary shall  
3 appoint the members of the Advisory Com-  
4 mittee.

5 “(B) COMPOSITION.—The Advisory Com-  
6 mittee shall be composed of—

7 “(i) 1 border community stakeholder  
8 from each of the 9 U.S. Border Patrol sec-  
9 tors; and

10 “(ii) 3 individuals with significant ex-  
11 pertise and experience in immigration law,  
12 civil rights, and civil liberties, particularly  
13 relating to the interests of residents of bor-  
14 der communities.

15 “(2) TERM OF OFFICE.—

16 “(A) TERMS.—The term of each member  
17 of the Advisory Committee shall be 2 years.  
18 The Secretary may reappoint members for addi-  
19 tional terms.

20 “(B) REMOVAL.—The Secretary may re-  
21 view the participation of a member of the Advi-  
22 sory Committee and remove such member for  
23 cause at any time.

24 “(3) PROHIBITION ON COMPENSATION.—The  
25 members of the Advisory Committee may not receive

1 pay, allowances, or benefits from the Federal Gov-  
2 ernment by reason of their service on the Advisory  
3 Committee.

4 “(4) MEETINGS.—

5 “(A) IN GENERAL.—The Secretary shall  
6 require the Advisory Committee to meet at least  
7 semiannually and may convene additional meet-  
8 ings as necessary.

9 “(B) PUBLIC MEETINGS.—At least 1 of  
10 the meetings described in subparagraph (A)  
11 shall be open to the public.

12 “(C) ATTENDANCE.—The Advisory Com-  
13 mittee shall maintain a record of the persons  
14 present at each meeting.

15 “(5) MEMBER ACCESS TO SENSITIVE SECURITY  
16 INFORMATION.—

17 “(A) ACCESS.—If the Secretary determines  
18 that there is no cause to restrict a member of  
19 the Advisory Committee from possessing sen-  
20 sitive security information, the member may be  
21 granted access to such information that is rel-  
22 evant to the member’s advisory duties after vol-  
23 untarily signing a nondisclosure agreement.

24 “(B) RESTRICTIONS ON USE.—The mem-  
25 ber shall protect the sensitive security informa-

1           tion referred to in subparagraph (A) in accord-  
2           ance with part 1520 of title 49, Code of Fed-  
3           eral Regulations.

4           “(6) CHAIRPERSON.—A stakeholder representa-  
5           tive on the Advisory Committee who is elected by the  
6           appointed membership of the Advisory Committee  
7           shall chair the Advisory Committee.

8           “(e) NONAPPLICABILITY OF FACCA.—The Federal  
9           Advisory Committee Act (5 U.S.C. App.) shall not apply  
10          to the Advisory Committee or any of its subcommittees.”.

11          (b) APPROPRIATIONS.—There are authorized to be  
12          appropriated such sums as may be necessary to implement  
13          this section.

14          (c) CLERICAL AMENDMENT.—The table of contents  
15          in section 1(b) of the Homeland Security Act of 2002  
16          (Public Law 107–296) is amended by inserting after the  
17          item relating to section 415 the following:

          “Sec. 416. Border Community Stakeholder Advisory Committee.”.

18       **SEC. 2307. RESCUE BEACONS.**

19          Section 411(o) of the Homeland Security Act of 2002  
20          (6 U.S.C. 211(o)) is amended by adding at the end the  
21          following:

22               “(3) RESCUE BEACONS.—Beginning on October  
23               1, 2021, in carrying out subsection (c)(8), the Com-  
24               missioner shall purchase, deploy, and maintain addi-  
25               tional self-powering, 9–1–1 cellular relay rescue bea-

1       cons along the southern border of the United States  
2       at appropriate locations, as determined by the Com-  
3       missioner, to effectively mitigate migrant deaths.”.

4 **SEC. 2308. USE OF FORCE.**

5       (a) DEPARTMENT OF HOMELAND SECURITY POLI-  
6       CIES.—

7           (1) ISSUANCE.—The Secretary, in coordination  
8       with the Assistant Attorney General for the Civil  
9       Rights, shall issue policies governing the use of force  
10      by all Department of Homeland Security personnel.

11          (2) CONSULTATION REQUIREMENT.—In devel-  
12      oping policies pursuant to paragraph (1), the Sec-  
13      retary shall consult with law enforcement and civil  
14      rights organizations to ensure that such policies—

15           (A) focus law enforcement efforts and tac-  
16      tics on protecting public safety and national se-  
17      curity that are consistent with our Nation’s val-  
18      ues; and

19           (B) leverage best practices and technology  
20      to provide such protection.

21      (b) PUBLIC REPORTING.—Not later than 24 hours  
22      after any use-of-force incident that results in serious in-  
23      jury to, or the death of, an officer, agent, or member of  
24      the public, the Secretary shall—

25           (1) make the facts of such incident public; and

1           (2) comply fully with the requirements set forth  
2           in section 3 of the Death in Custody Reporting Act  
3           of 2013 (42 U.S.C. 13727a).

4 **SEC. 2309. OFFICE OF PROFESSIONAL RESPONSIBILITY.**

5           (a) IN GENERAL.—The Commissioner of U.S. Cus-  
6           toms and Border Protection shall hire, train, and assign  
7           sufficient Office of Professional Responsibility special  
8           agents to ensure that there is 1 such special agent for  
9           every 30 officers to investigate criminal and administrative  
10          matters and misconduct by officers and other employees  
11          of U.S. Customs and Border Protection.

12          (b) CONTRACTS.—The Commissioner is authorized to  
13          enter into such contracts as may be necessary to carry  
14          out this section.

15 **Subtitle D—Improving Border In-**  
16 **frastructure for Families and**  
17 **Children; Cracking Down on**  
18 **Criminal Organizations**

19 **SEC. 2401. HUMANITARIAN AND MEDICAL STANDARDS FOR**  
20 **INDIVIDUALS IN U.S. CUSTOMS AND BORDER**  
21 **PROTECTION CUSTODY.**

22          (a) IN GENERAL.—The Secretary, in coordination  
23          with the Secretary of Health and Human Services, and  
24          in consultation with nongovernmental experts in the deliv-  
25          ery of humanitarian response and health care, shall de-

1 velop guidelines and protocols for basic minimum stand-  
2 ards of care for individuals in the custody of U.S. Customs  
3 and Border Protection.

4 (b) ISSUES ADDRESSED.—The guidelines and proto-  
5 cols described in subsection (a) shall ensure that the staff-  
6 ing, physical facilities, furnishings, and supplies are ade-  
7 quate to provide each detainee with appropriate—

8 (1) medical care, including initial health  
9 screenings and medical assessments;

10 (2) water, sanitation, and hygiene;

11 (3) food and nutrition;

12 (4) clothing and shelter;

13 (5) quiet, dimly illuminated sleeping quarters if  
14 he or she is detained overnight;

15 (6) information about available services and  
16 legal rights, in the common language spoken by the  
17 detainee, and access to a telephone; and

18 (7) freedom to practice the detainee's religion.

19 **SEC. 2402. CHILD WELFARE AT THE BORDER.**

20 (a) GUIDELINES.—The Secretary, in consultation  
21 with appropriate Federal, State, and local government of-  
22 ficials, pediatricians, and child welfare experts and private  
23 sector agencies, shall develop additional guidelines for the  
24 treatment of children in the custody of U.S. Customs and  
25 Border Protection.



1 (b) GUIDING PRINCIPLE.—The guiding principle of  
2 the guidelines developed pursuant to subsection (a) shall  
3 be “the best interest of the child” and shall include—

4 (1) appropriate training for all Department of  
5 Homeland Security personnel and cooperating entity  
6 personnel who have contact with children relating to  
7 the care and custody of children;

8 (2) ensuring the availability of qualified child  
9 welfare professionals and licensed medical profes-  
10 sionals, as appropriate;

11 (3) a reliable system for identifying and report-  
12 ing allegations of child abuse or neglect;

13 (4) prohibiting the removal of a child from a  
14 parent or legal guardian for the purpose of deterring  
15 individuals from migrating to the United States or  
16 promoting compliance with the United States immi-  
17 gration laws;

18 (5) reasonable arrangements for unannounced  
19 visits and inspections by the Office of Inspector Gen-  
20 eral of the Department of Homeland Security, non-  
21 governmental organizations, and State and local  
22 child welfare agencies; and

23 (6) the preservation of all records associated  
24 with children in the custody of the Department of  
25 Homeland Security, including records of—

- 1 (A) the identities of the children;
- 2 (B) any known family members of the chil-
- 3 dren; and
- 4 (C) reported incidents of abuse of the chil-
- 5 dren while in custody.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There

7 are authorized to be appropriated such sums as may be

8 necessary to implement this section.

9 **SEC. 2403. OFFICE OF INSPECTOR GENERAL OVERSIGHT.**

10 Not later than 6 months after the date of the enact-

11 ment of this Act and every 6 months thereafter, the In-

12 spector General of the Department of Homeland Security,

13 in coordination with the Secretary of Health and Human

14 Services, shall submit a report to the appropriate congres-

15 sional committees regarding—

16 (1) the status of the implementation of sections

17 2401 and 2402; and

18 (2) findings made after announced and unan-

19 nounced inspections to Department of Homeland Se-

20 curity facilities.

21 **SEC. 2404. ENHANCED INVESTIGATION AND PROSECUTION**

22 **OF HUMAN SMUGGLING NETWORKS AND**

23 **TRAFFICKING ORGANIZATIONS.**

24 The Attorney General and the Secretary shall expand

25 collaboration on the investigation and prosecution of

1 human smuggling networks and trafficking organizations  
2 targeting migrants, asylum seekers, and unaccompanied  
3 children and operating at the southwestern border of the  
4 United States, including the continuation and expansion  
5 of anti-trafficking coordination teams.

6 **SEC. 2405. ENHANCED PENALTIES FOR ORGANIZED SMUG-**  
7 **GLING SCHEMES.**

8 (a) IN GENERAL.—Section 274(a)(1)(B) of the Im-  
9 migration and Nationality Act (8 U.S.C. 1324(a)(1)(B))  
10 is amended—

11 (1) by redesignating clauses (iii) and (iv) as  
12 clauses (iv) and (v), respectively;

13 (2) by inserting after clause (ii) the following:

14 “(iii) in the case of a violation of subparagraph  
15 (A)(i) during and in relation to which the person,  
16 while acting for profit or other financial gain, know-  
17 ingly directs or participates in a scheme to cause 10  
18 or more persons (other than a parent, spouse, sib-  
19 ling, son or daughter, grandparent, or grandchild of  
20 the offender) to enter or to attempt to enter the  
21 United States at the same time at a place other  
22 than a designated port of entry or place other than  
23 designated by the Secretary, be fined under title 18,  
24 United States Code, imprisoned not more than 15  
25 years, or both;” and

1           (3) in clause (iv), as redesignated, by inserting  
2           “commits or attempts to commit sexual assault of,”  
3           after “section 1365 of title 18, United States Code)  
4           to,”.

5           (b) BULK CASH SMUGGLING.—Section 5332(b)(1) of  
6 title 31, United States Code, is amended—

7           (1) in the paragraph heading, by striking  
8           “TERM OF IMPRISONMENT.—” and inserting “IN  
9           GENERAL.—”; and

10           (2) by inserting “, fined under title 18, or  
11           both” after “5 years”.

12 **SEC. 2406. EXPANDING FINANCIAL SANCTIONS ON NAR-**  
13 **COTICS TRAFFICKING AND MONEY LAUN-**  
14 **DERING.**

15           (a) FINANCIAL SANCTIONS EXPANSION.—The Sec-  
16 retary of the Treasury, the Attorney General, the Sec-  
17 retary of State, the Secretary of Defense, and the Director  
18 of Central Intelligence shall expand investigations, intel-  
19 ligence collection, and analysis pursuant to the Foreign  
20 Narcotics Kingpin Designation Act (21 U.S.C. 1901 et  
21 seq.) to increase the identification and application of sanc-  
22 tions against—

23           (1) significant foreign narcotics traffickers and  
24           their organizations and networks; and

1           (2) foreign persons, including government offi-  
2           cials, who provide material, financial, or techno-  
3           logical support to such traffickers, organizations, or  
4           networks.

5           (b) SPECIFIC TARGETS.—The activities described in  
6           subsection (a) shall specifically target foreign narcotics  
7           traffickers, their organizations and networks, and the for-  
8           eign persons, including government officials, who provide  
9           material, financial, or technological support to such traf-  
10          fickers, organizations, and networks that are present and  
11          operating in Central America.

12          (c) AUTHORIZATION OF APPROPRIATIONS.—There  
13          are authorized to be appropriated such sums as may be  
14          necessary to carry out subsection (a).

15          **SEC. 2407. SUPPORT FOR TRANSNATIONAL ANTI-GANG**  
16                                   **TASK FORCES FOR COUNTERING CRIMINAL**  
17                                   **GANGS.**

18          The Director of the Federal Bureau of Investigation,  
19          the Director of the Drug Enforcement Administration,  
20          and the Secretary, in coordination with the Secretary of  
21          State, shall expand the use of transnational task forces  
22          that seek to address transnational crime perpetrated by  
23          gangs in El Salvador, Guatemala, Honduras, and any  
24          other identified country by—

1 (1) expanding transnational criminal investiga-  
2 tions focused on criminal gangs in identified coun-  
3 tries, such as MS-13 and 18th Street;

4 (2) expanding training and partnership efforts  
5 with law enforcement entities in identified countries  
6 to disrupt and dismantle criminal gangs, both inter-  
7 nationally and in their respective countries;

8 (3) establishing or expanding gang-related in-  
9 vestigative units;

10 (4) collecting and disseminating intelligence to  
11 support related United States-based investigations;  
12 and

13 (5) expanding programming related to gang  
14 intervention and prevention for at-risk youth.

15 **SEC. 2408. HINDERING IMMIGRATION, BORDER, AND CUS-**  
16 **TOMS CONTROLS.**

17 (a) PERSONNEL AND STRUCTURES.—Title II of the  
18 Immigration and Nationality Act (8 U.S.C. 1151 et seq.)  
19 is amended by inserting after section 274D the following:

20 **“SEC. 274E. HINDERING IMMIGRATION, BORDER, AND CUS-**  
21 **TOMS CONTROLS.**

22 **“(a) ILLICIT SPOTTING.—**

23 **“(1) IN GENERAL.—**It shall be unlawful to  
24 knowingly surveil, track, monitor, or transmit the lo-  
25 cation, movement, or activities of any officer or em-

1 ployee of a Federal, State, or Tribal law enforce-  
2 ment agency with the intent—

3 “(A) to gain financially; and

4 “(B) to violate—

5 “(i) the immigration laws;

6 “(ii) the customs and trade laws of  
7 the United States (as defined in section  
8 2(4) of the Trade Facilitation and Trade  
9 Enforcement Act of 2015 (Public Law  
10 114–125));

11 “(iii) any other Federal law relating  
12 to transporting controlled substances, agri-  
13 culture, or monetary instruments into the  
14 United States; or

15 “(iv) any Federal law relating to bor-  
16 der controls measures of the United  
17 States.

18 “(2) PENALTY.—Any person who violates para-  
19 graph (1) shall be fined under title 18, United  
20 States Code, imprisoned for not more than 5 years,  
21 or both.

22 “(b) DESTRUCTION OF UNITED STATES BORDER  
23 CONTROLS.—

24 “(1) IN GENERAL.—It shall be unlawful to  
25 knowingly and without lawful authorization—

1           “(A) destroy or significantly damage any  
2 fence, barrier, sensor, camera, or other physical  
3 or electronic device deployed by the Federal  
4 Government to control an international border  
5 of, or a port of entry to, the United States; or

6           “(B) otherwise construct, excavate, or  
7 make any structure intended to defeat, cir-  
8 cumvent or evade such a fence, barrier, sensor  
9 camera, or other physical or electronic device  
10 deployed by the Federal Government to control  
11 an international border of, or a port of entry to,  
12 the United States.

13           “(2) PENALTY.—Any person who violates para-  
14 graph (1) shall be fined under title 18, United  
15 States Code, imprisoned for not more than 5 years,  
16 or both.”.

17           (b) CLERICAL AMENDMENT.—The table of contents  
18 of the Immigration and Nationality Act (8 U.S.C. 1101  
19 et seq.) is amended by inserting after the item relating  
20 to section 274D the following:

“Sec. 274E. Hindering immigration, border, and customs controls.”.



1       **TITLE III—REFORM OF THE**  
2       **IMMIGRANT VISA SYSTEM**  
3       **Subtitle A—Promoting Family**  
4       **Reunification**

5       **SEC. 3101. RECAPTURE OF IMMIGRANT VISAS LOST TO BU-**  
6       **REAUCRATIC DELAY.**

7       (a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-  
8       MIGRANTS.—Section 201(c) of the Immigration and Na-  
9       tionality Act (8 U.S.C. 1151(c)) is amended to read as  
10      follows:

11      “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED  
12      IMMIGRANTS.—

13           “(1) IN GENERAL.—The worldwide level of fam-  
14      ily-sponsored immigrants under this subsection for a  
15      fiscal year is equal to the sum of—

16                   “(A) 480,000;

17                   “(B) the number computed under para-  
18      graph (2); and

19                   “(C) the number computed under para-  
20      graph (3).

21           “(2) UNUSED VISA NUMBERS FROM PREVIOUS  
22      FISCAL YEAR.—The number computed under this  
23      paragraph for a fiscal year is the difference, if any,  
24      between—

1           “(A) the worldwide level of employment-  
2           based immigrant visas established for the pre-  
3           vious fiscal year; and

4           “(B) the number of visas issued under sec-  
5           tion 203(b) during the previous fiscal year.

6           “(3) UNUSED VISA NUMBERS FROM FISCAL  
7           YEARS 1992 THROUGH 2020.—The number computed  
8           under this paragraph is the difference, if any, be-  
9           tween—

10           “(A) the difference, if any, between—

11           “(i) the sum of the worldwide levels of  
12           family-sponsored immigrant visas estab-  
13           lished for fiscal years 1992 through 2020;  
14           and

15           “(ii) the number of visas issued under  
16           section 203(a) during such fiscal years;  
17           and

18           “(B) the number of visas resulting from  
19           the calculation under subparagraph (A) that  
20           were issued after fiscal year 2020 under section  
21           203(a).”.

22           (b) WORLDWIDE LEVEL OF EMPLOYMENT-BASED  
23           IMMIGRANTS.—Section 201(d) of the Immigration and  
24           Nationality Act (8 U.S.C. 1151(d)) is amended to read  
25           as follows:

1       “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED  
2 IMMIGRANTS.—

3               “(1) IN GENERAL.—The worldwide level of em-  
4       ployment-based immigrants under this subsection for  
5       a fiscal year is equal to the sum of—

6               “(A) 170,000;

7               “(B) the number computed under para-  
8       graph (2); and

9               “(C) the number computed under para-  
10      graph (3).

11              “(2) UNUSED VISA NUMBERS FROM PREVIOUS  
12      FISCAL YEAR.—The number computed under this  
13      paragraph for a fiscal year is the difference, if any,  
14      between—

15              “(A) the worldwide level of family-spon-  
16      sored immigrant visas established for the pre-  
17      vious fiscal year; and

18              “(B) the number of visas issued under sec-  
19      tion 203(a) during the previous fiscal year.

20              “(3) UNUSED VISA NUMBERS FROM FISCAL  
21      YEARS 1992 THROUGH 2020.—The number computed  
22      under this paragraph is the difference, if any, be-  
23      tween—

24              “(A) the difference, if any, between—

1 “(i) the sum of the worldwide levels of  
2 employment-based immigrant visas estab-  
3 lished for each of fiscal years 1992  
4 through 2020; and

5 “(ii) the number of visas issued under  
6 section 203(b) during such fiscal years;  
7 and

8 “(B) the number of visas resulting from  
9 the calculation under subparagraph (A) that  
10 were issued after fiscal year 2020 under section  
11 203(b).”.

12 (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply to each fiscal year beginning with  
14 fiscal year 2022.

15 **SEC. 3102. RECLASSIFICATION OF SPOUSES AND MINOR**  
16 **CHILDREN OF LAWFUL PERMANENT RESI-**  
17 **DENTS AS IMMEDIATE RELATIVES.**

18 (a) IN GENERAL.—Section 201(b)(2) of the Immi-  
19 gration and Nationality Act (8 U.S.C. 1151(b)(2)) is  
20 amended to read as follows:

21 “(2) IMMEDIATE RELATIVES.—

22 “(A) IN GENERAL.—

23 “(i) IMMEDIATE RELATIVE DE-  
24 FINED.—In this Act, the term ‘immediate  
25 relative’ includes—

1           “(I) a child, spouse, and parent  
2           of a citizen of the United States, ex-  
3           cept that, in the case of parents, such  
4           citizen of the United States shall be  
5           at least 21 years of age;

6           “(II) a child or spouse of a law-  
7           ful permanent resident; and

8           “(III) for each family member of  
9           a citizen of the United States or law-  
10          ful permanent resident described in  
11          subclauses (I) and (II), the family  
12          member’s spouse or child who is ac-  
13          companying or following to join the  
14          family member.

15          “(ii) PREVIOUSLY ISSUED VISA.—A  
16          noncitizen admitted under section 211(a)  
17          on the basis of a prior issuance of a visa  
18          under section 203(a) to his or her imme-  
19          diate relative accompanying parent is an  
20          immediate relative.

21          “(iii) PARENTS AND CHILDREN.—A  
22          noncitizen who was the child or parent of  
23          a citizen of the United States or a child of  
24          a lawful permanent resident on the date of  
25          the death of the United States citizen or

1 lawful permanent resident is an immediate  
2 relative if the noncitizen files a petition  
3 under section 204(a)(1)(A)(ii) not later  
4 than 2 years after such date or before at-  
5 taining 21 years of age.

6 “(iv) SPOUSES.—A noncitizen who  
7 was the spouse of a citizen of the United  
8 States or lawful permanent resident for  
9 not less than 2 years on the date of death  
10 of the United States citizen or lawful per-  
11 manent resident (or, if married for less  
12 than 2 years on such date, proves by a pre-  
13 ponderance of the evidence that the mar-  
14 riage was entered into in good faith and  
15 not solely for the purpose of obtaining an  
16 immigration benefit and the noncitizen was  
17 not legally separated from the citizen of  
18 the United States or lawful permanent  
19 resident on such date) and each child of  
20 such noncitizen shall be considered, for  
21 purposes of this subsection, an immediate  
22 relative after such date if the spouse files  
23 a petition under section 204(a)(1)(A)(ii)  
24 before the date on which the spouse remar-  
25 ries.

1                   “(v) SPECIAL RULE.—For purposes of  
2                   this subparagraph, a noncitizen who has  
3                   filed a petition under clause (iii) or (iv) of  
4                   section 204(a)(1)(A) remains an immediate  
5                   relative if the United States citizen or law-  
6                   ful permanent resident spouse or parent  
7                   loses United States citizenship or lawful  
8                   permanent residence on account of the  
9                   abuse.

10                   “(B) BIRTH DURING TEMPORARY VISIT  
11                   ABROAD.—A noncitizen born to a lawful perma-  
12                   nent resident during a temporary visit abroad is  
13                   an immediate relative.”.

14                   (b) ALLOCATION OF IMMIGRANT VISAS.—Section  
15                   203(a) of the Immigration and Nationality Act (8 U.S.C.  
16                   1153(a)) is amended—

17                   (1) in paragraph (1), by striking “23,400” and  
18                   inserting “26.5 percent of such worldwide level”;

19                   (2) by striking paragraph (2) and inserting the  
20                   following:

21                   “(2) UNMARRIED SONS AND UNMARRIED  
22                   DAUGHTERS OF LAWFUL PERMANENT RESIDENTS.—  
23                   Qualified immigrants who are the unmarried sons or  
24                   unmarried daughters (but are not the children) of  
25                   lawful permanent residents shall be allocated visas in

1 a number not to exceed 16.8 percent of such world-  
2 wide level, plus any visas not required for the class  
3 specified in paragraph (1).”;

4 (3) in paragraph (3), by striking “23,400” and  
5 inserting “16.8 percent of such worldwide level”;  
6 and

7 (4) in paragraph (4), by striking “65,000” and  
8 inserting “39.9 percent of such worldwide level”.

9 (c) CONFORMING AMENDMENTS.—

10 (1) RULES FOR DETERMINING WHETHER CER-  
11 TAIN NONCITIZENS ARE IMMEDIATE RELATIVES.—  
12 Section 201(f) of the Immigration and Nationality  
13 Act (8 U.S.C. 1151(f)) is amended—

14 (A) in paragraph (1), by striking “para-  
15 graphs (2) and (3),” and inserting “paragraph  
16 (2),”;

17 (B) by striking paragraph (2);

18 (C) by redesignating paragraphs (3) and  
19 (4) as paragraphs (2) and (3), respectively; and

20 (D) in paragraph (3), as redesignated by  
21 subparagraph (C), by striking “through (3)”  
22 and inserting “and (2)”.

23 (2) ALLOCATION OF IMMIGRATION VISAS.—Sec-  
24 tion 203(h) of the Immigration and Nationality Act  
25 (8 U.S.C. 1153(h)) is amended—



1 (A) in paragraph (1)—

2 (i) in the matter preceding subpara-  
3 graph (A), by striking “subsections  
4 (a)(2)(A) and (d)” and inserting “sub-  
5 section (d)”;

6 (ii) in subparagraph (A), by striking  
7 “becomes available for such noncitizen (or,  
8 in the case of subsection (d), the date on  
9 which an immigrant visa number became  
10 available for the noncitizen’s parent),” and  
11 inserting “became available for the nonciti-  
12 zen’s parent,”; and

13 (iii) in subparagraph (B), by striking  
14 “applicable”;

15 (B) by amending paragraph (2) to read as  
16 follows:

17 “(2) PETITION DESCRIBED.—The petition de-  
18 scribed in this paragraph is a petition filed under  
19 section 204 for classification of a noncitizen’s parent  
20 under subsection (a), (b), or (c).”; and

21 (C) in paragraph (3), by striking “sub-  
22 sections (a)(2)(A) and (d)” and inserting “sub-  
23 section (d)”.

1           (3) PROCEDURE FOR GRANTING IMMIGRANT  
2 STATUS.—Section 204 of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1154) is amended—

4           (A) in subsection (a)(1)—

5           (i) in subparagraph (A)—

6           (I) in clause (i), by inserting “or  
7 lawful permanent resident” after “cit-  
8 izen of the United States”;

9           (II) in clause (ii), by striking  
10 “described in the second sentence of  
11 section 201(b)(2)(A)(i) also” and in-  
12 serting “, noncitizen child, or noncit-  
13 izen parent described in section  
14 201(b)(2)(A)”;

15          (III) in clause (iii)—

16          (aa) in subclause (I)(aa), by  
17 inserting “or lawful permanent  
18 resident” after “citizen”; and

19          (bb) in subclause (II)(aa)—

20           (AA) in subitems (AA)  
21 and (BB), by inserting “or  
22 lawful permanent resident;”  
23 after “citizen of the United  
24 States” each place it ap-  
25 pears; and

1 (BB) in subitem (CC),  
2 by inserting “or lawful per-  
3 manent resident” after  
4 “United States citizen” each  
5 place it appears and by in-  
6 serting “or lawful perma-  
7 nent resident” after “citi-  
8 zenship”;

9 (IV) in clause (iv)—

10 (aa) by striking “citizen of  
11 the United States” and inserting  
12 “United States citizen or lawful  
13 permanent resident parent”;

14 (bb) by inserting “or lawful  
15 permanent resident” after  
16 “United States citizen”;

17 (cc) by inserting “or lawful  
18 permanent resident” after “citi-  
19 zenship”;

20 (dd) by striking “citizen  
21 parent may” and inserting  
22 “United States citizen or lawful  
23 permanent resident parent may”;

24 (ee) by striking “citizen par-  
25 ent.” and inserting “United

1 States citizen or lawful perma-  
2 nent resident parent.”; and

3 (ff) by striking “residence  
4 includes” and inserting “resi-  
5 dence with a parent includes”;

6 (V) in clause (v)(I), by inserting  
7 “or lawful permanent resident” after  
8 “citizen”;

9 (VI) in clause (vi)—

10 (aa) by inserting “or lawful  
11 permanent resident status” after  
12 “renunciation of citizenship”;  
13 and

14 (bb) by inserting “or lawful  
15 permanent resident” after “abus-  
16 er’s citizenship”; and

17 (VII) in clause (viii)(I)—

18 (aa) by striking “citizen of  
19 the United States” and inserting  
20 “United States citizen or lawful  
21 permanent resident”; and

22 (bb) by inserting “or lawful  
23 permanent resident” after “the  
24 citizen”;

25 (ii) by striking subparagraph (B);

1 (iii) in subparagraph (C), by striking  
2 “subparagraph (A)(iii), (A)(iv), (B)(ii), or  
3 (B)(iii)” and inserting “clause (iii) or (iv)  
4 of subparagraph (A)”;

5 (iv) in subparagraph (D)—

6 (I) in clause (i)(I), by striking  
7 “clause (iv) of section 204(a)(1)(A) or  
8 section 204(a)(1)(B)(iii)” each place  
9 it appears and inserting “subpara-  
10 graph (A)(iv)”;

11 (II) in clause (ii), by striking  
12 “subparagraph (A)(iii), (A)(iv), (B)(ii)  
13 or (B)(iii)” and inserting “clause (iii)  
14 or (iv) of subparagraph (A)”;

15 (III) in clause (iv), by striking  
16 “subparagraph (A)(iii), (A)(iv),  
17 (B)(ii), or (B)(iii)” and inserting  
18 “clause (iii) or (iv) of subparagraph  
19 (A)”;

20 (IV) in clause (v), by striking “or  
21 (B)(iii)”;

22 (v) in subparagraph (J)—

23 (I) by striking “or clause (ii) or  
24 (iii) of subparagraph (B)”;

1 (II) by striking “subparagraphs  
2 (C) and (D)” and inserting “subpara-  
3 graphs (B) and (C)”; and  
4 (vi) by redesignating subparagraphs  
5 (C) through (L) as subparagraphs (B)  
6 through (K), respectively;  
7 (B) in subsection (a), by striking para-  
8 graph (2);  
9 (C) in subsection (h)—  
10 (i) in the first sentence, by striking  
11 “or a petition filed under subsection  
12 (a)(1)(B)(ii) pursuant to conditions de-  
13 scribed in subsection (a)(1)(A)(iii)(1)”;  
14 and  
15 (ii) in the second sentence—  
16 (I) by striking “section  
17 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii)”  
18 and inserting “subsection  
19 (a)(1)(A)(iii)”; and  
20 (II) by striking “section  
21 204(a)(1)(A) or in section  
22 204(a)(1)(B)(iii)” and inserting “sub-  
23 section (a)(1)(A)”;

1 (D) in subsection (i)(1), by striking “sub-  
2 section (a)(4)(D)” and inserting “subsection  
3 (a)(1)(D)”;

4 (E) in subsection (j), by striking “sub-  
5 section (a)(1)(D)” and inserting “subsection  
6 (a)(1)(E)”;

7 (F) in subsection l(1)—

8 (i) by striking “who resided in the  
9 United States at the time of the death of  
10 the qualifying relative and who continues  
11 to reside in the United States”;

12 (ii) by striking “any related applica-  
13 tions,” and inserting “any related applica-  
14 tions (including affidavits of support),”.

15 (4) ADDITIONAL CONFORMING AMENDMENTS.—

16 (A) Section 101(a) of the Immigration and  
17 Nationality Act (8 U.S.C. 1101(a)) is amend-  
18 ed—

19 (i) in paragraph (50), by striking “,  
20 204(a)(1)(B)(ii)(II)(aa)(BB),”;

21 (ii) in paragraph (51)—

22 (I) by striking subparagraph (B);

23 and

1 (II) by redesignating subpara-  
2 graphs (C) through (G) as subpara-  
3 graphs (B) through (F), respectively.

4 (B) Section 212(a)(4)(C)(i) of the Immi-  
5 gration and Nationality Act (8 U.S.C.  
6 1182(a)(4)(C)(i)) is amended—

7 (i) by striking subclause (II); and

8 (ii) by redesignating subclause (III) as  
9 subclause (II).

10 (C) Section 240(c)(7)(C)(iv)(I) of the Im-  
11 migration and Nationality Act (8 U.S.C.  
12 1229a(c)(7)(C)(iv)(I)) is amended by striking “,  
13 clause (ii) or (iii) of section 204(a)(1)(B),”.

14 **SEC. 3103. ADJUSTMENT OF FAMILY-SPONSORED PER-**  
15 **COUNTRY LIMITS.**

16 Section 202(a) of the Immigration and Nationality  
17 Act (8 U.S.C. 1152(a)) is amended—

18 (1) in paragraph (2), by striking “7 percent (in  
19 the case of a single foreign state) or 2 percent” and  
20 inserting “20 percent (in the case of a single foreign  
21 state) or 5 percent”; and

22 (2) by amending paragraph (4) to read as fol-  
23 lows:

24 “(4) LIMITING PASS DOWN FOR CERTAIN COUN-  
25 TRIES SUBJECT TO SUBSECTION (e).—In the case of



1 a foreign state or dependent area to which sub-  
2 section (e) applies, if the total number of visas  
3 issued under section 203(a)(2) exceeds the max-  
4 imum number of visas that may be made available  
5 to immigrants of the state or area under section  
6 203(a)(2) consistent with subsection (e) (determined  
7 without regard to this paragraph), in applying para-  
8 graphs (3) and (4) of section 203(a) under sub-  
9 section (e)(2) all visas shall be deemed to have been  
10 required for the classes specified in paragraphs (1)  
11 and (2) of such section.”.

12 **SEC. 3104. PROMOTING FAMILY UNITY.**

13 (a) REPEAL OF 3-YEAR, 10-YEAR, AND PERMANENT  
14 BARS.—Section 212(a)(9) of the Immigration and Nation-  
15 ality Act (8 U.S.C. 1182(a)(9)) is amended to read as fol-  
16 lows:

17 “(9) NONCITIZENS PREVIOUSLY REMOVED.—

18 “(A) ARRIVING NONCITIZEN.—Any noncit-  
19 izen who has been ordered removed under sec-  
20 tion 235(b)(1) or at the end of proceedings  
21 under section 240 initiated upon the nonciti-  
22 zen’s arrival in the United States and who  
23 again seeks admission within 5 years of the  
24 date of such removal (or within 20 years in the  
25 case of a second or subsequent removal or at

1 any time in the case of a noncitizen convicted  
2 of an aggravated felony) is inadmissible.

3 “(B) OTHER NONCITIZENS.—Any noncit-  
4 izen not described in subparagraph (A) who  
5 seeks admission within 10 years of the date of  
6 such noncitizen’s departure or removal (or with-  
7 in 20 years of such date in the case of a second  
8 or subsequent removal or at any time in the  
9 case of a noncitizen convicted of an aggravated  
10 felony) is inadmissible if the noncitizen—

11 “(i) has been ordered removed under  
12 section 240 or any other provision of law;  
13 or

14 “(ii) departed the United States while  
15 an order of removal was outstanding.

16 “(C) EXCEPTION.—Subparagraphs (A)  
17 and (B) shall not apply to a noncitizen seeking  
18 admission within a period if, prior to the date  
19 of the noncitizen’s reembarkation at a place  
20 outside the United States or attempt to be ad-  
21 mitted from foreign contiguous territory, the  
22 Secretary of Homeland Security has consented  
23 to the noncitizen’s reapplying for admission.”.

1 (b) MISREPRESENTATION OF CITIZENSHIP.—The  
2 Immigration and Nationality Act (8 U.S.C. 1101 et seq.)  
3 is amended—

4 (1) in section 212(a)(6)(C) (8 U.S.C.  
5 1182(a)(6)(C)), by amending clause (ii) to read as  
6 follows:

7 “(ii) MISREPRESENTATION OF CITI-  
8 ZENSHIP.—

9 “(I) IN GENERAL.—Any noncit-  
10 izen who willfully misrepresents, or  
11 has willfully misrepresented, himself  
12 or herself to be a citizen of the United  
13 States for any purpose or benefit  
14 under this Act (including section  
15 274A) or any Federal or State law is  
16 inadmissible.

17 “(II) EXCEPTION.—In the case  
18 of a noncitizen who was under the age  
19 of 21 years at the time of making a  
20 misrepresentation described in sub-  
21 clause (I), the noncitizen shall not be  
22 considered to be inadmissible under  
23 any provision of this subsection based  
24 on such misrepresentation.”; and

1 (2) in section 237(a)(3) (8 U.S.C. 1227(a)(3)),  
2 by amending subparagraph (D) to read as follows:

3 “(D) MISREPRESENTATION OF CITIZEN-  
4 SHIP.—

5 “(i) IN GENERAL.—Any noncitizen  
6 who willfully misrepresents, or has willfully  
7 misrepresented, himself or herself to be a  
8 citizen of the United States for any pur-  
9 pose or benefit under this Act (including  
10 section 274A) or any Federal or State law  
11 is deportable.

12 “(ii) EXCEPTION.—In the case of a  
13 noncitizen who was under the age of 21  
14 years at the time of making a misrepresen-  
15 tation described in clause (i), the noncit-  
16 izen shall not be considered to be deport-  
17 able under any provision of this subsection  
18 based on such misrepresentation.”.

19 **SEC. 3105. RELIEF FOR ORPHANS, WIDOWS, AND WID-**  
20 **OWERS.**

21 (a) PROCESSING OF IMMIGRANT VISAS AND DERIVA-  
22 TIVE PETITIONS.—

23 (1) IN GENERAL.—Section 204(b) of the Immi-  
24 gration and Nationality Act (8 U.S.C. 1154(b)) is  
25 amended—

1 (A) by striking “(b) After an investiga-  
2 tion” and inserting the following:

3 “(b) APPROVAL OF PETITION.—

4 “(1) IN GENERAL.—After an investigation”;  
5 and

6 (B) by adding at the end the following:

7 “(2) DEATH OF QUALIFYING RELATIVE.—

8 “(A) IN GENERAL.—A noncitizen described  
9 in subparagraph (C) the qualifying relative of  
10 whom dies before the completion of immigrant  
11 visa processing may have an immigrant visa ap-  
12 plication adjudicated as if such death had not  
13 occurred.

14 “(B) CONTINUED VALIDITY OF VISA.—An  
15 immigrant visa issued to a noncitizen before the  
16 death of his or her qualifying relative shall re-  
17 main valid after such death.

18 “(C) NONCITIZEN DESCRIBED.—A noncit-  
19 izen described in this subparagraph is a noncit-  
20 izen who, at the time of the death of his or her  
21 qualifying relative, was—

22 “(i) an immediate relative (as de-  
23 scribed in section 201(b)(2)(A));

1           “(ii) a family-sponsored immigrant  
2           (as described in subsection (a) or (d) of  
3           section 203);

4           “(iii) a derivative beneficiary of an  
5           employment-based immigrant under section  
6           203(b) (as described in section 203(d)); or

7           “(iv) the spouse or child of a refugee  
8           (as described in section 207(c)(2)) or an  
9           asylee (as described in section  
10          208(b)(3)).”.

11          (2) TRANSITION PERIOD.—

12           (A) IN GENERAL.—Notwithstanding a de-  
13           nial or revocation of an application for an immi-  
14           grant visa for a noncitizen the qualifying rel-  
15           ative of whom dies before the date of the enact-  
16           ment of this Act, such application may be re-  
17           newed by the noncitizen by a motion to reopen,  
18           without fee.

19           (B) INAPPLICABILITY OF BARS TO  
20           ENTRY.—Notwithstanding section 212(a)(9) of  
21           the Immigration and Nationality Act (8 U.S.C.  
22           1182(a)(9)), the application for an immigrant  
23           visa of a noncitizen the qualifying relative of  
24           whom died before the date of the enactment of  
25           this Act shall be considered if the noncitizen

1           was excluded, deported, removed, or departed  
2           voluntarily before the date of the enactment of  
3           this Act.

4           (b) ELIGIBILITY FOR PAROLE.—If a noncitizen de-  
5           scribed in section 204(l) of the Immigration and Nation-  
6           ality Act (8 U.S.C. 1154(l)), was excluded, deported, re-  
7           moved, or departed voluntarily before the date of the en-  
8           actment of this Act—

9           (1) such noncitizen shall be eligible for parole  
10          into the United States pursuant to the Secretary’s  
11          discretionary authority under section 212(d)(5) of  
12          such Act (8 U.S.C. 1182(d)(5)); and

13          (2) such noncitizen’s application for adjustment  
14          of status shall be considered notwithstanding section  
15          212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

16          (c) NATURALIZATION.—Section 319(a) of the Immi-  
17          gration and Nationality Act (8 U.S.C. 1430(a)) is amend-  
18          ed by inserting “(or, if the spouse is deceased, the spouse  
19          was a citizen of the United States)” after “citizen of the  
20          United States”.

21          (d) FAMILY-SPONSORED IMMIGRANTS.—Section  
22          212(a)(4)(C)(i) of the Immigration and Nationality Act  
23          (8 U.S.C. 1182(a)(4)(C)(i)), as amended by section 3102,  
24          is further amended—

1 (1) in subclause (I), by striking “, or” and in-  
2 serting a semicolon; and

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

4 “(III) status as a surviving rel-  
5 ative under section 204(l); or”.

6 **SEC. 3106. EXEMPTION FROM IMMIGRANT VISA LIMIT FOR**  
7 **CERTAIN VETERANS WHO ARE NATIVES OF**  
8 **THE PHILIPPINES.**

9 (a) **SHORT TITLE.**—This section may be cited as the  
10 “Filipino Veterans Family Reunification Act”.

11 (b) **NONCITIZENS NOT SUBJECT TO DIRECT NUMER-**  
12 **ICAL LIMITATIONS.**—Section 201(b)(1) of the Immigra-  
13 tion and Nationality Act (8 U.S.C. 1151(b)(1)) is amend-  
14 ed by adding at the end the following:

15 “(F) Noncitizens who are eligible for an immi-  
16 grant visa under paragraph (1) or (3) of section  
17 203(a) and who have a parent who was naturalized  
18 pursuant to section 405 of the Immigration Act of  
19 1990 (8 U.S.C. 1440 note).”.

20 **SEC. 3107. FIANCÉE OR FIANCÉ CHILD STATUS PROTEC-**  
21 **TION.**

22 (a) **IN GENERAL.**—Section 101(a)(15)(K) of the Im-  
23 migration and Nationality Act (8 U.S.C. 1101(a)(15)(K))  
24 is amended—



1           (1) in clause (ii), by striking “section  
2       201(b)(2)(A)(i)” and inserting “section  
3       201(b)(2)(A)(i)(I)”; and

4           (2) by amending clause (iii) to read as follows:

5                       “(iii) is the minor child of a noncit-  
6                       izen described in clause (i) or (ii) and is  
7                       accompanying or following to join the non-  
8                       citizen, the age of such child to be deter-  
9                       mined as of the date on which the petition  
10                      is submitted to the Secretary of Homeland  
11                      Security to classify the noncitizen’s parent  
12                      as the fiancée or fiancé of a United States  
13                      citizen (in the case of a noncitizen parent  
14                      described in clause (i)) or as the spouse of  
15                      a United States citizen under section  
16                      201(b)(2)(A)(i)(I) (in the case of a noncit-  
17                      izen parent described in clause (ii));”.

18           (b) ADJUSTMENT OF STATUS AUTHORIZED.—Section  
19       214(d) of the Immigration and Nationality Act (8 U.S.C.  
20       1184(d)) is amended—

21           (1) by redesignating paragraphs (2) and (3) as  
22       paragraphs (3) and (4), respectively;

23           (2) in paragraph (1)—

24                       (A) in the third sentence—

1 (i) by striking “paragraph (3)(B)”  
2 and inserting “paragraph (4)(B)”; and

3 (ii) by striking “paragraph (3)(B)(i)”  
4 and inserting “paragraph (4)(B)(i)”; and  
5 (B) by striking the last sentence; and

6 (3) by inserting after paragraph (1) the fol-  
7 lowing:

8 “(2)(A) If a noncitizen does not marry the petitioner  
9 under paragraph (1) within 90 days after the noncitizen  
10 and the noncitizen’s minor children are admitted into the  
11 United States, such noncitizen and children shall be re-  
12 quired to depart from the United States. If such nonciti-  
13 zens fail to depart from the United States, they shall be  
14 removed in accordance with sections 240 and 241.

15 “(B) Subject to subparagraphs (C) and (D), if a non-  
16 citizen marries the petitioner described in section  
17 101(a)(15)(K)(i) within 90 days after the noncitizen and  
18 the noncitizen’s minor children are admitted into the  
19 United States, the Secretary of Homeland Security or the  
20 Attorney General, subject to the provisions of section  
21 245(d), may adjust the status of the noncitizen, and any  
22 minor children accompanying or following to join the non-  
23 citizen, to that of a lawful permanent resident on a condi-  
24 tional basis under section 216 if the noncitizen and any

1 such minor children apply for such adjustment and are  
2 not determined to be inadmissible to the United States.

3 “(C) Paragraphs (5) and (7)(A) of section 212(a)  
4 shall not apply to a noncitizen who is eligible to apply for  
5 adjustment of status to that of a lawful permanent resi-  
6 dent under this section.

7 “(D) A noncitizen eligible for a waiver of inadmis-  
8 sibility as otherwise authorized under this Act shall be per-  
9 mitted to apply for adjustment of status to that of a lawful  
10 permanent resident under this section.”.

11 (c) AGE DETERMINATION.—Section 245(d) of the  
12 Immigration and Nationality Act (8 U.S.C. 1255(d)) is  
13 amended—

14 (1) by inserting “(1)” before “The Attorney  
15 General”; and

16 (2) by adding at the end the following:

17 “(2) A determination of the age of a noncitizen ad-  
18 mitted to the United States under section  
19 101(a)(15)(K)(iii) shall be made, for purposes of adjust-  
20 ment of status to lawful permanent resident on a condi-  
21 tional basis under section 216, using the age of the noncit-  
22 izen on the date on which the petition is submitted to the  
23 Secretary of Homeland Security to classify the nonciti-  
24 zen’s parent as the fiancée or fiancé of a United States  
25 citizen (in the case of a noncitizen parent admitted to the

1 United States under section 101(a)(15)(K)(i)) or as the  
2 spouse of a United States citizen under section  
3 201(b)(2)(A)(i)(I) (in the case of a noncitizen parent ad-  
4 mitted to the United States under section  
5 101(a)(15)(K)(ii)).”.

6 (d) EFFECTIVE DATE.—

7 (1) IN GENERAL.—The amendments made by  
8 this section shall be effective as if included in the  
9 Immigration Marriage Fraud Amendments of 1986  
10 (Public Law 99–639; 100 Stat. 3537).

11 (2) APPLICABILITY.—The amendments made  
12 by this section shall apply to all petitions or applica-  
13 tions described in such amendments that—

14 (A) are pending as of the date of the en-  
15 actment of this Act; or

16 (B) have been denied, but would have been  
17 approved if such amendments had been in effect  
18 at the time of adjudication of the petition or  
19 application.

20 (3) MOTION TO REOPEN OR RECONSIDER.—A  
21 motion to reopen or reconsider a petition or an ap-  
22 plication described in paragraph (2)(B) shall be  
23 granted if such motion is submitted to the Secretary  
24 or the Attorney General not later than 2 years after  
25 the date of the enactment of this Act.

1 **SEC. 3108. RETENTION OF PRIORITY DATES.**

2 Section 203 of the Immigration and Nationality Act  
3 (8 U.S.C. 1153) is amended—

4 (1) in subsection (h), by amending paragraph  
5 (3) to read as follows:

6 “(3) RETENTION OF PRIORITY DATE.—If the  
7 age of a noncitizen is determined under paragraph  
8 (1) to be 21 years or older for purposes of sub-  
9 section (d), and a parent of the noncitizen files a  
10 family-based petition for such noncitizen, the pri-  
11 ority date for such petition shall be the original pri-  
12 ority date issued upon receipt of the original family-  
13 based or employment-based petition for which either  
14 parent was a beneficiary.”; and

15 (2) by adding at the end the following:

16 “(i) PERMANENT PRIORITY DATES.—

17 “(1) IN GENERAL.—The priority date for any  
18 family-based or employment-based petition shall be  
19 the date of filing of the petition with the Secretary  
20 of Homeland Security (or the Secretary of State, if  
21 applicable), unless the filing of the petition was pre-  
22 ceded by the filing of a labor certification with the  
23 Secretary of Labor, in which case that date shall  
24 constitute the priority date.

25 “(2) RETENTION OF EARLIEST PRIORITY  
26 DATE.—The beneficiary of any petition shall retain

1 his or her earliest priority date based on any petition  
2 filed on his or her behalf that was approvable on the  
3 date on which it was filed, regardless of the category  
4 of subsequent petitions.”.

5 **SEC. 3109. INCLUSION OF PERMANENT PARTNERS.**

6 (a) IMMIGRATION AND NATIONALITY ACT.—Section  
7 101(a) of the Immigration and Nationality Act (8 U.S.C.  
8 1101(a)), as amended by section 1102, is further amended  
9 by adding at the end:

10 “(55) PERMANENT PARTNER.—

11 “(A) The term ‘permanent partner’ means an  
12 individual 18 years of age or older who—

13 “(i) is in a committed, intimate relation-  
14 ship with another individual 18 years of age or  
15 older in which both parties intend a lifelong  
16 commitment;

17 “(ii) is financially interdependent with  
18 such other individual, except that the Secretary  
19 of Homeland Security or the Secretary of State  
20 shall have the discretion to waive this require-  
21 ment on a case-by-case basis for good cause;

22 “(iii) is not married to or in a permanent  
23 partnership with anyone other than such other  
24 individual;

1           “(iv) is unable, in the jurisdiction of his or  
2           her domicile or the domicile of such other indi-  
3           vidual, to contract with such other individual a  
4           marriage cognizable under this Act; and

5           “(v) is not a first-degree, second-degree, or  
6           third-degree blood relation of such other indi-  
7           vidual.

8           “(B) Any reference to ‘spouse’, ‘husband’, or  
9           ‘wife’, or to the plurals of such terms, shall be equal-  
10          ly applicable to a permanent partner.

11          “(C) Any reference to ‘marriage’, ‘marital  
12          union’, ‘married’, ‘unmarried’, ‘wedlock’, or any  
13          similar term shall be equally applicable to the union  
14          of permanent partners.”.

15          (b) OTHER IMMIGRATION LEGISLATION.—The defini-  
16          tion of permanent partner under section 101(a)(55) of the  
17          Immigration and Nationality Act (8 U.S.C. 1101(a)(55)),  
18          as added by subsection (a), and the meanings of the ref-  
19          erences described in that section shall apply to—

20                 (1) the LIFE Act (division B of the Miscella-  
21                 neous Appropriations Act, 2001, as enacted into law  
22                 by section 1(a)(4) of Public Law 106–554);

23                 (2) the Cuban Adjustment Act (8 U.S.C. 1255  
24                 note); and

1           (3) the Violence Against Women Act of 2000  
2           (division B of Public Law 106–386; 114 Stat.  
3           1491).

4           (c) INAPPLICABILITY OF CEREMONY REQUIRE-  
5           MENT.—Paragraph (35) of section 101(a) of the Immigra-  
6           tion and Nationality Act (8 U.S.C. 1101(a)) is amended  
7           by striking “The term” and inserting “Subject to para-  
8           graph (55), the term”.

9           **SEC. 3110. DEFINITION OF CHILD.**

10          (a) TITLES I AND II.—Section 101(b)(1) of the Im-  
11          migration and Nationality Act (8 U.S.C. 1101(b)(1)) is  
12          amended—

13                 (1) in subparagraph (B), by striking “, pro-  
14                 vided the child had not reached the age of 18 years  
15                 at the time the marriage creating the status of step-  
16                 child occurred”; and

17                 (2) by adding at the end the following:

18                         “(H)(i) a biological child of a noncitizen  
19                         permanent partner if the child was under the  
20                         age of 18 years on the date on which the per-  
21                         manent partnership was formed; or

22                         “(ii) a child adopted by a noncitizen per-  
23                         manent partner while under the age of 16 years  
24                         if the child—



1           “(I) has been in the legal custody of,  
2           and has resided with, such adoptive parent  
3           for at least 2 years; and

4           “(II) was under the age of 18 years at  
5           the time the permanent partnership was  
6           formed.”.

7           (b) TITLE III.—Section 101(c) of the Immigration  
8 and Nationality Act (8 U.S.C. 1101(c)) is amended—

9           (1) in paragraph (1), by inserting “and an indi-  
10          vidual described in subsection (b)(1)(H)” after “The  
11          term ‘child’ means an unmarried person under twen-  
12          ty-one years of age”; and

13          (2) in paragraph (2), by inserting “and the de-  
14          ceased permanent partner of a deceased parent, fa-  
15          ther, or mother,” after “deceased parent, father, and  
16          mother”.

17 **SEC. 3111. TERMINATION OF CONDITIONAL PERMANENT**  
18                                   **RESIDENT STATUS FOR CERTAIN NONCIT-**  
19                                   **IZEN PERMANENT PARTNERS AND SONS AND**  
20                                   **DAUGHTERS UPON FINDING QUALIFYING**  
21                                   **PERMANENT PARTNERSHIP IMPROPER.**

22          Section 216 of the Immigration and Nationality Act  
23 (8 U.S.C. 1186a) is amended—

24          (1) in subsection (b)(1)(A)(ii), by inserting “or  
25          has ceased to satisfy the criteria for being consid-

1       ered a permanent partnership under this Act,” after  
2       “terminated,”;

3           (2) in subsection (c)(4)(B), by striking “termi-  
4       nated (other than through the death of the spouse)”  
5       and inserting “terminated, or has ceased to satisfy  
6       the criteria for being considered a permanent part-  
7       nership under this Act, other than through the death  
8       of the spouse,”; and

9           (3) in subsection (d)(1)(A)(i)(II), by inserting  
10       “or has not ceased to satisfy the criteria for being  
11       considered a permanent partnership under this Act,”  
12       after “terminated,”.

13   **SEC. 3112. NATIONALITY AT BIRTH.**

14       Section 301 of the Immigration and Nationality Act  
15       (8 U.S.C. 1401) is amended by adding at the end the fol-  
16       lowing:

17       “(i) Any reference to ‘a person born of parents’ in  
18       this section shall include—

19           “(1) any legally recognized parent-child rela-  
20       tionship formed within the first year of a person’s  
21       life regardless of any genetic or gestational relation-  
22       ship;

23           “(2) either parent of a child born through as-  
24       sisted reproductive technology who is legally recog-

1 nized as a parent in the relevant jurisdiction regard-  
2 less of any genetic or gestational relationship; and

3 “(3) the spouse of a parent at the time of birth,  
4 in any case in which—

5 “(A) at least 1 parent is a legally recog-  
6 nized parent; and

7 “(B) the marriage occurred before the  
8 child’s birth and is recognized in the United  
9 States, regardless of where the parents reside.”.

10 **Subtitle B—National Origin-Based**  
11 **Antidiscrimination for Non-**  
12 **immigrants**

13 **SEC. 3201. EXPANSION OF NONDISCRIMINATION PROVI-**  
14 **SION.**

15 Section 202(a)(1)(A) of the Immigration and Nation-  
16 ality Act (8 U.S.C. 1152(a)(1)(A)) is amended—

17 (1) by inserting “or a nonimmigrant visa, ad-  
18 mission or other entry into the United States, or the  
19 approval or revocation of any immigration benefit”  
20 after “immigrant visa”;

21 (2) by inserting “religion,” after “sex,”; and

22 (3) by inserting “, except if expressly required  
23 by statute, or if a statutorily authorized benefit  
24 takes into consideration such factors” before the pe-  
25 riod at the end.

1 **SEC. 3202. TRANSFER AND LIMITATIONS ON AUTHORITY TO**  
2 **SUSPEND OR RESTRICT THE ENTRY OF A**  
3 **CLASS OF NONCITIZENS.**

4 Section 212(f) of the Immigration and Nationality  
5 Act (8 U.S.C. 1182(f)) is amended to read as follows:

6 “(f) **AUTHORITY TO SUSPEND OR RESTRICT THE**  
7 **ENTRY OF A CLASS OF NONCITIZENS.—**

8 “(1) **IN GENERAL.—**Subject to paragraph (2),  
9 if the Secretary of State, in consultation with the  
10 Secretary of Homeland Security, determines, based  
11 on specific and credible facts, that the entry of any  
12 noncitizens or any class of noncitizens into the  
13 United States would undermine the security or pub-  
14 lic safety of the United States, or the preservation  
15 of human rights, democratic processes or institu-  
16 tions, or international stability, the President may  
17 temporarily—

18 “(A) suspend the entry of such noncitizens  
19 or class of noncitizens as immigrants or non-  
20 immigrants; or

21 “(B) impose any restriction on the entry of  
22 such noncitizens that the President considers  
23 appropriate.

24 “(2) **LIMITATIONS.—**In carrying out paragraph  
25 (1), the President, the Secretary of State, and the  
26 Secretary of Homeland Security shall—

1           “(A) issue a suspension or restriction only  
2 to the extent required to address specific acts  
3 implicating a compelling government interest in  
4 a factor identified in paragraph (1);

5           “(B) narrowly tailor the suspension or re-  
6 striction, using the least restrictive means, to  
7 achieve such compelling government interest;

8           “(C) specify the duration of the suspension  
9 or restriction and set forth evidence justifying  
10 such duration;

11           “(D) consider waivers to any class-based  
12 restriction or suspension and apply a rebuttable  
13 presumption in favor of granting family-based  
14 and humanitarian waivers; and

15           “(E) comply with all provisions of this Act,  
16 including section 202(a)(1)(A).

17           “(3) CONGRESSIONAL NOTIFICATION.—

18           “(A) IN GENERAL.—Prior to the President  
19 exercising the authority under paragraph (1),  
20 the Secretary of State and the Secretary of  
21 Homeland Security shall consult Congress and  
22 provide Congress with specific evidence sup-  
23 porting the need for the suspension or restric-  
24 tion and its proposed duration.

1           “(B) BRIEFING AND REPORT.—Not later  
2 than 48 hours after the President exercises the  
3 authority under paragraph (1), the Secretary of  
4 State and the Secretary of Homeland Security  
5 shall provide a briefing and submit a written re-  
6 port to the appropriate committees of Congress  
7 that describes—

8                   “(i) the action taken pursuant to  
9 paragraph (1) and the specified objective  
10 of such action; and

11                   “(ii) the estimated number of individ-  
12 uals who will be impacted by such action;

13                   “(I) the constitutional and legis-  
14 lative authority under which such ac-  
15 tion took place; and

16                   “(II) the circumstances necessi-  
17 tating such action, including how such  
18 action complies with paragraph (2)  
19 and any intelligence informing such  
20 action.

21           “(C) TERMINATION.—If the briefing and  
22 report described in subparagraph (B) are not  
23 provided to the appropriate committees of Con-  
24 gress during the 48-hour period after the Presi-  
25 dent exercises the authority under paragraph

1 (1), the suspension or restriction shall imme-  
2 diately terminate absent intervening congres-  
3 sional action.

4 “(D) PUBLICATION.—The Secretary of  
5 State and the Secretary of Homeland Security  
6 shall publicly announce and publish an unclassi-  
7 fied version of the report described in subpara-  
8 graph (B) in the Federal Register.

9 “(4) JUDICIAL REVIEW.—

10 “(A) IN GENERAL.—Notwithstanding any  
11 other provision of law, an individual or entity  
12 who is present in the United States and has  
13 been harmed by a violation of this subsection  
14 may file an action in an appropriate district  
15 court of the United States to seek declaratory  
16 or injunctive relief.

17 “(B) CLASS ACTION.—Nothing in this Act  
18 may be construed to preclude an action filed  
19 pursuant to subparagraph (A) from proceeding  
20 as a class action.

21 “(5) TREATMENT OF COMMERCIAL AIRLINES.—  
22 If the Secretary of Homeland Security finds that a  
23 commercial airline has failed to comply with regula-  
24 tions of the Secretary relating to requirements of  
25 airlines for the detection of fraudulent documents

1 used by passengers traveling to the United States  
2 (including the training of personnel in such detec-  
3 tion), the Secretary may suspend the entry of some  
4 or all noncitizens transported to the United States  
5 by such airline.

6 “(6) REPORTING REQUIREMENTS.—

7 “(A) IN GENERAL.—Not later than 30  
8 days after the date on which the President exer-  
9 cises the authority under this subsection, and  
10 every 30 days thereafter until the conclusion of  
11 such an exercise of authority, the Secretary of  
12 State, in coordination with the Secretary of  
13 Homeland Security and the heads of other rel-  
14 evant Federal agencies, shall submit to the ap-  
15 propriate committees of Congress a report that  
16 includes the following:

17 “(i) For each country affected by such  
18 a suspension or restriction—

19 “(I) the total number of individ-  
20 uals who applied for a visa,  
21 disaggregated by visa category;

22 “(II) the total number of such  
23 visa applicants who were approved,  
24 disaggregated by visa category;



1           “(III) the total number of such  
2           visa applicants who were refused,  
3           disaggregated by visa category, and  
4           the reasons they were refused;

5           “(IV) the total number of such  
6           visa applicants whose applications re-  
7           main pending, disaggregated by visa  
8           category;

9           “(V) the total number of such  
10          visa applicants who were granted a  
11          waiver, disaggregated by visa cat-  
12          egory;

13          “(VI) the total number of such  
14          visa applicants who were denied a  
15          waiver, disaggregated by visa cat-  
16          egory, and the reasons such waiver re-  
17          quests were denied; and

18          “(VII) the total number of refu-  
19          gees admitted.

20          “(ii) Specific evidence supporting the  
21          need for the continued exercise of presi-  
22          dential authority under this subsection, in-  
23          cluding the information described in para-  
24          graph (3)(B).

1           “(B) EFFECT OF NONCOMPLIANCE.—If a  
2 report required by subparagraph (A) is not  
3 timely submitted, the suspension or restriction  
4 shall immediately terminate absent intervening  
5 congressional action.

6           “(C) FINAL REPORT.—Not later than 30  
7 days after the conclusion of a suspension or re-  
8 striction under this subsection, the Secretary of  
9 State, in coordination with the Secretary of  
10 Homeland Security and the heads of other rel-  
11 evant Federal agencies, shall submit to the ap-  
12 propriate committees of Congress a report that  
13 includes, for the entire period of the suspension  
14 or restriction, the information described clauses  
15 (i) and (ii) of subparagraph (A).

16           “(D) FORM; AVAILABILITY.—Each report  
17 required by this paragraph shall be made pub-  
18 licly available on an internet website in unclas-  
19 sified form.

20           “(7) RULE OF CONSTRUCTION.—Nothing in  
21 this subsection may be construed to authorize the  
22 President, the Secretary of State, or the Secretary  
23 of Homeland Security to act in a manner incon-  
24 sistent with the policy decisions expressed in the im-  
25 migration laws.

1           “(8) APPROPRIATE COMMITTEES OF CONGRESS  
2           DEFINED.—In this subsection, the term ‘appropriate  
3           committees of Congress’ means—

4                   “(A) the Select Committee on Intelligence,  
5                   the Committee on Foreign Relations, the Com-  
6                   mittee on the Judiciary, and the Committee on  
7                   Homeland Security and Governmental Affairs  
8                   of the Senate; and

9                   “(B) the Permanent Select Committee on  
10                  Intelligence, the Committee on Foreign Affairs,  
11                  the Committee on the Judiciary, and the Com-  
12                  mittee on Homeland Security of the House of  
13                  Representatives.”.

## 14       **Subtitle C—Diversity Immigrants**

### 15       **SEC. 3301. INCREASING DIVERSITY VISAS.**

16           Section 201(e) of the Immigration and Nationality  
17       Act (8 U.S.C. 1151(e)) is amended by striking “55,000”  
18       and inserting “80,000”.

## 19                   **Subtitle D—Reforming** 20       **Employment-Based Immigration**

### 21       **SEC. 3401. DOCTORAL STEM GRADUATES FROM ACCRED-** 22                   **ITED UNITED STATES UNIVERSITIES.**

23           (a) IN GENERAL.—Section 201(b)(1) of the Immi-  
24       gration and Nationality Act (8 U.S.C. 1151(b)(1)), as

1 amended by section 3106, is further amended by adding  
2 at the end the following:

3 “(G) Noncitizens who have earned a doctoral  
4 degree in a field of science, technology, engineering,  
5 or mathematics from an accredited United States in-  
6 stitution of higher education.”.

7 (b) DEFINITIONS.—Section 204 of the Immigration  
8 and Nationality Act (8 U.S.C. 1154) is amended by add-  
9 ing at the end the following:

10 “(m) DOCTORAL STEM GRADUATES FROM ACCRED-  
11 ITED UNITED STATES UNIVERSITIES.—For purposes of  
12 section 201(b)(1)—

13 “(1) the term ‘field of science, technology, engi-  
14 neering, or mathematics’—

15 “(A) means a field included in the Depart-  
16 ment of Education’s Classification of Instruc-  
17 tional Programs taxonomy within the summary  
18 groups of computer and information sciences  
19 and support services, engineering, mathematics  
20 and statistics, physical sciences, and the sum-  
21 mary group subsets of accounting and related  
22 services and taxation; and

23 “(B) may include, at the discretion of the  
24 Secretary of Homeland Security, other fields  
25 not specifically referred to in subparagraph (A)

1 if the accredited United States institution of  
2 higher education verifies that the core cur-  
3 riculum for the specific field is primarily based  
4 in science, technology, engineering, or mathe-  
5 matics; and

6 “(2) the term ‘accredited United States institu-  
7 tion of higher education’ means an institution that—

8 “(A)(i) is described in section 101(a) of  
9 the Higher Education Act of 1965 (20 U.S.C.  
10 1001(a)); or

11 “(ii) is a proprietary institution of higher  
12 education (as defined in section 102(b) of such  
13 Act (20 U.S.C. 1002(b))); and

14 “(B) is accredited by an accrediting body  
15 that is itself accredited by—

16 “(i) the Department of Education; or

17 “(ii) the Council for Higher Edu-  
18 cation Accreditation.”.

19 **SEC. 3402. ADDRESSING VISA BACKLOGS.**

20 (a) **NONCITIZENS NOT SUBJECT TO DIRECT NUMER-**  
21 **ICAL LIMITATIONS.**—Section 201(b)(1) of the Immigra-  
22 tion and Nationality Act (8 U.S.C. 1151(b)), as amended  
23 by section 3106 and 3401, is further amended by adding  
24 at the end the following:

1           “(H) Noncitizens who are beneficiaries (includ-  
2           ing derivative beneficiaries) of an approved immi-  
3           grant petition bearing a priority date that is more  
4           than 10 years before the noncitizen’s application for  
5           admission as an immigrant or for adjustment of sta-  
6           tus.

7           “(I) Noncitizens described in section 203(d).”.

8           (b) **EFFECTIVE DATE.**—The amendments made by  
9           this section shall take effect on the date which is 60 days  
10          after the date of the enactment of this Act.

11 **SEC. 3403. ELIMINATING EMPLOYMENT-BASED PER COUN-**  
12 **TRY LEVELS.**

13          (a) **IN GENERAL.**—Section 202(a)(2) of the Immi-  
14          gration and Nationality Act (8 U.S.C. 1152(a)(2)), as  
15          amended by section 3103(a), is further amended—

16                (1) in the paragraph heading, by striking “**AND**  
17                **EMPLOYMENT-BASED**”;

18                (2) by striking “(3), (4), and (5),” and insert-  
19                ing “(3) and (4),”;

20                (3) by striking “subsections (a) and (b) of sec-  
21                tion 203” and inserting “section 203(a)”;

22                (4) by striking “such subsections” and inserting  
23                “such section”.

24          (b) **CONFORMING AMENDMENTS.**—Section 202 of the  
25          Immigration and Nationality Act (8 U.S.C. 1152), as

1 amended by sections 3103, 3201, and subsection (a), is  
2 further amended—

3 (1) in subsection (a)—

4 (A) in paragraph (3), by striking “both  
5 subsections (a) and (b) of section 203” and in-  
6 serting “section 203(a)”; and

7 (B) by striking paragraph (5); and

8 (2) by amending subsection (e) to read as fol-  
9 lows:

10 “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—

11 If the total number of immigrant visas made available  
12 under section 203(a) to natives of any single foreign state  
13 or dependent area is expected to exceed the numerical lim-  
14 itation specified in subsection (a)(2) in any fiscal year, im-  
15 migrant visas to natives of that state or area under section  
16 203(a) shall be allocated (to the extent practicable and  
17 otherwise consistent with this section and section 203) so  
18 that, except as provided in subsection (a)(4), the propor-  
19 tion of the visa numbers made available under each of  
20 paragraphs (1) through (4) of section 203(a) is equal to  
21 the ratio of the total number of visas made available under  
22 the respective paragraph to the total number of visas made  
23 available under section 203(a).”.

1 (c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the  
2 Chinese Student Protection Act of 1992 (8 U.S.C. 1255  
3 note) is amended—

4 (1) in subsection (a), by striking “subsection  
5 (e)” and inserting “subsection (d)”;

6 (2) by striking subsection (d); and

7 (3) by redesignating subsection (e) as sub-  
8 section (d).

9 (d) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to fiscal year 2022 and each subse-  
11 quent fiscal year.

12 **SEC. 3404. INCREASED IMMIGRANT VISAS FOR OTHER**  
13 **WORKERS.**

14 Section 203(b) of the Immigration and Nationality  
15 Act (8 U.S.C. 1153(b)) is amended—

16 (1) in paragraph (1) by striking “28.6” and in-  
17 serting “23.55”;

18 (2) in paragraph (2)(A) by striking “28.6” and  
19 inserting “23.55”;

20 (3) in paragraph (3)—

21 (A) in subparagraph (A), in the matter be-  
22 fore clause (i), by striking “28.6” and inserting  
23 “41.2”; and

24 (B) in subparagraph (B), by striking  
25 “10,000” and inserting “40,000”;



1 (4) in paragraph (4), by striking “7.1” and in-  
2 serting “5.85”; and

3 (5) in paragraph (5)(A), in the matter before  
4 clause (i), by striking “7.1” and inserting “5.85”.

5 **SEC. 3405. FLEXIBLE ADJUSTMENTS TO EMPLOYMENT-**  
6 **BASED IMMIGRANT VISA PROGRAM.**

7 Section 203(b) of the Immigration and Nationality  
8 Act (8 U.S.C. 1153(b)), as amended by section 3404, is  
9 further amended by adding at the end the following:

10 “(7) GEOGRAPHIC AND LABOR MARKET AD-  
11 JUSTMENTS.—The Secretary of Homeland Security,  
12 in consultation with the Secretary of Labor, may es-  
13 tablish, by regulation, a procedure for temporarily  
14 limiting the admission of immigrants described in  
15 paragraphs (2) and (3) in geographic areas or labor  
16 market sectors that are experiencing high levels of  
17 unemployment.”.

18 **SEC. 3406. REGIONAL ECONOMIC DEVELOPMENT IMMI-**  
19 **GRANT VISA PILOT PROGRAM.**

20 (a) PILOT PROGRAM FOR REGIONAL ECONOMIC DE-  
21 VELOPMENT VISAS.—Notwithstanding the numerical limi-  
22 tations in the Immigration and Nationality Act (8 U.S.C.  
23 1101 et seq.), the Secretary may establish a pilot program  
24 for the annual admission of not more than 10,000 admis-  
25 sible immigrants whose employment is essential to the eco-

1 nomic development strategies of the cities or counties in  
2 which they will live or work.

3 (b) LABOR CERTIFICATION.—The requirements of  
4 section 212(a)(5) of the Immigration and Nationality Act  
5 (8 U.S.C. 1182(a)(5)) shall apply to the pilot program au-  
6 thorized under this section.

7 (c) DURATION.—The Secretary shall determine the  
8 duration of the pilot program authorized under this sec-  
9 tion, which may not exceed 5 years.

10 (d) RULEMAKING.—The Secretary, in consultation  
11 with the Secretary of Labor, shall issue regulations to im-  
12 plement the pilot program authorized under this section.

13 **SEC. 3407. WAGE-BASED CONSIDERATION OF TEMPORARY**  
14 **WORKERS.**

15 Section 212(p) is amended by adding at the end the  
16 following:

17 “(5) In determining the order in which visas shall be  
18 made available to nonimmigrants described in section  
19 101(a)(15)(H)(i)(b), and to any other category of non-  
20 immigrants deemed appropriate by the Secretary of  
21 Homeland Security, the Secretary of Homeland Security,  
22 in consultation with the Secretary of Labor, may issue  
23 regulations to establish procedures for prioritizing such  
24 visas based on the wages offered by employers.”.

1 **SEC. 3408. CLARIFYING DUAL INTENT FOR POSTSEC-**  
2 **ONDARY STUDENTS.**

3 (a) IN GENERAL.—Section 101(a)(15)(F)(i) of the  
4 Immigration and Nationality Act (8 U.S.C.  
5 1101(a)(15)(F)(i)) is amended by striking “an alien hav-  
6 ing a residence in a foreign country which he has no inten-  
7 tion of abandoning, who is a bona fide student qualified  
8 to pursue a full course of study and who” and inserting  
9 “a noncitizen who is a bona fide student qualified to pur-  
10 sue a full course of study, who (except for a student quali-  
11 fied to pursue a full course of study at an institution of  
12 higher education) has a residence in a foreign country  
13 which the noncitizen has no intention of abandoning, and  
14 who”.

15 (b) CONFORMING AMENDMENTS.—Section 214 of the  
16 Immigration and Nationality Act (8 U.S.C. 1184) is  
17 amended—

18 (1) in subsection (b), by striking “(other than  
19 a nonimmigrant” and inserting “(other than a non-  
20 immigrant described in section 101(a)(15)(F) if the  
21 noncitizen is qualified to pursue a full course of  
22 study at an institution of higher education, other  
23 than a nonimmigrant”); and

24 (2) in subsection (h), by inserting “(F) (if the  
25 noncitizen is qualified to pursue a full course of

1 study at an institution of higher education),” before  
2 “H(i)(b)”.

3 **SEC. 3409. H-4 VISA REFORM.**

4 (a) PROTECTING CHILDREN WITH H-4 VISAS WHO  
5 AGE OUT OF STATUS.—

6 (1) IN GENERAL.—Section 214(g)(4) of the Im-  
7 migration and Nationality Act (8 U.S.C. 1184(g)(4))  
8 is amended to read as follows:

9 “(4)(A) Except as provided in subparagraphs  
10 (B) and (C), the period of authorized admission of  
11 a nonimmigrant described in section  
12 101(a)(15)(H)(i)(b) may not exceed 6 years.

13 “(B) The Secretary of Homeland Security may  
14 grant an extension of nonimmigrant status under  
15 section 101(a)(15)(H)(i)(b) to a nonimmigrant until  
16 such nonimmigrant’s application for adjustment of  
17 status has been processed if such nonimmigrant—

18 “(i) is the beneficiary of a petition filed  
19 under section 204(a) for a preference status  
20 under paragraph (1), (2), or (3) of section  
21 203(b); and

22 “(ii) is eligible to be granted such status.

23 “(C) A child of a nonimmigrant described in  
24 subparagraph (B) who accompanied or followed to  
25 join such nonimmigrant may apply for and receive

1 an extension of his or her nonimmigrant status re-  
2 gardless of age, if—

3 “(i) the nonimmigrant parent described in  
4 subparagraph (B) maintains his or her non-  
5 immigrant status; and

6 “(ii) the child was younger than 18 years  
7 of age when he or she was first granted non-  
8 immigrant status as a noncitizen accompanying  
9 or following to join such nonimmigrant par-  
10 ent.”.

11 (2) CONFORMING AMENDMENT.—Section  
12 203(h) of the Immigration and Nationality Act (8  
13 U.S.C. 1153(h)) is amended by adding at the end  
14 the following:

15 “(5) H-4 VISA HOLDERS.—Notwithstanding  
16 paragraph (1), a determination of whether a non-  
17 immigrant described in section 214(g)(4)(C) satisfies  
18 the age requirement for purposes of a derivative visa  
19 or adjustment of status application under paragraph  
20 (1), (2), or (3) of section 203(b) shall be made using  
21 the age of the nonimmigrant on the date on which  
22 the petitioner files a petition on behalf of the parent  
23 beneficiary with the Secretary of Homeland Security  
24 (or the Secretary of State, if applicable), unless the  
25 filing of the petition was preceded by the filing of a

1 labor certification with the Secretary of Labor, in  
2 which case that date shall be used to identify the  
3 age of such nonimmigrant.”.

4 (b) WORK AUTHORIZATION FOR H-4 NON-  
5 IMMIGRANTS.—Section 214 of the Immigration and Na-  
6 tionality Act (8 U.S.C. 1184), as amended by subsection  
7 (a)(1), is further amended by adding at the end the fol-  
8 lowing:

9 “(s) WORK AUTHORIZATION FOR H-4 NON-  
10 IMMIGRANTS.—The Secretary of Homeland Security shall  
11 authorize a nonimmigrant spouse or child who is accom-  
12 panying or following to join a nonimmigrant described in  
13 section 101(a)(15)(H)(i)(b) to engage in employment in  
14 the United States and shall provide such nonimmigrant  
15 spouse or child with an ‘employment authorized’ endorse-  
16 ment or other appropriate work permit.”.

17 **SEC. 3410. EXTENSIONS RELATED TO PENDING PETITIONS.**

18 Section 214 of the Immigration and Nationality Act  
19 (8 U.S.C. 1184), as amended by sections 1204(b),  
20 3107(b), 3408(b), and 3409, is further amended by add-  
21 ing at the end the following:

22 “(t) EXTENSION OF STATUS IN CASES OF LENGTHY  
23 ADJUDICATIONS.—

24 “(1) EXEMPTION FROM LIMITATIONS.—Not-  
25 withstanding subsections (c)(2)(D), (g)(4), and

1 (m)(1)(B)(i), the authorized stay of a noncitizen who  
2 was previously issued a visa or otherwise provided  
3 nonimmigrant status under subparagraph (F),  
4 (H)(i)(B), (L), or (O) of section 101(a)(15) may be  
5 extended pursuant to paragraph (2) if 365 days or  
6 more have elapsed since the filing of—

7 “(A) an application for labor certification  
8 under section 212(a)(5)(A) if certification is re-  
9 quired or used by a noncitizen to obtain status  
10 under section 203(b); or

11 “(B) a petition described in section 204(b)  
12 to obtain immigrant status under section  
13 203(b).

14 “(2) EXTENSION OF STATUS.—The Secretary  
15 of Homeland Security shall extend the stay of a non-  
16 citizen who qualifies for an extension under para-  
17 graph (1) in 1-year increments until a final decision  
18 is made—

19 “(A) to deny the application described in  
20 paragraph (1)(A) or, in a case in which such  
21 application is granted, to deny a petition de-  
22 scribed in paragraph (1)(B) filed on behalf of  
23 the noncitizen pursuant to such grant;

24 “(B) to deny the petition described in  
25 paragraph (1)(B); or

1           “(C) to grant or deny the noncitizen’s ap-  
2           plication for an immigrant visa or adjustment  
3           of status to that of a noncitizen lawfully admit-  
4           ted for permanent residence.

5           “(3) WORK AUTHORIZATION.—The Secretary of  
6           Homeland Security shall authorize any noncitizen  
7           whose stay is extended under this subsection to en-  
8           gage in employment in the United States and pro-  
9           vide such noncitizen with an ‘employment authorized  
10          endorsement’ or other appropriate work permit.”.

## 11       **Subtitle E—Promoting Immigrant** 12       **and Refugee Integration**

### 13       **SEC. 3501. DEFINITION OF FOUNDATION.**

14           In this subtitle, the term “Foundation” means the  
15       United States Citizenship and Integration Foundation es-  
16       tablished under section 3502.

### 17       **SEC. 3502. UNITED STATES CITIZENSHIP AND INTEGRATION** 18       **FOUNDATION.**

19           (a) ESTABLISHMENT.—The Secretary, acting  
20       through the Director of U.S. Citizenship and Immigration  
21       Services, shall establish a nonprofit corporation or a not-  
22       for-profit, public benefit, or similar entity, which shall be  
23       known as the “United States Citizenship and Integration  
24       Foundation”.



1 (b) GIFTS TO FOUNDATION.—To carry out the pur-  
2 poses set forth in subsection (c), the Foundation may—

3 (1) solicit, accept, and make gifts of money and  
4 other property in accordance with section 501(c)(3)  
5 of the Internal Revenue Code of 1986;

6 (2) engage in coordinated work with the De-  
7 partment of Homeland Security, including U.S. Citi-  
8 zenship and Immigration Services; and

9 (3) accept, hold, administer, invest, and spend  
10 any gift, devise, or bequest of real or personal prop-  
11 erty made to the Foundation.

12 (c) PURPOSES.—The purposes of the Foundation  
13 are—

14 (1) to spur innovation in the promotion and ex-  
15 pansion of citizenship preparation programs for law-  
16 ful permanent residents;

17 (2) to evaluate and identify best practices in  
18 citizenship promotion and preparation and to make  
19 recommendations to the Secretary about how to  
20 bring such best practices to scale;

21 (3) to support direct assistance for noncitizens  
22 seeking lawful permanent resident status or natu-  
23 ralization as a United States citizen; and

24 (4) to coordinate immigrant integration with  
25 State and local entities.

1 (d) ACTIVITIES.—The Foundation shall carry out the  
2 purposes described in subsection (c) by—

3 (1) making United States citizenship instruc-  
4 tion and naturalization application services acces-  
5 sible to low-income and other underserved lawful  
6 permanent resident populations;

7 (2) developing, identifying, and sharing best  
8 practices in United States citizenship promotion and  
9 preparation;

10 (3) supporting innovative and creative solutions  
11 to barriers faced by noncitizens seeking naturaliza-  
12 tion;

13 (4) increasing the use of, and access to, tech-  
14 nology in United States citizenship preparation pro-  
15 grams;

16 (5) engaging communities receiving immigrants  
17 in the United States citizenship and civic integration  
18 process;

19 (6) fostering public education and awareness;

20 (7) coordinating the immigrant integration ef-  
21 forts of the Foundation with such efforts of U.S.  
22 Citizenship and Immigration Services; and

23 (8) awarding grants to State and local govern-  
24 ments under section 3503.

25 (e) COUNCIL OF DIRECTORS.—

1           (1) MEMBERS.—To the extent consistent with  
2 section 501(c)(3) of the Internal Revenue Code of  
3 1986, the Foundation shall have a council of direc-  
4 tors (referred to in this section as the “Council”),  
5 which shall be comprised of—

6                   (A) the Director of U.S. Citizenship and  
7 Immigration Services; and

8                   (B) 10 individuals appointed by the Direc-  
9 tor of U.S. Citizenship and Immigration Serv-  
10 ices.

11           (2) QUALIFICATIONS.—In appointing individ-  
12 uals under paragraph (1)(B), the Director of U.S.  
13 Citizenship and Immigration Services shall consider  
14 individuals with experience in national private and  
15 public nonprofit organizations that promote and as-  
16 sist lawful permanent residents with naturalization.

17           (3) TERMS.—A member of the Council de-  
18 scribed in paragraph (1)(B) shall be appointed for a  
19 term of 4 years, except that, of the members first  
20 appointed, 5 members shall be appointed for a term  
21 of 2 years, which may be followed by renewable 4-  
22 year terms.

23           (f) EXECUTIVE DIRECTOR.—

24                   (1) IN GENERAL.—The Council shall, by major-  
25 ity vote, appoint for 6-year renewable terms an exec-

1       utive director of the Foundation, who shall oversee  
2       the day-to-day operations of the Foundation.

3           (2) RESPONSIBILITIES.—The executive director  
4       shall carry out the purposes described in subsection  
5       (c) on behalf of the Foundation by—

6           (A) accepting, holding, administering, in-  
7       vesting, and spending any gift, devise, or be-  
8       quest of real or personal property made to the  
9       Foundation;

10          (B) entering into contracts and other fi-  
11       nancial assistance agreements with individuals,  
12       public or private organizations, professional so-  
13       cieties, and government agencies to carry out  
14       the purposes of the Foundation;

15          (C) entering into such other contracts,  
16       leases, cooperative agreements, and other trans-  
17       actions as the executive director considers ap-  
18       propriate to carry out the activities of the  
19       Foundation; and

20          (D) charging such fees for professional  
21       services furnished by the Foundation as the ex-  
22       ecutive director considers reasonable and appro-  
23       priate.

1 (g) **TIMELINE.**—The Foundation shall be established  
2 and operational not later than 1 year after the date of  
3 the enactment of this Act.

4 **SEC. 3503. PILOT PROGRAM TO PROMOTE IMMIGRANT IN-**  
5 **TEGRATION AT STATE AND LOCAL LEVELS.**

6 (a) **GRANTS AUTHORIZED.**—The Chief of the Office  
7 of Citizenship of U.S. Citizenship and Immigration Serv-  
8 ices (referred to in this section as the “Chief”) shall estab-  
9 lish a pilot program through which the Chief may award  
10 grants, on a competitive basis, to States and local govern-  
11 ments and other qualifying entities in collaboration with  
12 States and local governments—

13 (1) to establish new immigrant councils to carry  
14 out programs to integrate new immigrants; and

15 (2) to carry out programs to integrate new im-  
16 migrants.

17 (b) **QUALIFYING ENTITIES.**—Qualifying entities  
18 under this section may include—

19 (1) an educational institution;

20 (2) a private organization;

21 (3) a community-based organization; or

22 (4) a nonprofit organization.

23 (c) **APPLICATION.**—A State or local government, or  
24 other qualifying entity in collaboration with a State or  
25 local government, seeking a grant under this section shall

1 submit an application to the Chief at such time, in such  
2 manner, and containing such information as the Chief  
3 may reasonably require, including—

4 (1) a proposal to carry out 1 or more activities  
5 described in subsection (d)(3);

6 (2) the estimated number of new immigrants  
7 residing in the geographic area of the applicant; and

8 (3) a description of the challenges in intro-  
9 ducing and integrating new immigrants into the  
10 State or local community.

11 (d) ACTIVITIES.—A grant awarded under this sub-  
12 section shall be used—

13 (1) to form a new immigrant council, which  
14 shall—

15 (A) consist of not fewer than 15 individ-  
16 uals and not more than 19 representatives of  
17 the State or local government or qualifying or-  
18 ganization, as applicable;

19 (B) include, to the extent practicable, rep-  
20 resentatives from—

21 (i) business;

22 (ii) faith-based organizations;

23 (iii) civic organizations;

24 (iv) philanthropic organizations;

1 (v) nonprofit organizations, including  
2 nonprofit organizations with legal and ad-  
3 vocacy experience working with immigrant  
4 communities;

5 (vi) key education stakeholders, such  
6 as State educational agencies, local edu-  
7 cational agencies (as defined in section  
8 8101 of the Elementary and Secondary  
9 Education Act of 1965 (20 U.S.C. 7801)),  
10 community colleges, and teachers;

11 (vii) State adult education offices;

12 (viii) State or local public libraries;

13 and

14 (ix) State or local governments; and

15 (C) meet not less frequently than quar-  
16 terly;

17 (2) to provide subgrants to local communities,  
18 city governments, municipalities, nonprofit organiza-  
19 tions (including veterans' and patriotic organiza-  
20 tions), or other qualifying entities;

21 (3) to develop, implement, expand, or enhance  
22 a comprehensive plan to introduce and integrate new  
23 immigrants into the applicable State by—

24 (A) improving English language skills;

1           (B) engaging caretakers with limited  
2 English proficiency in their child’s education  
3 through interactive parent and child literacy ac-  
4 tivities;

5           (C) improving and expanding access to  
6 workforce training programs;

7           (D) teaching United States history, civics  
8 education, and citizenship rights and respon-  
9 sibilities;

10          (E) promoting an understanding of the  
11 form of government and history of the United  
12 States and the principles of the Constitution of  
13 the United States;

14          (F) improving financial literacy; and

15          (G) focusing on other key areas of impor-  
16 tance to integration in United States society;  
17 and

18          (4) to engage communities receiving immigrants  
19 in the citizenship and civic integration process by—

20           (A) increasing local service capacity;

21           (B) building meaningful connections be-  
22 tween new immigrants and long-time residents;

23           (C) communicating the contributions of  
24 communities receiving new immigrants; and



1 (D) engaging leaders from all sectors of  
2 the community.

3 (e) REPORTING AND EVALUATION.—

4 (1) ANNUAL REPORT.—Not less frequently than  
5 annually, each recipient of a grant under this section  
6 shall submit to the Chief a report that describes, for  
7 the preceding calendar year—

8 (A) the activities undertaken by the grant  
9 recipient, including the manner in which such  
10 activities meet the goals of the Foundation and  
11 the comprehensive plan referred to in sub-  
12 section (d)(3);

13 (B) the geographic area being served;

14 (C) the estimated number of immigrants in  
15 such area; and

16 (D) the primary languages spoken in such  
17 area.

18 (2) ANNUAL EVALUATION.—Not less frequently  
19 than annually, the Chief shall conduct an evaluation  
20 of the grant program under this section—

21 (A) to assess and improve the effectiveness  
22 of the grant program;

23 (B) to assess the future needs of immi-  
24 grants and of State and local governments with  
25 respect to immigrants; and

1 (C) to ensure that grantees, recipients, and  
2 subgrantees are acting within the scope and  
3 purpose of this section.

4 **SEC. 3504. ENGLISH AS A GATEWAY TO INTEGRATION**  
5 **GRANT PROGRAM.**

6 (a) **AUTHORIZATION.**—The Assistant Secretary for  
7 Career, Technical, and Adult Education in the Depart-  
8 ment of Education (referred to in this section as the “As-  
9 sistant Secretary”) shall award English as a Gateway to  
10 Integration grants to eligible entities.

11 (b) **ELIGIBILITY.**—An entity eligible to receive a  
12 grant under this section is a State or unit of local govern-  
13 ment, a private organization, an educational institution,  
14 a community-based organization, or a nonprofit organiza-  
15 tion that—

16 (1) in the case of any applicant that has pre-  
17 viously received a grant under this section, uses  
18 matching funds from non-Federal sources, which  
19 may include in-kind contributions, equal to 25 per-  
20 cent of the amount received from the English as a  
21 Gateway to Integration program to carry out such  
22 program;

23 (2) submits to the Assistant Secretary an appli-  
24 cation at such time, in such manner, and containing

1 such information as the Assistant Secretary may  
2 reasonably require, including—

3 (A) a description of the target population  
4 to be served, including demographics, literacy  
5 levels, and English language levels of the target  
6 population; and

7 (B) the assessment and performance meas-  
8 ures that the grant recipient plans to use to  
9 evaluate the English language learning progress  
10 of students and overall success of the instruc-  
11 tion and program;

12 (3) demonstrates collaboration with public and  
13 private entities to provide the instruction and assist-  
14 ance described in subsection (c)(1);

15 (4) provides English language programs that—

16 (A) teach English language skills to limited  
17 English proficient (LEP) individuals who—

18 (i) have less than a United States  
19 high school diploma; or

20 (ii) are parents who are caretakers of  
21 young children;

22 (B) support and promote the social, eco-  
23 nomic, and civic integration of adult English  
24 language learners and their families;

1           (C) equip adult English language learners  
2 for ongoing, independent study and learning be-  
3 yond the classroom or formal instruction; and

4           (D) incorporate the use of technology to  
5 help students develop digital literacy skills; and  
6 (5) is located in—

7           (A) 1 of the 10 States with the highest  
8 rate of foreign-born residents; or

9           (B) a State that has experienced a large  
10 increase in the population of immigrants during  
11 the most recent 10-year period, based on data  
12 compiled by the Office of Immigration Statistics  
13 or the Census Bureau.

14 (c) USE OF FUNDS.—

15           (1) IN GENERAL.—Funds awarded under this  
16 section shall be used to provide English language in-  
17 struction to adult English language learners. Such  
18 instruction shall advance the integration of students  
19 to help them—

20           (A) build their knowledge of United States  
21 history and civics;

22           (B) prepare for United States citizenship  
23 and the naturalization process;

24           (C) gain digital literacy;

- 1 (D) understand and navigate the early  
2 childhood, K–12, and postsecondary education  
3 systems;
- 4 (E) gain financial literacy;
- 5 (F) build an understanding of the housing  
6 market and systems in the United States;
- 7 (G) learn about and access the United  
8 States, State, and local health care systems;
- 9 (H) prepare for a high school equivalency  
10 diploma or postsecondary training or education;
- 11 and
- 12 (I) prepare for and secure employment.

13 (2) DESIGN OF PROGRAM.—Funds awarded  
14 under this section shall be used to support an in-  
15 structional program that may include the following  
16 elements:

17 (A) English language instruction in a  
18 classroom setting, provided that such setting is  
19 in a geographic location accessible to the popu-  
20 lation served.

21 (B) Online English language instruction  
22 and distance learning platforms.

23 (C) Educational support and specialized  
24 instruction for English language learners with  
25 low levels of literacy in their first language.

1 (D) Other online and digital components,  
2 including the use of mobile phones.

3 (d) CERTIFICATION.—To receive a payment under  
4 this section, a participating entity shall submit to the As-  
5 sistant Secretary a certification that the proposed uses of  
6 grant funds by the entity are consistent with this section  
7 and meet all necessary criteria determined by the Assist-  
8 ant Secretary.

9 (e) ANNUAL REPORT AND EVALUATION.—Not later  
10 than 90 days after the end of each fiscal year for which  
11 an entity receives grant funds under this section, the enti-  
12 ty shall submit to the Assistant Secretary the following:

13 (1) A report that describes—

14 (A) the activities undertaken by the entity  
15 that were funded entirely or partially by the  
16 grant funds;

17 (B) the geographic area served by the  
18 grant funds;

19 (C) the number of immigrants in such  
20 area;

21 (D) the primary languages spoken in such  
22 area;

23 (E) the number of adult English language  
24 learners receiving assistance that was funded

1 entirely or partially by grant funds received by  
2 the entity; and

3 (F) a breakdown of the costs of the in-  
4 struction services provided and the average per  
5 capita cost of providing such instruction.

6 (2) An evaluation of any program of the entity  
7 using grant funds under this section, including—

8 (A) an assessment of—

9 (i) the effectiveness of such program  
10 and recommendations for improving the  
11 program; and

12 (ii) whether the English language in-  
13 struction needs of the geographic area  
14 served have been met; and

15 (B) in the case of an assessment under  
16 subparagraph (A)(ii) that such needs have not  
17 been met, a description of the additional assist-  
18 ance required to meet such needs.

19 (f) DEFINITIONS.—In this section:

20 (1) ADULT ENGLISH LANGUAGE LEARNER.—

21 The term “adult English language learner” refers to  
22 an individual age 16 years and older who is not en-  
23 rolled in secondary school and who is limited English  
24 proficient.

1           (2) ENGLISH LANGUAGE LEARNER; LIMITED  
2 ENGLISH PROFICIENT.—The terms “English lan-  
3 guage learner” and “limited English proficient” de-  
4 scribe an individual who does not speak English as  
5 their primary language and who has a limited ability  
6 to read, speak, write, or understand English.

7           (3) STATE.—The term “State” means each of  
8 the several States, the District of Columbia, the  
9 Commonwealth of Puerto Rico, the United States  
10 Virgin Islands, Guam, American Samoa, and the  
11 Commonwealth of the Northern Mariana Islands.

12          (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$100,000,000 for fiscal years 2022 through 2023.

15 **SEC. 3505. WORKFORCE DEVELOPMENT AND SHARED**  
16 **PROSPERITY GRANT PROGRAM.**

17          (a) DECLARATION OF POLICY.—It is the policy of the  
18 United States—

19           (1) that adults have adequate and equitable ac-  
20 cess to education and workforce programs that—

21                   (A) help them learn basic skills in reading,  
22 writing, mathematics, and the English lan-  
23 guage; and

24                   (B) equip them with occupational skills  
25 needed to secure or advance in employment, fill



1 employer needs, and support themselves and  
2 their families;

3 (2) that helping adults with limited skills to at-  
4 tain industry-recognized postsecondary credentials  
5 strengthens the economy; and

6 (3) that workforce programs for adults with  
7 limited skills should incorporate an integrated edu-  
8 cation and training approach that allows adults to  
9 acquire basic skills while pursuing occupational or  
10 industry-specific training.

11 (b) AUTHORIZATION.—The Assistant Secretary for  
12 Career, Technical, and Adult Education at the Depart-  
13 ment of Education (referred to in this section as the “As-  
14 sistant Secretary”) shall award Workforce Development  
15 and Shared Prosperity grants, on a competitive basis, to  
16 States or local governments, or other qualifying entities  
17 described in subsection (c) in collaboration with States  
18 and local governments.

19 (c) QUALIFYING ENTITIES.—Qualifying entities  
20 under this section may include—

- 21 (1) an educational institution;
- 22 (2) a private organization;
- 23 (3) a community-based organization; or
- 24 (4) a nonprofit organization.

1 (d) ELIGIBILITY.—A State or local government, or a  
2 qualifying entity in collaboration with a State or local gov-  
3 ernment, is eligible to receive a grant under this section  
4 provided that the State or local government or entity—

5 (1) supports and promotes the economic inte-  
6 gration of immigrants and refugees and their fami-  
7 lies;

8 (2) has expertise in workforce development and  
9 adult education for the purpose of developing and  
10 implementing State or local programs of integrated  
11 education and training;

12 (3) in carrying out the grant program, has, or  
13 collaborates with at least 1 entity that has—

14 (A) expertise in workforce development for  
15 immigrants and refugees; and

16 (B) expertise in adult education of immi-  
17 grants and refugees;

18 (4) uses matching funds from non-Federal  
19 sources, which may include in-kind contributions,  
20 equal to 25 percent of the amount received from the  
21 Workforce Development and Shared Prosperity  
22 grant program; and

23 (5) submits to the Assistant Secretary an appli-  
24 cation at such time, in such manner, and containing

1 such information as the Assistant Secretary may  
2 reasonably require, including—

3 (A) a description of the target population  
4 to be served, including demographics, English  
5 language levels, educational levels, and skill lev-  
6 els;

7 (B) the specific integrated education and  
8 training instructional model to be implemented;

9 (C) how the program will be designed and  
10 implemented by educators with expertise in  
11 adult education, English language instruction,  
12 and occupational skills training;

13 (D) how the program will prepare students  
14 to receive a high school equivalency credential;

15 (E) how the program will prepare students  
16 to receive a postsecondary credential;

17 (F) the occupations or industries for which  
18 the program will prepare students for employ-  
19 ment;

20 (G) evidence of employer demand for the  
21 skills or occupational training offered by the  
22 grant program;

23 (H) the extent to which the program re-  
24 duces the time required for students to acquire  
25 English and workforce skills;

1 (I) how the program will increase digital  
2 literacy skills;

3 (J) how the program will provide student  
4 support services, including guidance counseling,  
5 so as to promote student success; and

6 (K) the assessment and performance meas-  
7 ures that the grant recipient plans to use to  
8 evaluate—

9 (i) the progress of adult learners in  
10 acquiring basic skills such as reading, writ-  
11 ing, mathematics, and the English lan-  
12 guage; and

13 (ii) the success of the grant program  
14 in preparing students for employment and  
15 in helping them find employment or ad-  
16 vance in employment.

17 (e) CERTIFICATION.—To receive a payment under  
18 this section, a participating entity shall submit to the As-  
19 sistant Secretary a certification that the proposed uses of  
20 grant funds by the entity are consistent with this section  
21 and meet all necessary criteria determined by the Assist-  
22 ant Secretary.

23 (f) TECHNICAL ASSISTANCE.—The Assistant Sec-  
24 retary shall provide technical assistance to adult education

1 providers on how to provide integrated education and  
2 training.

3 (g) ANNUAL REPORT AND EVALUATION.—Not later  
4 than 90 days after the end of each fiscal year for which  
5 an entity receives grant funds under this section, the enti-  
6 ty shall submit to the Assistant Secretary the following:

7 (1) A report that describes—

8 (A) the activities undertaken by the entity  
9 that were funded entirely or partially by the  
10 grant funds;

11 (B) the geographic area served by the  
12 grant funds;

13 (C) the number of immigrants in such  
14 area;

15 (D) the primary languages spoken in such  
16 area; and

17 (E) a breakdown of the costs of each of  
18 the services provided and the average per capita  
19 cost of providing such services.

20 (2) An evaluation of any program of the entity  
21 using grant funds under this section, including—

22 (A) an assessment of—

23 (i) the effectiveness of such program  
24 and recommendations for improving the  
25 program; and

1 (ii) whether the adult education and  
2 workforce development needs of the geo-  
3 graphic area served have been met; and

4 (B) in the case of an assessment under  
5 subparagraph (A)(ii) that such needs have not  
6 been met, a description of the additional assist-  
7 ance required to meet such needs.

8 (h) DEFINITIONS.—In this section:

9 (1) ADULT EDUCATION.—The term “adult edu-  
10 cation” means academic instruction and education  
11 services below the postsecondary level that increase  
12 an individual’s ability to read, write, speak, and un-  
13 derstand English and perform mathematical or other  
14 activities necessary to attain a secondary school di-  
15 ploma or its recognized equivalent, to transition to  
16 postsecondary education and training, or to obtain  
17 employment.

18 (2) INTEGRATED EDUCATION AND TRAINING.—  
19 The term “integrated education and training”  
20 means instruction that provides adult education, lit-  
21 eracy, and English language activities concurrently  
22 and contextually with workforce preparation activi-  
23 ties and workforce training for a specific occupation  
24 or occupational cluster for the purpose of edu-  
25 cational and career advancement.

1           (3) STATE.—The term “State” means each of  
2           the several States, the District of Columbia, the  
3           Commonwealth of Puerto Rico, the United States  
4           Virgin Islands, Guam, American Samoa, and the  
5           Commonwealth of the Northern Mariana Islands.

6           (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
7           authorized to be appropriated to carry out this section  
8           \$100,000,000 for fiscal years 2022 through 2023.

9           **SEC. 3506. EXISTING CITIZENSHIP EDUCATION GRANTS.**

10          (a) IN GENERAL.—There is authorized to be appro-  
11          priated to the Secretary not less than \$25,000,000 for the  
12          purpose of awarding grants to public or private nonprofit  
13          entities for citizenship education and training (as de-  
14          scribed in number 97.010 of the Catalog of Federal Do-  
15          mestic Assistance), to remain available until expended.

16          (b) CONSIDERATION OF GRANT RECIPIENTS.—With  
17          respect to grants administered and awarded to public or  
18          private nonprofit organizations by the Secretary, unless  
19          otherwise required by law, in making determinations about  
20          such grants, the Secretary may not consider an entity’s  
21          enrollment in or use of the E-Verify Program described  
22          in section 403(a) of the Illegal Immigration Reform and  
23          Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a  
24          note).

1 **SEC. 3507. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
2 **CANTS.**

3 (a) **ESTABLISHMENT.**—The Secretary shall establish,  
4 within U.S. Citizenship and Immigration Services, a pro-  
5 gram to award grants, on a competitive basis, to eligible  
6 nonprofit organizations to carry out a program described  
7 in subsection (c) for the purpose of assisting applicants  
8 for status under sections 245B, 245C, 245D, 245E, and  
9 245F of the Immigration and Nationality Act.

10 (b) **ELIGIBLE NONPROFIT ORGANIZATION.**—A non-  
11 profit organization eligible to receive a grant under this  
12 section is a nonprofit tax-exempt organization, including  
13 a community, faith-based, or other immigrant-serving or-  
14 ganization, the staff of which has demonstrated qualifica-  
15 tions, experience, and expertise in providing quality serv-  
16 ices to immigrants, refugees, noncitizens granted asylum,  
17 or noncitizens applying for such statuses.

18 (c) **USE OF FUNDS.**—Grant funds awarded under  
19 this section may be used for the design and implementa-  
20 tion of programs that provide—

21 (1) information to the public relating to eligi-  
22 bility for and benefits of lawful prospective immi-  
23 grant status under section 245B of the Immigration  
24 and Nationality Act, particularly to individuals who  
25 may be eligible for such status;



1           (2) assistance, within the scope of authorized  
2 practice of immigration law, to individuals in sub-  
3 mitting applications for lawful prospective immi-  
4 grant status, including—

5           (A) screening prospective applicants to as-  
6 sess eligibility for such status;

7           (B) completing applications and petitions,  
8 including providing assistance in obtaining the  
9 requisite documents and supporting evidence;

10          (C) applying for any waivers for which ap-  
11 plicants and qualifying family members may be  
12 eligible; and

13          (D) providing any other assistance that the  
14 Secretary or grantees consider useful or nec-  
15 essary in applying for lawful prospective immi-  
16 grant status;

17           (3) assistance, within the scope of authorized  
18 practice of immigration law, to individuals seeking to  
19 adjust their status to that of a lawful permanent  
20 resident under section 245C, 245D, 245E, or 245F  
21 of the Immigration and Nationality Act;

22           (4) instruction to individuals with respect to—

23           (A) the rights and responsibilities of  
24 United States citizenship; and

1 (B) civics and civics-based English as a  
2 second language; and

3 (5) assistance, within the scope of authorized  
4 practice of immigration law, to individuals seeking to  
5 apply for United States citizenship.

6 (d) SOURCE OF GRANT FUNDS.—To carry out this  
7 section, the Secretary may use not more than \$50,000,000  
8 from the Immigration Examinations Fee Account pursu-  
9 ant to section 286(m) of the Immigration and Nationality  
10 Act (U.S.C. 1356(m)).

11 (e) AVAILABILITY OF APPROPRIATIONS.—Any  
12 amounts appropriated to carry out this section shall re-  
13 main available until expended.

14 **SEC. 3508. STUDY ON FACTORS AFFECTING EMPLOYMENT**  
15 **OPPORTUNITIES FOR IMMIGRANTS AND REF-**  
16 **UGEES WITH PROFESSIONAL CREDENTIALS**  
17 **OBTAINED IN FOREIGN COUNTRIES.**

18 (a) IN GENERAL.—The Secretary of Labor, in coordi-  
19 nation with the Secretary of State, the Secretary of Edu-  
20 cation, the Secretary of Health and Human Services, the  
21 Secretary of Commerce, the Secretary, the Administrator  
22 of the Internal Revenue Service, and the Commissioner of  
23 the Social Security Administration, shall conduct a study  
24 on the factors affecting employment opportunities in the  
25 United States for applicable immigrants and refugees with

1 professional credentials obtained in countries other than  
2 the United States.

3 (b) ELEMENTS.—The study required by subsection  
4 (a) shall include the following:

5 (1) An analysis of the employment history of  
6 applicable immigrants and refugees admitted to the  
7 United States during the most recent 5-year period  
8 for which data are available at the time of the study,  
9 including, to the extent practicable—

10 (A) an analysis of the employment held by  
11 applicable immigrants and refugees before im-  
12 migrating to the United States as compared to  
13 the employment obtained in the United States,  
14 if any, since the arrival of such applicable immi-  
15 grants and refugees; and

16 (B) a consideration of the occupational and  
17 professional credentials and academic degrees  
18 held by applicable immigrants and refugees be-  
19 fore immigrating to the United States.

20 (2) An assessment of any barrier that prevents  
21 applicable immigrants and refugees from using occu-  
22 pational experience obtained outside the United  
23 States to obtain employment in the United States.

24 (3) An analysis of existing public and private  
25 resources available to assist applicable immigrants

1 and refugees who have professional experience and  
2 qualifications obtained outside the United States in  
3 using such professional experience and qualifications  
4 to obtain skills-appropriate employment opportuni-  
5 ties in the United States.

6 (4) Policy recommendations for better enabling  
7 applicable immigrants and refugees who have profes-  
8 sional experience and qualifications obtained outside  
9 the United States to use such professional experi-  
10 ence and qualifications to obtain skills-appropriate  
11 employment opportunities in the United States.

12 (c) COLLABORATION WITH NONPROFIT ORGANIZA-  
13 TIONS AND STATE AGENCIES.—In conducting the study  
14 required by subsection (a), the Secretary of Labor shall  
15 seek to collaborate with relevant nonprofit organizations  
16 and State agencies to use the existing data and resources  
17 of such entities.

18 (d) APPLICABLE IMMIGRANTS AND REFUGEES.—In  
19 this section, the term “applicable immigrants and refu-  
20 gees” means—

21 (1) noncitizens who are lawfully present and  
22 authorized to be employed in the United States; and

23 (2) citizens of the United States born outside  
24 the United States and its outlying possessions.

1 **SEC. 3509. IN-STATE TUITION RATES FOR REFUGEES,**  
2 **ASYLEES, AND CERTAIN SPECIAL IMMI-**  
3 **GRANTS.**

4 (a) IN GENERAL.—The Higher Education Act of  
5 1965 (20 U.S.C. 1001 et seq.) is amended by inserting  
6 after section 135 the following:

7 **“SEC. 135A. IN-STATE TUITION RATES FOR REFUGEES,**  
8 **ASYLEES, AND CERTAIN SPECIAL IMMI-**  
9 **GRANTS.**

10 “(a) REQUIREMENT.—In the case of a noncitizen de-  
11 scribed in subsection (b) whose domicile is in a State that  
12 receives assistance under this Act, such State shall not  
13 charge such noncitizen tuition for attendance at a public  
14 institution of higher education in the State at a rate that  
15 is greater than the rate charged for residents of the State.

16 “(b) NONCITIZEN DESCRIBED.—A noncitizen is de-  
17 scribed in this subsection if the noncitizen was granted—

18 “(1) refugee status and admitted to the United  
19 States under section 207 of the Immigration and  
20 Nationality Act (8 U.S.C. 1157);

21 “(2) asylum under section 208 of such Act (8  
22 U.S.C. 1158); or

23 “(3) special immigrant status under section  
24 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) pur-  
25 suant to—

1 “(A) section 1244 of the National Defense  
2 Authorization Act for Fiscal Year 2008 (8  
3 U.S.C. 1157 note);

4 “(B) section 1059 of the National Defense  
5 Authorization Act for Fiscal Year 2006 (8  
6 U.S.C. 1101 note); or

7 “(C) section 602 of the Afghan Allies Pro-  
8 tection Act of 2009 (8 U.S.C. 1101 note).

9 “(c) LIMITATIONS.—The requirement under sub-  
10 section (a) shall apply with respect to a noncitizen only  
11 until the noncitizen has established residency in the State,  
12 and only with respect to the first State in which the non-  
13 citizen was first domiciled after being admitted into the  
14 United States as a refugee or special immigrant or being  
15 granted asylum.

16 “(d) EFFECTIVE DATE.—This section shall take ef-  
17 fect at each public institution of higher education in a  
18 State that receives assistance under this Act for the first  
19 period of enrollment at such institution that begins after  
20 January 1, 2021.”.

21 (b) CONFORMING AMENDMENT.—The table of con-  
22 tents for the Higher Education Act of 1965 (20 U.S.C.  
23 1001 et seq.) is amended by inserting after the item relat-  
24 ing to section 135 the following:

“Sec. 135A. In-State tuition rates for refugees, asylees, and certain special im-  
migrants.”.

1 **SEC. 3510. WAIVER OF ENGLISH REQUIREMENT FOR SEN-**  
2 **IOR NEW AMERICANS.**

3 Section 312 (8 U.S.C. 1423) is amended by striking  
4 subsection (b) and inserting the following:

5 “(b) The requirements under subsection (a) shall not  
6 apply to any person who—

7 “(1) is unable to comply with such require-  
8 ments because of physical or mental disability, in-  
9 cluding developmental or intellectual disability; or

10 “(2) on the date on which the person’s applica-  
11 tion for naturalization is submitted under section  
12 334—

13 “(A) is older than 65 years of age; and

14 “(B) has been living in the United States  
15 for 1 or more periods totaling not less than 5  
16 years after being lawfully admitted for perma-  
17 nent residence.

18 “(c) The requirement under subsection (a)(1) shall  
19 not apply to any person who, on the date on which the  
20 person’s application for naturalization is submitted under  
21 section 334—

22 “(1) is older than 50 years of age and has been  
23 living in the United States for 1 or more periods to-  
24 taling not less than 20 years after being lawfully ad-  
25 mitted for permanent residence;

1           “(2) is older than 55 years of age and has been  
2 living in the United States for 1 or more periods to-  
3 taling not less than 15 years after being lawfully ad-  
4 mitted for permanent residence; or

5           “(3) is older than 60 years of age and has been  
6 living in the United States for 1 or more periods to-  
7 taling not less than 10 years after being lawfully ad-  
8 mitted for permanent residence.

9           “(d) The Secretary of Homeland Security may waive,  
10 on a case-by-case basis, the requirement under subsection  
11 (a)(2) for any person who, on the date on which the per-  
12 son’s application for naturalization is submitted under sec-  
13 tion 334—

14           “(1) is older than 60 years of age; and

15           “(2) has been living in the United States for 1  
16 or more periods totaling not less than 10 years after  
17 being lawfully admitted for permanent residence.”.

18 **SEC. 3511. NATURALIZATION FOR CERTAIN UNITED STATES**

19 **HIGH SCHOOL GRADUATES.**

20           (a) IN GENERAL.—Title III of the Immigration and  
21 Nationality Act (8 U.S.C. 1401 et seq.) is amended by  
22 inserting after section 320 the following:



1 **“SEC. 321. CITIZENSHIP FOR CERTAIN UNITED STATES**  
2 **HIGH SCHOOL GRADUATES.**

3 “(a) REQUIREMENTS CONSIDERED SATISFIED.—In  
4 the case of a noncitizen described in subsection (b), the  
5 noncitizen shall be considered to have satisfied the require-  
6 ments of section 312(a).

7 “(b) NONCITIZEN DESCRIBED.—A noncitizen is de-  
8 scribed in this subsection if the noncitizen submits an ap-  
9 plication for naturalization under section 334 that con-  
10 tains the following:

11 “(1) Transcripts from public or private schools  
12 in the United States that demonstrate the following:

13 “(A) The noncitizen completed grades 9  
14 through 12 in the United States and graduated  
15 with a high school diploma.

16 “(B) The noncitizen completed a cur-  
17 riculum that reflects knowledge of United  
18 States history, government, and civics.

19 “(2) A copy of the noncitizen’s high school di-  
20 ploma.”.

21 (b) CLERICAL AMENDMENT.—The table of contents  
22 for the Immigration and Nationality Act (8 U.S.C. 1101  
23 et seq.) is amended by inserting after the item relating  
24 to section 320 the following:

“Sec. 321. Citizenship for certain United States high school graduates.”.

1           (c) APPLICABILITY.—The amendments made by this  
2 section shall take effect on the date of the enactment of  
3 this Act and shall apply to applicants for naturalization  
4 who apply for naturalization on or after such date.

5           (d) REGULATIONS.—Not later than 180 days after  
6 the date of the enactment of this Act, the Secretary shall  
7 promulgate regulations to carry out this section and the  
8 amendments made by this section.

9 **SEC. 3512. NATURALIZATION CEREMONIES.**

10          (a) IN GENERAL.—The Chief of the Office of Citizen-  
11 ship of U.S. Citizenship and Immigration Services, in con-  
12 sultation with the Director of the National Park Service,  
13 the Archivist of the United States, and other appropriate  
14 Federal officials, shall develop and implement a strategy  
15 to enhance public awareness of naturalization ceremonies.

16          (b) VENUES.—In developing the strategy under sub-  
17 section (a), the Chief of the Office of Citizenship of U.S.  
18 Citizenship and Immigration Services shall consider the  
19 use of outstanding and historic locations as venues for se-  
20 lect naturalization ceremonies.

21 **SEC. 3513. NATIONAL CITIZENSHIP PROMOTION PROGRAM.**

22          (a) ESTABLISHMENT.—Not later than 1 year after  
23 the date of the enactment of this Act, the Secretary shall  
24 establish a program to promote United States citizenship.

1 (b) ACTIVITIES.—As part of the program required by  
2 subsection (a), the Secretary shall carry out outreach ac-  
3 tivities in accordance with subsection (c).

4 (c) OUTREACH.—The Secretary shall—

5 (1) develop outreach materials targeted to non-  
6 citizens who have been lawfully admitted for perma-  
7 nent residence to encourage such noncitizens to  
8 apply to become citizens of the United States;

9 (2) make such outreach materials available  
10 through—

11 (A) public service announcements;

12 (B) advertisements; and

13 (C) such other media as the Secretary con-  
14 siders appropriate; and

15 (3) conduct outreach activities targeted to non-  
16 citizens eligible to apply for naturalization, including  
17 communication by text, email, and the United States  
18 Postal Service, that provides, on paper or in elec-  
19 tronic form—

20 (A) notice that the individual is possibly el-  
21 igible to apply for naturalization;

22 (B) information about the requirements of  
23 United States citizenship;

24 (C) information about the benefits of  
25 United States citizenship;

1 (D) a pre-filled naturalization application  
2 containing the data the agency already has  
3 about the individual;

4 (E) instructions on how to complete the  
5 application; and

6 (F) resources for free or low-cost assist-  
7 ance with applying for naturalization and pre-  
8 paring for the English and civics exams.

9 **SEC. 3514. AUTHORIZATION OF APPROPRIATIONS FOR**  
10 **FOUNDATION AND PILOT PROGRAM.**

11 (a) IN GENERAL.—There are authorized to be appro-  
12 priated for the first 2 fiscal years after the date of the  
13 enactment of this Act such sums as may be necessary to  
14 establish the Foundation and carry out the pilot program  
15 under section 3502.

16 (b) USE OF FUNDS.—Amounts appropriated to es-  
17 tablish the Foundation and carry out the pilot program  
18 under section 3502 may be invested, and any amounts re-  
19 sulting from such investments shall remain available for  
20 the operations of the Foundation and the pilot program  
21 without further appropriation.

1 **TITLE** **IV—IMMIGRATION**  
2 **COURTS, FAMILY VALUES,**  
3 **AND VULNERABLE INDIVID-**  
4 **UALS**

5 **Subtitle A—Promoting Efficient**  
6 **Processing of Asylum Seekers,**  
7 **Addressing Immigration Court**  
8 **Backlogs, and Efficiently Repa-**  
9 **triating Migrants Ordered Re-**  
10 **moved**

11 **SEC. 4101. EXPANDING ALTERNATIVES TO DETENTION.**

12 (a) **FAMILY CASE MANAGEMENT PROGRAM.**—The  
13 Secretary shall—

14 (1) expand the use of the family case manage-  
15 ment program (described in section 218 of the De-  
16 partment of Homeland Security Appropriations Act,  
17 2020 (8 U.S.C. 1378a)) for apprehended noncitizens  
18 who are members of family units arriving in the  
19 United States; and

20 (2) develop additional community-based pro-  
21 grams to increase the number of enrollees in the al-  
22 ternatives to detention program.

23 (b) **NONPROFIT ENTITY CONTRACTING PARTNER.**—  
24 The Secretary shall contract with qualified nonprofit enti-  
25 ties for the operation of the alternatives to detention pro-

1 gram, including the family case management program and  
2 other community-based programs described in subsection  
3 (a).

4 (c) **LEGAL ORIENTATION.**—The Secretary shall en-  
5 sure that enrollees in the alternatives to detention pro-  
6 gram, including the family case management program and  
7 other community-based programs described in subsection  
8 (a), are provided a legal orientation consistent with the  
9 program elements described in section 4105(a)(2).

10 **SEC. 4102. ELIMINATING IMMIGRATION COURT BACKLOGS.**

11 (a) **ADDRESSING IMMIGRATION JUDGE SHORT-**  
12 **AGES.**—The Attorney General shall increase the total  
13 number of immigration judges by not fewer than 55  
14 judges during each of fiscal years 2021, 2022, 2023, and  
15 2024.

16 (b) **QUALIFICATIONS AND SELECTION.**—The Attor-  
17 ney General shall—

18 (1) ensure that all newly hired immigration  
19 judges and members of the Board of Immigration  
20 Appeals are—

21 (A) highly qualified experts on immigration  
22 law; and

23 (B) trained to conduct fair, impartial adju-  
24 dications in accordance with applicable due  
25 process requirements; and

1           (2) with respect to immigration judges and  
2           members of the Board of Immigration Appeals, to  
3           the extent practicable, strive to achieve an equal nu-  
4           merical balance in the hiring of candidates with Gov-  
5           ernment experience in immigration and candidates  
6           with sufficient knowledge or experience in immigra-  
7           tion in the private sector, including nonprofit, pri-  
8           vate bar, or academic experience.

9           (c) ADDRESSING SUPPORT STAFF SHORTAGES.—  
10          Subject to the availability of funds made available in ad-  
11          vance in appropriations Acts, the Attorney General shall  
12          ensure that each immigration judge has sufficient support  
13          staff, adequate technological and security resources, and  
14          appropriate courtroom facilities.

15          (d) ADDITIONAL BOARD OF IMMIGRATION APPEALS  
16          PERSONNEL.—The Attorney General shall increase the  
17          number of Board of Immigration Appeals staff attorneys  
18          (including necessary additional support staff) to efficiently  
19          process cases by not fewer than 23 attorneys during each  
20          of fiscal years 2021, 2022, and 2023.

21          (e) GAO REPORT.—The Comptroller General of the  
22          United States shall—

23                 (1) conduct a study of the impediments to effi-  
24                 cient hiring of immigration court judges within the  
25                 Department of Justice; and





1 **SEC. 4104. NEW TECHNOLOGY TO IMPROVE COURT EFFI-**  
2 **CIENCY.**

3 The Director of the Executive Office for Immigration  
4 Review shall modernize its case management, video-tele-  
5 conferencing, digital audio recording, and related elec-  
6 tronic and computer-based systems, including by allowing  
7 for electronic filing, to improve efficiency in the processing  
8 of immigration proceedings.

9 **SEC. 4105. COURT APPEARANCE COMPLIANCE AND LEGAL**  
10 **ORIENTATION.**

11 (a) **ACCESS TO LEGAL ORIENTATION PROGRAMS TO**  
12 **ENSURE COURT APPEARANCE COMPLIANCE.—**

13 (1) **IN GENERAL.—**The Secretary, in consulta-  
14 tion with the Attorney General, shall establish proce-  
15 dures to ensure that legal orientation programs are  
16 available for all noncitizens detained by the Sec-  
17 retary.

18 (2) **PROGRAM ELEMENTS.—**Programs under  
19 paragraph (1) shall provide information to nonciti-  
20 zens regarding the following:

21 (A) The basic procedures of immigration  
22 hearings.

23 (B) The rights and obligations of nonciti-  
24 zens relating to immigration hearings, including  
25 the consequences of filing frivolous legal claims  
26 and of failing to appear for proceedings.



1 PROCEEDINGS.—Section 240(b) of the Immigration and  
2 Nationality Act (8 U.S.C. 1229a(b)) is amended—

3 (1) in paragraph (4)—

4 (A) in subparagraph (A)—

5 (i) by striking “, at no expense to the  
6 Government,”; and

7 (ii) by striking the comma at the end  
8 and inserting a semicolon;

9 (B) by redesignating subparagraphs (B)  
10 and (C) as subparagraphs (D) and (E), respec-  
11 tively;

12 (C) by inserting after subparagraph (A)  
13 the following:

14 “(B) the Attorney General may appoint or  
15 provide counsel, at Government expense, to  
16 noncitizens in immigration proceedings;

17 “(C) at the beginning of the proceedings or  
18 as expeditiously as possible thereafter, a noncit-  
19 izen shall receive a complete copy of all relevant  
20 documents in the possession of the Department  
21 of Homeland Security, including all documents  
22 (other than documents protected from disclo-  
23 sure by privilege, including national security in-  
24 formation referred to in subparagraph (D), law  
25 enforcement-sensitive information, and informa-

1           tion prohibited from disclosure pursuant to any  
2           other provision of law) contained in the file  
3           maintained by the Government, including infor-  
4           mation with respect to all transactions involving  
5           the noncitizen during the immigration process  
6           (commonly referred to as an ‘A-file’) and all  
7           documents pertaining to the noncitizen that the  
8           Department of Homeland Security has obtained  
9           or received from other government agencies, un-  
10          less the noncitizen waives the right to receive  
11          such documents by executing a knowing and  
12          voluntary written waiver in a language that he  
13          or she understands;” and

14                 (D) in subparagraph (D), as redesignated,  
15                 by striking “, and” and inserting “; and”; and  
16                 (2) by adding at the end the following:

17                 “(8) FAILURE TO PROVIDE NONCITIZEN RE-  
18                 QUIRED DOCUMENTS.—In the absence of a written  
19                 waiver under paragraph (4)(C), a removal pro-  
20                 ceeding may not proceed until the noncitizen—

21                         “(A) has received the documents as re-  
22                         quired under such paragraph; and

23                         “(B) has been provided meaningful time to  
24                         review and assess such documents.”.

25                 (b) RIGHT TO COUNSEL.—

1           (1) IN GENERAL.—Section 292 of the Immigra-  
2           tion and Nationality Act (8 U.S.C. 1362) is amend-  
3           ed to read as follows:

4   **“SEC. 292. RIGHT TO COUNSEL.**

5           “(a) IN GENERAL.—In any proceeding conducted  
6           under section 235, 236, 238, 240, 241, or any other sec-  
7           tion of this Act, and in any appeal proceedings before the  
8           Attorney General from any such proceedings, the noncit-  
9           izen concerned shall have the privilege of being rep-  
10          resented by such counsel authorized to practice in such  
11          proceedings, as the noncitizen shall choose.

12          “(b) ACCESS TO COUNSEL.—

13                 “(1) IN GENERAL.—The Attorney General may  
14                 appoint or provide counsel to a noncitizen in any  
15                 proceeding conducted under section 235, 236, 238,  
16                 240, or 241 or any other section of this Act.

17                 “(2) DETENTION AND BORDER FACILITIES.—

18                 The Secretary of Homeland Security shall ensure  
19                 that noncitizens have access to counsel inside all im-  
20                 migration detention and border facilities.

21                 “(c) CHILDREN AND VULNERABLE INDIVIDUALS.—

22                 Notwithstanding subsection (b), at the beginning of pro-  
23                 ceedings or as expeditiously as possible, the Attorney Gen-  
24                 eral shall appoint, at the expense of the Government,  
25                 counsel to represent any noncitizen financially unable to

1 obtain adequate representation in such proceedings, in-  
2 cluding any noncitizen who has been determined by the  
3 Secretary of Homeland Security or the Attorney General  
4 to be—

5           “(1) a child;

6           “(2) a particularly vulnerable individual, includ-  
7 ing—

8                   “(A) a person with a disability;

9                   “(B) a victim of abuse, torture, or violence;

10           and

11                   “(C) a pregnant or lactating woman; or

12           “(3) the parent of a United States citizen  
13 minor.

14           “(d) **EXTENSION TO CONSOLIDATED CASES.**—If the  
15 Attorney General has consolidated the case of any noncit-  
16 izen for whom counsel was appointed under subsection (c)  
17 with that of any other noncitizen, and such other noncit-  
18 izen does not have counsel, the counsel appointed under  
19 subsection (c) shall be appointed to represent such other  
20 noncitizen unless there is a demonstrated conflict of inter-  
21 est.”.

22           (2) **RULEMAKING.**—Not later than 180 days  
23 after the date of enactment of this Act, the Attorney  
24 General shall promulgate regulations to implement

1 subsection (c) of section 292 of the Immigration and  
2 Nationality Act, as added by paragraph (1).

3 (c) IMMIGRATION COUNSEL FUND.—

4 (1) IN GENERAL.—Chapter 9 of title II of the  
5 Immigration and Nationality Act (8 U.S.C. 1351 et  
6 seq.) is amended by adding at the end the following:

7 **“SEC. 295. IMMIGRATION COUNSEL FUND.**

8 “(a) IN GENERAL.—There is established in the gen-  
9 eral fund of the Treasury a separate account to be known  
10 as the ‘Immigration Counsel Fund’.

11 “(b) DEPOSITS.—Notwithstanding any other provi-  
12 sion of this Act, there shall be deposited as offsetting re-  
13 ceipts into the Immigration Counsel Account all sur-  
14 charges collected under subsection (c) for the purpose of  
15 providing access to counsel as required or authorized  
16 under this Act, to remain available until expended.

17 “(c) SURCHARGE.—In any case in which a fee is  
18 charged pursuant to the immigration laws, a surcharge of  
19 \$25 shall be imposed and collected.

20 “(d) REPORT.—Not later than 2 years after the date  
21 of the enactment of this section, and biennially thereafter,  
22 the Secretary of Homeland Security shall submit to Con-  
23 gress a report on the status of the Immigration Counsel  
24 Account, including—

1           “(1) the balance in the Immigration Counsel  
2     Account; and

3           “(2) any recommendation with respect to modi-  
4     fications to the surcharge under subsection (c) nec-  
5     essary to ensure that the receipts collected for the  
6     subsequent 2 years equal, as closely as possible, the  
7     cost of providing access to counsel as required or au-  
8     thorized under this Act.”.

9           (2) TABLE OF CONTENTS.—The table of con-  
10    tents for the Immigration and Nationality Act (8  
11    U.S.C. 1101 et seq.) is amended by inserting after  
12    the item relating to section 294 the following:

“Sec. 295. Immigration Counsel Account.”.

13           (d) MOTIONS TO REOPEN.—Section 240(c)(7)(C) of  
14    the Immigration and Nationality Act (8 U.S.C.  
15    1229a(c)(7)(C)) is amended by adding at the end the fol-  
16    lowing:

17                   “(v) SPECIAL RULE FOR CHILDREN  
18                   AND OTHER VULNERABLE NONCITIZENS.—  
19                   If the Attorney General fails to appoint  
20                   counsel for a noncitizen in violation of sec-  
21                   tion 292(c)—

22                           “(I) no limitation under this  
23                           paragraph with respect to the filing of  
24                           any motion to reopen shall apply to  
25                           the noncitizen; and



1                   “(II) the filing of a motion to re-  
2                   open by the noncitizen shall stay the  
3                   removal of the noncitizen.”.

4 **SEC. 4107. FACILITATING SAFE AND EFFICIENT REPATRI-**  
5 **ATION.**

6           (a) UNITED STATES SUPPORT FOR REINTEGRA-  
7 TION.—The Secretary of State, in consultation with the  
8 Secretary and the Administrator of the United States  
9 Agency for International Development, shall coordinate  
10 with the governments of El Salvador, Guatemala, Hon-  
11 duras, and any other country in Central America the Sec-  
12 retary of State considers appropriate, to promote the suc-  
13 cessful reintegration of families, unaccompanied noncit-  
14 izen children, and other noncitizens repatriated to their  
15 countries of origin by assisting in the development and  
16 funding of programs in such countries that—

17           (1) provide comprehensive reintegration services  
18           at the municipal level for repatriated noncitizens, in-  
19           cluding family reunification and access to medical  
20           and psychosocial services;

21           (2) support the establishment of educational  
22           and vocational centers for repatriated noncitizens  
23           that provide skills training relevant to national and  
24           local economic needs;

1           (3) promote the hiring of repatriated nonciti-  
2           zens in the private sector, including through stra-  
3           tegic partnerships with specific industries and busi-  
4           nesses;

5           (4) support the issuance of appropriate docu-  
6           ments to repatriated noncitizens, including identi-  
7           fication documents, documents relating to edu-  
8           cational attainment, and documents certifying skill  
9           attainment; and

10          (5) monitor repatriated unaccompanied noncit-  
11          izen children to ensure their adequate screening and  
12          processing in the United States.

13          (b) ELIGIBILITY OF CITIZENS AND NATIONALS OF  
14          REPATRIATION COUNTRY.—Paragraphs (1), (2), and (3)  
15          of subsection (a) shall not necessarily exclude citizens or  
16          nationals of the countries of origin.

17          (c) CONSULTATION WITH NONGOVERNMENTAL OR-  
18          GANIZATIONS.—In assisting in the development of pro-  
19          grams under subsection (a), the Secretary of State shall  
20          consult with nongovernmental organizations in the coun-  
21          tries concerned and in the United States that have experi-  
22          ence in—

23                 (1) integrating repatriated individuals and fam-  
24                 ilies;

1           (2) protecting and ensuring the welfare of unac-  
2           companied noncitizen children; and

3           (3) promoting economic development and skills  
4           acquisition.

5 **Subtitle B—Protecting Family Val-**  
6 **ues and Monitoring and Caring**  
7 **for Unaccompanied Noncitizen**  
8 **Children After Arrival**

9 **SEC. 4201. DEFINITION OF LOCAL EDUCATIONAL AGENCY.**

10       In this subtitle, the term “local educational agency”  
11 has the meaning given the term in section 8101 of the  
12 Elementary and Secondary Education Act of 1965 (20  
13 U.S.C. 7801).

14 **SEC. 4202. RESPONSIBILITY OF SPONSOR FOR IMMIGRA-**  
15 **TION COURT COMPLIANCE AND CHILD WELL-**  
16 **BEING.**

17       (a) **IN GENERAL.**—The Secretary of Health and  
18 Human Services, in consultation with the Attorney Gen-  
19 eral, shall establish procedures to ensure that a legal ori-  
20 entation program is provided to each sponsor (including  
21 parents, legal guardians, and close relatives) of an unac-  
22 companied noncitizen child before the unaccompanied non-  
23 citizen child is placed with the sponsor.

1 (b) PROGRAM ELEMENTS.—A program under sub-  
2 section (a) shall provide information to sponsors regarding  
3 each of the following:

4 (1) The basic procedures of immigration hear-  
5 ings.

6 (2) The rights and obligations of the unaccom-  
7 panied noncitizen child relating to immigration hear-  
8 ings, including the consequences of filing frivolous  
9 legal claims and of failing to appear for proceedings.

10 (3) The obligation of the sponsor—

11 (A) to ensure that the unaccompanied non-  
12 citizen child appears at immigration court pro-  
13 ceedings;

14 (B) to notify the court of any change of  
15 address of the unaccompanied noncitizen child  
16 and other relevant information; and

17 (C) to address the needs of the unaccom-  
18 panied noncitizen child, including providing ac-  
19 cess to health care and enrolling the child in an  
20 educational institution.

21 (4) Legal protections available to unaccom-  
22 panied noncitizen children and the procedures for re-  
23 questing such protections.

1           (5) Legal resources available to unaccompanied  
2           noncitizen children and lists of potential legal serv-  
3           ices providers.

4           (6) The importance of reporting potential child  
5           traffickers and other persons seeking to victimize or  
6           exploit unaccompanied noncitizen children, or other-  
7           wise engage such unaccompanied noncitizen children  
8           in criminal, harmful, or dangerous activity.

9           (7) Any other subject the Secretary of Health  
10          and Human Services or the Attorney General con-  
11          siders necessary and appropriate.

12 **SEC. 4203. FUNDING TO SCHOOL DISTRICTS FOR UNACCOM-**  
13 **PANIED NONCITIZEN CHILDREN.**

14          (a) GRANTS AUTHORIZED.—The Secretary of Edu-  
15          cation shall award grants, on a competitive basis, to eligi-  
16          ble local educational agencies or consortia of neighboring  
17          local educational agencies described in subsection (b), to  
18          enable the local educational agencies or consortia to en-  
19          hance opportunities for, and provide services to, immi-  
20          grant children, including unaccompanied noncitizen chil-  
21          dren, in the area served by the local educational agencies  
22          or consortia.

23          (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

24                (1) IN GENERAL.—A local educational agency  
25          or a consortium of neighboring local educational

1 agencies is eligible for a grant under subsection (a)  
2 if, during the fiscal year for which a grant is award-  
3 ed under this section, there are 50 or more unac-  
4 companied noncitizen children enrolled in the public  
5 schools served by the local educational agency or the  
6 consortium.

7 (2) DETERMINATIONS OF NUMBER OF UNAC-  
8 COMPANIED NONCITIZEN CHILDREN.—The Secretary  
9 of Education shall determine the number of unac-  
10 companied noncitizen children for purposes of para-  
11 graph (1) based on the most accurate data available  
12 that is provided to the Secretary of Education by the  
13 Director of the Office of Refugee Resettlement or  
14 the Department of Homeland Security.

15 (c) APPLICATIONS.—A local educational agency or a  
16 consortia of neighboring local educational agencies desir-  
17 ing a grant under this section shall submit an application  
18 to the Secretary of Education at such time, in such man-  
19 ner, and containing such information as the Secretary of  
20 Education may require, including a description of how the  
21 grant will be used to enhance opportunities for, and pro-  
22 vide services to, immigrant children and youth (including  
23 unaccompanied noncitizen children) and their families.

1 **SEC. 4204. SCHOOL ENROLLMENT.**

2 To be eligible for funding under the Elementary and  
3 Secondary Education Act of 1965 (20 U.S.C. 6301 et  
4 seq.), a local educational agency shall take measures—

5 (1) to ensure that an unaccompanied noncitizen  
6 child in the area served by the local educational  
7 agency is enrolled in school not later than 7 days  
8 after the date on which a request for enrollment is  
9 made; and

10 (2) to remove barriers to enrollment and full  
11 participation in educational programs and services  
12 offered by the local educational agency for unaccom-  
13 panied noncitizen children (including barriers related  
14 to documentation, age, and language), which shall  
15 include reviewing and revising policies that may have  
16 a negative effect on unaccompanied noncitizen chil-  
17 dren.

18 **Subtitle C—Admission and Protec-**  
19 **tion of Refugees, Asylum Seek-**  
20 **ers, and Other Vulnerable Indi-**  
21 **viduals**

22 **SEC. 4301. ELIMINATION OF TIME LIMITS ON ASYLUM AP-**  
23 **PLICATIONS.**

24 Section 208(a)(2) of the Immigration and Nationality  
25 Act (8 U.S.C. 1158(a)(2)) is amended—

1           (1) in subparagraph (A), by inserting “or the  
2           Secretary” after “Attorney General” each place it  
3           appears;

4           (2) by striking subparagraphs (B) and (D);

5           (3) by redesignating subparagraph (C) as sub-  
6           paragraph (B);

7           (4) in subparagraph (B), as redesignated, by  
8           striking “subparagraph (D)” and inserting “sub-  
9           paragraphs (C) and (D)”; and

10          (5) by inserting after subparagraph (B), as re-  
11          designated, the following:

12                 “(C) CHANGED CIRCUMSTANCES.—Not-  
13                 withstanding subparagraph (B), an application  
14                 for asylum of a noncitizen may be considered if  
15                 the noncitizen demonstrates, to the satisfaction  
16                 of the Attorney General or the Secretary, the  
17                 existence of changed circumstances that materi-  
18                 ally affect the noncitizen’s eligibility for asylum.

19                 “(D) MOTION TO REOPEN CERTAIN MERI-  
20                 TORIOUS CLAIMS.—Notwithstanding subpara-  
21                 graph (B) of section 240(c)(7), during the 2-  
22                 year period beginning on the date of the enact-  
23                 ment of this Act, a noncitizen may file a motion  
24                 to reopen an asylum claim or a motion to re-



1 open removal proceedings to reapply for asylum  
2 as relief from removal if the noncitizen—

3 “(i) was denied asylum based solely  
4 on a failure to meet the 1-year application  
5 filing deadline in effect on the date on  
6 which the application was filed;

7 “(ii) was granted withholding of re-  
8 moval to the noncitizen’s country of na-  
9 tionality (or, in the case of a person having  
10 no nationality, to the country of last habit-  
11 ual residence) under section 241(b)(3);

12 “(iii) has not obtained lawful perma-  
13 nent residence in the United States pursu-  
14 ant to any other provision of law;

15 “(iv) is not subject to the safe third  
16 country exception under subparagraph (A)  
17 or to a bar to asylum under subsection  
18 (b)(2); and

19 “(v) was not denied asylum as a mat-  
20 ter of discretion.”.

21 **SEC. 4302. INCREASING ANNUAL NUMERICAL LIMITATION**  
22 **ON U VISAS.**

23 Section 214(p) of the Immigration and Nationality  
24 Act (8 U.S.C. 1184(p)) is amended in paragraph (2)(A)  
25 by striking “10,000” and inserting “30,000”.

1 **SEC. 4303. EMPLOYMENT AUTHORIZATION FOR ASYLUM**  
2 **SEEKERS AND OTHER INDIVIDUALS.**

3 (a) ASYLUM SEEKERS.—Section 208(d)(2) of the Im-  
4 migration and Nationality Act (8 U.S.C. 1158(d)(2)) is  
5 amended to read as follows:

6 “(2) EMPLOYMENT AUTHORIZATION.—

7 “(A) ELIGIBILITY.—The Secretary of  
8 Homeland Security shall authorize employment  
9 for an applicant for asylum who is not in deten-  
10 tion and whose application for asylum has not  
11 been determined to be frivolous.

12 “(B) APPLICATION.—

13 “(i) IN GENERAL.—An applicant for  
14 asylum (unless otherwise eligible for em-  
15 ployment authorization) shall not be grant-  
16 ed employment authorization under this  
17 paragraph until the end of a period of days  
18 determined by the Secretary of Homeland  
19 Security by regulation, but which shall not  
20 exceed 180 days, after the filing of the ap-  
21 plication for asylum.

22 “(ii) DATE OF FILING.—For purposes  
23 of this subparagraph, an application for  
24 asylum shall be considered to be filed on  
25 the date on which the applicant submits  
26 the application to the Secretary of Home-

1 land Security or the Attorney General, as  
2 applicable.

3 “(C) TERM.—Employment authorization  
4 for an applicant for asylum shall be valid until  
5 the date on which there is a final denial of the  
6 asylum application, including any administra-  
7 tive or judicial review.”.

8 (b) INDIVIDUALS GRANTED WITHHOLDING OF RE-  
9 MOVAL OR APPLYING FOR WITHHOLDING OF REMOVAL.—  
10 Section 241(b)(3) of the Immigration and Nationality Act  
11 (8 U.S.C. 1231(b)(3)) is amended by adding at the end  
12 the following:

13 “(D) EMPLOYMENT AUTHORIZATION.—

14 “(i) IN GENERAL.—The Secretary of  
15 Homeland Security shall authorize employ-  
16 ment for a noncitizen who is not in deten-  
17 tion and who has been granted—

18 “(I) withholding of removal  
19 under this paragraph; or

20 “(II) withholding or deferral of  
21 removal under the Convention against  
22 Torture and Other Cruel, Inhuman or  
23 Degrading Treatment or Punishment,  
24 done at New York December 10,  
25 1984.

1           “(ii) TERM.—Employment authoriza-  
2           tion for a noncitizen described in clause (i)  
3           shall be—

4                   “(I) valid for a period of 2 years;

5                   and

6                   “(II) renewable for additional 2-  
7                   year periods for the duration of such  
8                   withholding or deferral of removal sta-  
9                   tus.”.

10           “(iii) APPLICANT ELIGIBILITY.—

11                   “(I) IN GENERAL.—The Sec-  
12                   retary of Homeland Security shall au-  
13                   thorize employment for a noncitizen  
14                   who is not in detention, and whose ap-  
15                   plication for withholding of removal  
16                   under this paragraph or withholding  
17                   or deferral of removal under the Con-  
18                   vention against Torture and Other  
19                   Cruel, Inhuman or Degrading Treat-  
20                   ment or Punishment, done at New  
21                   York December 10, 1984, has not  
22                   been determined to be frivolous.

23                   “(II) APPLICATION.—

24                           “(aa) IN GENERAL.—A non-  
25                           citizen described in subclause (I)

1 shall not be granted employment  
2 authorization under this clause  
3 until the end of a period of days  
4 determined by the Secretary of  
5 Homeland Security by regulation,  
6 but which shall not exceed 180  
7 days, after the filing of an appli-  
8 cation described in such sub-  
9 clause.

10 “(bb) DATE OF FILING.—

11 For purposes of this clause, an  
12 application under subclause (I)  
13 shall be considered to be filed on  
14 the date on which the applicant  
15 submits the application to the At-  
16 torney General.

17 “(III) TERM.—Employment au-  
18 thorization for a noncitizen described  
19 in subclause (I) shall be valid until  
20 the date on which there is a final de-  
21 nial of the application under subclause  
22 (I), including any administrative or  
23 judicial review.”.

1 **SEC. 4304. ENHANCED PROTECTION FOR INDIVIDUALS**  
2 **SEEKING T VISAS, U VISAS, AND PROTECTION**  
3 **UNDER VAWA.**

4 (a) **EMPLOYMENT AUTHORIZATION FOR T VISA AP-**  
5 **PLICANTS.**—Section 214(o) (8 U.S.C. 1184(o)) is amend-  
6 ed by adding at the end the following:

7 “(8) Notwithstanding any provision of this Act  
8 relating to eligibility for employment in the United  
9 States, the Secretary of Homeland Security shall  
10 grant employment authorization to a noncitizen who  
11 has filed a nonfrivolous application for non-  
12 immigrant status under section 101(a)(15)(T),  
13 which authorization shall begin on the date that is  
14 the earlier of—

15 “(A) the date on which the noncitizen’s ap-  
16 plication for such status is approved; or

17 “(B) a date determined by the Secretary  
18 that is not later than 180 days after the date  
19 on which the noncitizen filed the application.”.

20 (b) **INCREASED ACCESSIBILITY AND EMPLOYMENT**  
21 **AUTHORIZATION FOR U VISA APPLICANTS.**—Section  
22 214(p) of the Immigration and Nationality Act (8 U.S.C.  
23 1184(p)) is amended—

24 (1) in paragraph (6), by striking the last sen-  
25 tence; and

26 (2) by adding at the end the following:

1           “(8) EMPLOYMENT AUTHORIZATION.—Notwith-  
2 standing any provision of this Act relating to eligi-  
3 bility for employment in the United States, the Sec-  
4 retary of Homeland Security shall grant employment  
5 authorization to a noncitizen who has filed an appli-  
6 cation for nonimmigrant status under section  
7 101(a)(15)(U), which authorization shall begin on  
8 the date that is the earlier of—

9           “(A) the date on which the noncitizen’s pe-  
10 tition for such status is approved; or

11           “(B) a date determined by the Secretary  
12 that is not later than 180 days after the date  
13 on which the noncitizen filed the petition.”.

14           (c) PROHIBITION ON REMOVAL OF CERTAIN VICTIMS  
15 WITH PENDING PETITIONS AND APPLICATIONS.—

16           (1) IN GENERAL.—Section 240 of the Immigra-  
17 tion and Nationality Act (8 U.S.C. 1229a) is amend-  
18 ed—

19           (A) by redesignating subsection (e) as sub-  
20 section (f); and

21           (B) by inserting after subsection (d) the  
22 following:

23           “(e) PROHIBITION ON REMOVAL OF CERTAIN VIC-  
24 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—

1           “(1) IN GENERAL.—A noncitizen described in  
2 paragraph (2) shall not be removed from the United  
3 States under this section or any other provision of  
4 law until the date on which there is a final denial  
5 of the noncitizen’s application for status, including  
6 any administrative or judicial review.

7           “(2) NONCITIZENS DESCRIBED.—A noncitizen  
8 described in this paragraph is a noncitizen who—

9                   “(A) has a pending nonfrivolous applica-  
10 tion or petition under—

11                           “(i) subparagraph (T) or (U) of sec-  
12 tion 101(a)(15);

13                           “(ii) section 106;

14                           “(iii) section 240A(b)(2); or

15                           “(iv) section 244(a)(3) (as in effect on  
16 March 31, 1997); or

17                   “(B) is a VAWA self-petitioner, as defined  
18 in section 101(a)(51), and has a pending appli-  
19 cation for relief under a provision referred to in  
20 any of subparagraphs (A) through (G) of such  
21 section.”.

22           (2) CONFORMING AMENDMENT.—Section  
23 240(b)(7) of the Immigration and Nationality Act (8  
24 U.S.C. 1229a(b)(7)) is amended by striking “sub-  
25 section (e)(1)” and inserting “subsection (f)(1)”.



1 (d) PROHIBITION ON DETENTION OF CERTAIN VIC-  
2 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—  
3 Section 236 of the Immigration and Nationality Act (8  
4 U.S.C. 1226) is amended by adding at the end the fol-  
5 lowing:

6 “(f) DETENTION OF CERTAIN VICTIMS WITH PEND-  
7 ING PETITIONS AND APPLICATIONS.—

8 “(1) PRESUMPTION OF RELEASE.—

9 “(A) IN GENERAL.—Notwithstanding any  
10 other provision of this Act, there shall be a pre-  
11 sumption that a noncitizen described in para-  
12 graph (2) should be released from detention.

13 “(B) REBUTTAL.—The Secretary of  
14 Homeland Security may rebut the presumption  
15 of release based on clear and convincing evi-  
16 dence, including credible and individualized in-  
17 formation, that—

18 “(i) the use of alternatives to deten-  
19 tion will not reasonably ensure the appear-  
20 ance of the noncitizen at removal pro-  
21 ceedings; or

22 “(ii) the noncitizen is a threat to an-  
23 other person or the community.

24 “(C) PENDING CRIMINAL CHARGE.—A  
25 pending criminal charge against a noncitizen

1           may not be the sole factor to justify the contin-  
2           ued detention of the noncitizen.

3           “(2) NONCITIZEN DESCRIBED.—A noncitizen  
4           described in this paragraph is a noncitizen who—

5                   “(A) has a pending application, which has  
6           not been found to be frivolous, under—

7                           “(i) subparagraph (T) or (U) of sec-  
8                           tion 101(a)(15);

9                           “(ii) section 106;

10                           “(iii) section 240A(b)(2); or

11                           “(iv) section 244(a)(3) (as in effect on  
12                           March 31, 1997); or

13                           “(B) is a VAWA self-petitioner, as defined  
14                           in section 101(a)(51), has a pending petition  
15                           for relief, and can demonstrate prima facie eli-  
16                           gibility under a provision referred to in any of  
17                           subparagraphs (A) through (G) of such sec-  
18                           tion.”.

19 **SEC. 4305. ALTERNATIVES TO DETENTION.**

20           Section 236 of the Immigration and Nationality Act  
21 (8 U.S.C. 1226), as amended by section 4304, is further  
22 amended by adding at the end the following:

23           “(g) ALTERNATIVES TO DETENTION.—

24                   “(1) IN GENERAL.—The Secretary of Homeland  
25           Security shall establish programs that provide alter-

1 natives to detaining noncitizens, which shall offer a  
2 continuum of supervision mechanisms and options,  
3 including community-based supervision programs  
4 and community support.

5 “(2) CONTRACTS WITH NONGOVERNMENTAL  
6 ORGANIZATIONS.—The Secretary of Homeland Secu-  
7 rity may contract with nongovernmental community-  
8 based organizations to provide services for programs  
9 under paragraph (1), including case management  
10 services, appearance assistance services, and screen-  
11 ing of detained noncitizens.”.

12 **SEC. 4306. NOTIFICATION OF PROCEEDINGS.**

13 (a) WRITTEN RECORD OF ADDRESS.—Section 239(a)  
14 of the Immigration and Nationality Act (8 U.S.C.  
15 1229(a)) is amended—

16 (1) in paragraph (1)(F), by inserting “the Sec-  
17 retary of Homeland Security or” before “the Attor-  
18 ney General” each place such term appears; and

19 (2) in paragraph (2)(A) by striking “the noncit-  
20 izen or to the noncitizen’s counsel of record” and in-  
21 serting “the noncitizen and to the noncitizen’s coun-  
22 sel of record”.

1 **SEC. 4307. CONVERSION OF CERTAIN PETITIONS.**

2 Section 2 of Public Law 110–242 (8 U.S.C. 1101  
3 note) is amended by striking subsection (b) and inserting  
4 the following:

5 “(b) DURATION.—The authority under subsection (a)  
6 shall expire on the date on which the numerical limitation  
7 specified under section 1244(c) of the National Defense  
8 Authorization Act for Fiscal Year 2008 (Public Law 110–  
9 181; 8 U.S.C. 1157 note) is reached.”.

10 **SEC. 4308. IMPROVEMENTS TO APPLICATION PROCESS FOR**  
11 **AFGHAN SPECIAL IMMIGRANT VISAS.**

12 Subsection (b) of section 602 of the Afghan Allies  
13 Protection Act of 2009 (8 U.S.C. 1101 note) is amend-  
14 ed—

15 (1) in paragraph (2)(A)(ii), by inserting “for  
16 the first time” after “September 30, 2015”; and

17 (2) in paragraph (4)(A) by inserting “, includ-  
18 ing Chief of Mission approval,” after “so that all  
19 steps”.

20 **SEC. 4309. SPECIAL IMMIGRANT STATUS FOR CERTAIN SUR-**  
21 **VIVING SPOUSES AND CHILDREN.**

22 (a) IN GENERAL.—Section 101(a)(27)(D) of the Im-  
23 migration and Nationality Act (8 U.S.C. 1101(a)(27)(D))  
24 is amended—

1           (1) by striking “an immigrant who is an em-  
2           ployee” and inserting the following: “an immigrant  
3           who—

4                           “(i) is an employee”; and

5           (2) by striking “grant such status;” and insert-  
6           ing the following: “grant such status; or

7                           “(ii) is the surviving spouse or child  
8                           of an employee of the United States Gov-  
9                           ernment abroad: *Provided*, That the em-  
10                          ployee performed faithful service for a total  
11                          of not less than 15 years or was killed in  
12                          the line of duty;”.

13           (b) SPECIAL IMMIGRANT STATUS FOR SURVIVING  
14           SPOUSES AND CHILDREN.—

15           (1) IN GENERAL.—Section 602(b)(2)(C) of the  
16           Afghan Allies Protection Act of 2009 (8 U.S.C.  
17           1101 note) is amended—

18                          (A) in clause (ii), by redesignating sub-  
19                          clauses (I) and (II) as items (aa) and (bb), re-  
20                          spectively;

21                          (B) by redesignating clauses (i) and (ii) as  
22                          subclauses (I) and (II), respectively, and mov-  
23                          ing such subclauses 2 ems to the right;

1 (C) in the matter preceding subclause (I),  
2 as redesignated, by striking “An alien is de-  
3 scribed” and inserting the following:

4 “(i) IN GENERAL.—A noncitizen is de-  
5 scribed”;

6 (D) in clause (i)(I), as redesignated, by  
7 striking “who had a petition for classification  
8 approved” and inserting “who had submitted  
9 an application to the Chief of Mission”; and

10 (E) by adding at the end the following:

11 “(ii) EMPLOYMENT REQUIREMENTS.—  
12 An application by a surviving spouse or  
13 child of a principal noncitizen shall be sub-  
14 ject to employment requirements set forth  
15 in subparagraph (A) as of the date of the  
16 principal noncitizen’s filing of an applica-  
17 tion for the first time, or if no application  
18 has been filed, the employment require-  
19 ments as of the date of the principal non-  
20 citizen’s death.”.

21 (2) CONFORMING AMENDMENTS.—Section 602  
22 of the Afghan Allies Protection Act of 2009 (8  
23 U.S.C. 1101 note) is amended—

1 (A) in the paragraph and subparagraph  
2 headings, by striking “ALIENS” each place it  
3 appears and inserting “NONCITIZENS”;

4 (B) by striking “an alien” each place it ap-  
5 pears and inserting “a noncitizen”;

6 (C) by striking “An alien” each place it  
7 appears and inserting “A noncitizen”;

8 (D) by striking “alien” each place it ap-  
9 pears and inserting “noncitizen”;

10 (E) by striking “aliens” each place it ap-  
11 pears and inserting “noncitizens”; and

12 (F) by striking “alien’s” each place it ap-  
13 pears and inserting “noncitizen’s”.

14 (c) SPECIAL IMMIGRANT STATUS FOR CERTAIN  
15 IRAQIS.—

16 (1) IN GENERAL.—Section 1244(b)(3) of the  
17 Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157  
18 note) is amended—

19 (A) by striking “described in subsection  
20 (b)” and inserting “in this subsection”;

21 (B) in subparagraph (B), by redesignating  
22 clauses (i) and (ii) as subclauses (I) and (II),  
23 respectively, and moving such subclauses 2 ems  
24 to the right;

1 (C) by redesignating subparagraphs (A)  
2 and (B) as clauses (i) and (ii), respectively, and  
3 moving such clauses 2 ems to the right;

4 (D) in the matter preceding clause (i), as  
5 redesignated, by striking “An alien is de-  
6 scribed” and inserting the following:

7 “(A) IN GENERAL.—A noncitizen is de-  
8 scribed”;

9 (E) in subparagraph (A)(i), as redesi-  
10 gnated, by striking “who had a petition for clas-  
11 sification approved” and inserting “who sub-  
12 mitted an application to the Chief of Mission”;  
13 and

14 (F) by adding at the end the following:

15 “(B) EMPLOYMENT REQUIREMENTS.—An  
16 application by a surviving spouse or child of a  
17 principal noncitizen shall be subject to employ-  
18 ment requirements set forth in paragraph (1)  
19 as of the date of the principal noncitizen’s filing  
20 of an application for the first time, or if the  
21 principal noncitizen did not file an application,  
22 the employment requirements as of the date of  
23 the principal noncitizen’s death.”.



1           (2) CONFORMING AMENDMENTS.—The Refugee  
2 Crisis in Iraq Act of 2007 (8 U.S.C. 1157 note) is  
3 amended by—

4           (A) in the subsection headings, by striking  
5 “ALIENS” each place it appears and inserting  
6 “NONCITIZENS”;

7           (B) in the paragraph headings, by striking  
8 “ALIENS” each place it appears and inserting  
9 “NONCITIZENS”;

10          (C) by striking “an alien” each place it ap-  
11 pears and inserting “a noncitizen”;

12          (D) by striking “An alien” each place it  
13 appears and inserting “A noncitizen”;

14          (E) by striking “alien” each place it ap-  
15 pears and inserting “noncitizen”;

16          (F) by striking “aliens” each place it ap-  
17 pears and inserting “noncitizens”; and

18          (G) by striking “alien’s” each place it ap-  
19 pears and inserting “noncitizen’s”.

20          (d) EFFECTIVE DATE.—The amendments made by  
21 this section shall be effective on the date of the enactment  
22 of this Act and shall have retroactive effect.



1           (4) the noncitizen clears a background check  
2           and appropriate screening, as determined by the  
3           Secretary.

4           (b) NONCITIZENS DESCRIBED.—A noncitizen de-  
5           scribed in this subsection is a noncitizen who—

6           (1)(A) is a citizen or national of Syria or a  
7           stateless person who has habitually resided in Syria;

8           (B) was employed by or on behalf of (including  
9           under a contract, cooperative agreement or grant  
10          with) the United States Government in Syria, for a  
11          period of not less than 1 year beginning on January  
12          1, 2014; and

13          (C) obtained a favorable written recommenda-  
14          tion from a U.S. citizen supervisor who was in the  
15          chain of command of the United States Armed  
16          Forces unit or U.S. Government entity that was  
17          supported by the noncitizen; or

18          (2)(A) is the spouse or a child of a principal  
19          noncitizen described in paragraph (1); and

20          (B)(i) is following or accompanying to join the  
21          principal noncitizen in the United States; or

22          (ii) due to the death of the principal noncitizen,  
23          a petition to follow or accompany to join the prin-  
24          cipal noncitizen in the United States—

1 (I) was or would be revoked, terminated,  
2 or otherwise rendered null; and

3 (II) would have been approved if the prin-  
4 cipal noncitizen had survived.

5 (c) NUMERICAL LIMITATIONS.—

6 (1) IN GENERAL.—Except as otherwise pro-  
7 vided in this subsection, the total number of prin-  
8 cipal noncitizens who may be provided special immi-  
9 grant status under this section may not exceed  
10 5,000 in any of the first 5 fiscal years beginning  
11 after the date of the enactment of this Act.

12 (2) EXEMPTION FROM NUMERICAL LIMITA-  
13 TIONS.—Noncitizens provided special immigrant sta-  
14 tus under this section shall not be counted against  
15 any numerical limitation under section 201(d),  
16 202(a), or 203(b)(4) of the Immigration and Na-  
17 tionality Act (8 U.S.C. 1151(d), 1152(a), and  
18 1153(b)(4)).

19 (3) CARRY FORWARD.—If the numerical limita-  
20 tion set forth in paragraph (1) is not reached during  
21 a fiscal year, the numerical limitation under such  
22 paragraph for the following fiscal year shall be in-  
23 creased by a number equal to the difference be-  
24 tween—

1 (A) the number of visas authorized under  
2 paragraph (1) for such fiscal year; and

3 (B) the number of principal noncitizens  
4 provided special immigrant status under this  
5 section during such fiscal year.

6 (d) VISA FEES AND TRAVEL DOCUMENT  
7 ISSUANCE.—

8 (1) IN GENERAL.—A noncitizen described in  
9 subsection (b) may not be charged any fee in con-  
10 nection with an application for, or the issuance of,  
11 a special immigrant visa under this section.

12 (2) The Secretary of State shall ensure that a  
13 noncitizen who is issued a special immigrant visa  
14 under this section is provided with an appropriate  
15 travel document necessary for admission to the  
16 United States.

17 (e) PROTECTION OF NONCITIZENS.—The Secretary  
18 of State, in consultation with the head of any other appro-  
19 priate Federal agency, shall make a reasonable effort to  
20 provide protection to each noncitizen described in sub-  
21 section (b) who is seeking special immigrant status under  
22 this section or to immediately remove such noncitizen from  
23 Syria, if possible, if the Secretary of State determines,  
24 after consultation, that such noncitizen is in imminent  
25 danger.

1 (f) APPLICATION PROCESS.—

2 (1) REPRESENTATION.—A noncitizen applying  
3 for admission to the United States as a special im-  
4 migrant under this section may be represented dur-  
5 ing the application process, including for relevant  
6 interviews and examinations, by an attorney or other  
7 accredited representative. Such representation shall  
8 not be at the expense of the United States Govern-  
9 ment.

10 (2) COMPLETION.—

11 (A) IN GENERAL.—The Secretary of State  
12 and the Secretary, in consultation with the Sec-  
13 retary of Defense, shall ensure that applications  
14 for special immigrant visas under this section  
15 are processed in such a manner so as to ensure  
16 that all steps under the control of the respective  
17 departments incidental to the issuance of such  
18 visas, including required screenings and back-  
19 ground checks, are completed not later than  
20 270 days after the date on which an eligible  
21 noncitizen submits all required materials to  
22 apply for such visa.

23 (B) RULE OF CONSTRUCTION.—Notwith-  
24 standing subparagraph (A), the Secretary of  
25 State, the Secretary, or the Secretary of De-

1           fense may take longer than 270 days to com-  
2           plete the steps incidental to issuing a visa under  
3           this section if the Secretary of State, the Sec-  
4           retary, or the Secretary of Defense, or a des-  
5           ignee—

6                   (i) determines that the satisfaction of  
7           national security concerns requires addi-  
8           tional time; and

9                   (ii) notifies the applicant of such de-  
10          termination.

11          (3) APPEAL.—A noncitizen whose petition for  
12          status as a special immigrant is rejected or re-  
13          voked—

14                (A) shall receive a written decision that  
15                provides, to the maximum extent feasible, infor-  
16                mation describing the basis for the denial, in-  
17                cluding the facts and inferences underlying the  
18                individual determination; and

19                (B) shall be provided not more than 1  
20                written appeal per rejection or denial, which—

21                   (i) shall be submitted to the authority  
22                that issued the denial not more than 120  
23                days after the date on which the applicant  
24                receives a decision pursuant to subpara-  
25                graph (A);

1 (ii) may request the reopening of such  
2 decision; and

3 (iii) shall provide additional informa-  
4 tion, clarify existing information, or ex-  
5 plain any unfavorable information.

6 (g) ELIGIBILITY FOR OTHER IMMIGRANT CLASSI-  
7 FICATION.—A noncitizen may not be denied the oppor-  
8 tunity to apply for admission under this section solely be-  
9 cause such noncitizen—

10 (1) qualifies as an immediate relative of a cit-  
11 izen of the United States; or

12 (2) is eligible for admission to the United  
13 States under any other immigrant classification.

14 (h) PROCESSING MECHANISMS.—The Secretary of  
15 State shall use existing refugee processing mechanisms in  
16 Iraq and in other countries, as appropriate, in the region  
17 in which noncitizens described in subsection (b) may apply  
18 and interview for admission to the United States as special  
19 immigrants.

20 (i) RESETTLEMENT SUPPORT.—A noncitizen who is  
21 granted special immigrant status under this section shall  
22 be eligible for the same resettlement assistance, entitle-  
23 ment programs, and other benefits as are available to refu-  
24 gees admitted under section 207 of the Immigration and  
25 Nationality Act (8 U.S.C. 1157).



1           (j) AUTHORITY TO CARRY OUT ADMINISTRATIVE  
2 MEASURES.—The Secretary, the Secretary of State, and  
3 the Secretary of Defense shall implement any additional  
4 administrative measures they consider necessary and ap-  
5 propriate—

6           (1) to ensure the prompt processing of applica-  
7 tions under this section;

8           (2) to preserve the integrity of the program es-  
9 tablished under this section; and

10           (3) to protect the national security interests of  
11 the United States related to such program.

12           (k) REPORT TO CONGRESS.—

13           (1) IN GENERAL.—Not later than January 30  
14 each year, the Inspector General of the Department  
15 of State shall submit a report on the implementation  
16 of the Syrian special immigrant status program  
17 under this section for the preceding calendar year  
18 to—

19           (A) the Committee on the Judiciary, the  
20 Committee on Foreign Relations, and the Com-  
21 mittee on Armed Services of the Senate; and

22           (B) the Committee on the Judiciary, the  
23 Committee on Foreign Affairs, and the Com-  
24 mittee on Armed Services of the House of Rep-  
25 resentatives.

1           (2) ELEMENTS.—Each report required by para-  
2           graph (1) shall include, for the applicable calendar  
3           year, the following:

4                   (A) The number of petitions filed under  
5                   such program.

6                   (B) The number of such petitions pending  
7                   adjudication.

8                   (C) The number of such petitions pending  
9                   visa interview.

10                  (D) The number of such petitions pending  
11                  security checks.

12                  (E) The number of such petitions that  
13                  were denied.

14                  (F) The number of cases under such pro-  
15                  gram that have exceeded the mandated proc-  
16                  essing time and relevant case numbers.

17                  (G) A description of any obstacle discov-  
18                  ered that would hinder effective implementation  
19                  of such program.

20           (3) CONSULTATION.—In preparing a report  
21           under subsection (a), the Inspector General shall  
22           consult with—

23                   (A) the Department of State, Bureau of  
24                   Consular Affairs, Visa Office;

1 (B) the Department of State, Bureau of  
2 Near Eastern Affairs and South and Central  
3 Asian Affairs, Executive Office;

4 (C) the Department of Homeland Security,  
5 U.S. Citizenship and Immigration Services;

6 (D) the Department of Defense; and

7 (E) nongovernmental organizations pro-  
8 viding legal aid in the special immigrant visa  
9 application process.

10 (4) FORM.—Each report required by paragraph  
11 (1) shall be submitted in unclassified form, but may  
12 include a classified annex.

13 (5) PUBLICATION.—Each report submitted  
14 under this subsection shall be made available to the  
15 public on the internet website of the Department of  
16 State.

17 (l) RULEMAKING.—Not later than 90 days after the  
18 date of the enactment of this Act, the Secretary, in con-  
19 sultation with the Secretary of Defense and the Secretary  
20 of State, shall promulgate regulations to carry out this  
21 section, including establishing requirements for back-  
22 ground checks.

23 (m) SAVINGS PROVISION.—Nothing in this section  
24 may be construed to affect the authority of the Secretary  
25 under section 1059 of the National Defense Authorization

1 Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C.  
2 1101 note).

3 **SEC. 4311. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums  
5 as may be necessary to carry out this subtitle and the  
6 amendments made by this subtitle, including, in addition  
7 to annual funds derived from fee accounts of U.S. Citizen-  
8 ship and Immigration Services, such sums as may be nec-  
9 essary to reduce the backlog of asylum applications to the  
10 Refugee, Asylum and International Operations Direc-  
11 torate.

12 **TITLE V—EMPLOYMENT AU-**  
13 **THORIZATION AND PRO-**  
14 **TECTING WORKERS FROM EX-**  
15 **PLOITATION**

16 **SEC. 5101. COMMISSION ON EMPLOYMENT AUTHORIZA-**  
17 **TION.**

18 (a) ESTABLISHMENT.—Not later than the date that  
19 is 180 days after the date of the enactment of this Act,  
20 the President, in conjunction with the President pro tem-  
21 pore of the Senate and the Speaker of the House of Rep-  
22 resentatives, shall establish the Employment Authoriza-  
23 tion Commission (referred to in this section as the “Com-  
24 mission”).

25 (b) COMPOSITION.—

1           (1) IN GENERAL.—The Commission shall be  
2 composed of 10 members, of whom—

3           (A) 6 members shall be appointed by the  
4 President and shall include representatives of  
5 the employer, labor, and civil rights commu-  
6 nities;

7           (B) 2 members shall be appointed by the  
8 President pro tempore of the Senate, of  
9 whom—

10           (i) 1 shall be appointed upon the rec-  
11 ommendation of the leader in the Senate to  
12 represent the interests of employees who  
13 experience discrimination in the course of  
14 their employer or potential employer's  
15 verification of their employment authoriza-  
16 tion; and

17           (ii) 1 shall be appointed upon the rec-  
18 ommendation of the leader in the Senate to  
19 represent the interests of employers; and

20           (C) 2 members shall be appointed by the  
21 Speaker of the House of Representatives, of  
22 whom—

23           (i) 1 shall be appointed upon the rec-  
24 ommendation of the leader in the House of  
25 Representatives to represent the interests

1 of employees who experience discrimination  
2 in the course of their employer or potential  
3 employer's verification of their employment  
4 authorization; and

5 (ii) 1 shall be appointed upon the rec-  
6 ommendation of the leader in the House of  
7 Representatives to represent the interests  
8 of employers.

9 (2) QUALIFICATIONS FOR APPOINTMENT.—The  
10 members of the Commission shall be distinguished  
11 individuals who are noted for their knowledge and  
12 experience in the field of employment verification.

13 (3) TIME OF APPOINTMENT.—The appoint-  
14 ments required under paragraph (1) shall be made  
15 not later than 180 days after the date of the enact-  
16 ment of this Act.

17 (4) CHAIR.—At the first meeting of the Com-  
18 mission, a majority of the members of the Commis-  
19 sion present and voting, including at least 6 mem-  
20 bers of the Commission, shall elect the Chair of the  
21 Commission.

22 (5) VACANCIES.—Any vacancy of the Commis-  
23 sion shall not affect its powers, but shall be filled in  
24 the manner in which the original appointment was  
25 made.

1 (6) RULES AND PROCEDURES.—

2 (A) ESTABLISHMENT.—The Commission  
3 shall establish the rules and procedures of the  
4 Commission, which shall require the approval of  
5 at least 6 members of the Commission.

6 (B) RECOMMENDATIONS AND DECISIONS.—All recommendations and decisions of  
7 the Commission shall require the approval of at  
8 least 6 members of the Commission. Individual  
9 members may provide minority or dissenting  
10 opinions.  
11

12 (c) DUTIES.—

13 (1) IN GENERAL.—The Commission shall—

14 (A) make recommendations to the Presi-  
15 dent, the Secretary, and Congress regarding  
16 policies to verify the eligibility of noncitizens for  
17 employment in the United States;

18 (B) evaluate methods for verification of  
19 employment eligibility that respect—

20 (i) the rights of employment-author-  
21 ized individuals to work in the United  
22 States; and

23 (ii) the freedom from discrimination  
24 based on race or national origin of all  
25 workers; and

1           (C) review error rates for the E-Verify pro-  
2           gram, including the impact on various popu-  
3           lations by national origin, race, gender, and so-  
4           cioeconomic background.

5           (2) PUBLIC HEARINGS.—

6           (A) IN GENERAL.—The Commission shall  
7           convene at least 1 public hearing on verification  
8           for employment of foreign nationals in the  
9           United States.

10          (B) REPORT.—The Commission shall pro-  
11          vide a summary of each hearing convened pur-  
12          suant to subparagraph (A) to the President, the  
13          Secretary, and Congress.

14          (d) ACCESS TO INFORMATION.—The Immigrant and  
15          Employee Rights Section of the Department of Justice  
16          shall furnish information to the Commission regarding  
17          employee complaints, mediations, and investigations in-  
18          volving the employment eligibility verification practices of  
19          employers.

20          (e) REPORT.—Not later than 180 days after all mem-  
21          bers of the Commission have been appointed pursuant to  
22          subsection (b), the Commission shall submit a report to  
23          the President, the Secretary, and Congress that in-  
24          cludes—



1           (1) specific policy recommendations for achiev-  
2           ing and maintaining the goals specified in subsection  
3           (c);

4           (2) recommendations for improvements to exist-  
5           ing employment verification systems, such as the I-  
6           9 process and E-Verify, to ensure that workers are  
7           not denied employment on the basis of false  
8           positives.

9           (f) TRAVEL EXPENSES.—Members of the Commis-  
10          sion shall be allowed travel expenses, including per diem  
11          in lieu of subsistence at rates authorized for employees  
12          of agencies under subchapter I of chapter 57 of title 5,  
13          United States Code, while away from their homes or reg-  
14          ular places of business in the performance of services for  
15          the Commission.

16          (g) ADMINISTRATIVE SUPPORT.—The Secretary shall  
17          provide the Commission such staff and administrative  
18          services as may be necessary and appropriate for the Com-  
19          mission to perform its functions. Any employee of the ex-  
20          ecutive branch of Government may be detailed to the Com-  
21          mission without reimbursement to the agency of that em-  
22          ployee and such detail shall be without interruption or loss  
23          of civil service or status or privilege.

24          (h) COMPTROLLER GENERAL REVIEW.—The Comp-  
25          troller General of the United States shall review the rec-

1 ommendations in the report submitted pursuant to sub-  
2 section (e) to determine—

3 (1) which recommendations are most likely to  
4 improve existing employment verification systems;  
5 and

6 (2) whether such recommendations are feasible  
7 within existing budget constraints.

8 (i) TERMINATION.—The Commission shall terminate  
9 on the date that is 2 years after the date of the enactment  
10 of this Act.

11 **SEC. 5102. POWER ACT.**

12 (a) PROTECTION FOR VICTIMS OF LABOR AND EM-  
13 PLOYMENT VIOLATIONS.—Section 101(a)(15)(U) of the  
14 Immigration and Nationality Act (8 U.S.C.  
15 1101(a)(15)(U)) is amended—

16 (1) in clause (i)—

17 (A) by amending subclause (I) to read as  
18 follows:

19 “(I) the noncitizen—

20 “(aa) has suffered substantial  
21 abuse or harm as a result of having  
22 been a victim of criminal activity de-  
23 scribed in clause (iii);

1                   “(bb) has suffered substantial  
2                   abuse or harm related to a violation  
3                   described in clause (iv);

4                   “(cc) is a victim of criminal ac-  
5                   tivity described in clause (iii) and  
6                   would suffer extreme hardship upon  
7                   removal; or

8                   “(dd) has suffered a violation de-  
9                   scribed in clause (iv) and would suffer  
10                  extreme hardship upon removal;”;

11                  (B) in subclause (II), by inserting “, or a  
12                  labor or employment violation resulting in a  
13                  workplace claim described in clause (iv)” before  
14                  the semicolon at the end;

15                  (C) in subclause (III)—

16                   (i) by striking “or State judge, to the  
17                   Service” and inserting “, State, or local  
18                   judge, to the Department of Homeland Se-  
19                   curity, to the Equal Employment Oppor-  
20                   tunity Commission, to the Department of  
21                   Labor, to the National Labor Relations  
22                   Board”; and

23                   (ii) by inserting “, or investigating,  
24                   prosecuting, or seeking civil remedies for a  
25                   labor or employment violation related to a

1 workplace claim described in clause (iv)”

2 before the semicolon at the end; and

3 (D) in subclause (IV)—

4 (i) by inserting “(aa)” after “(IV)”;

5 (ii) by inserting “or” after the semi-  
6 colon at the end; and

7 (iii) by adding at the end the fol-  
8 lowing:

9 “(bb) a workplace claim described in clause  
10 (iv) resulted from a labor or employment viola-  
11 tion;”;

12 (2) in clause (ii)(II), by striking “and” at the  
13 end;

14 (3) in clause (iii), by striking “or” at the end  
15 and inserting “and”; and

16 (4) by adding at the end the following:

17 “(iv) if the labor or employment violation re-  
18 lated to a workplace claim, the noncitizen—

19 “(I) has filed, is a material witness in, or  
20 is likely to be helpful in the investigation of, a  
21 bona fide workplace claim (as defined in section  
22 274A(e)(10)(B)(i)(II)); and

23 “(II) reasonably fears, has been threatened  
24 with, or has been the victim of, an action in-  
25 volving force, physical restraint, retaliation, or

1 abuse of the immigration or other legal process  
2 against the noncitizen or another person by the  
3 employer in relation to acts underlying the  
4 workplace claim or related to the filing of the  
5 workplace claim; or”.

6 (b) REQUIREMENTS APPLICABLE TO U NON-  
7 IMMIGRANT VISAS.—Section 214(p) of the Immigration  
8 and Nationality Act (8 U.S.C. 1184(p)), as amended by  
9 section 4304, is further amended—

10 (1) in paragraph (1)—

11 (A) by striking “The petition” and insert-  
12 ing the following:

13 “(A) IN GENERAL.—The petition”;

14 (B) by inserting “or investigating, pros-  
15 ecuting, or seeking civil remedies for workplace  
16 claims described in section 101(a)(15)(U)(iv)”  
17 after “section 101(a)(15)(U)(iii)” each place  
18 such term appears; and

19 (C) by adding at the end the following:

20 “(B) FEES.—A noncitizen petitioning for,  
21 or having status under, section 101(a)(15)(U)  
22 may not be required to submit any fee (or re-  
23 quest any fee waiver) in connection with such  
24 petition or status, including fees associated with

1 biometric services or an application for advance  
2 permission to enter as a nonimmigrant.

3 “(C) CONFIDENTIALITY OF INFORMA-  
4 TION.—The Secretary of Homeland Security  
5 and the Attorney General may not use the in-  
6 formation furnished pursuant to a petition for  
7 status under section 101(a)(15)(U) for pur-  
8 poses of initiating or carrying out a removal  
9 proceeding.”;

10 (2) in paragraph (6)—

11 (A) by inserting “or workplace claims de-  
12 scribed in section 101(a)(15)(U)(iv)” after “de-  
13 scribed in section 101(a)(15)(U)(iii)”;

14 (B) by inserting “or workplace claim”  
15 after “prosecution of such criminal activity”;  
16 and

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

18 “(9) TEMPORARY PROTECTION FOR VICTIMS  
19 OF CRIME, LABOR, AND EMPLOYMENT VIOLA-  
20 TIONS.—Notwithstanding any other provision of law,  
21 the Secretary of Homeland Security may permit a  
22 noncitizen to temporarily remain in the United  
23 States, and grant such noncitizen employment au-  
24 thorization, if the Secretary determines that the  
25 noncitizen—

1           “(A) has filed for relief under section  
2           101(a)(15)(U); or

3           “(B)(i) has filed, or is a material witness  
4           to, a bona fide workplace claim (as defined in  
5           section 274A(e)(10)(B)(i)(II)); and

6           “(ii) has been helpful, is being helpful, or  
7           is likely to be helpful to—

8           “(I) a Federal, State, or local law en-  
9           forcement official;

10           “(II) a Federal, State, or local pros-  
11           ecutor;

12           “(III) a Federal, State, or local judge;

13           “(IV) the Department of Homeland  
14           Security;

15           “(V) the Equal Employment Oppor-  
16           tunity Commission;

17           “(VI) the Department of Labor, in-  
18           cluding the Occupational Safety and  
19           Health Administration;

20           “(VII) the National Labor Relations  
21           Board;

22           “(VIII) the head official of a State or  
23           local government department of labor,  
24           workforce commission, or human relations  
25           commission or council; or

1                   “(IX) other Federal, State, or local  
2                   authorities investigating, prosecuting, or  
3                   seeking civil remedies related to the work-  
4                   place claim.”.

5           (c) REMOVAL PROCEEDINGS.—Section 239(e) of the  
6 Immigration and Nationality Act (8 U.S.C. 1229(e)) is  
7 amended—

8           (1) in paragraph (1)—

9                   (A) by striking “In cases where” and in-  
10                   serting “If”; and

11                   (B) by inserting “or as a result of informa-  
12                   tion provided to the Department of Homeland  
13                   Security in retaliation against individuals for  
14                   exercising or attempting to exercise their em-  
15                   ployment rights or other legal rights” after  
16                   “paragraph (2)”; and

17           (2) in paragraph (2), by adding at the end the  
18           following:

19                   “(C) At a facility about which a workplace  
20                   claim has been filed or is contemporaneously  
21                   filed.”.

22           (d) ADJUSTMENT OF STATUS FOR VICTIMS OF  
23 CRIMES.—Section 245(m)(1) of the Immigration and Na-  
24 tionality Act (8 U.S.C. 1255(m)(1)) is amended—



1           (1) in the matter preceding subparagraph (A),  
2           by inserting “The” before “Secretary of Homeland  
3           Security”; and

4           (2) by inserting “or an investigation or prosecu-  
5           tion regarding a workplace claim” after “prosecu-  
6           tion”.

7           (e) UNLAWFUL EMPLOYMENT OF NONCITIZENS.—  
8           Section 274A(e) of the Immigration and Nationality Act  
9           (8 U.S.C. 1324a(e)) is amended by adding at the end the  
10          following:

11           “(10) CONDUCT IN ENFORCEMENT ACTIONS.—

12           “(A) DEFINITIONS.—In this paragraph:

13           “(i) MATERIAL WITNESS.—The term  
14           ‘material witness’ means an individual who  
15           presents a declaration from an attorney in-  
16           vestigating, prosecuting, or defending the  
17           workplace claim or from the presiding offi-  
18           cer overseeing the workplace claim attest-  
19           ing that, to the best of the declarant’s  
20           knowledge and belief, reasonable cause ex-  
21           ists to believe that the testimony of the in-  
22           dividual will be relevant to the outcome of  
23           the workplace claim.

24           “(ii) WORKPLACE CLAIM.—The term  
25           ‘workplace claim’ means any written or

1 oral claim, charge, complaint, or grievance  
2 filed with, communicated to, or submitted  
3 to the employer, a Federal, State, or local  
4 agency or court, or an employee represent-  
5 ative related to the violation of applicable  
6 Federal, State, and local labor laws, in-  
7 cluding laws concerning wages and hours,  
8 labor relations, family and medical leave,  
9 occupational health and safety, civil rights,  
10 or nondiscrimination.

11 “(B) ENFORCEMENT ACTION.—If the Sec-  
12 retary of Homeland Security conducts an en-  
13 forcement action at a facility about which a  
14 workplace claim has been filed or is contem-  
15 poraneously filed, or as a result of information  
16 provided to the Department of Homeland Secu-  
17 rity in retaliation against employees for exer-  
18 cising their rights related to a workplace claim,  
19 the Secretary shall ensure that—

20 “(i) any noncitizens arrested or de-  
21 tained who are necessary for the investiga-  
22 tion or prosecution of workplace claim vio-  
23 lations or criminal activity (as described in  
24 subparagraph (T) or (U) of section

1           101(a)(15)) are not removed from the  
2           United States until after the Secretary—

3                   “(I) notifies the appropriate law  
4                   enforcement agency with jurisdiction  
5                   over such violations or criminal activ-  
6                   ity; and

7                   “(II) provides such agency with  
8                   the opportunity to interview such non-  
9                   citizens; and

10                   “(ii) noncitizens entitled to a stay of  
11                   removal or abeyance of removal pro-  
12                   ceedings under this section are not re-  
13                   moved.

14                   “(C) PROTECTIONS FOR VICTIMS OF  
15                   CRIME, LABOR, AND EMPLOYMENT VIOLA-  
16                   TIONS.—

17                   “(i) STAY OF REMOVAL OR ABEYANCE  
18                   OF REMOVAL PROCEEDINGS.—Any noncit-  
19                   izen against whom removal proceedings  
20                   have been initiated under chapter 4 of title  
21                   II, who has filed a workplace claim, who is  
22                   a material witness in any pending or an-  
23                   ticipated proceeding involving a bona fide  
24                   workplace claim, or who has filed for relief  
25                   under section 101(a)(15)(U), shall be enti-

1 tled to a stay of removal or an abeyance of  
2 removal proceedings and to employment  
3 authorization until the later of the resolu-  
4 tion of the workplace claim or the denial of  
5 relief under section 101(a)(15)(U) after  
6 exhaustion of administrative appeals unless  
7 the Secretary establishes, by a preponder-  
8 ance of the evidence in proceedings before  
9 the immigration judge presiding over such  
10 noncitizen’s removal hearing, that—

11 “(I) the noncitizen has been con-  
12 victed of a felony or;

13 “(II) the workplace claim was  
14 filed in bad faith with the intent to  
15 delay or avoid the noncitizen’s re-  
16 moval.

17 “(ii) DURATION.—Any stay of re-  
18 moval or abeyance of removal proceedings  
19 and employment authorization issued pur-  
20 suant to clause (i)—

21 “(I) shall remain valid until the  
22 resolution of the workplace claim or  
23 the denial of relief under section  
24 101(a)(15)(U) after the exhaustion of  
25 administrative appeals; and

1                   “(II) shall be extended by the  
2                   Secretary of Homeland Security for a  
3                   period not to exceed 10 additional  
4                   years upon determining that—

5                                 “(aa) such relief would en-  
6                                 able the noncitizen asserting a  
7                                 workplace claim to pursue the  
8                                 claim to resolution;

9                                 “(bb) the deterrent goals of  
10                                any statute underlying a work-  
11                                place claim would be served; or

12                                “(cc) such extension would  
13                                otherwise further the interests of  
14                                justice.”.

15           (f) CHANGE OF NONIMMIGRANT CLASSIFICATION.—  
16 Section 384(a)(1) of the Illegal Immigration Reform and  
17 Immigrant Responsibility Act of 1996 (8 U.S.C.  
18 1367(a)(1)) is amended—

19                   (1) in subparagraph (E), by striking “physical  
20                   or mental abuse and the criminal activity,” and in-  
21                   serting “abuse and the criminal activity or work-  
22                   place claim;”;

23                   (2) in subparagraph (F), by striking the comma  
24                   at the end and inserting “; or”; and

1           (3) by inserting after subparagraph (F) the fol-  
2           lowing:

3                   “(G) the noncitizen’s employer,”.

4 **SEC. 5103. ADDITIONAL CIVIL PENALTY.**

5           Section 274A of the Immigration and Nationality Act  
6 (8 U.S.C. 1324a) is amended—

7           (1) in subsection (a)—

8                   (A) by redesignating paragraph (7) as  
9                   paragraph (8); and

10                  (B) by inserting after paragraph (6) the  
11                  following:

12                   “(7) **ADDITIONAL CIVIL PENALTIES.**—An em-  
13                  ployer is subject to an additional civil penalty under  
14                  subsection (e)(12) if—

15                          “(A) the employer engages in a civil viola-  
16                          tion of Federal, State, or local labor laws, in-  
17                          cluding—

18                                  “(i) laws concerning wages and hours,  
19                                  labor relations, family and medical leave,  
20                                  occupational health and safety, civil rights,  
21                                  or nondiscrimination; and

22                                  “(ii) a finding by the agency enforcing  
23                                  such law in the course of a final settlement  
24                                  of such violation; and

1           “(B) such violation takes place with re-  
2           spect to an unauthorized worker.”;

3           (2) in subsection (e), as amended by section  
4           5102(f), by adding at the end the following:

5           “(11) **ADDITIONAL CIVIL PENALTIES.**—An  
6           order under this subsection for a violation of sub-  
7           section (a)(7) shall require the employer—

8           “(A) to cease and desist from such viola-  
9           tion; and

10           “(B) to pay a civil penalty in an amount  
11           not to exceed \$5,000 for each unauthorized  
12           noncitizen with respect to whom a violation of  
13           such subsection occurred.”; and

14           (3) in subsection (f)(2), by striking “(1)(A) or  
15           (2)” and inserting “(1)(A), (2), or (7)”.

16 **SEC. 5104. CONTINUED APPLICATION OF WORKFORCE AND**  
17 **LABOR PROTECTION REMEDIES.**

18           Section 274A(e) of the Immigration and Nationality  
19           Act, as amended by sections 5102(e) and 5103(2), is fur-  
20           ther amended by adding at the end the following:

21           “(12) **RIGHTS, REMEDIES, AND RELIEF.**—Not-  
22           withstanding an employee’s status as an unauthor-  
23           ized noncitizen during the time of relevant employ-  
24           ment or during the back pay period or the failure of  
25           the employer or employee to comply with the re-

1 requirements under this section or with any other pro-  
2 vision of Federal law relating to the unlawful em-  
3 ployment of noncitizens—

4 “(A) all rights, remedies, and relief pro-  
5 vided under any Federal, State, or local law re-  
6 lating to workplace rights, including reinstatement  
7 and back pay, are available to such em-  
8 ployee; and

9 “(B) a court may not prohibit such an em-  
10 ployee from pursuing other causes of action giving  
11 rise to liability in a civil action.”.

12 **SEC. 5105. PROHIBITION ON DISCRIMINATION BASED ON**  
13 **NATIONAL ORIGIN OR CITIZENSHIP STATUS.**

14 (a) **IN GENERAL.**—Section 274B(a) of the Immigra-  
15 tion and Nationality Act (8 U.S.C. 1324b(a)) is amended  
16 to read as follows:

17 “(a) **PROHIBITION ON DISCRIMINATION BASED ON**  
18 **NATIONAL ORIGIN OR CITIZENSHIP STATUS.**—

19 “(1) **IN GENERAL.**—Except as provided in para-  
20 graphs (2) and (3), it is an unfair immigration-re-  
21 lated employment practice for a person, other entity,  
22 or employment agency to discriminate against any  
23 individual (other than an unauthorized noncitizen  
24 (as defined in section 274A(h)(3))) because of such



1 individual's national origin or citizenship status,  
2 with respect to—

3 “(A) the hiring of the individual for em-  
4 ployment;

5 “(B) the verification of the individual's eli-  
6 gibility to work in the United States; or

7 “(C) the discharging of the individual from  
8 employment.

9 “(2) EXCEPTIONS.—Paragraph (1) shall not  
10 apply to—

11 “(A) a person, other entity, or employer  
12 that employs 3 or fewer employees (other than  
13 an employment agency);

14 “(B) a person's or entity's discrimination  
15 based upon an individual's national origin if the  
16 discrimination with respect to that employer,  
17 person, or entity and that individual is covered  
18 under section 703 of the Civil Rights Act of  
19 1964 (42 U.S.C. 2000e-2), unless the discrimi-  
20 nation is related to an individual's verification  
21 of employment authorization; or

22 “(C) discrimination based upon an individ-  
23 ual's citizenship status if such discrimination—

1           “(i) is required in order to comply  
2           with a provision of Federal, State, or local  
3           law related to law enforcement;

4           “(ii) is required by a contract with the  
5           Federal Government; or

6           “(iii) is determined by the Secretary  
7           of Homeland Security or the Attorney  
8           General to be essential for an employer to  
9           do business with an agency or department  
10          of the Federal Government or with a  
11          State, Tribal, or local government.

12           “(3) ADDITIONAL EXCEPTION PROVIDING  
13          RIGHT TO PREFER EQUALLY QUALIFIED CITIZENS.—  
14          It is not an unfair immigration-related employment  
15          practice for an employer to prefer to hire, recruit, or  
16          refer for a fee an individual who is a citizen or na-  
17          tional of the United States over another individual  
18          who is a noncitizen if the 2 individuals are equally  
19          qualified.

20           “(4) UNFAIR IMMIGRATION-RELATED EMPLOY-  
21          MENT PRACTICES RELATING TO THE SYSTEM.—It is  
22          an unfair immigration-related employment practice  
23          for a person, other entity, or employment agency—

24           “(A) to use the employment verification  
25          system described in section 274A (referred to in

1 this title as the ‘System’) to deny workers’ em-  
2 ployment or post-employment benefits;

3 “(B) to misuse the System to discriminate  
4 based on national origin or citizenship status;

5 “(C) to require an employee or prospective  
6 employee to use any self-verification feature of  
7 the System or provide, as a condition of appli-  
8 cation or employment, any self-verification re-  
9 sults;

10 “(D) to use an immigration status  
11 verification system, service, or method other  
12 than those described in section 274A for pur-  
13 poses of verifying employment eligibility;

14 “(E) to grant access to document  
15 verification or System data, to any individual or  
16 entity not authorized to have such access; or

17 “(F) to fail to take reasonable safeguards  
18 to protect against unauthorized loss, use, alter-  
19 ation, or destruction of System data.

20 “(5) PROHIBITION OF INTIMIDATION OR RETAL-  
21 IATION.—It is an unfair immigration-related employ-  
22 ment practice for a person, other entity, or employ-  
23 ment agency to intimidate, threaten, coerce, or re-  
24 taliate against any individual—

1           “(A) for the purpose of interfering with  
2           any right or privilege secured under this sec-  
3           tion; or

4           “(B) because the individual intends to file,  
5           or has filed, a charge or a complaint, or testi-  
6           fied, assisted, or participated in any manner in  
7           an investigation, proceeding, or hearing under  
8           this section.

9           “(6) TREATMENT OF CERTAIN DOCUMENTARY  
10          PRACTICES AS EMPLOYMENT PRACTICES.—It is an  
11          unfair immigration-related employment practice for  
12          a person, other entity, or employment agency, for  
13          purposes of verifying employment eligibility—

14                 “(A) to request that an individual submit  
15                 specific documents, more documents, or dif-  
16                 ferent documents than are required under sec-  
17                 tion 274A; or

18                 “(B) to refuse to honor documents sub-  
19                 mitted by an individual that reasonably appear  
20                 on their face to be genuine.

21           “(7) PROHIBITION OF WITHHOLDING EMPLOY-  
22          MENT RECORDS.—It is an unfair immigration-re-  
23          lated employment practice for an employer that is  
24          required under Federal, State, or local law to main-  
25          tain records documenting employment, including

1 dates or hours of work and wages received, to fail  
2 to provide such records to any employee to whom the  
3 records pertain, upon request by such employee.

4 “(8) PROFESSIONAL, COMMERCIAL, AND BUSI-  
5 NESS LICENSES.—An individual who is authorized to  
6 be employed in the United States may not be denied  
7 a professional, commercial, or business license on  
8 the basis of his or her immigration status.

9 “(9) EMPLOYMENT AGENCY DEFINED.—In this  
10 section, the term ‘employment agency’ means any  
11 employer, person, entity, or agent of such employer,  
12 person, or entity that regularly undertakes, with or  
13 without compensation, to procure employees for em-  
14 ployers or to procure for employees opportunities to  
15 work for employers.”

16 (b) REFERRAL BY EEOC.—Section 274B(b) of the  
17 Immigration and Nationality Act (8 U.S.C. 1324b(b)) is  
18 amended by adding at the end the following:

19 “(3) REFERRAL BY EEOC.—The Equal Employ-  
20 ment Opportunity Commission shall refer all matters  
21 alleging immigration-related unfair employment  
22 practices filed with the Commission, including those  
23 alleging violations of paragraph (1), (4), (5), or (6)  
24 of subsection (a), to the Immigrant and Employment  
25 Rights Section of the Department of Justice.”

1 (c) FINES.—

2 (1) IN GENERAL.—Section 274B(g)(2)(B)(iv) of  
3 the Immigration and Nationality Act (8 U.S.C.  
4 1324b(g)(2)(B)(iv)) is amended to read as follows:

5 “(iv) to pay the civil penalties set  
6 forth in this clause, which may be adjusted  
7 periodically to account for inflation, includ-  
8 ing—

9 “(I) except as provided in sub-  
10 clauses (II) through (IV), a civil pen-  
11 alty of not less than \$2,000 and not  
12 more than \$5,000 for each individual  
13 subjected to an unfair immigration-re-  
14 lated employment practice;

15 “(II) except as provided in sub-  
16 clauses (III) and (IV), in the case of  
17 an employer, person, or entity pre-  
18 viously subject to 1 order under this  
19 paragraph, a civil penalty of not less  
20 than \$4,000 and not more than  
21 \$10,000 for each individual subjected  
22 to an unfair immigration-related em-  
23 ployment practice;

24 “(III) except as provided in sub-  
25 clause (IV), in the case of an em-

1           ployer, person, or entity previously  
2           subject to more than 1 order under  
3           this paragraph, a civil penalty of not  
4           less than \$8,000 and not more than  
5           \$25,000 for each individual subjected  
6           to an unfair immigration-related em-  
7           ployment practice; and

8                       “(IV) in the case of an unfair im-  
9                       migration-related employment practice  
10                      described in paragraphs (4) through  
11                      (7) of subsection (a), a civil penalty of  
12                      not less than \$500 and not more than  
13                      \$2,000 for each individual subjected  
14                      to an unfair immigration-related em-  
15                      ployment practice.”.

16           (2) EFFECTIVE DATE.—The amendment made  
17           by paragraph (1)—

18                       (A) shall take effect on the date that is 1  
19                       year after the date of the enactment of this Act;  
20                       and

21                       (B) shall apply to violations occurring on  
22                       or after such date of enactment.

23           (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
24           274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended to read as  
25           follows:

1           “(3) AUTHORIZATION OF APPROPRIATIONS.—

2           There are authorized to be appropriated to carry out  
3           this subsection—

4                   “(A) \$10,000,000 for each fiscal year (be-  
5                   ginning with fiscal year 1991); and

6                   “(B) an additional \$40,000,000 for each of  
7                   fiscal years 2022 through 2024.”.

8   **SEC. 5106. FAIRNESS FOR FARMWORKERS.**

9           (a) IN GENERAL.—Section 7 of the Fair Labor  
10          Standards Act of 1938 (29 U.S.C. 207) is amended—

11                   (1) in subsection (a), by adding at the end the  
12                   following:

13                   “(3)(A) Except as provided in subparagraph (C), be-  
14                   ginning on January 1, 2022, no employer shall employ any  
15                   employee employed in agriculture who in any workweek  
16                   is engaged in commerce or in the production of goods for  
17                   commerce, or is employed in an enterprise engaged in  
18                   commerce or in the production of goods for commerce for  
19                   a workweek that is longer than the hours specified under  
20                   subparagraph (B), unless such employee receives com-  
21                   pensation for employment in excess of the hours specified  
22                   in such subparagraph at a rate not less than 150 percent  
23                   of the regular rate at which the employee is employed.

24                   “(B) The hours specified in this subparagraph are,  
25                   subject to subparagraph (C), as follows:



1           “(i) Beginning on January 1, 2022, 55 hours in  
2 any workweek.

3           “(ii) Beginning on January 1, 2023, 50 hours  
4 in any workweek.

5           “(iii) Beginning on January 1, 2024, 45 hours  
6 in any workweek.

7           “(iv) Beginning on January 1, 2025, 40 hours  
8 in any workweek.

9           “(C) With respect to any employer that employs 25  
10 or fewer employees—

11           “(i) the requirement under subparagraph (A)  
12 shall begin on January 1, 2025; and

13           “(ii) the hours specified under subparagraph  
14 (B) shall be as follows:

15           “(I) The number of hours specified under  
16 subparagraph (B)(i) shall begin on January 1,  
17 2025.

18           “(II) The number of hours specified under  
19 subparagraph (B)(ii) shall begin on January 1,  
20 2026.

21           “(III) The number of hours specified  
22 under subparagraph (B)(iii) shall begin on Jan-  
23 uary 1, 2027.

1           “(IV) The number of hours specified under  
2           subparagraph (B)(iv) shall begin on January 1,  
3           2028.”; and

4           (2) by striking subsection (m).

5           (b) REMOVING CERTAIN EXEMPTIONS FOR AGRICUL-  
6           TURAL WORK.—Section 13 of the Fair Labor Standards  
7           Act of 1938 (29 U.S.C. 213) is amended—

8           (1) in subsection (a), by amending paragraph  
9           (6) to read as follows:

10           “(6) any employee employed in agriculture who  
11           is the parent, spouse, child, or other member of the  
12           employer’s immediate family;”;

13           (2) in subsection (b)—

14           (A) by striking paragraphs (12) through  
15           (16); and

16           (B) by redesignating paragraphs (17),  
17           (20), (21), (24), (27), (28), (29), and (30) as  
18           paragraphs (12), (13), (14), (15), (16), (17),  
19           (18), and (19), respectively; and

20           (3) by striking subsections (h) through (j).

21           (c) CONFORMING AMENDMENTS.—

22           (1) FAIR LABOR STANDARDS ACT OF 1938.—  
23           Section 13(e)(1)(A) of the Fair Labor Standards  
24           Act of 1938 (29 U.S.C. 213(e)(1)(A)) is amended by  
25           striking “none of the employees” and all that follows

1 through and inserting “all of the employees of which  
2 are employed in agriculture and are employed by an  
3 employer who did not, during any calendar quarter  
4 during the preceding calendar year, use more than  
5 500 man-days of agricultural labor (within the  
6 meaning of the exemption under subsection  
7 (a)(6)(A)), as in effect on the day before the date  
8 of the enactment of the U.S. Citizenship Act),”.

9 (2) MIGRANT AND SEASONAL AGRICULTURAL  
10 WORKER PROTECTION ACT.—The Migrant and Sea-  
11 sonal Agricultural Worker Protection Act (Public  
12 Law 97–470) is amended—

13 (A) in section 3 (29 U.S.C. 1802)—

14 (i) in paragraph (8), by amending  
15 subparagraph (B) to read as follows:

16 “(B) The term ‘migrant agricultural worker’  
17 does not include any immediate family member of an  
18 agricultural employer or a farm labor contractor.”;

19 and

20 (ii) in paragraph (10), by amending  
21 subparagraph (B) to read as follows:

22 “(B) The term ‘seasonal agricultural worker’  
23 does not include—

24 “(i) any migrant agricultural worker; or

1           “(ii) any immediate family member of an  
2           agricultural employer or a farm labor con-  
3           tractor.”; and

4           (B) in section 4(a) (29 U.S.C. 1803(a)),  
5           by amending paragraph (2) to read as follows:

6           “(2) SMALL BUSINESS EXEMPTION.—Any per-  
7           son, other than a farm labor contractor, who did  
8           not, during any calendar quarter during the pre-  
9           ceding calendar year, use more than 500 man-days  
10          of agricultural labor (within the meaning of the ex-  
11          emption under section 13(a)(6)(A) of the Fair Labor  
12          Standards Act of 1938 (29 U.S.C. 213(a)(6)(A)), as  
13          in effect on the day before the date of the enactment  
14          of the U.S. Citizenship Act).”.

15          (d) EFFECTIVE DATES.—

16                (1) IN GENERAL.—The amendments made by  
17                subsections (a)(2), (b)(1), (b)(3), and (c) shall take  
18                effect on—

19                    (A) January 1, 2025, with respect to an  
20                    employer that employs more than 25 employees;  
21                    and

22                    (B) January 1, 2028, with respect to an  
23                    employer that employs 25 or fewer employees.

24                (2) OTHER AMENDMENTS.—The amendments  
25                made by subsection (b)(2) shall take effect on—

1 (A) January 1, 2022, with respect to an  
2 employer that employs more than 25 employees;  
3 and

4 (B) January 1, 2025, with respect to an  
5 employer that employs 25 or fewer employees.

6 **SEC. 5107. PROTECTIONS FOR MIGRANT AND SEASONAL LA-**  
7 **BORERS.**

8 Section 501 of the Migrant and Seasonal Agricultural  
9 Worker Protection Act (29 U.S.C. 1851) is amended—  
10 (1) by amending subsection (a) to read as fol-

11 lows:

12 “(a) VIOLATIONS OF THIS ACT.—

13 “(1) IN GENERAL.—Except as otherwise pro-  
14 vided in this section, any person who willfully and  
15 knowingly violates this Act or any regulation under  
16 this Act—

17 “(A) shall be fined not more than \$1,000,  
18 sentenced to prison for a term not to exceed 1  
19 year, or both; and

20 “(B) upon conviction for any subsequent  
21 violation of this Act or any regulation under  
22 this Act, shall be fined not more than \$10,000,  
23 sentenced to prison for a term not to exceed 3  
24 years, or both.

1           “(2) IDENTIFICATION DOCUMENT OFFENSES.—

2           Any person who knowingly destroys, conceals, re-  
3           moves, confiscates, or possesses any actual or pur-  
4           ported passport or other immigration document, or  
5           any other actual or purported government identifica-  
6           tion document of another person or threatens to do  
7           so in furtherance of a violation of this Act shall be  
8           fined under title 18, United States Code, imprisoned  
9           not more than 3 years, or both.

10           “(3) TRAVEL RESTRICTIONS.—Any person who

11           knowingly restricts or attempts to prevent or re-  
12           strict, without lawful authority, a person’s liberty to  
13           move or travel, in furtherance of a violation of this  
14           Act, shall be fined under title 18, United States  
15           Code, imprisoned not more than 5 years, or both.

16           “(4) BODILY INJURY.—If bodily injury results

17           from any acts committed by any person in violation  
18           of this Act, or if such acts include sexual abuse or  
19           an attempt to commit sexual abuse (as described in  
20           section 2242 of title 18, United States Code), or if  
21           such acts include the use, attempted use, or threat-  
22           ened use of a dangerous weapon, explosives, or fire,  
23           the person shall be fined under title 18, United  
24           States Code, imprisoned not more than 10 years, or  
25           both.

1           “(5) DEATH.—If death results from any acts  
2           committed by any person in violation of this Act, or  
3           if such acts include kidnaping or an attempt to kid-  
4           nap, aggravated sexual abuse, or an attempt to com-  
5           mit aggravated sexual abuse, or an attempt to kill,  
6           the person shall be fined under title 18, United  
7           States Code, imprisoned for any term of years or for  
8           life, or both.

9           “(6) SUBSEQUENT VIOLATIONS.—Except to the  
10          extent that a greater maximum penalty is otherwise  
11          provided for in this section, a person who is con-  
12          victed for any subsequent violation of this Act or  
13          any regulation under this Act shall be fined under  
14          title 18, United States Code, imprisoned not more  
15          than 3 years, or both.”; and

16          (2) by adding at the end the following:

17          “(c) RECORDKEEPING AND WAGE REQUIRE-  
18          MENTS.—Any person who knowingly and with intent to  
19          defraud violates section 201(a), 201(f), 301(a), or 301(f),  
20          or who knowingly and willfully violates section 202 or 302,  
21          shall be fined under title 18, United States Code, impris-  
22          oned not more than 5 years, or both.

23          “(d) OBSTRUCTION OFFENSES.—Any person who ob-  
24          structs, attempts to obstruct, interferes with, or prevents  
25          the enforcement of this section, shall be subject to the

1 same fines and penalties as those prescribed for the under-  
2 lying offense involved.”.

3 **SEC. 5108. DIRECTIVE TO THE UNITED STATES SEN-**  
4 **TENCING COMMISSION.**

5 (a) IN GENERAL.—Pursuant to its authority under  
6 section 994 of title 28, United States Code, the United  
7 States Sentencing Commission, in accordance with sub-  
8 section (b), shall promulgate sentencing guidelines or  
9 amend existing sentencing guidelines to increase the pen-  
10 alties imposed on persons convicted of offenses under—

11 (1) section 274A of the Immigration and Na-  
12 tionality Act (8 U.S.C. 1324a);

13 (2) section 501 of the Migrant and Seasonal  
14 Agricultural Worker Protection Act (29 U.S.C.  
15 1851);

16 (3) section 16 of the Fair Labor Standards Act  
17 of 1938 (29 U.S.C. 216); and

18 (4) any other Federal law covering conduct  
19 similar to the conduct prohibited under the provi-  
20 sions of law referred to in paragraphs (1) through  
21 (3).

22 (b) REQUIREMENTS.—In carrying out subsection (a),  
23 the Sentencing Commission shall provide sentencing en-  
24 hancements for any person convicted of an offense re-  
25 ferred to in subsection (a) if such offense involves—



- 1 (1) the confiscation of identification documents;
- 2 (2) corruption, bribery, extortion, or robbery;
- 3 (3) sexual abuse;
- 4 (4) serious bodily injury;
- 5 (5) an intent to defraud; or
- 6 (6) a pattern of conduct involving multiple vio-
- 7 lations of law that—
  - 8 (A) creates a risk to the health or safety
  - 9 of any victim; or
  - 10 (B) denies payments due to victims for
  - 11 work completed.

12 **SEC. 5109. LABOR LAW ENFORCEMENT FUND.**

13 (a) IN GENERAL.—Section 286 of the Immigration  
14 and Nationality Act (8 U.S.C. 1356) is amended by add-  
15 ing at the end the following:

16 “(w) LABOR LAW ENFORCEMENT ACCOUNT.—

17 “(1) IN GENERAL.—There is established in the  
18 general fund of the Treasury a separate account,  
19 which shall be known as the ‘Labor Law Enforce-  
20 ment Account’ (referred to in this subsection as the  
21 ‘Account’).

22 “(2) DEPOSITS.—There shall be deposited as  
23 offsetting receipts into the Account penalties im-  
24 posed under section 274A(a)(7).

1           “(3) EXPENDITURES.—Amounts deposited into  
2           the Account shall be made available to the Secretary  
3           of Labor to ensure compliance with workplace laws,  
4           including by random audits of such employers, in in-  
5           dustries that have a history of significant employ-  
6           ment of unauthorized workers or nonimmigrant  
7           workers pursuant to subclause (a) or (b) of section  
8           101(a)(15)(H)(ii).”.

9           (b) AUTHORIZATION OF APPROPRIATIONS.—

10           (1) IN GENERAL.—There are authorized to be  
11           appropriated such sums as may be necessary to  
12           carry out this title and the amendments made by  
13           this title (other than the amendment made by sub-  
14           section (a)).

15           (2) AVAILABILITY OF FUNDS.—

16           (A) IN GENERAL.—Except as provided in  
17           subparagraph (B), amounts authorized to carry  
18           out the programs, projects, and activities rec-  
19           ommended by the Commission may not be ex-  
20           pended before—

21                   (i) the date that is 60 days after the  
22                   submission of the report required under  
23                   section 5101(e); or

1                   (ii) the date that is 2 years and 60  
2                   days after the date of the enactment of  
3                   this Act.

4                   (B) ADMINISTRATIVE EXPENSES.—Not-  
5                   withstanding subparagraph (A), amounts re-  
6                   ferred to in that subparagraph may be ex-  
7                   pended for minimal administrative expenses di-  
8                   rectly associated with—

9                   (i) convening the public hearings re-  
10                  quired under section 5101(c)(2)(A); and

11                  (ii) preparing and providing sum-  
12                  maries of such hearings in accordance with  
13                  section 5101(c)(2)(B).

○

117TH CONGRESS  
1ST SESSION

# H. R. 1603

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IN THE SENATE OF THE UNITED STATES

MARCH 22, 2021

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

To amend the Immigration and Nationality Act to provide for terms and conditions for nonimmigrant workers performing agricultural labor or services, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Farm Workforce Modernization Act of 2021”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—SECURING THE DOMESTIC AGRICULTURAL WORKFORCE**

Subtitle A—Temporary Status for Certified Agricultural Workers

Sec. 101. Certified agricultural worker status.  
Sec. 102. Terms and conditions of certified status.  
Sec. 103. Extensions of certified status.  
Sec. 104. Determination of continuous presence.  
Sec. 105. Employer obligations.  
Sec. 106. Administrative and judicial review.

Subtitle B—Optional Earned Residence for Long-Term Workers

Sec. 111. Optional adjustment of status for long-term agricultural workers.  
Sec. 112. Payment of taxes.  
Sec. 113. Adjudication and decision; review.

Subtitle C—General Provisions

Sec. 121. Definitions.  
Sec. 122. Rulemaking; Fees.  
Sec. 123. Background checks.  
Sec. 124. Protection for children.  
Sec. 125. Limitation on removal.  
Sec. 126. Documentation of agricultural work history.  
Sec. 127. Employer protections.  
Sec. 128. Correction of social security records; conforming amendments.  
Sec. 129. Disclosures and privacy.  
Sec. 130. Penalties for false statements in applications.  
Sec. 131. Dissemination of information.  
Sec. 132. Exemption from numerical limitations.  
Sec. 133. Reports to Congress.  
Sec. 134. Grant program to assist eligible applicants.  
Sec. 135. Authorization of appropriations.

**TITLE II—ENSURING AN AGRICULTURAL WORKFORCE FOR THE  
FUTURE**

Subtitle A—Reforming the H-2A Temporary Worker Program

Sec. 201. Comprehensive and streamlined electronic H-2A platform.  
Sec. 202. H-2A program requirements.  
Sec. 203. Agency roles and responsibilities.  
Sec. 204. Worker protection and compliance.  
Sec. 205. Report on wage protections.

- Sec. 206. Portable H–2A visa pilot program.
- Sec. 207. Improving access to permanent residence.

#### Subtitle B—Preservation and Construction of Farmworker Housing

- Sec. 220. Short title.
- Sec. 221. Permanent establishment of housing preservation and revitalization program.
- Sec. 222. Eligibility for rural housing vouchers.
- Sec. 223. Amount of voucher assistance.
- Sec. 224. Rental assistance contract authority.
- Sec. 225. Funding for multifamily technical improvements.
- Sec. 226. Plan for preserving affordability of rental projects.
- Sec. 227. Covered housing programs.
- Sec. 228. New farmworker housing.
- Sec. 229. Loan and grant limitations.
- Sec. 230. Operating assistance subsidies.
- Sec. 231. Eligibility of certified workers.

#### Subtitle C—Foreign Labor Recruiter Accountability

- Sec. 251. Registration of foreign labor recruiters.
- Sec. 252. Enforcement.
- Sec. 253. Appropriations.
- Sec. 254. Definitions.

### TITLE III—ELECTRONIC VERIFICATION OF EMPLOYMENT ELIGIBILITY

- Sec. 301. Electronic employment eligibility verification system.
- Sec. 302. Mandatory electronic verification for the agricultural industry.
- Sec. 303. Coordination with E–Verify Program.
- Sec. 304. Fraud and misuse of documents.
- Sec. 305. Technical and conforming amendments.
- Sec. 306. Protection of Social Security Administration programs.
- Sec. 307. Report on the implementation of the electronic employment verification system.
- Sec. 308. Modernizing and streamlining the employment eligibility verification process.
- Sec. 309. Rulemaking and Paperwork Reduction Act.

1 **TITLE I—SECURING THE DOMES-**  
2 **TIC AGRICULTURAL WORK-**  
3 **FORCE**

4 **Subtitle A—Temporary Status for**  
5 **Certified Agricultural Workers**

6 **SEC. 101. CERTIFIED AGRICULTURAL WORKER STATUS.**

7 (a) REQUIREMENTS FOR CERTIFIED AGRICULTURAL  
8 WORKER STATUS.—

9 (1) PRINCIPAL ALIENS.—The Secretary may  
10 grant certified agricultural worker status to an alien  
11 who submits a completed application, including the  
12 required processing fees, before the end of the period  
13 set forth in subsection (c) and who—

14 (A) performed agricultural labor or serv-  
15 ices in the United States for at least 1,035  
16 hours (or 180 work days) during the 2-year pe-  
17 riod preceding the date of the introduction of  
18 this Act;

19 (B) on the date of the introduction of this  
20 Act—

21 (i) is inadmissible or deportable from  
22 the United States; or

23 (ii) is under a grant of deferred en-  
24 forced departure or has temporary pro-

1                   tected status under section 244 of the Im-  
2                   migration and Nationality Act;

3                   (C) subject to section 104, has been con-  
4                   tinuously present in the United States since the  
5                   date of the introduction of this Act and until  
6                   the date on which the alien is granted certified  
7                   agricultural worker status; and

8                   (D) is not otherwise ineligible for certified  
9                   agricultural worker status as provided in sub-  
10                  section (b).

11                 (2) DEPENDENT SPOUSE AND CHILDREN.—The  
12                 Secretary may grant certified agricultural dependent  
13                 status to the spouse or child of an alien granted cer-  
14                 tified agricultural worker status under paragraph  
15                 (1) if the spouse or child is not ineligible for cer-  
16                 tified agricultural dependent status as provided in  
17                 subsection (b).

18                 (b) GROUNDS FOR INELIGIBILITY.—

19                 (1) GROUNDS OF INADMISSIBILITY.—Except as  
20                 provided in paragraph (3), an alien is ineligible for  
21                 certified agricultural worker or certified agricultural  
22                 dependent status if the Secretary determines that  
23                 the alien is inadmissible under section 212(a) of the  
24                 Immigration and Nationality Act (8 U.S.C.



1 1182(a)), except that in determining inadmis-  
2 sibility—

3 (A) paragraphs (4), (5), (7), and (9)(B) of  
4 such section shall not apply;

5 (B) subparagraphs (A), (C), (D), (F), and  
6 (G) of such section 212(a)(6) and paragraphs  
7 (9)(C) and (10)(B) of such section 212(a) shall  
8 not apply unless based on the act of unlawfully  
9 entering the United States after the date of in-  
10 troduction of this Act; and

11 (C) paragraphs (6)(B) and (9)(A) of such  
12 section 212(a) shall not apply unless the rel-  
13 evant conduct began on or after the date of fil-  
14 ing of the application for certified agricultural  
15 worker status.

16 (2) **ADDITIONAL CRIMINAL BARS.**—Except as  
17 provided in paragraph (3), an alien is ineligible for  
18 certified agricultural worker or certified agricultural  
19 dependent status if the Secretary determines that,  
20 excluding any offense under State law for which an  
21 essential element is the alien’s immigration status  
22 and any minor traffic offense, the alien has been  
23 convicted of—

24 (A) any felony offense;

1 (B) an aggravated felony (as defined in  
2 section 101(a)(43) of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1101(a)(43)) at the  
4 time of the conviction);

5 (C) two misdemeanor offenses involving  
6 moral turpitude, as described in section  
7 212(a)(2)(A)(i)(I) of the Immigration and Na-  
8 tionality Act (8 U.S.C. 1182(a)(2)(A)(i)(I)),  
9 unless an offense is waived by the Secretary  
10 under paragraph (3)(B); or

11 (D) three or more misdemeanor offenses  
12 not occurring on the same date, and not arising  
13 out of the same act, omission, or scheme of  
14 misconduct.

15 (3) WAIVERS FOR CERTAIN GROUNDS OF INAD-  
16 MISSIBILITY.—For humanitarian purposes, family  
17 unity, or if otherwise in the public interest, the Sec-  
18 retary may waive the grounds of inadmissibility  
19 under—

20 (A) paragraph (1), (6)(E), or (10)(D) of  
21 section 212(a) of the Immigration and Nation-  
22 ality Act (8 U.S.C. 1182(a)); or

23 (B) subparagraphs (A) and (D) of section  
24 212(a)(2) of the Immigration and Nationality  
25 Act (8 U.S.C. 1182(a)(2)), unless inadmis-

1           sibility is based on a conviction that would oth-  
2           erwise render the alien ineligible under subpara-  
3           graph (A), (B), or (D) of paragraph (2).

4           (c) APPLICATION.—

5           (1) APPLICATION PERIOD.—Except as provided  
6           in paragraph (2), the Secretary shall accept initial  
7           applications for certified agricultural worker status  
8           during the 18-month period beginning on the date  
9           on which the interim final rule is published in the  
10          Federal Register pursuant to section 122(a).

11          (2) EXTENSION.—If the Secretary determines,  
12          during the initial period described in paragraph (1),  
13          that additional time is required to process initial ap-  
14          plications for certified agricultural worker status or  
15          for other good cause, the Secretary may extend the  
16          period for accepting applications for up to an addi-  
17          tional 12 months.

18          (3) SUBMISSION OF APPLICATIONS.—

19           (A) IN GENERAL.—An alien may file an  
20           application with the Secretary under this sec-  
21           tion with the assistance of an attorney or a  
22           nonprofit religious, charitable, social service, or  
23           similar organization recognized by the Board of  
24           Immigration Appeals under section 292.2 of  
25           title 8, Code of Federal Regulations. The Sec-

1           retary shall also create a procedure for accept-  
2           ing applications filed by qualified designated en-  
3           tities with the consent of the applicant.

4           (B) FARM SERVICE AGENCY OFFICES.—  
5           The Secretary, in consultation with the Sec-  
6           retary of Agriculture, shall establish a process  
7           for the filing of applications under this section  
8           at Farm Service Agency offices throughout the  
9           United States.

10          (4) EVIDENCE OF APPLICATION FILING.—As  
11          soon as practicable after receiving an application for  
12          certified agricultural worker status, the Secretary  
13          shall provide the applicant with a document acknowl-  
14          edging the receipt of such application. Such docu-  
15          ment shall serve as interim proof of the alien's au-  
16          thorization to accept employment in the United  
17          States and shall be accepted by an employer as evi-  
18          dence of employment authorization under section  
19          274A(b)(1)(C) of the Immigration and Nationality  
20          Act (8 U.S.C. 1324a(b)(1)(C)), if the employer is  
21          employing the holder of such document to perform  
22          agricultural labor or services, pending a final admin-  
23          istrative decision on the application.

24          (5) EFFECT OF PENDING APPLICATION.—Dur-  
25          ing the period beginning on the date on which an

1 alien applies for certified agricultural worker status  
2 under this subtitle, and ending on the date on which  
3 the Secretary makes a final administrative decision  
4 regarding such application, the alien and any de-  
5 pendents included in the application—

6 (A) may apply for advance parole, which  
7 shall be granted upon demonstrating a legiti-  
8 mate need to travel outside the United States  
9 for a temporary purpose;

10 (B) may not be detained by the Secretary  
11 or removed from the United States unless the  
12 Secretary makes a prima facie determination  
13 that such alien is, or has become, ineligible for  
14 certified agricultural worker status;

15 (C) may not be considered unlawfully  
16 present under section 212(a)(9)(B) of the Im-  
17 migration and Nationality Act (8 U.S.C.  
18 1182(a)(9)(B)); and

19 (D) may not be considered an unauthor-  
20 ized alien (as defined in section 274A(h)(3) of  
21 the Immigration and Nationality Act (8 U.S.C.  
22 1324a(h)(3))).

23 (6) WITHDRAWAL OF APPLICATION.—The Sec-  
24 retary shall, upon receipt of a request from the ap-  
25 plicant to withdraw an application for certified agri-

1 cultural worker status under this subtitle, cease  
2 processing of the application, and close the case.  
3 Withdrawal of the application shall not prejudice  
4 any future application filed by the applicant for any  
5 immigration benefit under this Act or under the Im-  
6 migration and Nationality Act (8 U.S.C. 1101 et  
7 seq.).

8 (d) ADJUDICATION AND DECISION.—

9 (1) IN GENERAL.—Subject to section 123, the  
10 Secretary shall render a decision on an application  
11 for certified agricultural worker status not later than  
12 180 days after the date the application is filed.

13 (2) NOTICE.—Prior to denying an application  
14 for certified agricultural worker status, the Sec-  
15 retary shall provide the alien with—

16 (A) written notice that describes the basis  
17 for ineligibility or the deficiencies in the evi-  
18 dence submitted; and

19 (B) at least 90 days to contest ineligibility  
20 or submit additional evidence.

21 (3) AMENDED APPLICATION.—An alien whose  
22 application for certified agricultural worker status is  
23 denied under this section may submit an amended  
24 application for such status to the Secretary if the  
25 amended application is submitted within the applica-

1       tion period described in subsection (c) and contains  
2       all the required information and fees that were miss-  
3       ing from the initial application.

4       (e) **ALTERNATIVE H-2A STATUS.**—An alien who has  
5       not met the required period of agricultural labor or serv-  
6       ices under subsection (a)(1)(A), but is otherwise eligible  
7       for certified agricultural worker status under such sub-  
8       section, shall be eligible for classification as a non-  
9       immigrant described in section 101(a)(15)(H)(ii)(a) of the  
10      Immigration and Nationality Act (8 U.S.C.  
11      1101(a)(15)(H)(ii)(a)) upon approval of a petition sub-  
12      mitted by a sponsoring employer, if the alien has per-  
13      formed at least 575 hours (or 100 work days) of agricul-  
14      tural labor or services during the 3-year period preceding  
15      the date of the introduction of this Act. The Secretary  
16      shall create a procedure to provide for such classification  
17      without requiring the alien to depart the United States  
18      and obtain a visa abroad.

19      **SEC. 102. TERMS AND CONDITIONS OF CERTIFIED STATUS.**

20      (a) **IN GENERAL.**—

21              (1) **APPROVAL.**—Upon approval of an applica-  
22      tion for certified agricultural worker status, or an  
23      extension of such status pursuant to section 103, the  
24      Secretary shall issue—

1 (A) documentary evidence of such status to  
2 the applicant; and

3 (B) documentary evidence of certified agri-  
4 cultural dependent status to any qualified de-  
5 pendent included on such application.

6 (2) DOCUMENTARY EVIDENCE.—In addition to  
7 any other features and information as the Secretary  
8 may prescribe, the documentary evidence described  
9 in paragraph (1)—

10 (A) shall be machine-readable and tamper-  
11 resistant;

12 (B) shall contain a digitized photograph;

13 (C) shall serve as a valid travel and entry  
14 document for purposes of applying for admis-  
15 sion to the United States; and

16 (D) shall be accepted during the period of  
17 its validity by an employer as evidence of em-  
18 ployment authorization and identity under sec-  
19 tion 274A(b)(1)(B) of the Immigration and Na-  
20 tionality Act (8 U.S.C. 1324a(b)(1)(B)).

21 (3) VALIDITY PERIOD.—Certified agricultural  
22 worker and certified agricultural dependent status  
23 shall be valid for 5½ years beginning on the date of  
24 approval.



1           (4) TRAVEL AUTHORIZATION.—An alien with  
2 certified agricultural worker or certified agricultural  
3 dependent status may—

4           (A) travel within and outside of the United  
5 States, including commuting to the United  
6 States from a residence in a foreign country;  
7 and

8           (B) be admitted to the United States upon  
9 return from travel abroad without first obtain-  
10 ing a visa if the alien is in possession of—

11           (i) valid, unexpired documentary evi-  
12 dence of certified agricultural worker or  
13 certified agricultural worker dependent sta-  
14 tus as described in subsection (a); or

15           (ii) a travel document that has been  
16 approved by the Secretary and was issued  
17 to the alien after the alien’s original docu-  
18 mentary evidence was lost, stolen, or de-  
19 stroyed.

20 (b) ABILITY TO CHANGE STATUS.—

21           (1) CHANGE TO CERTIFIED AGRICULTURAL  
22 WORKER STATUS.—Notwithstanding section 101(a),  
23 an alien with valid certified agricultural dependent  
24 status may apply to change to certified agricultural  
25 worker status, at any time, if the alien—

1 (A) submits a completed application, in-  
2 cluding the required processing fees; and

3 (B) is not ineligible for certified agricul-  
4 tural worker status under section 101(b).

5 (2) CLARIFICATION.—Nothing in this title pro-  
6 hibits an alien granted certified agricultural worker  
7 or certified agricultural dependent status from  
8 changing status to any other nonimmigrant classi-  
9 fication for which the alien may be eligible.

10 (c) PROHIBITION ON PUBLIC BENEFITS, TAX BENE-  
11 FITS, AND HEALTH CARE SUBSIDIES.—Aliens granted  
12 certified agricultural worker or certified agricultural de-  
13 pendent status shall be considered lawfully present in the  
14 United States for all purposes for the duration of their  
15 status, except that such aliens—

16 (1) shall be ineligible for Federal means-tested  
17 public benefits to the same extent as other individ-  
18 uals who are not qualified aliens under section 431  
19 of the Personal Responsibility and Work Oppor-  
20 tunity Reconciliation Act of 1996 (8 U.S.C. 1641);

21 (2) are not entitled to the premium assistance  
22 tax credit authorized under section 36B of the Inter-  
23 nal Revenue Code of 1986 (26 U.S.C. 36B), and  
24 shall be subject to the rules applicable to individuals

1 who are not lawfully present set forth in subsection  
2 (e) of such section;

3 (3) shall be subject to the rules applicable to in-  
4 dividuals who are not lawfully present set forth in  
5 section 1402(e) of the Patient Protection and Af-  
6 fordable Care Act (42 U.S.C. 18071(e)); and

7 (4) shall be subject to the rules applicable to in-  
8 dividuals not lawfully present set forth in section  
9 5000A(d)(3) of the Internal Revenue Code of 1986  
10 (26 U.S.C. 5000A(d)(3)).

11 (d) REVOCATION OF STATUS.—

12 (1) IN GENERAL.—The Secretary may revoke  
13 certified agricultural worker or certified agricultural  
14 dependent status if, after providing notice to the  
15 alien and the opportunity to provide evidence to con-  
16 test the proposed revocation, the Secretary deter-  
17 mines that the alien no longer meets the eligibility  
18 requirements for such status under section 101(b).

19 (2) INVALIDATION OF DOCUMENTATION.—Upon  
20 the Secretary's final determination to revoke an  
21 alien's certified agricultural worker or certified agri-  
22 cultural dependent status, any documentation issued  
23 by the Secretary to such alien under subsection (a)  
24 shall automatically be rendered invalid for any pur-  
25 pose except for departure from the United States.

1 **SEC. 103. EXTENSIONS OF CERTIFIED STATUS.**

2 (a) REQUIREMENTS FOR EXTENSIONS OF STATUS.—

3 (1) PRINCIPAL ALIENS.—The Secretary may  
4 extend certified agricultural worker status for addi-  
5 tional periods of 5½ years to an alien who submits  
6 a completed application, including the required proc-  
7 essing fees, within the 120-day period beginning 60  
8 days before the expiration of the fifth year of the  
9 immediately preceding grant of certified agricultural  
10 worker status, if the alien—

11 (A) except as provided in section 126(e),  
12 has performed agricultural labor or services in  
13 the United States for at least 575 hours (or  
14 100 work days) for each of the prior 5 years in  
15 which the alien held certified agricultural work-  
16 er status; and

17 (B) has not become ineligible for certified  
18 agricultural worker status under section 101(b).

19 (2) DEPENDENT SPOUSE AND CHILDREN.—The  
20 Secretary may grant or extend certified agricultural  
21 dependent status to the spouse or child of an alien  
22 granted an extension of certified agricultural worker  
23 status under paragraph (1) if the spouse or child is  
24 not ineligible for certified agricultural dependent sta-  
25 tus under section 101(b).

1           (3) WAIVER FOR LATE FILINGS.—The Sec-  
2           retary may waive an alien’s failure to timely file be-  
3           fore the expiration of the 120-day period described  
4           in paragraph (1) if the alien demonstrates that the  
5           delay was due to extraordinary circumstances be-  
6           yond the alien’s control or for other good cause.

7           (b) STATUS FOR WORKERS WITH PENDING APPLICA-  
8           TIONS.—

9           (1) IN GENERAL.—Certified agricultural worker  
10          status of an alien who timely files an application to  
11          extend such status under subsection (a) (and the  
12          status of the alien’s dependents) shall be automati-  
13          cally extended through the date on which the Sec-  
14          retary makes a final administrative decision regard-  
15          ing such application.

16          (2) DOCUMENTATION OF EMPLOYMENT AU-  
17          THORIZATION.—As soon as practicable after receipt  
18          of an application to extend certified agricultural  
19          worker status under subsection (a), the Secretary  
20          shall issue a document to the alien acknowledging  
21          the receipt of such application. An employer of the  
22          worker may not refuse to accept such document as  
23          evidence of employment authorization under section  
24          274A(b)(1)(C) of the Immigration and Nationality

1 Act (8 U.S.C. 1324a(b)(1)(C)), pending a final ad-  
2 ministrative decision on the application.

3 (c) NOTICE.—Prior to denying an application to ex-  
4 tend certified agricultural worker status, the Secretary  
5 shall provide the alien with—

6 (1) written notice that describes the basis for  
7 ineligibility or the deficiencies of the evidence sub-  
8 mitted; and

9 (2) at least 90 days to contest ineligibility or  
10 submit additional evidence.

11 **SEC. 104. DETERMINATION OF CONTINUOUS PRESENCE.**

12 (a) EFFECT OF NOTICE TO APPEAR.—The contin-  
13 uous presence in the United States of an applicant for cer-  
14 tified agricultural worker status under section 101 shall  
15 not terminate when the alien is served a notice to appear  
16 under section 239(a) of the Immigration and Nationality  
17 Act (8 U.S.C. 1229(a)).

18 (b) TREATMENT OF CERTAIN BREAKS IN PRES-  
19 ENCE.—

20 (1) IN GENERAL.—Except as provided in para-  
21 graphs (2) and (3), an alien shall be considered to  
22 have failed to maintain continuous presence in the  
23 United States under this subtitle if the alien de-  
24 parted the United States for any period exceeding

1 90 days, or for any periods, in the aggregate, ex-  
2 ceeding 180 days.

3 (2) EXTENSIONS FOR EXTENUATING CIR-  
4 CUMSTANCES.—The Secretary may extend the time  
5 periods described in paragraph (1) for an alien who  
6 demonstrates that the failure to timely return to the  
7 United States was due to extenuating circumstances  
8 beyond the alien’s control, including the serious ill-  
9 ness of the alien, or death or serious illness of a  
10 spouse, parent, son or daughter, grandparent, or sib-  
11 ling of the alien.

12 (3) TRAVEL AUTHORIZED BY THE SEC-  
13 RETARY.—Any period of travel outside of the United  
14 States by an alien that was authorized by the Sec-  
15 retary shall not be counted toward any period of de-  
16 parture from the United States under paragraph  
17 (1).

18 **SEC. 105. EMPLOYER OBLIGATIONS.**

19 (a) RECORD OF EMPLOYMENT.—An employer of an  
20 alien in certified agricultural worker status shall provide  
21 such alien with a written record of employment each year  
22 during which the alien provides agricultural labor or serv-  
23 ices to such employer as a certified agricultural worker.

24 (b) CIVIL PENALTIES.—

1           (1) IN GENERAL.—If the Secretary determines,  
2           after notice and an opportunity for a hearing, that  
3           an employer of an alien with certified agricultural  
4           worker status has knowingly failed to provide the  
5           record of employment required under subsection (a),  
6           or has provided a false statement of material fact in  
7           such a record, the employer shall be subject to a civil  
8           penalty in an amount not to exceed \$500 per viola-  
9           tion.

10           (2) LIMITATION.—The penalty under paragraph  
11           (1) for failure to provide employment records shall  
12           not apply unless the alien has provided the employer  
13           with evidence of employment authorization described  
14           in section 102 or 103.

15           (3) DEPOSIT OF CIVIL PENALTIES.—Civil pen-  
16           alties collected under this paragraph shall be depos-  
17           ited into the Immigration Examinations Fee Ac-  
18           count under section 286(m) of the Immigration and  
19           Nationality Act (8 U.S.C. 1356(m)).

20 **SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.**

21           (a) ADMINISTRATIVE REVIEW.—The Secretary shall  
22           establish a process by which an applicant may seek admin-  
23           istrative review of a denial of an application for certified  
24           agricultural worker status under this subtitle, an applica-  
25           tion to extend such status, or a revocation of such status.



1 (b) ADMISSIBILITY IN IMMIGRATION COURT.—Each  
2 record of an alien’s application for certified agricultural  
3 worker status under this subtitle, application to extend  
4 such status, revocation of such status, and each record  
5 created pursuant to the administrative review process  
6 under subsection (a) is admissible in immigration court,  
7 and shall be included in the administrative record.

8 (c) JUDICIAL REVIEW.—Notwithstanding any other  
9 provision of law, judicial review of the Secretary’s decision  
10 to deny an application for certified agricultural worker  
11 status, an application to extend such status, or the deci-  
12 sion to revoke such status, shall be limited to the review  
13 of an order of removal under section 242 of the Immigra-  
14 tion and Nationality Act (8 U.S.C. 1252).

15 **Subtitle B—Optional Earned**  
16 **Residence for Long-Term Workers**

17 **SEC. 111. OPTIONAL ADJUSTMENT OF STATUS FOR LONG-**  
18 **TERM AGRICULTURAL WORKERS.**

19 (a) REQUIREMENTS FOR ADJUSTMENT OF STA-  
20 TUS.—

21 (1) PRINCIPAL ALIENS.—The Secretary may  
22 adjust the status of an alien from that of a certified  
23 agricultural worker to that of a lawful permanent  
24 resident if the alien submits a completed application,

1 including the required processing and penalty fees,  
2 and the Secretary determines that—

3 (A) except as provided in section 126(e),  
4 the alien performed agricultural labor or serv-  
5 ices for not less than 575 hours (or 100 work  
6 days) each year—

7 (i) for at least 10 years prior to the  
8 date of the enactment of this Act and for  
9 at least 4 years in certified agricultural  
10 worker status; or

11 (ii) for fewer than 10 years prior to  
12 the date of the enactment of this Act and  
13 for at least 8 years in certified agricultural  
14 worker status; and

15 (B) the alien has not become ineligible for  
16 certified agricultural worker status under sec-  
17 tion 101(b).

18 (2) DEPENDENT ALIENS.—

19 (A) IN GENERAL.—The spouse and each  
20 child of an alien described in paragraph (1)  
21 whose status has been adjusted to that of a  
22 lawful permanent resident may be granted law-  
23 ful permanent residence under this subtitle if—

24 (i) the qualifying relationship to the  
25 principal alien existed on the date on which

1           such alien was granted adjustment of sta-  
2           tus under this subtitle; and

3                   (ii) the spouse or child is not ineligible  
4           for certified agricultural worker dependent  
5           status under section 101(b).

6           (B) PROTECTIONS FOR SPOUSES AND  
7           CHILDREN.—The Secretary of Homeland Secu-  
8           rity shall establish procedures to allow the  
9           spouse or child of a certified agricultural work-  
10          er to self-petition for lawful permanent resi-  
11          dence under this subtitle in cases involving—

12                   (i) the death of the certified agricul-  
13          tural worker, so long as the spouse or child  
14          submits a petition not later than 2 years  
15          after the date of the worker’s death; or

16                   (ii) the spouse or a child being bat-  
17          tered or subjected to extreme cruelty by  
18          the certified agricultural worker.

19          (3) DOCUMENTATION OF WORK HISTORY.—An  
20          applicant for adjustment of status under this section  
21          shall not be required to resubmit evidence of work  
22          history that has been previously submitted to the  
23          Secretary in connection with an approved extension  
24          of certified agricultural worker status.

1           (b) PENALTY FEE.—In addition to any processing  
2 fee that the Secretary may assess in accordance with sec-  
3 tion 122(b), a principal alien seeking adjustment of status  
4 under this subtitle shall pay a \$1,000 penalty fee, which  
5 shall be deposited into the Immigration Examinations Fee  
6 Account pursuant to section 286(m) of the Immigration  
7 and Nationality Act (8 U.S.C. 1356(m)).

8           (c) EFFECT OF PENDING APPLICATION.—During the  
9 period beginning on the date on which an alien applies  
10 for adjustment of status under this subtitle, and ending  
11 on the date on which the Secretary makes a final adminis-  
12 trative decision regarding such application, the alien and  
13 any dependents included on the application—

14           (1) may apply for advance parole, which shall  
15 be granted upon demonstrating a legitimate need to  
16 travel outside the United States for a temporary  
17 purpose;

18           (2) may not be detained by the Secretary or re-  
19 moved from the United States unless the Secretary  
20 makes a prima facie determination that such alien  
21 is, or has become, ineligible for adjustment of status  
22 under subsection (a);

23           (3) may not be considered unlawfully present  
24 under section 212(a)(9)(B) of the Immigration and  
25 Nationality Act (8 U.S.C. 1182(a)(9)(B)); and

1           (4) may not be considered an unauthorized  
2           alien (as defined in section 274A(h)(3) of the Immi-  
3           gration and Nationality Act (8 U.S.C.  
4           1324a(h)(3))).

5           (d) EVIDENCE OF APPLICATION FILING.—As soon as  
6           practicable after receiving an application for adjustment  
7           of status under this subtitle, the Secretary shall provide  
8           the applicant with a document acknowledging the receipt  
9           of such application. Such document shall serve as interim  
10          proof of the alien’s authorization to accept employment  
11          in the United States and shall be accepted by an employer  
12          as evidence of employment authorization under section  
13          274A(b)(1)(C) of the Immigration and Nationality Act (8  
14          U.S.C. 1324a(b)(1)(C)), pending a final administrative  
15          decision on the application.

16          (e) WITHDRAWAL OF APPLICATION.—The Secretary  
17          shall, upon receipt of a request to withdraw an application  
18          for adjustment of status under this subtitle, cease proc-  
19          essing of the application, and close the case. Withdrawal  
20          of the application shall not prejudice any future applica-  
21          tion filed by the applicant for any immigration benefit  
22          under this Act or under the Immigration and Nationality  
23          Act (8 U.S.C. 1101 et seq.).

1 **SEC. 112. PAYMENT OF TAXES.**

2 (a) IN GENERAL.—An alien may not be granted ad-  
3 justment of status under this subtitle unless the applicant  
4 has satisfied any applicable Federal tax liability.

5 (b) COMPLIANCE.—An alien may demonstrate com-  
6 pliance with subsection (a) by submitting such documenta-  
7 tion as the Secretary, in consultation with the Secretary  
8 of the Treasury, may require by regulation.

9 **SEC. 113. ADJUDICATION AND DECISION; REVIEW.**

10 (a) IN GENERAL.—Subject to the requirements of  
11 section 123, the Secretary shall render a decision on an  
12 application for adjustment of status under this subtitle not  
13 later than 180 days after the date on which the application  
14 is filed.

15 (b) NOTICE.—Prior to denying an application for ad-  
16 justment of status under this subtitle, the Secretary shall  
17 provide the alien with—

18 (1) written notice that describes the basis for  
19 ineligibility or the deficiencies of the evidence sub-  
20 mitted; and

21 (2) at least 90 days to contest ineligibility or  
22 submit additional evidence.

23 (c) ADMINISTRATIVE REVIEW.—The Secretary shall  
24 establish a process by which an applicant may seek admin-  
25 istrative review of a denial of an application for adjust-  
26 ment of status under this subtitle.

1 (d) JUDICIAL REVIEW.—Notwithstanding any other  
2 provision of law, an alien may seek judicial review of a  
3 denial of an application for adjustment of status under  
4 this title in an appropriate United States district court.

## 5 **Subtitle C—General Provisions**

### 6 **SEC. 121. DEFINITIONS.**

7 In this title:

8 (1) IN GENERAL.—Except as otherwise pro-  
9 vided, any term used in this title that is used in the  
10 immigration laws shall have the meaning given such  
11 term in the immigration laws (as such term is de-  
12 fined in section 101 of the Immigration and Nation-  
13 ality Act (8 U.S.C. 1101)).

14 (2) AGRICULTURAL LABOR OR SERVICES.—The  
15 term “agricultural labor or services” means—

16 (A) agricultural labor or services as such  
17 term is used in section 101(a)(15)(H)(ii) of the  
18 Immigration and Nationality Act (8 U.S.C.  
19 1101(a)(15)(H)(ii)), without regard to whether  
20 the labor or services are of a seasonal or tem-  
21 porary nature; and

22 (B) agricultural employment as such term  
23 is defined in section 3 of the Migrant and Sea-  
24 sonal Agricultural Worker Protection Act (29  
25 U.S.C. 1802), without regard to whether the

1 specific service or activity is temporary or sea-  
2 sonal.

3 (3) APPLICABLE FEDERAL TAX LIABILITY.—

4 The term “applicable Federal tax liability” means all  
5 Federal income taxes assessed in accordance with  
6 section 6203 of the Internal Revenue Code of 1986  
7 beginning on the date on which the applicant was  
8 authorized to work in the United States as a cer-  
9 tified agricultural worker.

10 (4) APPROPRIATE UNITED STATES DISTRICT

11 COURT.—The term “appropriate United States dis-  
12 trict court” means the United States District Court  
13 for the District of Columbia or the United States  
14 district court with jurisdiction over the alien’s prin-  
15 cipal place of residence.

16 (5) CHILD.—The term “child” has the meaning

17 given such term in section 101(b)(1) of the Immi-  
18 gration and Nationality Act (8 U.S.C. 1101(b)(1)).

19 (6) CONVICTED OR CONVICTION.—The term

20 “convicted” or “conviction” does not include a judg-  
21 ment that has been expunged or set aside, that re-  
22 sulted in a rehabilitative disposition, or the equiva-  
23 lent.

24 (7) EMPLOYER.—The term “employer” means

25 any person or entity, including any labor contractor



1 or any agricultural association, that employs workers  
2 in agricultural labor or services.

3 (8) QUALIFIED DESIGNATED ENTITY.—The  
4 term “qualified designated entity” means—

5 (A) a qualified farm labor organization or  
6 an association of employers designated by the  
7 Secretary; or

8 (B) any other entity that the Secretary  
9 designates as having substantial experience,  
10 demonstrated competence, and a history of  
11 long-term involvement in the preparation and  
12 submission of application for adjustment of sta-  
13 tus under title II of the Immigration and Na-  
14 tionality Act (8 U.S.C. 1151 et seq.).

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

17 (10) WORK DAY.—The term “work day” means  
18 any day in which the individual is employed 5.75 or  
19 more hours in agricultural labor or services.

20 **SEC. 122. RULEMAKING; FEES.**

21 (a) RULEMAKING.—Not later than 180 days after the  
22 date of the enactment of this Act, the Secretary shall pub-  
23 lish in the Federal Register, an interim final rule imple-  
24 menting this title. Notwithstanding section 553 of title 5,  
25 United States Code, the rule shall be effective, on an in-

1 terim basis, immediately upon publication, but may be  
2 subject to change and revision after public notice and op-  
3 portunity for comment. The Secretary shall finalize such  
4 rule not later than 1 year after the date of the enactment  
5 of this Act.

6 (b) FEES.—

7 (1) IN GENERAL.—The Secretary may require  
8 an alien applying for any benefit under this title to  
9 pay a reasonable fee that is commensurate with the  
10 cost of processing the application.

11 (2) FEE WAIVER; INSTALLMENTS.—

12 (A) IN GENERAL.—The Secretary shall es-  
13 tablish procedures to allow an alien to—

14 (i) request a waiver of any fee that  
15 the Secretary may assess under this title if  
16 the alien demonstrates to the satisfaction  
17 of the Secretary that the alien is unable to  
18 pay the prescribed fee; or

19 (ii) pay any fee or penalty that the  
20 Secretary may assess under this title in in-  
21 stallments.

22 (B) CLARIFICATION.—Nothing in this sec-  
23 tion shall be read to prohibit an employer from  
24 paying any fee or penalty that the Secretary

1           may assess under this title on behalf of an alien  
2           and the alien’s spouse or children.

3 **SEC. 123. BACKGROUND CHECKS.**

4           (a) **SUBMISSION OF BIOMETRIC AND BIOGRAPHIC**  
5 **DATA.**—The Secretary may not grant or extend certified  
6 agricultural worker or certified agricultural dependent sta-  
7 tus under subtitle A, or grant adjustment of status to that  
8 of a lawful permanent resident under subtitle B, unless  
9 the alien submits biometric and biographic data, in accord-  
10 ance with procedures established by the Secretary. The  
11 Secretary shall provide an alternative procedure for aliens  
12 who cannot provide all required biometric or biographic  
13 data because of a physical impairment.

14           (b) **BACKGROUND CHECKS.**—The Secretary shall use  
15 biometric, biographic, and other data that the Secretary  
16 determines appropriate to conduct security and law en-  
17 forcement background checks and to determine whether  
18 there is any criminal, national security, or other factor  
19 that would render the alien ineligible for status under this  
20 title. An alien may not be granted any such status under  
21 this title unless security and law enforcement background  
22 checks are completed to the satisfaction of the Secretary.

23 **SEC. 124. PROTECTION FOR CHILDREN.**

24           (a) **IN GENERAL.**—Except as provided in subsection  
25 (b), for purposes of eligibility for certified agricultural de-

1 pendent status or lawful permanent resident status under  
2 this title, a determination of whether an alien is a child  
3 shall be made using the age of the alien on the date on  
4 which the initial application for certified agricultural  
5 worker status is filed with the Secretary of Homeland Se-  
6 curity.

7 (b) LIMITATION.—Subsection (a) shall apply for no  
8 more than 10 years after the date on which the initial  
9 application for certified agricultural worker status is filed  
10 with the Secretary of Homeland Security.

11 **SEC. 125. LIMITATION ON REMOVAL.**

12 (a) IN GENERAL.—An alien who appears to be prima  
13 facie eligible for status under this title shall be given a  
14 reasonable opportunity to apply for such status. Such an  
15 alien may not be placed in removal proceedings or removed  
16 from the United States until a final administrative deci-  
17 sion establishing ineligibility for such status is rendered.

18 (b) ALIENS IN REMOVAL PROCEEDINGS.—Notwith-  
19 standing any other provision of the law, the Attorney Gen-  
20 eral shall (upon motion by the Secretary with the consent  
21 of the alien, or motion by the alien) terminate removal  
22 proceedings, without prejudice, against an alien who ap-  
23 pears to be prima facie eligible for status under this title,  
24 and provide such alien a reasonable opportunity to apply  
25 for such status.

1           (c) EFFECT OF FINAL ORDER.—An alien present in  
2 the United States who has been ordered removed or has  
3 been permitted to depart voluntarily from the United  
4 States may, notwithstanding such order or permission to  
5 depart, apply for status under this title. Such alien shall  
6 not be required to file a separate motion to reopen, recon-  
7 sider, or vacate the order of removal. If the Secretary ap-  
8 proves the application, the Secretary shall notify the At-  
9 torney General of such approval, and the Attorney General  
10 shall cancel the order of removal. If the Secretary renders  
11 a final administrative decision to deny the application, the  
12 order of removal or permission to depart shall be effective  
13 and enforceable to the same extent as if the application  
14 had not been made, only after all available administrative  
15 and judicial remedies have been exhausted.

16           (d) EFFECT OF DEPARTURE.—Section 101(g) of the  
17 Immigration and Nationality Act (8 U.S.C. 1101(g)) shall  
18 not apply to an alien who departs the United States—

19                 (1) with advance permission to return to the  
20 United States granted by the Secretary under this  
21 title; or

22                 (2) after having been granted certified agricul-  
23 tural worker status or lawful permanent resident  
24 status under this title.

1 **SEC. 126. DOCUMENTATION OF AGRICULTURAL WORK HIS-**  
2 **TORY.**

3 (a) BURDEN OF PROOF.—An alien applying for cer-  
4 tified agricultural worker status under subtitle A or ad-  
5 justment of status under subtitle B has the burden of  
6 proving by a preponderance of the evidence that the alien  
7 has worked the requisite number of hours or days required  
8 under section 101, 103, or 111, as applicable. The Sec-  
9 retary shall establish special procedures to properly credit  
10 work in cases in which an alien was employed under an  
11 assumed name.

12 (b) EVIDENCE.—An alien may meet the burden of  
13 proof under subsection (a) by producing sufficient evi-  
14 dence to show the extent of such employment as a matter  
15 of just and reasonable inference. Such evidence may in-  
16 clude—

17 (1) an annual record of certified agricultural  
18 worker employment as described in section 105(a),  
19 or other employment records from employers;

20 (2) employment records maintained by collective  
21 bargaining associations;

22 (3) tax records or other government records;

23 (4) sworn affidavits from individuals who have  
24 direct knowledge of the alien's work history; or

25 (5) any other documentation designated by the  
26 Secretary for such purpose.

1           (c) EXCEPTIONS FOR EXTRAORDINARY CIR-  
2 CUMSTANCES.—

3           (1) IMPACT OF COVID–19.—

4                   (A) IN GENERAL.—The Secretary may  
5 grant certified agricultural worker status to an  
6 alien who is otherwise eligible for such status if  
7 such alien is able to only partially satisfy the  
8 requirement under section 101(a)(1)(A) as a re-  
9 sult of reduced hours of employment or other  
10 restrictions associated with the public health  
11 emergency declared by the Secretary of Health  
12 and Human Services under section 319 of the  
13 Public Health Service Act (42 U.S.C. 247d)  
14 with respect to COVID–19.

15                   (B) LIMITATION.—The exception described  
16 in subparagraph (A) shall apply only to agricul-  
17 tural labor or services required to be performed  
18 during the period that—

19                           (i) begins on the first day of the pub-  
20 lic health emergency described in subpara-  
21 graph (A); and

22                           (ii) ends 90 days after the date on  
23 which such public health emergency termi-  
24 nates.

1           (2) EXTRAORDINARY CIRCUMSTANCES.—In de-  
2           termining whether an alien has met the requirement  
3           under section 103(a)(1)(A) or 111(a)(1)(A), the Sec-  
4           retary may credit the alien with not more than 575  
5           hours (or 100 work days) of agricultural labor or  
6           services in the United States if the alien was unable  
7           to perform the required agricultural labor or services  
8           due to—

9                   (A) pregnancy, parental leave, illness, dis-  
10                  ease, disabling injury, or physical limitation of  
11                  the alien;

12                  (B) injury, illness, disease, or other special  
13                  needs of the alien’s child or spouse;

14                  (C) severe weather conditions that pre-  
15                  vented the alien from engaging in agricultural  
16                  labor or services;

17                  (D) reduced hours of employment or other  
18                  restrictions associated with the public health  
19                  emergency declared by the Secretary of Health  
20                  and Human Services under section 319 of the  
21                  Public Health Service Act (42 U.S.C. 247d)  
22                  with respect to COVID–19; or

23                  (E) termination from agricultural employ-  
24                  ment, if the Secretary determines that—



1 (i) the termination was without just  
2 cause; and

3 (ii) the alien was unable to find alter-  
4 native agricultural employment after a rea-  
5 sonable job search.

6 (3) EFFECT OF DETERMINATION.—A deter-  
7 mination under paragraph (1)(E) shall not be con-  
8 clusive, binding, or admissible in a separate or sub-  
9 sequent judicial or administrative action or pro-  
10 ceeding between the alien and a current or prior em-  
11 ployer of the alien or any other party.

12 (4) HARDSHIP WAIVER.—

13 (A) IN GENERAL.—As part of the rule-  
14 making described in section 122(a), the Sec-  
15 retary shall establish procedures allowing for a  
16 partial waiver of the requirement under section  
17 111(a)(1)(A) for a certified agricultural worker  
18 if such worker—

19 (i) has continuously maintained cer-  
20 tified agricultural worker status since the  
21 date such status was initially granted;

22 (ii) has partially completed the re-  
23 quirement under section 111(a)(1)(A); and

1 (iii) is no longer able to engage in ag-  
2 ricultural labor or services safely and effec-  
3 tively because of—

4 (I) a permanent disability suf-  
5 fered while engaging in agricultural  
6 labor or services; or

7 (II) deteriorating health or phys-  
8 ical ability combined with advanced  
9 age.

10 (B) **DISABILITY.**—In establishing the pro-  
11 cedures described in subparagraph (A), the Sec-  
12 retary shall consult with the Secretary of  
13 Health and Human Services and the Commis-  
14 sioner of Social Security to define “permanent  
15 disability” for purposes of a waiver under sub-  
16 paragraph (A)(iii)(I).

17 **SEC. 127. EMPLOYER PROTECTIONS.**

18 (a) **CONTINUING EMPLOYMENT.**—An employer that  
19 continues to employ an alien knowing that the alien in-  
20 tends to apply for certified agricultural worker status  
21 under subtitle A shall not violate section 274A(a)(2) of  
22 the Immigration and Nationality Act (8 U.S.C.  
23 1324a(a)(2)) by continuing to employ the alien for the du-  
24 ration of the application period under section 101(c), and  
25 with respect to an alien who applies for certified agricul-

1 tural status, for the duration of the period during which  
2 the alien's application is pending final determination.

3 (b) USE OF EMPLOYMENT RECORDS.—Copies of em-  
4 ployment records or other evidence of employment pro-  
5 vided by an alien or by an alien's employer in support of  
6 an alien's application for certified agricultural worker or  
7 adjustment of status under this title may not be used in  
8 a civil or criminal prosecution or investigation of that em-  
9 ployer under section 274A of the Immigration and Nation-  
10 ality Act (8 U.S.C. 1324a) or the Internal Revenue Code  
11 of 1986 for the prior unlawful employment of that alien  
12 regardless of the outcome of such application.

13 (c) ADDITIONAL PROTECTIONS.—Employers that  
14 provide unauthorized aliens with copies of employment  
15 records or other evidence of employment in support of an  
16 application for certified agricultural worker status or ad-  
17 justment of status under this title shall not be subject to  
18 civil and criminal liability pursuant to such section 274A  
19 for employing such unauthorized aliens. Records or other  
20 evidence of employment provided by employers in response  
21 to a request for such records for the purpose of estab-  
22 lishing eligibility for status under this title may not be  
23 used for any purpose other than establishing such eligi-  
24 bility.

1 (d) LIMITATION ON PROTECTION.—The protections  
2 for employers under this section shall not apply if the em-  
3 ployer provides employment records to the alien that are  
4 determined to be fraudulent.

5 **SEC. 128. CORRECTION OF SOCIAL SECURITY RECORDS;**  
6 **CONFORMING AMENDMENTS.**

7 (a) IN GENERAL.—Section 208(e)(1) of the Social  
8 Security Act (42 U.S.C. 408(e)(1)) is amended—

9 (1) in subparagraph (B)(ii), by striking “or” at  
10 the end;

11 (2) in subparagraph (C), by inserting “or” at  
12 the end;

13 (3) by inserting after subparagraph (C) the fol-  
14 lowing:

15 “(D) who is granted certified agricultural work-  
16 er status, certified agricultural dependent status, or  
17 lawful permanent resident status under title I of the  
18 Farm Work Modernization Act of 2021,”; and

19 (4) in the undesignated matter following sub-  
20 paragraph (D), as added by paragraph (3), by strik-  
21 ing “1990.” and inserting “1990, or in the case of  
22 an alien described in subparagraph (D), if such con-  
23 duct is alleged to have occurred before the date on  
24 which the alien was granted status under title I of  
25 the Farm Work Modernization Act of 2021.”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall take effect on the first day of the sev-  
3 enth month that begins after the date of the enactment  
4 of this Act.

5 (c) CONFORMING AMENDMENTS.—

6 (1) SOCIAL SECURITY ACT.—Section 210(a)(1)  
7 of the Social Security Act (42 U.S.C. 410(a)(1)) is  
8 amended by inserting before the semicolon the fol-  
9 lowing: “(other than aliens granted certified agricul-  
10 tural worker status or certified agricultural depend-  
11 ent status under title I of the Farm Work Mod-  
12 ernization Act of 2021”.

13 (2) INTERNAL REVENUE CODE OF 1986.—Sec-  
14 tion 3121(b)(1) of the Internal Revenue Code of  
15 1986 is amended by inserting before the semicolon  
16 the following: “(other than aliens granted certified  
17 agricultural worker status or certified agricultural  
18 dependent status under title I of the Farm Work  
19 Modernization Act of 2021”.

20 (3) EFFECTIVE DATE.—The amendments made  
21 by this subsection shall apply with respect to service  
22 performed after the date of the enactment of this  
23 Act.

24 (d) AUTOMATED SYSTEM TO ASSIGN SOCIAL SECUR-  
25 RITY ACCOUNT NUMBERS.—Section 205(c)(2)(B) of the

1 Social Security Act (42 U.S.C. 405(c)(2)(B)) is amended  
2 by adding at the end the following:

3           “(iv) The Commissioner of Social Se-  
4           curity shall, to the extent practicable, co-  
5           ordinate with the Secretary of the Depart-  
6           ment of Homeland Security to implement  
7           an automated system for the Commissioner  
8           to assign social security account numbers  
9           to aliens granted certified agricultural  
10          worker status or certified agricultural de-  
11          pendent status under title I of the Farm  
12          Work Modernization Act of 2021. An alien  
13          who is granted such status, and who was  
14          not previously assigned a social security  
15          account number, shall request assignment  
16          of a social security account number and a  
17          social security card from the Commissioner  
18          through such system. The Secretary shall  
19          collect and provide to the Commissioner  
20          such information as the Commissioner  
21          deems necessary for the Commissioner to  
22          assign a social security account number,  
23          which information may be used by the  
24          Commissioner for any purpose for which  
25          the Commissioner is otherwise authorized

1                   under Federal law. The Commissioner may  
2                   maintain, use, and disclose such informa-  
3                   tion only as permitted by the Privacy Act  
4                   and other Federal law.”.

5 **SEC. 129. DISCLOSURES AND PRIVACY.**

6           (a) **IN GENERAL.**—The Secretary may not disclose  
7 or use information provided in an application for certified  
8 agricultural worker status or adjustment of status under  
9 this title (including information provided during adminis-  
10 trative or judicial review) for the purpose of immigration  
11 enforcement.

12           (b) **REFERRALS PROHIBITED.**—The Secretary, based  
13 solely on information provided in an application for cer-  
14 tified agricultural worker status or adjustment of status  
15 under this title (including information provided during ad-  
16 ministrative or judicial review), may not refer an applicant  
17 to U.S. Immigration and Customs Enforcement, U.S. Cus-  
18 toms and Border Protection, or any designee of either  
19 such entity.

20           (c) **EXCEPTIONS.**—Notwithstanding subsections (a)  
21 and (b), information provided in an application for cer-  
22 tified agricultural worker status or adjustment of status  
23 under this title may be shared with Federal security and  
24 law enforcement agencies—

1 (1) for assistance in the consideration of an ap-  
2 plication under this title;

3 (2) to identify or prevent fraudulent claims or  
4 schemes;

5 (3) for national security purposes; or

6 (4) for the investigation or prosecution of any  
7 felony not related to immigration status.

8 (d) PENALTY.—Any person who knowingly uses, pub-  
9 lishes, or permits information to be examined in violation  
10 of this section shall be fined not more than \$10,000.

11 (e) PRIVACY.—The Secretary shall ensure that ap-  
12 propriate administrative and physical safeguards are in  
13 place to protect the security, confidentiality, and integrity  
14 of personally identifiable information collected, main-  
15 tained, and disseminated pursuant to this title.

16 **SEC. 130. PENALTIES FOR FALSE STATEMENTS IN APPLICA-**  
17 **TIONS.**

18 (a) CRIMINAL PENALTY.—Any person who—

19 (1) files an application for certified agricultural  
20 worker status or adjustment of status under this  
21 title and knowingly falsifies, conceals, or covers up  
22 a material fact or makes any false, fictitious, or  
23 fraudulent statements or representations, or makes  
24 or uses any false writing or document knowing the



1 same to contain any false, fictitious, or fraudulent  
2 statement or entry; or

3 (2) creates or supplies a false writing or docu-  
4 ment for use in making such an application,  
5 shall be fined in accordance with title 18, United States  
6 Code, imprisoned not more than 5 years, or both.

7 (b) INADMISSIBILITY.—An alien who is convicted  
8 under subsection (a) shall be deemed inadmissible to the  
9 United States under section 212(a)(6)(C)(i) of the Immi-  
10 gration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

11 (c) DEPOSIT.—Fines collected under subsection (a)  
12 shall be deposited into the Immigration Examinations Fee  
13 Account pursuant to section 286(m) of the Immigration  
14 and Nationality Act (8 U.S.C. 1356(m)).

15 **SEC. 131. DISSEMINATION OF INFORMATION.**

16 (a) IN GENERAL.—Beginning not later than the first  
17 day of the application period described in section 101(c)—

18 (1) the Secretary of Homeland Security, in co-  
19 operation with qualified designated entities, shall  
20 broadly disseminate information described in sub-  
21 section (b); and

22 (2) the Secretary of Agriculture, in consultation  
23 with the Secretary of Homeland Security, shall dis-  
24 seminate to agricultural employers a document con-

1       taining the information described in subsection (b)  
2       for posting at employer worksites.

3       (b) INFORMATION DESCRIBED.—The information de-  
4       scribed in this subsection shall include—

5             (1) the benefits that aliens may receive under  
6       this title; and

7             (2) the requirements that an alien must meet to  
8       receive such benefits.

9       **SEC. 132. EXEMPTION FROM NUMERICAL LIMITATIONS.**

10       The numerical limitations under title II of the Immi-  
11       gration and Nationality Act (8 U.S.C. 1151 et seq.) shall  
12       not apply to the adjustment of aliens to lawful permanent  
13       resident status under this title, and such aliens shall not  
14       be counted toward any such numerical limitation.

15       **SEC. 133. REPORTS TO CONGRESS.**

16       Not later than 180 days after the publication of the  
17       final rule under section 122(a), and annually thereafter  
18       for the following 10 years, the Secretary shall submit a  
19       report to Congress that identifies, for the previous fiscal  
20       year—

21             (1) the number of principal aliens who applied  
22       for certified agricultural worker status under subtitle  
23       A, and the number of dependent spouses and chil-  
24       dren included in such applications;

1           (2) the number of principal aliens who were  
2           granted certified agricultural worker status under  
3           subtitle A, and the number of dependent spouses  
4           and children who were granted certified agricultural  
5           dependent status;

6           (3) the number of principal aliens who applied  
7           for an extension of their certified agricultural worker  
8           status under subtitle A, and the number of depend-  
9           ent spouses and children included in such applica-  
10          tions;

11          (4) the number of principal aliens who were  
12          granted an extension of certified agricultural worker  
13          status under subtitle A, and the number of depend-  
14          ent spouses and children who were granted certified  
15          agricultural dependent status under such an exten-  
16          sion;

17          (5) the number of principal aliens who applied  
18          for adjustment of status under subtitle B, and the  
19          number of dependent spouses and children included  
20          in such applications;

21          (6) the number of principal aliens who were  
22          granted lawful permanent resident status under sub-  
23          title B, and the number of spouses and children who  
24          were granted such status as dependents;

1           (7) the number of principal aliens included in  
2           petitions described in section 101(e), and the num-  
3           ber of dependent spouses and children included in  
4           such applications; and

5           (8) the number of principal aliens who were  
6           granted H-2A status pursuant to petitions described  
7           in section 101(e), and the number of dependent  
8           spouses and children who were granted H-4 status.

9   **SEC. 134. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
10                                   **CANTS.**

11           (a) **ESTABLISHMENT.**—The Secretary shall establish  
12           a program to award grants, on a competitive basis, to eli-  
13           gible nonprofit organizations to assist eligible applicants  
14           under this title by providing them with the services de-  
15           scribed in subsection (c).

16           (b) **ELIGIBLE NONPROFIT ORGANIZATION.**—For  
17           purposes of this section, the term “eligible nonprofit orga-  
18           nization” means an organization described in section  
19           501(c)(3) of the Internal Revenue Code of 1986 (exclud-  
20           ing a recipient of funds under title X of the Economic  
21           Opportunity Act of 1964 (42 U.S.C. 2996 et seq.)) that  
22           has demonstrated qualifications, experience, and expertise  
23           in providing quality services to farm workers or aliens.

1 (c) USE OF FUNDS.—Grant funds awarded under  
2 this section may be used for the design and implementa-  
3 tion of programs that provide—

4 (1) information to the public regarding the eli-  
5 gibility and benefits of certified agricultural worker  
6 status authorized under this title; and

7 (2) assistance, within the scope of authorized  
8 practice of immigration law, to individuals submit-  
9 ting applications for certified agricultural worker  
10 status or adjustment of status under this title, in-  
11 cluding—

12 (A) screening prospective applicants to as-  
13 sess their eligibility for such status;

14 (B) completing applications, including pro-  
15 viding assistance in obtaining necessary docu-  
16 ments and supporting evidence; and

17 (C) providing any other assistance that the  
18 Secretary determines useful to assist aliens in  
19 applying for certified agricultural worker status  
20 or adjustment of status under this title.

21 (d) SOURCE OF FUNDS.—In addition to any funds  
22 appropriated to carry out this section, the Secretary may  
23 use up to \$10,000,000 from the Immigration Examina-  
24 tions Fee Account under section 286(m) of the Immigra-

1 tion and Nationality Act (8 U.S.C. 1356(m)) to carry out  
2 this section.

3 (e) ELIGIBILITY FOR SERVICES.—Section 504(a)(11)  
4 of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall  
5 not be construed to prevent a recipient of funds under title  
6 X of the Economic Opportunity Act of 1964 (42 U.S.C.  
7 2996 et seq.) from providing legal assistance directly re-  
8 lated to an application for status under this title or to  
9 an alien granted such status.

10 **SEC. 135. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated to the Sec-  
12 retary, such sums as may be necessary to implement this  
13 title, including any amounts needed for costs associated  
14 with the initiation of such implementation, for each of fis-  
15 cal years 2022 through 2024.

16 **TITLE II—ENSURING AN AGRICULTURAL WORKFORCE FOR**  
17 **CULTURAL WORKFORCE FOR**  
18 **THE FUTURE**

19 **Subtitle A—Reforming the H-2A**  
20 **Temporary Worker Program**

21 **SEC. 201. COMPREHENSIVE AND STREAMLINED ELEC-**  
22 **TRONIC H-2A PLATFORM.**

23 (a) STREAMLINED H-2A PLATFORM.—

24 (1) IN GENERAL.—Not later than 12 months  
25 after the date of the enactment of this Act, the Sec-

1       retary of Homeland Security, in consultation with  
2       the Secretary of Labor, the Secretary of Agriculture,  
3       the Secretary of State, and United States Digital  
4       Service, shall ensure the establishment of an elec-  
5       tronic platform through which a petition for an H-  
6       2A worker may be filed. Such platform shall—

7               (A) serve as a single point of access for an  
8               employer to input all information and sup-  
9               porting documentation required for obtaining  
10              labor certification from the Secretary of Labor  
11              and the adjudication of the H-2A petition by  
12              the Secretary of Homeland Security;

13             (B) serve as a single point of access for the  
14             Secretary of Homeland Security, the Secretary  
15             of Labor, and State workforce agencies to con-  
16             currently perform their respective review and  
17             adjudicatory responsibilities in the H-2A proc-  
18             ess;

19             (C) facilitate communication between em-  
20             ployers and agency adjudicators, including by  
21             allowing employers to—

22                   (i) receive and respond to notices of  
23                   deficiency and requests for information;

24                   (ii) submit requests for inspections  
25                   and licensing;

1 (iii) receive notices of approval and  
2 denial; and

3 (iv) request reconsideration or appeal  
4 of agency decisions; and

5 (D) provide information to the Secretary of  
6 State and U.S. Customs and Border Protection  
7 necessary for the efficient and secure processing  
8 of H-2A visas and applications for admission.

9 (2) OBJECTIVES.—In developing the platform  
10 described in paragraph (1), the Secretary of Home-  
11 land Security, in consultation with the Secretary of  
12 Labor, the Secretary of Agriculture, the Secretary of  
13 State, and United States Digital Service, shall  
14 streamline and improve the H-2A process, including  
15 by—

16 (A) eliminating the need for employers to  
17 submit duplicate information and documenta-  
18 tion to multiple agencies;

19 (B) eliminating redundant processes, where  
20 a single matter in a petition is adjudicated by  
21 more than one agency;

22 (C) reducing the occurrence of common pe-  
23 tition errors, and otherwise improving and expe-  
24 diting the processing of H-2A petitions; and



1 (D) ensuring compliance with H-2A pro-  
2 gram requirements and the protection of the  
3 wages and working conditions of workers.

4 (b) ONLINE JOB REGISTRY.—The Secretary of Labor  
5 shall maintain a national, publicly-accessible online job  
6 registry and database of all job orders submitted by H-  
7 2A employers. The registry and database shall—

8 (1) be searchable using relevant criteria, includ-  
9 ing the types of jobs needed to be filled, the date(s)  
10 and location(s) of need, and the employer(s) named  
11 in the job order;

12 (2) provide an interface for workers in English,  
13 Spanish, and any other language that the Secretary  
14 of Labor determines to be appropriate; and

15 (3) provide for public access of job orders ap-  
16 proved under section 218(h)(2) of the Immigration  
17 and Nationality Act.

18 **SEC. 202. H-2A PROGRAM REQUIREMENTS.**

19 Section 218 of the Immigration and Nationality Act  
20 (8 U.S.C. 1188) is amended to read as follows:

21 **“SEC. 218. ADMISSION OF TEMPORARY H-2A WORKERS.**

22 “(a) LABOR CERTIFICATION CONDITIONS.—The Sec-  
23 retary of Homeland Security may not approve a petition  
24 to admit an H-2A worker unless the Secretary of Labor  
25 has certified that—

1           “(1) there are not sufficient United States  
2 workers who are able, willing and qualified, and who  
3 will be available at the time and place needed, to  
4 perform the agricultural labor or services described  
5 in the petition; and

6           “(2) the employment of the H-2A worker in  
7 such labor or services will not adversely affect the  
8 wages and working conditions of workers in the  
9 United States who are similarly employed.

10          “(b) H-2A PETITION REQUIREMENTS.—An em-  
11 ployer filing a petition for an H-2A worker to perform  
12 agricultural labor or services shall attest to and dem-  
13 onstrate compliance, as and when appropriate, with all ap-  
14 plicable requirements under this section, including the fol-  
15 lowing:

16           “(1) NEED FOR LABOR OR SERVICES.—The em-  
17 ployer has described the need for agricultural labor  
18 or services in a job order that includes a description  
19 of the nature and location of the work to be per-  
20 formed, the material terms and conditions of em-  
21 ployment, the anticipated period or periods (expected  
22 start and end dates) for which the workers will be  
23 needed, and the number of job opportunities in  
24 which the employer seeks to employ the workers.

1           “(2) NONDISPLACEMENT OF UNITED STATES  
2 WORKERS.—The employer has not and will not dis-  
3 place United States workers employed by the em-  
4 ployer during the period of employment of the H-  
5 2A worker and during the 60-day period imme-  
6 diately preceding such period of employment in the  
7 job for which the employer seeks approval to employ  
8 the H-2A worker.

9           “(3) STRIKE OR LOCKOUT.—Each place of em-  
10 ployment described in the petition is not, at the time  
11 of filing the petition and until the petition is ap-  
12 proved, subject to a strike or lockout in the course  
13 of a labor dispute.

14           “(4) RECRUITMENT OF UNITED STATES WORK-  
15 ERS.—The employer shall engage in the recruitment  
16 of United States workers as described in subsection  
17 (c) and shall hire such workers who are able, willing  
18 and qualified, and who will be available at the time  
19 and place needed, to perform the agricultural labor  
20 or services described in the petition. The employer  
21 may reject a United States worker only for lawful,  
22 job-related reasons.

23           “(5) WAGES, BENEFITS, AND WORKING CONDI-  
24 TIONS.—The employer shall offer and provide, at a  
25 minimum, the wages, benefits, and working condi-

1 tions required by this section to the H-2A worker  
2 and all workers who are similarly employed. The em-  
3 ployer—

4 “(A) shall offer such similarly employed  
5 workers not less than the same benefits, wages,  
6 and working conditions that the employer is of-  
7 fering or will provide to the H-2A worker; and

8 “(B) may not impose on such similarly em-  
9 ployed workers any restrictions or obligations  
10 that will not be imposed on the H-2A worker.

11 “(6) WORKERS’ COMPENSATION.—If the job op-  
12 portunity is not covered by or is exempt from the  
13 State workers’ compensation law, the employer shall  
14 provide, at no cost to the worker, insurance covering  
15 injury and disease arising out of, and in the course  
16 of, the worker’s employment which will provide bene-  
17 fits at least equal to those provided under the State  
18 workers’ compensation law.

19 “(7) COMPLIANCE WITH LABOR AND EMPLOY-  
20 MENT LAWS.—The employer shall comply with all  
21 applicable Federal, State and local employment-re-  
22 lated laws and regulations.

23 “(8) COMPLIANCE WITH WORKER PROTEC-  
24 TIONS.—The employer shall comply with section 204  
25 of the Farm Workforce Modernization Act of 2021.

1           “(9) COMPLIANCE WITH FOREIGN LABOR RE-  
2           CRUITMENT LAWS.—The employer shall comply with  
3           subtitle C of title II of the Farm Workforce Mod-  
4           ernization Act of 2021.

5           “(c) RECRUITING REQUIREMENTS.—

6           “(1) IN GENERAL.—The employer may satisfy  
7           the recruitment requirement described in subsection  
8           (b)(4) by satisfying all of the following:

9                   “(A) JOB ORDER.—As provided in sub-  
10                   section (h)(1), the employer shall complete a  
11                   job order for posting on the electronic job reg-  
12                   istry maintained by the Secretary of Labor and  
13                   for distribution by the appropriate State work-  
14                   force agency. Such posting shall remain on the  
15                   job registry as an active job order through the  
16                   period described in paragraph (2)(B).

17                   “(B) FORMER WORKERS.—At least 45  
18                   days before each start date identified in the pe-  
19                   tition, the employer shall—

20                           “(i) make reasonable efforts to con-  
21                           tact any United States worker the em-  
22                           ployer employed in the previous year in the  
23                           same occupation and area of intended em-  
24                           ployment for which an H-2A worker is  
25                           sought (excluding workers who were termi-

1           nated for cause or abandoned the work-  
2           site); and

3           “(ii) post such job opportunity in a  
4           conspicuous location or locations at the  
5           place of employment.

6           “(C) POSITIVE RECRUITMENT.—During  
7           the period of recruitment, the employer shall  
8           complete any other positive recruitment steps  
9           within a multi-State region of traditional or ex-  
10          pected labor supply where the Secretary of  
11          Labor finds that there are a significant number  
12          of qualified United States workers who, if re-  
13          cruited, would be willing to make themselves  
14          available for work at the time and place needed.

15          “(2) PERIOD OF RECRUITMENT.—

16          “(A) IN GENERAL.—For purposes of this  
17          subsection, the period of recruitment begins on  
18          the date on which the job order is posted on the  
19          online job registry and ends on the date that  
20          H-2A workers depart for the employer’s place  
21          of employment. For a petition involving more  
22          than one start date under subsection (h)(1)(C),  
23          the end of the period of recruitment shall be de-  
24          termined by the date of departure of the H-2A

1 workers for the final start date identified in the  
2 petition.

3 “(B) REQUIREMENT TO HIRE US WORK-  
4 ERS.—

5 “(i) IN GENERAL.—Notwithstanding  
6 the limitations of subparagraph (A), the  
7 employer will provide employment to any  
8 qualified United States worker who applies  
9 to the employer for any job opportunity in-  
10 cluded in the petition until the later of—

11 “(I) the date that is 30 days  
12 after the date on which work begins;  
13 or

14 “(II) the date on which—

15 “(aa) 33 percent of the work  
16 contract for the job opportunity  
17 has elapsed; or

18 “(bb) if the employer is a  
19 labor contractor, 50 percent of  
20 the work contract for the job op-  
21 portunity has elapsed.

22 “(ii) STAGGERED ENTRY.—For a peti-  
23 tion involving more than one start date  
24 under subsection (h)(1)(C), each start date  
25 designated in the petition shall establish a

1 separate job opportunity. An employer may  
2 not reject a United States worker because  
3 the worker is unable or unwilling to fill  
4 more than one job opportunity included in  
5 the petition.

6 “(iii) EXCEPTION.—Notwithstanding  
7 clause (i), the employer may offer a job op-  
8 portunity to an H-2A worker instead of an  
9 alien granted certified agricultural worker  
10 status under title I of the Farm Workforce  
11 Modernization Act of 2021 if the H-2A  
12 worker was employed by the employer in  
13 each of 3 years during the most recent 4-  
14 year period.

15 “(3) RECRUITMENT REPORT.—

16 “(A) IN GENERAL.—The employer shall  
17 maintain a recruitment report through the ap-  
18 plicable period described in paragraph (2)(B)  
19 and submit regular updates through the elec-  
20 tronic platform on the results of recruitment.  
21 The employer shall retain the recruitment re-  
22 port, and all associated recruitment documenta-  
23 tion, for a period of 3 years from the date of  
24 certification.



1           “(B) BURDEN OF PROOF.—If the employer  
2           asserts that any eligible individual who has ap-  
3           plied or been referred is not able, willing or  
4           qualified, the employer bears the burden of  
5           proof to establish that the individual is not able,  
6           willing or qualified because of a lawful, employ-  
7           ment-related reason.

8           “(d) WAGE REQUIREMENTS.—

9           “(1) IN GENERAL.—Each employer under this  
10          section will offer the worker, during the period of  
11          authorized employment, wages that are at least the  
12          greatest of—

13                 “(A) the agreed-upon collective bargaining  
14                 wage;

15                 “(B) the adverse effect wage rate (or any  
16                 successor wage established under paragraph  
17                 (7));

18                 “(C) the prevailing wage (hourly wage or  
19                 piece rate); or

20                 “(D) the Federal or State minimum wage.

21          “(2) ADVERSE EFFECT WAGE RATE DETER-  
22          MINATIONS.—

23                 “(A) IN GENERAL.—Except as provided  
24                 under subparagraph (B), the applicable adverse  
25                 effect wage rate for each State and occupational

1 classification for a calendar year shall be as fol-  
2 lows:

3 “(i) The annual average hourly wage  
4 for the occupational classification in the  
5 State or region as reported by the Sec-  
6 retary of Agriculture based on a wage sur-  
7 vey conducted by such Secretary.

8 “(ii) If a wage described in clause (i)  
9 is not reported, the national annual aver-  
10 age hourly wage for the occupational clas-  
11 sification as reported by the Secretary of  
12 Agriculture based on a wage survey con-  
13 ducted by such Secretary.

14 “(iii) If a wage described in clause (i)  
15 or (ii) is not reported, the Statewide an-  
16 nual average hourly wage for the standard  
17 occupational classification as reported by  
18 the Secretary of Labor based on a wage  
19 survey conducted by such Secretary.

20 “(iv) If a wage described in clause (i),  
21 (ii), or (iii) is not reported, the national av-  
22 erage hourly wage for the occupational  
23 classification as reported by the Secretary  
24 of Labor based on a wage survey con-  
25 ducted by such Secretary.

1           “(B) LIMITATIONS ON WAGE FLUCTUA-  
2           TIONS.—

3           “(i) WAGE FREEZE FOR CALENDAR  
4           YEAR 2022.—For calendar year 2022, the  
5           adverse effect wage rate for each State and  
6           occupational classification under this sub-  
7           section shall be the adverse effect wage  
8           rate that was in effect for H-2A workers  
9           in the applicable State on the date of the  
10          introduction of the Farm Workforce Mod-  
11          ernization Act of 2021.

12          “(ii) CALENDAR YEARS 2023 THROUGH  
13          2031.—For each of calendar years 2023  
14          through 2031, the adverse effect wage rate  
15          for each State and occupational classifica-  
16          tion under this subsection shall be the  
17          wage calculated under subparagraph (A),  
18          except that such wage may not—

19                  “(I) be more than 1.5 percent  
20                  lower than the wage in effect for H-  
21                  2A workers in the applicable State  
22                  and occupational classification in the  
23                  immediately preceding calendar year;

24                  “(II) except as provided in clause  
25                  (III), be more than 3.25 percent high-

1 er than the wage in effect for H-2A  
2 workers in the applicable State and  
3 occupational classification in the im-  
4 mediately preceding calendar year;  
5 and

6 “(III) if the application of clause  
7 (II) results in a wage that is lower  
8 than 110 percent of the applicable  
9 Federal or State minimum wage, be  
10 more than 4.25 percent higher than  
11 the wage in effect for H-2A workers  
12 in the applicable State and occupa-  
13 tional classification in the immediately  
14 preceding calendar year.

15 “(iii) CALENDAR YEARS AFTER  
16 2031.—For any calendar year after 2031,  
17 the applicable wage rate described in para-  
18 graph (1)(B) shall be the wage rate estab-  
19 lished pursuant to paragraph (7)(D). Until  
20 such wage rate is effective, the adverse ef-  
21 fect wage rate for each State and occupa-  
22 tional classification under this subsection  
23 shall be the wage calculated under sub-  
24 paragraph (A), except that such wage may  
25 not be more than 1.5 percent lower or 3.25

1                   percent higher than the wage in effect for  
2                   H-2A workers in the applicable State and  
3                   occupational classification in the imme-  
4                   diately preceding calendar year.

5                   “(3) MULTIPLE OCCUPATIONS.—If the primary  
6                   job duties for the job opportunity described in the  
7                   petition do not fall within a single occupational clas-  
8                   sification, the applicable wage rates under subpara-  
9                   graphs (B) and (C) of paragraph (1) for the job op-  
10                  portunity shall be based on the highest such wage  
11                  rates for all applicable occupational classifications.

12                  “(4) PUBLICATION; WAGES IN EFFECT.—

13                  “(A) PUBLICATION.—Prior to the start of  
14                  each calendar year, the Secretary of Labor shall  
15                  publish the applicable adverse effect wage rate  
16                  (or successor wage rate, if any), and prevailing  
17                  wage if available, for each State and occupa-  
18                  tional classification through notice in the Fed-  
19                  eral Register.

20                  “(B) JOB ORDERS IN EFFECT.—Except as  
21                  provided in subparagraph (C), publication by  
22                  the Secretary of Labor of an updated adverse  
23                  effect wage rate or prevailing wage for a State  
24                  and occupational classification shall not affect  
25                  the wage rate guaranteed in any approved job

1 order for which recruitment efforts have com-  
2 menced at the time of publication.

3 “(C) EXCEPTION FOR YEAR-ROUND  
4 JOBS.—If the Secretary of Labor publishes an  
5 updated adverse effect wage rate or prevailing  
6 wage for a State and occupational classification  
7 concerning a petition described in subsection  
8 (i), and the updated wage is higher than the  
9 wage rate guaranteed in the work contract, the  
10 employer shall pay the updated wage not later  
11 than 14 days after publication of the updated  
12 wage in the Federal Register.

13 “(5) WORKERS PAID ON A PIECE RATE OR  
14 OTHER INCENTIVE BASIS.—If an employer pays by  
15 the piece rate or other incentive method and requires  
16 one or more minimum productivity standards as a  
17 condition of job retention, such standards shall be  
18 specified in the job order and shall be no more than  
19 those normally required (at the time of the first peti-  
20 tion for H-2A workers) by other employers for the  
21 activity in the area of intended employment, unless  
22 the Secretary of Labor approves a higher minimum  
23 standard resulting from material changes in produc-  
24 tion methods.

25 “(6) GUARANTEE OF EMPLOYMENT.—

1           “(A) OFFER TO WORKER.—The employer  
2 shall guarantee the worker employment for the  
3 hourly equivalent of at least three-fourths of the  
4 work days of the total period of employment,  
5 beginning with the first work day after the ar-  
6 rival of the worker at the place of employment  
7 and ending on the date specified in the job  
8 offer. For purposes of this subparagraph, the  
9 hourly equivalent means the number of hours in  
10 the work days as stated in the job offer and  
11 shall exclude the worker’s Sabbath and Federal  
12 holidays. If the employer affords the worker less  
13 employment than that required under this para-  
14 graph, the employer shall pay the worker the  
15 amount which the worker would have earned  
16 had the worker, in fact, worked for the guaran-  
17 teed number of hours.

18           “(B) FAILURE TO WORK.—Any hours  
19 which the worker fails to work, up to a max-  
20 imum of the number of hours specified in the  
21 job offer for a work day, when the worker has  
22 been offered an opportunity to do so, and all  
23 hours of work actually performed (including vol-  
24 untary work in excess of the number of hours  
25 specified in the job offer in a work day, on the

1 worker's Sabbath, or on Federal holidays) may  
2 be counted by the employer in calculating  
3 whether the period of guaranteed employment  
4 has been met.

5 “(C) ABANDONMENT OF EMPLOYMENT;  
6 TERMINATION FOR CAUSE.—If the worker vol-  
7 untarily abandons employment without good  
8 cause before the end of the contract period, or  
9 is terminated for cause, the worker is not enti-  
10 tled to the guarantee of employment described  
11 in subparagraph (A).

12 “(D) CONTRACT IMPOSSIBILITY.—If, be-  
13 fore the expiration of the period of employment  
14 specified in the job offer, the services of the  
15 worker are no longer required for reasons be-  
16 yond the control of the employer due to any  
17 form of natural disaster before the guarantee in  
18 subparagraph (A) is fulfilled, the employer may  
19 terminate the worker's employment. In the  
20 event of such termination, the employer shall  
21 fulfill the employment guarantee in subpara-  
22 graph (A) for the work days that have elapsed  
23 from the first work day after the arrival of the  
24 worker to the termination of employment. The  
25 employer shall make efforts to transfer a work-



1 er to other comparable employment acceptable  
2 to the worker. If such transfer is not affected,  
3 the employer shall provide the return transpor-  
4 tation required in subsection (f)(2).

5 “(7) WAGE STANDARDS AFTER 2031.—

6 “(A) STUDY OF ADVERSE EFFECT WAGE  
7 RATE.—Beginning in fiscal year 2028, the Sec-  
8 retary of Agriculture and Secretary of Labor  
9 shall jointly conduct a study that addresses—

10 “(i) whether the employment of H–2A  
11 workers has depressed the wages of United  
12 States farm workers;

13 “(ii) whether an adverse effect wage  
14 rate is necessary to protect the wages of  
15 United States farm workers in occupations  
16 in which H–2A workers are employed;

17 “(iii) whether alternative wage stand-  
18 ards would be sufficient to prevent wages  
19 in occupations in which H–2A workers are  
20 employed from falling below the wage level  
21 that would have prevailed in the absence of  
22 H–2A employment;

23 “(iv) whether any changes are war-  
24 ranted in the current methodologies for

1 calculating the adverse effect wage rate  
2 and the prevailing wage rate; and

3 “(v) recommendations for future wage  
4 protection under this section.

5 “(B) FINAL REPORT.—Not later than Oc-  
6 tober 1, 2029, the Secretary of Agriculture and  
7 Secretary of Labor shall jointly prepare and  
8 submit a report to the Congress setting forth  
9 the findings of the study conducted under sub-  
10 paragraph (A) and recommendations for future  
11 wage protections under this section.

12 “(C) CONSULTATION.—In conducting the  
13 study under subparagraph (A) and preparing  
14 the report under subparagraph (B), the Sec-  
15 retary of Agriculture and Secretary of Labor  
16 shall consult with representatives of agricultural  
17 employers and an equal number of representa-  
18 tives of agricultural workers, at the national,  
19 State and local level.

20 “(D) WAGE DETERMINATION AFTER  
21 2031.—Upon publication of the report described  
22 in subparagraph (B), the Secretary of Labor, in  
23 consultation with and the approval of the Sec-  
24 retary of Agriculture, shall make a rule to es-  
25 tablish a process for annually determining the

1 wage rate for purposes of paragraph (1)(B) for  
2 fiscal years after 2031. Such process shall be  
3 designed to ensure that the employment of H-  
4 2A workers does not undermine the wages and  
5 working conditions of similarly employed United  
6 States workers.

7 “(e) HOUSING REQUIREMENTS.—Employers shall  
8 furnish housing in accordance with regulations established  
9 by the Secretary of Labor. Such regulations shall be con-  
10 sistent with the following:

11 “(1) IN GENERAL.—The employer shall be per-  
12 mitted at the employer’s option to provide housing  
13 meeting applicable Federal standards for temporary  
14 labor camps or to secure housing which meets the  
15 local standards for rental and/or public accommoda-  
16 tions or other substantially similar class of habi-  
17 tation: Provided, That in the absence of applicable  
18 local standards, State standards for rental and/or  
19 public accommodations or other substantially similar  
20 class of habitation shall be met: Provided further,  
21 That in the absence of applicable local or State  
22 standards, Federal temporary labor camp standards  
23 shall apply.

24 “(2) FAMILY HOUSING.—Except as otherwise  
25 provided in subsection (i)(5), the employer shall pro-

1       vide family housing to workers with families who re-  
2       quest it when it is the prevailing practice in the area  
3       and occupation of intended employment to provide  
4       family housing.

5           “(3) UNITED STATES WORKERS.—Notwith-  
6       standing paragraphs (1) and (2), an employer is not  
7       required to provide housing to United States work-  
8       ers who are reasonably able to return to their resi-  
9       dence within the same day.

10          “(4) TIMING OF INSPECTION.—

11           “(A) IN GENERAL.—The Secretary of  
12       Labor or designee shall make a determination  
13       as to whether the housing furnished by an em-  
14       ployer for a worker meets the requirements im-  
15       posed by this subsection prior to the date on  
16       which the Secretary of Labor is required to  
17       make a certification with respect to a petition  
18       for the admission of such worker.

19           “(B) TIMELY INSPECTION.—The Secretary  
20       of Labor shall provide a process for—

21           “(i) an employer to request inspection  
22       of housing up to 60 days before the date  
23       on which the employer will file a petition  
24       under this section; and

1                   “(ii) annual inspection of housing for  
2                   workers who are engaged in agricultural  
3                   employment that is not of a seasonal or  
4                   temporary nature.

5                   “(f) TRANSPORTATION REQUIREMENTS.—

6                   “(1) TRAVEL TO PLACE OF EMPLOYMENT.—A  
7                   worker who completes 50 percent of the period of  
8                   employment specified in the job order shall be reim-  
9                   bursed by the employer for the cost of the worker’s  
10                  transportation and subsistence from the place from  
11                  which the worker came to work for the employer (or  
12                  place of last employment, if the worker traveled  
13                  from such place) to the place of employment.

14                  “(2) TRAVEL FROM PLACE OF EMPLOYMENT.—  
15                  For a worker who completes the period of employ-  
16                  ment specified in the job order or who is terminated  
17                  without cause, the employer shall provide or pay for  
18                  the worker’s transportation and subsistence from the  
19                  place of employment to the place from which the  
20                  worker, disregarding intervening employment, came  
21                  to work for the employer, or to the place of next em-  
22                  ployment, if the worker has contracted with a subse-  
23                  quent employer who has not agreed to provide or  
24                  pay for the worker’s transportation and subsistence  
25                  to such subsequent employer’s place of employment.

1 “(3) LIMITATION.—

2 “(A) AMOUNT OF REIMBURSEMENT.—Ex-  
3 cept as provided in subparagraph (B), the  
4 amount of reimbursement provided under para-  
5 graph (1) or (2) to a worker need not exceed  
6 the lesser of—

7 “(i) the actual cost to the worker of  
8 the transportation and subsistence in-  
9 volved; or

10 “(ii) the most economical and reason-  
11 able common carrier transportation  
12 charges and subsistence costs for the dis-  
13 tance involved.

14 “(B) DISTANCE TRAVELED.—For travel to  
15 or from the worker’s home country, if the travel  
16 distance between the worker’s home and the rel-  
17 evant consulate is 50 miles or less, reimburse-  
18 ment for transportation and subsistence may be  
19 based on transportation to or from the con-  
20 sulate.

21 “(g) HEAT ILLNESS PREVENTION PLAN.—

22 “(1) IN GENERAL.—The employer shall main-  
23 tain a reasonable plan that describes the employer’s  
24 procedures for the prevention of heat illness, includ-  
25 ing appropriate training, access to water and shade,

1 the provision of breaks, and the protocols for emer-  
2 gency response. Such plan shall—

3 “(A) be in writing in English and, to the  
4 extent necessary, any language common to a  
5 significant portion of the workers if they are  
6 not fluent in English; and

7 “(B) be posted at a conspicuous location at  
8 the worksite and provided to employees prior to  
9 the commencement of labor or services.

10 “(2) CLARIFICATION.—Nothing in this sub-  
11 section is intended to limit any other Federal or  
12 State authority to promulgate, enforce, or maintain  
13 health and safety standards related to heat-related  
14 illness.

15 “(h) H-2A PETITION PROCEDURES.—

16 “(1) SUBMISSION OF PETITION AND JOB  
17 ORDER.—

18 “(A) IN GENERAL.—The employer shall  
19 submit information required for the adjudica-  
20 tion of the H-2A petition, including a job  
21 order, through the electronic platform no more  
22 than 75 calendar days and no fewer than 60  
23 calendar days before the employer’s first date of  
24 need specified in the petition.

1           “(B) FILING BY AGRICULTURAL ASSOCIA-  
2           TIONS.—An association of agricultural pro-  
3           ducers that use agricultural services may file an  
4           H-2A petition under subparagraph (A). If an  
5           association is a joint or sole employer of work-  
6           ers who perform agricultural labor or services,  
7           H-2A workers may be used for the approved  
8           job opportunities of any of the association’s  
9           producer members and such workers may be  
10          transferred among its producer members to per-  
11          form the agricultural labor or services for which  
12          the petition was approved.

13           “(C) PETITIONS INVOLVING STAGGERED  
14          ENTRY.—

15           “(i) IN GENERAL.—Except as pro-  
16          vided in clause (ii), an employer may file  
17          a petition involving employment in the  
18          same occupational classification and same  
19          area of intended employment with multiple  
20          start dates if—

21                   “(I) the petition involves tem-  
22                   porary or seasonal employment and no  
23                   more than 10 start dates;

24                   “(II) the multiple start dates  
25                   share a common end date;



1                   “(III) no more than 120 days  
2                   separate the first start date and the  
3                   final start date listed in the petition;  
4                   and

5                   “(IV) the need for multiple start  
6                   dates arises from variations in labor  
7                   needs associated with the job oppor-  
8                   tunity identified in the petition.

9                   “(ii) LABOR CONTRACTORS.—A labor  
10                  contractor may not file a petition described  
11                  in clause (i) unless the labor contractor—

12                  “(I) is filing as a joint employer  
13                  with its contractees, or is operating in  
14                  a State in which joint employment  
15                  and liability between the labor con-  
16                  tractor and its contractees is other-  
17                  wise established; or

18                  “(II) has posted and is maintain-  
19                  ing a premium surety bond as de-  
20                  scribed in subsection (1)(1).

21                  “(2) LABOR CERTIFICATION.—

22                  “(A) REVIEW OF JOB ORDER.—

23                  “(i) IN GENERAL.—The Secretary of  
24                  Labor, in consultation with the relevant  
25                  State workforce agency, shall review the

1 job order for compliance with this section  
2 and notify the employer through the elec-  
3 tronic platform of any deficiencies not later  
4 than 7 business days from the date the  
5 employer submits the necessary informa-  
6 tion required under paragraph (1)(A). The  
7 employer shall be provided 5 business days  
8 to respond to any such notice of deficiency.

9 “(ii) STANDARD.—The job order must  
10 include all material terms and conditions  
11 of employment, including the requirements  
12 of this section, and must be otherwise con-  
13 sistent with the minimum standards pro-  
14 vided under Federal, State or local law. In  
15 considering the question of whether a spe-  
16 cific qualification is appropriate in a job  
17 order, the Secretary of Labor shall apply  
18 the normal and accepted qualification re-  
19 quired by non-H-2A employers in the  
20 same or comparable occupations and crops.

21 “(iii) EMERGENCY PROCEDURES.—  
22 The Secretary of Labor shall establish  
23 emergency procedures for the curing of de-  
24 ficiencies that cannot be resolved during  
25 the period described in clause (i).

1 “(B) APPROVAL OF JOB ORDER.—

2 “(i) IN GENERAL.—Upon approval of  
3 the job order, the Secretary of Labor shall  
4 immediately place for public examination a  
5 copy of the job order on the online job reg-  
6 istry, and the State workforce agency serv-  
7 ing the area of intended employment shall  
8 commence the recruitment of United  
9 States workers.

10 “(ii) REFERRAL OF UNITED STATES  
11 WORKERS.—The Secretary of Labor and  
12 State workforce agency shall keep the job  
13 order active until the end of the period de-  
14 scribed in subsection (c)(2) and shall refer  
15 to the employer each United States worker  
16 who applies for the job opportunity.

17 “(C) REVIEW OF INFORMATION FOR DEFICI-  
18 CIENCIES.—Within 7 business days of the ap-  
19 proval of the job order, the Secretary of Labor  
20 shall review the information necessary to make  
21 a labor certification and notify the employer  
22 through the electronic platform if such informa-  
23 tion does not meet the standards for approval.  
24 Such notification shall include a description of

1 any deficiency, and the employer shall be pro-  
2 vided 5 business days to cure such deficiency.

3 “(D) CERTIFICATION AND AUTHORIZATION  
4 OF WORKERS.—Not later than 30 days before  
5 the date that labor or services are first required  
6 to be performed, the Secretary of Labor shall  
7 issue the requested labor certification if the  
8 Secretary determines that the requirements set  
9 forth in this section have been met.

10 “(E) EXPEDITED ADMINISTRATIVE AP-  
11 PEALS OF CERTAIN DETERMINATIONS.—The  
12 Secretary of Labor shall by regulation establish  
13 a procedure for an employer to request the ex-  
14 pedited review of a denial of a labor certifi-  
15 cation under this section, or the revocation of  
16 such a certification. Such procedure shall re-  
17 quire the Secretary to expeditiously, but no  
18 later than 72 hours after expedited review is re-  
19 quested, issue a de novo determination on a  
20 labor certification that was denied in whole or  
21 in part because of the availability of able, will-  
22 ing and qualified workers if the employer dem-  
23 onstrates, consistent with subsection (c)(3)(B),  
24 that such workers are not actually available at

1 the time or place such labor or services are re-  
2 quired.

3 “(3) PETITION DECISION.—

4 “(A) IN GENERAL.—Not later than 7 busi-  
5 ness days after the Secretary of Labor issues  
6 the certification, the Secretary of Homeland Se-  
7 curity shall issue a decision on the petition and  
8 shall transmit a notice of action to the peti-  
9 tioner via the electronic platform.

10 “(B) APPROVAL.—Upon approval of a pe-  
11 tition under this section, the Secretary of  
12 Homeland Security shall ensure that such ap-  
13 proval is noted in the electronic platform and is  
14 available to the Secretary of State and U.S.  
15 Customs and Border Protection, as necessary,  
16 to facilitate visa issuance and admission.

17 “(C) PARTIAL APPROVAL.—A petition for  
18 multiple named beneficiaries may be partially  
19 approved with respect to eligible beneficiaries  
20 notwithstanding the ineligibility, or potential in-  
21 eligibility, of one or more other beneficiaries.

22 “(D) POST-CERTIFICATION AMEND-  
23 MENTS.—The Secretary of Labor shall provide  
24 a process for amending a request for labor cer-  
25 tification in conjunction with an H-2A petition,

1 subsequent to certification by the Secretary of  
2 Labor, in cases in which the requested amend-  
3 ment does not materially change the petition  
4 (including the job order).

5 “(4) ROLES OF AGRICULTURAL ASSOCIA-  
6 TIONS.—

7 “(A) MEMBER’S VIOLATION DOES NOT  
8 NECESSARILY DISQUALIFY ASSOCIATION OR  
9 OTHER MEMBERS.—If an individual producer  
10 member of a joint employer association is deter-  
11 mined to have committed an act that results in  
12 the denial of a petition with respect to the  
13 member, the denial shall apply only to that  
14 member of the association unless the Secretary  
15 of Labor determines that the association or  
16 other member participated in, had knowledge  
17 of, or reason to know of, the violation.

18 “(B) ASSOCIATION’S VIOLATION DOES NOT  
19 NECESSARILY DISQUALIFY MEMBERS.—

20 “(i) If an association representing ag-  
21 ricultural producers as a joint employer is  
22 determined to have committed an act that  
23 results in the denial of a petition with re-  
24 spect to the association, the denial shall  
25 apply only to the association and does not

1 apply to any individual producer member  
2 of the association unless the Secretary of  
3 Labor determines that the member partici-  
4 pated in, had knowledge of, or reason to  
5 know of, the violation.

6 “(ii) If an association of agricultural  
7 producers certified as a sole employer is  
8 determined to have committed an act that  
9 results in the denial of a petition with re-  
10 spect to the association, no individual pro-  
11 ducer member of such association may be  
12 the beneficiary of the services of H-2A  
13 workers in the commodity and occupation  
14 in which such aliens were employed by the  
15 association which was denied during the  
16 period such denial is in force, unless such  
17 producer member employs such aliens in  
18 the commodity and occupation in question  
19 directly or through an association which is  
20 a joint employer of such workers with the  
21 producer member.

22 “(5) SPECIAL PROCEDURES.—The Secretary of  
23 Labor, in consultation with the Secretary of Agri-  
24 culture and Secretary of Homeland Security, may by  
25 regulation establish alternate procedures that rea-

1 sonably modify program requirements under this  
2 section, when the Secretary determines that such  
3 modifications are required due to the unique nature  
4 of the work involved.

5 “(6) CONSTRUCTION OCCUPATIONS.—An em-  
6 ployer may not file a petition under this section on  
7 behalf of a worker if the majority of the worker’s  
8 duties will fall within a construction or extraction oc-  
9 cupational classification.

10 “(i) NON-TEMPORARY OR -SEASONAL NEEDS.—

11 “(1) IN GENERAL.—Notwithstanding the re-  
12 quirement in section 101(a)(15)(H)(ii)(a) that the  
13 agricultural labor or services performed by an H–2A  
14 worker be of a temporary or seasonal nature, the  
15 Secretary of Homeland Security may, consistent  
16 with the provisions of this subsection, approve a pe-  
17 tition for an H–2A worker to perform agricultural  
18 services or labor that is not of a temporary or sea-  
19 sonal nature.

20 “(2) NUMERICAL LIMITATIONS.—

21 “(A) FIRST 3 FISCAL YEARS.—The total  
22 number of aliens who may be issued visas or  
23 otherwise provided H–2A nonimmigrant status  
24 under paragraph (1) for the first fiscal year  
25 during which the first visa is issued under such



1 paragraph and for each of the following two fis-  
2 cal years may not exceed 20,000.

3 “(B) FISCAL YEARS 4 THROUGH 10.—

4 “(i) IN GENERAL.—The total number  
5 of aliens who may be issued visas or other-  
6 wise provided H-2A nonimmigrant status  
7 under paragraph (1) for the first fiscal  
8 year following the fiscal years referred to  
9 in subparagraph (A) and for each of the  
10 following 6 fiscal years may not exceed a  
11 numerical limitation jointly imposed by the  
12 Secretary of Agriculture and Secretary of  
13 Labor in accordance with clause (ii).

14 “(ii) ANNUAL ADJUSTMENTS.—For  
15 each fiscal year referred to in clause (i),  
16 the Secretary of Agriculture and Secretary  
17 of Labor, in consultation with the Sec-  
18 retary of Homeland Security, shall estab-  
19 lish a numerical limitation for purposes of  
20 clause (i). Such numerical limitation may  
21 not be lower 20,000 and may not vary by  
22 more than 12.5 percent compared to the  
23 numerical limitation applicable to the im-  
24 mediately preceding fiscal year. In estab-  
25 lishing such numerical limitation, the Sec-

1           retaries shall consider appropriate factors,  
2           including—

3                   “(I) a demonstrated shortage of  
4                   agricultural workers;

5                   “(II) the level of unemployment  
6                   and underemployment of agricultural  
7                   workers during the preceding fiscal  
8                   year;

9                   “(III) the number of H–2A work-  
10                  ers sought by employers during the  
11                  preceding fiscal year to engage in ag-  
12                  ricultural labor or services not of a  
13                  temporary or seasonal nature;

14                  “(IV) the number of such H–2A  
15                  workers issued a visa in the most re-  
16                  cent fiscal year who remain in the  
17                  United States in compliance with the  
18                  terms of such visa;

19                  “(V) the estimated number of  
20                  United States workers, including  
21                  workers who obtained certified agri-  
22                  cultural worker status under title I of  
23                  the Farm Workforce Modernization  
24                  Act of 2021, who worked during the  
25                  preceding fiscal year in agricultural

1 labor or services not of a temporary  
2 or seasonal nature;

3 “(VI) the number of such United  
4 States workers who accepted jobs of-  
5 fered by employers using the online  
6 job registry during the preceding fis-  
7 cal year;

8 “(VII) any growth or contraction  
9 of the United States agricultural in-  
10 dustry that has increased or decreased  
11 the demand for agricultural workers;  
12 and

13 “(VIII) any changes in the real  
14 wages paid to agricultural workers in  
15 the United States as an indication of  
16 a shortage or surplus of agricultural  
17 labor.

18 “(C) SUBSEQUENT FISCAL YEARS.—For  
19 each fiscal year following the fiscal years re-  
20 ferred to in subparagraph (B), the Secretary of  
21 Agriculture and Secretary of Labor shall jointly  
22 determine, in consultation with the Secretary of  
23 Homeland Security, and after considering ap-  
24 propriate factors, including those factors listed  
25 in subclauses (I) through (VIII) of subpara-

1 graph (B)(ii), whether to establish a numerical  
2 limitation for that fiscal year. If a numerical  
3 limitation is so established—

4 “(i) such numerical limitation may  
5 not be lower than highest number of aliens  
6 admitted under this subsection in any of  
7 the three fiscal years immediately pre-  
8 ceding the fiscal year for which the numer-  
9 ical limitation is to be established; and

10 “(ii) the total number of aliens who  
11 may be issued visas or otherwise provided  
12 H-2A nonimmigrant status under para-  
13 graph (1) for that fiscal year may not ex-  
14 ceed such numerical limitation.

15 “(D) EMERGENCY PROCEDURES.—The  
16 Secretary of Agriculture and Secretary of  
17 Labor, in consultation with the Secretary of  
18 Homeland Security, shall jointly establish by  
19 regulation procedures for immediately adjusting  
20 a numerical limitation imposed under subpara-  
21 graph (B) or (C) to account for significant  
22 labor shortages.

23 “(3) ALLOCATION OF VISAS.—

24 “(A) BI-ANNUAL ALLOCATION.—The an-  
25 nual allocation of visas described in paragraph

1 (2) shall be evenly allocated between two halves  
2 of the fiscal year unless the Secretary of Home-  
3 land Security, in consultation with the Sec-  
4 retary of Agriculture and Secretary of Labor,  
5 determines that an alternative allocation would  
6 better accommodate demand for visas. Any un-  
7 used visas in the first half of the fiscal year  
8 shall be added to the allocation for the subse-  
9 quent half of the same fiscal year.

10 “(B) RESERVE FOR DAIRY LABOR OR  
11 SERVICES.—

12 “(i) IN GENERAL.—Of the visa num-  
13 bers made available in each half of the fis-  
14 cal year pursuant to subparagraph (A), 50  
15 percent of such visas shall be reserved for  
16 employers filing petitions seeking H-2A  
17 workers to engage in agricultural labor or  
18 services in the dairy industry.

19 “(ii) EXCEPTION.—If, after 4 months  
20 have elapsed in one half of the fiscal year,  
21 the Secretary of Homeland Security deter-  
22 mines that application of clause (i) will re-  
23 sult in visas going unused during that half  
24 of the fiscal year, clause (i) shall not apply

1 to visas under this paragraph during the  
2 remainder of such calendar half.

3 “(C) LIMITED ALLOCATION FOR CERTAIN  
4 SPECIAL PROCEDURES INDUSTRIES.—

5 “(i) IN GENERAL.—Notwithstanding  
6 the numerical limitations under paragraph  
7 (2), up to 500 aliens may be issued visas  
8 or otherwise provided H–2A nonimmigrant  
9 status under paragraph (1) in a fiscal year  
10 for range sheep or goat herding.

11 “(ii) LIMITATION.—The total number  
12 of aliens in the United States in valid H–  
13 2A status under clause (i) at any one time  
14 may not exceed 500.

15 “(iii) CLARIFICATION.—Any visas  
16 issued under this subparagraph may not be  
17 considered for purposes of the annual ad-  
18 justments under subparagraphs (B) and  
19 (C) of paragraph (2).

20 “(4) ANNUAL ROUND TRIP HOME.—

21 “(A) IN GENERAL.—In addition to the  
22 other requirements of this section, an employer  
23 shall provide H–2A workers employed under  
24 this subsection, at no cost to such workers, with  
25 annual round trip travel, including transpor-

1           tation and subsistence during travel, to their  
2           homes in their communities of origin. The em-  
3           ployer must provide such travel within 14  
4           months of the initiation of the worker’s employ-  
5           ment, and no more than 14 months can elapse  
6           between each required period of travel.

7           “(B) LIMITATION.—The cost of travel  
8           under subparagraph (A) need not exceed the  
9           lesser of—

10                   “(i) the actual cost to the worker of  
11                   the transportation and subsistence in-  
12                   volved; or

13                   “(ii) the most economical and reason-  
14                   able common carrier transportation  
15                   charges and subsistence costs for the dis-  
16                   tance involved.

17           “(5) FAMILY HOUSING.—An employer seeking  
18           to employ an H-2A worker pursuant to this sub-  
19           section shall offer family housing to workers with  
20           families if such workers are engaged in agricultural  
21           employment that is not of a seasonal or temporary  
22           nature. The worker may reject such an offer. The  
23           employer may not charge the worker for the work-  
24           er’s housing, except that if the worker accepts family  
25           housing, a prorated rent based on the fair market

1 value for such housing may be charged for the work-  
2 er's family members.

3 “(6) WORKPLACE SAFETY PLAN FOR DAIRY EM-  
4 PLOYEES.—

5 “(A) IN GENERAL.—If an employer is  
6 seeking to employ a worker in agricultural labor  
7 or services in the dairy industry pursuant to  
8 this subsection, the employer must report inci-  
9 dents consistent with the requirements under  
10 section 1904.39 of title 29, Code of Federal  
11 Regulations, and maintain an effective worksite  
12 safety and compliance plan to prevent work-  
13 place accidents and otherwise ensure safety.  
14 Such plan shall—

15 “(i) be in writing in English and, to  
16 the extent necessary, any language com-  
17 mon to a significant portion of the workers  
18 if they are not fluent in English; and

19 “(ii) be posted at a conspicuous loca-  
20 tion at the worksite and provided to em-  
21 ployees prior to the commencement of  
22 labor or services.

23 “(B) CONTENTS OF PLAN.—The Secretary  
24 of Labor, in consultation with the Secretary of  
25 Agriculture, shall establish by regulation the



1 minimum requirements for the plan described  
2 in subparagraph (A). Such plan shall include  
3 measures to—

4 “(i) require workers (other than the  
5 employer’s family members) whose posi-  
6 tions require contact with animals to com-  
7 plete animal care training, including ani-  
8 mal handling and job-specific animal care;

9 “(ii) protect against sexual harass-  
10 ment and violence, resolve complaints in-  
11 volving harassment or violence, and protect  
12 against retaliation against workers report-  
13 ing harassment or violence; and

14 “(iii) contain other provisions nec-  
15 essary for ensuring workplace safety, as  
16 determined by the Secretary of Labor, in  
17 consultation with the Secretary of Agri-  
18 culture.

19 “(C) CLARIFICATION.—Nothing in this  
20 paragraph is intended to apply to persons or  
21 entities that are not seeking to employ workers  
22 under this section. Nothing in this paragraph is  
23 intended to limit any other Federal or State au-  
24 thority to promulgate, enforce, or maintain

1 health and safety standards related to the dairy  
2 industry.

3 “(j) ELIGIBILITY FOR H-2A STATUS AND ADMISSION  
4 TO THE UNITED STATES.—

5 “(1) DISQUALIFICATION.—An alien shall be in-  
6 eligible for admission to the United States as an H-  
7 2A worker pursuant to a petition filed under this  
8 section if the alien was admitted to the United  
9 States as an H-2A worker within the past 5 years  
10 of the date the petition was filed and—

11 “(A) violated a material provision of this  
12 section, including the requirement to promptly  
13 depart the United States when the alien’s au-  
14 thorized period of admission has expired, unless  
15 the alien has good cause for such failure to de-  
16 part; or

17 “(B) otherwise violated a term or condition  
18 of admission into the United States as an H-  
19 2A worker.

20 “(2) VISA VALIDITY.—A visa issued to an H-  
21 2A worker shall be valid for 3 years and shall allow  
22 for multiple entries during the approved period of  
23 admission.

24 “(3) PERIOD OF AUTHORIZED STAY; ADMIS-  
25 SION.—

1           “(A) IN GENERAL.—An alien admissible as  
2 an H–2A worker shall be authorized to stay in  
3 the United States for the period of employment  
4 specified in the petition approved by the Sec-  
5 retary of Homeland Security under this section.  
6 The maximum continuous period of authorized  
7 stay for an H–2A worker is 36 months.

8           “(B) REQUIREMENT TO REMAIN OUTSIDE  
9 THE UNITED STATES.—In the case of an H–2A  
10 worker whose maximum continuous period of  
11 authorized stay (including any extensions) has  
12 expired, the alien may not again be eligible for  
13 such stay until the alien remains outside the  
14 United States for a cumulative period of at  
15 least 45 days.

16           “(C) EXCEPTIONS.—The Secretary of  
17 Homeland Security shall deduct absences from  
18 the United States that take place during an H–  
19 2A worker’s period of authorized stay from the  
20 period that the alien is required to remain out-  
21 side the United States under subparagraph (B),  
22 if the alien or the alien’s employer requests  
23 such a deduction, and provides clear and con-  
24 vincing proof that the alien qualifies for such a  
25 deduction. Such proof shall consist of evidence

1 including, but not limited to, arrival and depart-  
2 ture records, copies of tax returns, and records  
3 of employment abroad.

4 “(D) ADMISSION.—In addition to the max-  
5 imum continuous period of authorized stay, an  
6 H-2A worker’s authorized period of admission  
7 shall include an additional period of 10 days  
8 prior to the beginning of the period of employ-  
9 ment for the purpose of traveling to the place  
10 of employment and 45 days at the end of the  
11 period of employment for the purpose of trav-  
12 eling home or seeking an extension of status  
13 based on a subsequent offer of employment if  
14 the worker has not reached the maximum con-  
15 tinuous period of authorized stay under sub-  
16 paragraph (A) (subject to the exceptions in sub-  
17 paragraph (C)).

18 “(4) CONTINUING H-2A WORKERS.—

19 “(A) SUCCESSIVE EMPLOYMENT.—An H-  
20 2A worker is authorized to start new or concu-  
21 rent employment upon the filing of a nonfrivo-  
22 lous H-2A petition, or as of the requested start  
23 date, whichever is later if—

24 “(i) the petition to start new or con-  
25 current employment was filed prior to the

1 expiration of the H–2A worker’s period of  
2 admission as defined in paragraph (3)(D);  
3 and

4 “(ii) the H–2A worker has not been  
5 employed without authorization in the  
6 United States from the time of last admis-  
7 sion to the United States in H–2A status  
8 through the filing of the petition for new  
9 employment.

10 “(B) PROTECTION DUE TO IMMIGRANT  
11 VISA BACKLOGS.—Notwithstanding the limita-  
12 tions on the period of authorized stay described  
13 in paragraph (3), any H–2A worker who—

14 “(i) is the beneficiary of an approved  
15 petition, filed under section 204(a)(1)(E)  
16 or (F) for preference status under section  
17 203(b)(3)(A)(iii); and

18 “(ii) is eligible to be granted such sta-  
19 tus but for the annual limitations on visas  
20 under section 203(b)(3)(A),

21 may apply for, and the Secretary of Homeland  
22 Security may grant, an extension of such non-  
23 immigrant status until the Secretary of Home-  
24 land Security issues a final administrative deci-  
25 sion on the alien’s application for adjustment of

1 status or the Secretary of State issues a final  
2 decision on the alien’s application for an immi-  
3 grant visa.

4 “(5) ABANDONMENT OF EMPLOYMENT.—

5 “(A) IN GENERAL.—Except as provided in  
6 subparagraph (B), an H–2A worker who aban-  
7 dons the employment which was the basis for  
8 the worker’s authorized stay, without good  
9 cause, shall be considered to have failed to  
10 maintain H–2A status and shall depart the  
11 United States or be subject to removal under  
12 section 237(a)(1)(C)(i).

13 “(B) GRACE PERIOD TO SECURE NEW EM-  
14 PLOYMENT.—An H–2A worker shall not be con-  
15 sidered to have failed to maintain H–2A status  
16 solely on the basis of a cessation of the employ-  
17 ment on which the alien’s classification was  
18 based for a period of 45 consecutive days, or  
19 until the end of the authorized validity period,  
20 whichever is shorter, once during each author-  
21 ized validity period.

22 “(k) REQUIRED DISCLOSURES.—

23 “(1) DISCLOSURE OF WORK CONTRACT.—Not  
24 later than the time the H–2A worker applies for a  
25 visa, the employer shall provide the worker with a

1 copy of the work contract that includes the disclo-  
2 sures and rights under this section (or in the ab-  
3 sence of such a contract, a copy of the job order and  
4 proof of the certification described in subparagraphs  
5 (B) and (D) of subsection (h)(2)). An H-2A worker  
6 moving from one H-2A employer to a subsequent  
7 H-2A employer shall be provided with a copy of the  
8 new employment contract no later than the time an  
9 offer of employment is made by the subsequent em-  
10 ployer.

11 “(2) HOURS AND EARNINGS STATEMENTS.—  
12 The employer shall furnish to H-2A workers, on or  
13 before each payday, in one or more written state-  
14 ments—

15 “(A) the worker’s total earnings for the  
16 pay period;

17 “(B) the worker’s hourly rate of pay, piece  
18 rate of pay, or both;

19 “(C) the hours of employment offered to  
20 the worker and the hours of employment actu-  
21 ally worked;

22 “(D) if piece rates of pay are used, the  
23 units produced daily;

24 “(E) an itemization of the deductions  
25 made from the worker’s wages; and

1           “(F) any other information required by  
2           Federal, State or local law.

3           “(3) NOTICE OF WORKER RIGHTS.—The em-  
4           ployer must post and maintain in a conspicuous lo-  
5           cation at the place of employment, a poster provided  
6           by the Secretary of Labor in English, and, to the ex-  
7           tent necessary, any language common to a signifi-  
8           cant portion of the workers if they are not fluent in  
9           English, which sets out the rights and protections  
10          for workers employed pursuant to this section.

11          “(1) LABOR CONTRACTORS; FOREIGN LABOR RE-  
12          CRUITERS; PROHIBITION ON FEES.—

13           “(1) LABOR CONTRACTORS.—

14           “(A) SURETY BOND.—An employer that is  
15           a labor contractor who seeks to employ H-2A  
16           workers shall maintain a surety bond in an  
17           amount required under subparagraph (B). Such  
18           bond shall be payable to the Secretary of Labor  
19           or pursuant to the resolution of a civil or crimi-  
20           nal proceeding, for the payment of wages and  
21           benefits, including any assessment of interest,  
22           owed to an H-2A worker or a similarly em-  
23           ployed United States worker, or a United  
24           States worker who has been rejected or dis-  
25           placed in violation of this section.



1           “(B) AMOUNT OF BOND.—The Secretary  
2 of Labor shall annually publish in the Federal  
3 Register a schedule of required bond amounts  
4 that are determined by such Secretary to be  
5 sufficient for labor contractors to discharge fi-  
6 nancial obligations under this section based on  
7 the number of workers the labor contractor  
8 seeks to employ and the wages such workers are  
9 required to be paid.

10           “(C) PREMIUM BOND.—A labor contractor  
11 seeking to file a petition involving more than  
12 one start date under subsection (h)(1)(C) shall  
13 maintain a surety bond that is at least 15 per-  
14 cent higher than the applicable bond amount  
15 determined by the Secretary under subpara-  
16 graph (B).

17           “(D) USE OF FUNDS.—Any sums paid to  
18 the Secretary under subparagraph (A) that are  
19 not paid to a worker because of the inability to  
20 do so within a period of 5 years following the  
21 date of a violation giving rise to the obligation  
22 to pay shall remain available to the Secretary  
23 without further appropriation until expended to  
24 support the enforcement of this section.

1           “(2) PROHIBITION AGAINST EMPLOYEES PAY-  
2           ING FEES.—Neither the employer nor its agents  
3           shall seek or receive payment of any kind from any  
4           worker for any activity related to the H-2A process,  
5           including payment of the employer’s attorneys’ fees,  
6           application fees, or recruitment costs. An employer  
7           and its agents may receive reimbursement for costs  
8           that are the responsibility and primarily for the ben-  
9           efit of the worker, such as government-required  
10          passport fees.

11          “(3) THIRD PARTY CONTRACTS.—The contract  
12          between an employer and any labor contractor or  
13          any foreign labor recruiter (or any agent of such  
14          labor contractor or foreign labor recruiter) whom the  
15          employer engages shall include a term providing for  
16          the termination of such contract for cause if the con-  
17          tractor or recruiter, either directly or indirectly, in  
18          the placement or recruitment of H-2A workers seeks  
19          or receives payments or other compensation from  
20          prospective employees. Upon learning that a labor  
21          contractor or foreign labor recruiter has sought or  
22          collected such payments, the employer shall so termi-  
23          nate any contracts with such contractor or recruiter.

24          “(m) ENFORCEMENT AUTHORITY.—

1           “(1) IN GENERAL.—The Secretary of Labor is  
2 authorized to take such actions against employers,  
3 including imposing appropriate penalties and seeking  
4 monetary and injunctive relief and specific perform-  
5 ance of contractual obligations, as may be necessary  
6 to ensure compliance with the requirements of this  
7 section and with the applicable terms and conditions  
8 of employment.

9           “(2) COMPLAINT PROCESS.—

10           “(A) PROCESS.—The Secretary of Labor  
11 shall establish a process for the receipt, inves-  
12 tigation, and disposition of complaints alleging  
13 failure of an employer to comply with the re-  
14 quirements under this section and with the ap-  
15 plicable terms and conditions of employment.

16           “(B) FILING.—A complaint referred to in  
17 subparagraph (A) may be filed not later than 2  
18 years after the date of the conduct that is the  
19 subject of the complaint.

20           “(C) COMPLAINT NOT EXCLUSIVE.—A  
21 complaint filed under this paragraph is not an  
22 exclusive remedy and the filing of such a com-  
23 plaint does not waive any rights or remedies of  
24 the aggrieved party under this law or other  
25 laws.

1           “(D) DECISION AND REMEDIES.—If the  
2 Secretary of Labor finds, after notice and op-  
3 portunity for a hearing, that the employer failed  
4 to comply with the requirements of this section  
5 or the terms and conditions of employment, the  
6 Secretary of Labor may require payment of un-  
7 paid wages, unpaid benefits, fees assessed in  
8 violation of this section, damages, and civil  
9 money penalties. The Secretary is also author-  
10 ized to impose other administrative remedies,  
11 including disqualification of the employer from  
12 utilizing the H-2A program for a period of up  
13 to 5 years in the event of willful or multiple  
14 material violations. The Secretary is authorized  
15 to permanently disqualify an employer from uti-  
16 lizing the H-2A program upon a subsequent  
17 finding involving willful or multiple material  
18 violations.

19           “(E) DISPOSITION OF PENALTIES.—Civil  
20 penalties collected under this paragraph shall be  
21 deposited into the H-2A Labor Certification  
22 Fee Account established under section 203 of  
23 the Farm Workforce Modernization Act of  
24 2021.

1           “(3) STATUTORY CONSTRUCTION.—Nothing in  
2 this subsection may be construed as limiting the au-  
3 thority of the Secretary of Labor to conduct an in-  
4 vestigation—

5                   “(A) under any other law, including any  
6 law affecting migrant and seasonal agricultural  
7 workers; or

8                   “(B) in the absence of a complaint.

9           “(4) RETALIATION PROHIBITED.—It is a viola-  
10 tion of this subsection for any person to intimidate,  
11 threaten, restrain, coerce, blacklist, discharge, or in  
12 any other manner discriminate against, or to cause  
13 any person to intimidate, threaten, restrain, coerce,  
14 blacklist, or in any manner discriminate against, an  
15 employee, including a former employee or an appli-  
16 cant for employment, because the employee—

17                   “(A) has disclosed information to the em-  
18 ployer, or to any other person, that the em-  
19 ployee reasonably believes evidences a violation  
20 under this section, or any rule or regulation re-  
21 lating to this section;

22                   “(B) has filed a complaint concerning the  
23 employer’s compliance with the requirements  
24 under this section or any rule or regulation per-  
25 taining to this section;

1           “(C) cooperates or seeks to cooperate in an  
2           investigation or other proceeding concerning the  
3           employer’s compliance with the requirements  
4           under this section or any rule or regulation per-  
5           taining to this section; or

6           “(D) has taken steps to exercise or assert  
7           any right or protection under the provisions of  
8           this section, or any rule or regulation pertaining  
9           to this section, or any other relevant Federal,  
10          State, or local law.

11          “(5) INTERAGENCY COMMUNICATION.—The  
12          Secretary of Labor, in consultation with the Sec-  
13          retary of Homeland Security, Secretary of State and  
14          the Equal Employment Opportunity Commission,  
15          shall establish mechanisms by which the agencies  
16          and their components share information, including  
17          by public electronic means, regarding complaints,  
18          studies, investigations, findings and remedies regard-  
19          ing compliance by employers with the requirements  
20          of the H-2A program and other employment-related  
21          laws and regulations.

22          “(n) DEFINITIONS.—In this section:

23                 “(1) DISPLACE.—The term ‘displace’ means to  
24                 lay off a similarly employed United States worker,  
25                 other than for lawful job-related reasons, in the oc-

1       cupation and area of intended employment for the  
2       job for which H-2A workers are sought.

3           “(2) H-2A WORKER.—The term ‘H-2A worker’  
4       means a nonimmigrant described in section  
5       101(a)(15)(H)(ii)(a).

6           “(3) JOB ORDER.—The term ‘job order’ means  
7       the document containing the material terms and  
8       conditions of employment, including obligations and  
9       assurances required under this section or any other  
10      law.

11          “(4) ONLINE JOB REGISTRY.—The term ‘online  
12      job registry’ means the online job registry of the  
13      Secretary of Labor required under section 201(b) of  
14      the Farm Workforce Modernization Act of 2021 (or  
15      similar successor registry).

16          “(5) SIMILARLY EMPLOYED.—The term ‘simi-  
17      larly employed’, in the case of a worker, means a  
18      worker in the same occupational classification as the  
19      classification or classifications for which the H-2A  
20      worker is sought.

21          “(6) UNITED STATES WORKER.—The term  
22      ‘United States worker’ means any worker who is—

23           “(A) a citizen or national of the United  
24      States;

1           “(B) an alien who is lawfully admitted for  
2 permanent residence, is admitted as a refugee  
3 under section 207, is granted asylum under sec-  
4 tion 208, or is an immigrant otherwise author-  
5 ized to be employed in the United States;

6           “(C) an alien granted certified agricultural  
7 worker status under title I of the Farm Work-  
8 force Modernization Act of 2021; or

9           “(D) an individual who is not an unauthor-  
10 ized alien (as defined in section 274A(h)(3))  
11 with respect to the employment in which the  
12 worker is engaging.

13       “(o) FEES; AUTHORIZATION OF APPROPRIATIONS.—

14       “(1) FEES.—

15       “(A) IN GENERAL.—The Secretary of  
16 Homeland Security shall impose a fee to proc-  
17 ess petitions under this section. Such fee shall  
18 be set at a level that is sufficient to recover the  
19 reasonable costs of processing the petition, in-  
20 cluding the reasonable costs of providing labor  
21 certification by the Secretary of Labor.

22       “(B) DISTRIBUTION.—Fees collected  
23 under subparagraph (A) shall be deposited as  
24 offsetting receipts into the immigration exami-  
25 nations fee account in section 286(m), except



1 that the portion of fees assessed for the Sec-  
2 retary of Labor shall be deposited into the H-  
3 2A Labor Certification Fee Account established  
4 pursuant to section 203(c) of the Farm Work-  
5 force Modernization Act of 2021.

6 “(2) APPROPRIATIONS.—There are authorized  
7 to be appropriated for each fiscal year such sums as  
8 necessary for the purposes of—

9 “(A) recruiting United States workers for  
10 labor or services which might otherwise be per-  
11 formed by H-2A workers, including by ensuring  
12 that State workforce agencies are sufficiently  
13 funded to fulfill their functions under this sec-  
14 tion;

15 “(B) enabling the Secretary of Labor to  
16 make determinations and certifications under  
17 this section and under section 212(a)(5)(A)(i);

18 “(C) monitoring the terms and conditions  
19 under which H-2A workers (and United States  
20 workers employed by the same employers) are  
21 employed in the United States; and

22 “(D) enabling the Secretary of Agriculture  
23 to carry out the Secretary of Agriculture’s du-  
24 ties and responsibilities under this section.”.

1 **SEC. 203. AGENCY ROLES AND RESPONSIBILITIES.**

2 (a) RESPONSIBILITIES OF THE SECRETARY OF  
3 LABOR.—With respect to the administration of the H–2A  
4 program, the Secretary of Labor shall be responsible for—

5 (1) consulting with State workforce agencies  
6 to—

7 (A) review and process job orders;

8 (B) facilitate the recruitment and referral  
9 of able, willing and qualified United States  
10 workers who will be available at the time and  
11 place needed;

12 (C) determine prevailing wages and prac-  
13 tices; and

14 (D) conduct timely inspections to ensure  
15 compliance with applicable Federal, State, or  
16 local housing standards and Federal regulations  
17 for H–2A housing;

18 (2) determining whether the employer has met  
19 the conditions for approval of the H–2A petition de-  
20 scribed in section 218 of the Immigration and Na-  
21 tionality Act (8 U.S.C. 1188);

22 (3) determining, in consultation with the Sec-  
23 retary of Agriculture, whether a job opportunity is  
24 of a seasonal or temporary nature;

25 (4) determining whether the employer has com-  
26 plied or will comply with the H–2A program require-

1       ments set forth in section 218 of the Immigration  
2       and Nationality Act (8 U.S.C. 1188);

3               (5) processing and investigating complaints con-  
4       sistent with section 218(m) of the Immigration and  
5       Nationality Act (8 U.S.C. 1188(m));

6               (6) referring any matter as appropriate to the  
7       Inspector General of the Department of Labor for  
8       investigation;

9               (7) ensuring that guidance to State workforce  
10      agencies to conduct wage surveys is regularly up-  
11      dated; and

12              (8) issuing such rules and regulations as are  
13      necessary to carry out the Secretary of Labor's re-  
14      sponsibilities under this Act and the amendments  
15      made by this Act.

16      (b) RESPONSIBILITIES OF THE SECRETARY OF  
17      HOMELAND SECURITY.—With respect to the administra-  
18      tion of the H-2A program, the Secretary of Homeland Se-  
19      curity shall be responsible for—

20              (1) adjudicating petitions for the admission of  
21      H-2A workers, which shall include an assessment as  
22      to whether each beneficiary will be employed in ac-  
23      cordance with the terms and conditions of the cer-  
24      tification and whether any named beneficiaries qual-  
25      ify for such employment;

1           (2) transmitting a copy of the final decision on  
2           the petition to the employer, and in the case of ap-  
3           proved petitions, ensuring that the petition approval  
4           is reflected in the electronic platform to facilitate the  
5           prompt issuance of a visa by the Department of  
6           State (if required) and the admission of the H-2A  
7           workers to the United States;

8           (3) establishing a reliable and secure method  
9           through which H-2A workers can access information  
10          about their H-2A visa status, including information  
11          on pending, approved, or denied petitions to extend  
12          such status;

13          (4) investigating and preventing fraud in the  
14          program, including the utilization of H-2A workers  
15          for other than allowable agricultural labor or serv-  
16          ices; and

17          (5) issuing such rules and regulations as are  
18          necessary to carry out the Secretary of Homeland  
19          Security's responsibilities under this Act and the  
20          amendments made by this Act.

21          (c) ESTABLISHMENT OF ACCOUNT AND USE OF  
22          FUNDS.—

23                 (1) ESTABLISHMENT OF ACCOUNT.—There is  
24                 established in the general fund of the Treasury a  
25                 separate account, which shall be known as the “H-

1 2A Labor Certification Fee Account”. Notwith-  
2 standing any other provisions of law, there shall be  
3 deposited as offsetting receipts into the account all  
4 amounts—

5 (A) collected as a civil penalty under sec-  
6 tion 218(m)(2)(E) of the Immigration and Na-  
7 tionality Act; and

8 (B) collected as a fee under section  
9 218(o)(1)(B) of the Immigration and Nation-  
10 ality Act.

11 (2) USE OF FEES.—Amounts deposited into the  
12 H-2A Labor Certification Fee Account shall be  
13 available (except as otherwise provided in this para-  
14 graph) without fiscal year limitation and without the  
15 requirement for specification in appropriations Acts  
16 to the Secretary of Labor for use, directly or  
17 through grants, contracts, or other arrangements, in  
18 such amounts as the Secretary of Labor determines  
19 are necessary for the costs of Federal and State ad-  
20 ministration in carrying out activities in connection  
21 with labor certification under section 218 of the Im-  
22 migration and Nationality Act. Such costs may in-  
23 clude personnel salaries and benefits, equipment and  
24 infrastructure for adjudication and customer service  
25 processes, the operation and maintenance of an on-

1 line job registry, and program integrity activities.  
2 The Secretary, in determining what amounts to  
3 transfer to States for State administration in car-  
4 rying out activities in connection with labor certifi-  
5 cation under section 218 of the Immigration and  
6 Nationality Act shall consider the number of H-2A  
7 workers employed in that State and shall adjust the  
8 amount transferred to that State accordingly. In ad-  
9 dition, 10 percent of the amounts deposited into the  
10 H-2A Labor Certification Fee Account shall be  
11 available to the Office of Inspector General of the  
12 Department of Labor to conduct audits and criminal  
13 investigations relating to such foreign labor certifi-  
14 cation programs.

15 (3) **ADDITIONAL FUNDS.**—Amounts available  
16 under paragraph (1) shall be available in addition to  
17 any other funds appropriated or made available to  
18 the Department of Labor under other laws, includ-  
19 ing section 218(o)(2) of the Immigration and Na-  
20 tionality Act.

21 **SEC. 204. WORKER PROTECTION AND COMPLIANCE.**

22 (a) **EQUALITY OF TREATMENT.**—H-2A workers shall  
23 not be denied any right or remedy under any Federal,  
24 State, or local labor or employment law applicable to

1 United States workers engaged in agricultural employ-  
2 ment.

3 (b) APPLICABILITY OF OTHER LAWS.—

4 (1) MIGRANT AND SEASONAL AGRICULTURAL  
5 WORKER PROTECTION ACT.—H-2A workers shall be  
6 considered migrant agricultural workers for purposes  
7 of the Migrant and Seasonal Agricultural Worker  
8 Protection Act (29 U.S.C. 1801 et seq.).

9 (2) WAIVER OF RIGHTS PROHIBITED.—Agree-  
10 ments by H-2A workers to waive or modify any  
11 rights or protections under this Act or section 218  
12 of the Immigration and Nationality Act (8 U.S.C.  
13 1188) shall be considered void or contrary to public  
14 policy except as provided in a collective bargaining  
15 agreement with a bona fide labor organization.

16 (3) MEDIATION.—

17 (A) FREE MEDIATION SERVICES.—The  
18 Federal Mediation and Conciliation Service  
19 shall be available to assist in resolving disputes  
20 arising under this section between H-2A work-  
21 ers and agricultural employers without charge  
22 to the parties.

23 (B) COMPLAINT.—If an H-2A worker files  
24 a civil lawsuit alleging one or more violations of  
25 section 218 of the Immigration and Nationality

1 Act (8 U.S.C. 1188), the Fair Labor Standards  
2 Act of 1938 (29 U.S.C. 201 et seq.), or the Mi-  
3 grant and Seasonal Agricultural Worker Protec-  
4 tion Act (29 U.S.C. 1801 et seq.), not later  
5 than 60 days after the filing of proof of service  
6 of the complaint, a party to the lawsuit may file  
7 a request with the Federal Mediation and Con-  
8 ciliation Service to assist the parties in reaching  
9 a satisfactory resolution of all issues involving  
10 all parties to the dispute.

11 (C) NOTICE.—Upon filing a request under  
12 subparagraph (B) and giving of notice to the  
13 parties, the parties shall attempt mediation  
14 within the period specified in subparagraph  
15 (D), except that nothing in this paragraph shall  
16 limit the ability of a court to order preliminary  
17 injunctive relief to protect health and safety or  
18 to otherwise prevent irreparable harm.

19 (D) 90-DAY LIMIT.—The Federal Medi-  
20 ation and Conciliation Service may conduct me-  
21 diation or other nonbinding dispute resolution  
22 activities for a period not to exceed 90 days be-  
23 ginning on the date on which the Federal Medi-  
24 ation and Conciliation Service receives a request



1 for assistance under subparagraph (B) unless  
2 the parties agree to an extension of such period.

3 (E) AUTHORIZATION OF APPROPRIA-  
4 TIONS.—

5 (i) IN GENERAL.—Subject to clause  
6 (ii), there is authorized to be appropriated  
7 to the Federal Mediation and Conciliation  
8 Service, such sums as may be necessary for  
9 each fiscal year to carry out this subpara-  
10 graph.

11 (ii) MEDIATION.—Notwithstanding  
12 any other provision of law, the Director of  
13 the Federal Mediation and Conciliation  
14 Service is authorized—

15 (I) to conduct the mediation or  
16 other dispute resolution activities from  
17 any other account containing amounts  
18 available to the Director; and

19 (II) to reimburse such account  
20 with amounts appropriated pursuant  
21 to clause (i).

22 (F) PRIVATE MEDIATION.—If all parties  
23 agree, a private mediator may be employed as  
24 an alternative to the Federal Mediation and  
25 Conciliation Service.

1 (c) FARM LABOR CONTRACTOR REQUIREMENTS.—

2 (1) SURETY BONDS.—

3 (A) REQUIREMENT.—Section 101 of the  
4 Migrant and Seasonal Agricultural Worker Pro-  
5 tection Act (29 U.S.C. 1811), is amended by  
6 adding at the end the following:

7 “(e) A farm labor contractor shall maintain a surety  
8 bond in an amount determined by the Secretary to be suf-  
9 ficient for ensuring the ability of the farm labor contractor  
10 to discharge its financial obligations, including payment  
11 of wages and benefits to employees. Such a bond shall be  
12 available to satisfy any amounts ordered to be paid by the  
13 Secretary or by court order for failure to comply with the  
14 obligations of this Act. The Secretary of Labor shall annu-  
15 ally publish in the Federal Register a schedule of required  
16 bond amounts that are determined by such Secretary to  
17 be sufficient for farm labor contractors to discharge finan-  
18 cial obligations based on the number of workers to be cov-  
19 ered.”.

20 (B) REGISTRATION DETERMINATIONS.—

21 Section 103(a) of the Migrant and Seasonal Ag-  
22 ricultural Worker Protection Act (29 U.S.C.  
23 1813(a)), is amended—

24 (i) in paragraph (4), by striking “or”  
25 at the end;

1 (ii) in paragraph (5)(B), by striking  
2 “or” at the end;

3 (iii) in paragraph (6), by striking the  
4 period at the end and inserting “;”; and

5 (iv) by adding at the end the fol-  
6 lowing:

7 “(7) has failed to maintain a surety bond in  
8 compliance with section 101(e); or

9 “(8) has been disqualified by the Secretary of  
10 Labor from importing nonimmigrants described in  
11 section 101(a)(15)(H)(ii) of the Immigration and  
12 Nationality Act.”.

13 (2) SUCCESSORS IN INTEREST.—

14 (A) DECLARATION.—Section 102 of the  
15 Migrant and Seasonal Agricultural Worker Pro-  
16 tection Act (29 U.S.C. 1812), is amended—

17 (i) in paragraph (4), by striking  
18 “and” at the end;

19 (ii) in paragraph (5), by striking the  
20 period at the end and inserting “; and”;  
21 and

22 (iii) by adding at the end the fol-  
23 lowing:

24 “(6) a declaration, subscribed and sworn to by  
25 the applicant, stating whether the applicant has a

1 familial, contractual, or employment relationship  
2 with, or shares vehicles, facilities, property, or em-  
3 ployees with, a person who has been refused  
4 issuance or renewal of a certificate, or has had a  
5 certificate suspended or revoked, pursuant to section  
6 103.”.

7 (B) REBUTTABLE PRESUMPTION.—Section  
8 103 of the Migrant and Seasonal Agricultural  
9 Worker Protection Act (29 U.S.C. 1813), as  
10 amended by this Act, is further amended by in-  
11 serting after subsection (a) the following new  
12 subsection (and by redesignating the subse-  
13 quent subsections accordingly):

14 “(b)(1) There shall be a rebuttable presumption that  
15 an applicant for issuance or renewal of a certificate is not  
16 the real party in interest in the application if the appli-  
17 cant—

18 “(A) is the immediate family member of any  
19 person who has been refused issuance or renewal of  
20 a certificate, or has had a certificate suspended or  
21 revoked; and

22 “(B) identifies a vehicle, facility, or real prop-  
23 erty under paragraph (2) or (3) of section 102 that  
24 has been previously listed by a person who has been

1 refused issuance or renewal of a certificate, or has  
2 had a certificate suspended or revoked.

3 “(2) An applicant described in paragraph (1) bears  
4 the burden of demonstrating to the Secretary’s satisfac-  
5 tion that the applicant is the real party in interest in the  
6 application.”.

7 **SEC. 205. REPORT ON WAGE PROTECTIONS.**

8 (a) Not later than 3 years after the date of the enact-  
9 ment of this Act, and every 3 years thereafter, the Sec-  
10 retary of Labor and Secretary of Agriculture shall prepare  
11 and transmit to the Committees on the Judiciary of the  
12 House of Representatives and Senate, a report that ad-  
13 dresses—

14 (1) whether, and the manner in which, the em-  
15 ployment of H-2A workers in the United States has  
16 impacted the wages, working conditions, or job op-  
17 portunities of United States farm workers;

18 (2) whether, and the manner in which, the ad-  
19 verse effect wage rate increases or decreases wages  
20 on United States farms, broken down by geographic  
21 region and farm size;

22 (3) whether any potential impact of the adverse  
23 effect wage rate varies based on the percentage of  
24 workers in a geographic region that are H-2A work-  
25 ers;

1           (4) the degree to which the adverse effect wage  
2 rate is affected by the inclusion in wage surveys of  
3 piece rate compensation, bonus payments, and other  
4 pay incentives, and whether such forms of incentive  
5 compensation should be surveyed and reported sepa-  
6 rately from hourly base rates;

7           (5) whether, and the manner in which, other  
8 factors may artificially affect the adverse effect wage  
9 rate, including factors that may be specific to a re-  
10 gion, State, or region within a State;

11           (6) whether, and the manner in which, the H-  
12 2A program affects the ability of United States  
13 farms to compete with agricultural commodities im-  
14 ported from outside the United States;

15           (7) the number and percentage of farmworkers  
16 in the United States whose incomes are below the  
17 poverty line;

18           (8) whether alternative wage standards would  
19 be sufficient to prevent wages in occupations in  
20 which H-2A workers are employed from falling  
21 below the wage level that would have prevailed in the  
22 absence of the H-2A program;

23           (9) whether any changes are warranted in the  
24 current methodologies for calculating the adverse ef-  
25 fect wage rate and the prevailing wage; and

1           (10) recommendations for future wage protec-  
2           tion under this section.

3           (b) In preparing the report described in subsection  
4 (a), the Secretary of Labor and Secretary of Agriculture  
5 shall engage with equal numbers of representatives of ag-  
6 ricultural employers and agricultural workers, both locally  
7 and nationally.

8 **SEC. 206. PORTABLE H-2A VISA PILOT PROGRAM.**

9           (a) ESTABLISHMENT OF PILOT PROGRAM.—

10           (1) IN GENERAL.—Not later than 18 months  
11 after the date of the enactment of this Act, the Sec-  
12 retary of Homeland Security, in consultation with  
13 the Secretary of Labor and Secretary of Agriculture,  
14 shall establish through regulation a 6-year pilot pro-  
15 gram to facilitate the free movement and employ-  
16 ment of temporary or seasonal H-2A workers to  
17 perform agricultural labor or services for agricul-  
18 tural employers registered with the Secretary of Ag-  
19 riculture. Notwithstanding the requirements of sec-  
20 tion 218 of the Immigration and Nationality Act,  
21 such regulation shall establish the requirements for  
22 the pilot program, consistent with subsection (b).  
23 For purposes of this section, such a worker shall be  
24 referred to as a portable H-2A worker, and status

1 as such a worker shall be referred to as portable H-  
2 2A status.

3 (2) ONLINE PLATFORM.—The Secretary of  
4 Homeland Security, in consultation with the Sec-  
5 retary of Labor and the Secretary of Agriculture,  
6 shall maintain an online electronic platform to con-  
7 nect portable H-2A workers with registered agricul-  
8 tural employers seeking workers to perform tem-  
9 porary or seasonal agricultural labor or services.  
10 Employers shall post on the platform available job  
11 opportunities, including a description of the nature  
12 and location of the work to be performed, the antici-  
13 pated period or periods of need, and the terms and  
14 conditions of employment. Such platform shall allow  
15 portable H-2A workers to search for available job  
16 opportunities using relevant criteria, including the  
17 types of jobs needed to be filled and the dates and  
18 locations of need.

19 (3) LIMITATION.—Notwithstanding the  
20 issuance of the regulation described in paragraph  
21 (1), the Secretary of State may not issue a portable  
22 H-2A visa and the Secretary of Homeland Security  
23 may not confer portable H-2A status on any alien  
24 until the Secretary of Homeland Security, in con-  
25 sultation with the Secretary of Labor and Secretary



1 of Agriculture, has determined that a sufficient  
2 number of employers have been designated as reg-  
3 istered agricultural employers under subsection  
4 (b)(1) and that such employers have sufficient job  
5 opportunities to employ a reasonable number of  
6 portable H-2A workers to initiate the pilot program.

7 (b) PILOT PROGRAM ELEMENTS.—The pilot program  
8 in subsection (a) shall contain the following elements:

9 (1) REGISTERED AGRICULTURAL EMPLOY-  
10 ERS.—

11 (A) DESIGNATION.—Agricultural employ-  
12 ers shall be provided the ability to seek designa-  
13 tion as registered agricultural employers. Rea-  
14 sonable fees may be assessed commensurate  
15 with the cost of processing applications for des-  
16 ignation. A designation shall be valid for a pe-  
17 riod of up to 3 years unless revoked for failure  
18 to comply with program requirements. Reg-  
19 istered employers that comply with program re-  
20 quirements may apply to renew such designa-  
21 tion for additional periods of up to 3 years for  
22 the duration of the pilot program.

23 (B) LIMITATIONS.—Registered agricultural  
24 employers may employ aliens with portable H-  
25 2A status without filing a petition. Such em-

1           employers shall pay such aliens at least the wage  
2           required under section 218(d) of the Immigra-  
3           tion and Nationality Act (8 U.S.C. 1188(d)).

4           (C) WORKERS' COMPENSATION.—If a job  
5           opportunity is not covered by or is exempt from  
6           the State workers' compensation law, a reg-  
7           istered agricultural employer shall provide, at  
8           no cost to the worker, insurance covering injury  
9           and disease arising out of, and in the course of,  
10          the worker's employment, which will provide  
11          benefits at least equal to those provided under  
12          the State workers' compensation law.

13          (2) DESIGNATED WORKERS.—

14           (A) IN GENERAL.—Individuals who have  
15           been previously admitted to the United States  
16           in H-2A status, and maintained such status  
17           during the period of admission, shall be pro-  
18           vided the opportunity to apply for portable H-  
19           2A status. Portable H-2A workers shall be sub-  
20           ject to the provisions on visa validity and peri-  
21           ods of authorized stay and admission for H-2A  
22           workers described in paragraphs (2) and (3) of  
23           section 218(j) of the Immigration and Nation-  
24           ality Act (8 U.S.C. 1188(j)(2) and (3)).

1 (B) LIMITATIONS ON AVAILABILITY OF  
2 PORTABLE H-2A STATUS.—

3 (i) INITIAL OFFER OF EMPLOYMENT  
4 REQUIRED.—No alien may be granted  
5 portable H-2A status without an initial  
6 valid offer of employment to perform tem-  
7 porary or agricultural labor or services  
8 from a registered agricultural employer.

9 (ii) NUMERICAL LIMITATIONS.—The  
10 total number of aliens who may hold valid  
11 portable H-2A status at any one time may  
12 not exceed 10,000. Notwithstanding such  
13 limitation, the Secretary of Homeland Se-  
14 curity may further limit the number of  
15 aliens with valid portable H-2A status if  
16 the Secretary determines that there are an  
17 insufficient number of registered agricul-  
18 tural employers or job opportunities to  
19 support the employment of all such port-  
20 able H-2A workers.

21 (C) SCOPE OF EMPLOYMENT.—During the  
22 period of admission, a portable H-2A worker  
23 may perform temporary or seasonal agricultural  
24 labor or services for any employer in the United  
25 States that is designated as a registered agri-

1 cultural employer pursuant to paragraph (1).  
2 An employment arrangement under this section  
3 may be terminated by either the portable H-2A  
4 worker or the registered agricultural employer  
5 at any time.

6 (D) TRANSFER TO NEW EMPLOYMENT.—  
7 At the cessation of employment with a reg-  
8 istered agricultural employer, a portable H-2A  
9 worker shall have 60 days to secure new em-  
10 ployment with a registered agricultural em-  
11 ployer.

12 (E) MAINTENANCE OF STATUS.—A port-  
13 able H-2A worker who does not secure new em-  
14 ployment with a registered agricultural em-  
15 ployer within 60 days shall be considered to  
16 have failed to maintain such status and shall  
17 depart the United States or be subject to re-  
18 moval under section 237(a)(1)(C)(i) of the Im-  
19 migration and Nationality Act (8 U.S.C.  
20 1188(a)(1)(C)(i)).

21 (3) ENFORCEMENT.—The Secretary of Labor  
22 shall be responsible for conducting investigations  
23 and random audits of employers to ensure compli-  
24 ance with the employment-related requirements of  
25 this section, consistent with section 218(m) of the

1 Immigration and Nationality Act (8 U.S.C.  
2 1188(m)). The Secretary of Labor shall have the au-  
3 thority to collect reasonable civil penalties for viola-  
4 tions, which shall be utilized by the Secretary for the  
5 administration and enforcement of the provisions of  
6 this section.

7 (4) ELIGIBILITY FOR SERVICES.—Section 305  
8 of Public Law 99–603 (100 Stat. 3434) is amended  
9 by striking “other employment rights as provided in  
10 the worker’s specific contract under which the non-  
11 immigrant was admitted” and inserting “employ-  
12 ment-related rights”.

13 (c) REPORT.—Not later than 6 months before the  
14 end of the third fiscal year of the pilot program, the Sec-  
15 retary of Homeland Security, in consultation with the Sec-  
16 retary of Labor and the Secretary of Agriculture, shall  
17 prepare and submit to the Committees on the Judiciary  
18 of the House of Representatives and the Senate, a report  
19 that provides—

20 (1) the number of employers designated as reg-  
21 istered agricultural employers, broken down by geo-  
22 graphic region, farm size, and the number of job op-  
23 portunities offered by such employers;

24 (2) the number of employers whose designation  
25 as a registered agricultural employer was revoked;

1           (3) the number of individuals granted portable  
2 H-2A status in each fiscal year, along with the  
3 number of such individuals who maintained portable  
4 H-2A status during all or a portion of the 3-year  
5 period of the pilot program;

6           (4) an assessment of the impact of the pilot  
7 program on the wages and working conditions of  
8 United States farm workers;

9           (5) the results of a survey of individuals grant-  
10 ed portable H-2A status, detailing their experiences  
11 with and feedback on the pilot program;

12           (6) the results of a survey of registered agricul-  
13 tural employers, detailing their experiences with and  
14 feedback on the pilot program;

15           (7) an assessment as to whether the program  
16 should be continued and if so, any recommendations  
17 for improving the program; and

18           (8) findings and recommendations regarding ef-  
19 fective recruitment mechanisms, including use of  
20 new technology to match workers with employers  
21 and ensure compliance with applicable labor and em-  
22 ployment laws and regulations.

23 **SEC. 207. IMPROVING ACCESS TO PERMANENT RESIDENCE.**

24           (a) **WORLDWIDE LEVEL.**—Section 201(d)(1)(A) of  
25 the Immigration and Nationality Act (8 U.S.C.

1 1151(d)(1)(A)) is amended by striking “140,000” and in-  
2 serting “180,000”.

3 (b) VISAS FOR FARMWORKERS.—Section 203(b) of  
4 the Immigration and Nationality Act (8 U.S.C. 1153(b))  
5 is amended—

6 (1) in paragraph (1) by striking “28.6 percent  
7 of such worldwide level” and inserting “40,040”;

8 (2) in paragraph (2)(A) by striking “28.6 per-  
9 cent of such worldwide level” and inserting  
10 “40,040”;

11 (3) in paragraph (3)—

12 (A) in subparagraph (A)—

13 (i) in the matter before clause (i), by  
14 striking “28.6 percent of such worldwide  
15 level” and inserting “80,040”; and

16 (ii) by amending clause (iii) to read as  
17 follows:

18 “(iii) OTHER WORKERS.—Other quali-  
19 fied immigrants who, at the time of peti-  
20 tioning for classification under this para-  
21 graph—

22 “(I) are capable of performing  
23 unskilled labor, not of a temporary or  
24 seasonal nature, for which qualified

1 workers are not available in the  
2 United States; or

3 “(II) can demonstrate employ-  
4 ment in the United States as an H-  
5 2A nonimmigrant worker for at least  
6 100 days in each of at least 10  
7 years.”;

8 (B) by amending subparagraph (B) to read  
9 as follows:

10 “(B) VISAS ALLOCATED FOR OTHER  
11 WORKERS.—

12 “(i) IN GENERAL.—Except as pro-  
13 vided in clauses (ii) and (iii), 50,000 of the  
14 visas made available under this paragraph  
15 shall be reserved for qualified immigrants  
16 described in subparagraph (A)(iii).

17 “(ii) PREFERENCE FOR AGRICUL-  
18 TURAL WORKERS.—Subject to clause (iii),  
19 not less than four-fifths of the visas de-  
20 scribed in clause (i) shall be reserved for—

21 “(I) qualified immigrants de-  
22 scribed in subparagraph (A)(iii)(I)  
23 who will be performing agricultural  
24 labor or services in the United States;  
25 and



1                   “(II) qualified immigrants de-  
2                   scribed in subparagraph (A)(iii)(II).

3                   “(iii) EXCEPTION.—If because of the  
4                   application of clause (ii), the total number  
5                   of visas available under this paragraph for  
6                   a calendar quarter exceeds the number of  
7                   qualified immigrants who otherwise may be  
8                   issued such a visa, clause (ii) shall not  
9                   apply to visas under this paragraph during  
10                  the remainder of such calendar quarter.

11                  “(iv) NO PER COUNTRY LIMITS.—  
12                  Visas described under clause (ii) shall be  
13                  issued without regard to the numerical lim-  
14                  itation under section 202(a)(2).”; and

15                  (C) by amending subparagraph (C) by  
16                  striking “An immigrant visa” and inserting  
17                  “Except for qualified immigrants petitioning for  
18                  classification under subparagraph (A)(iii)(II),  
19                  an immigrant visa”;

20                  (4) in paragraph (4), by striking “7.1 percent  
21                  of such worldwide level” and inserting “9,940”; and

22                  (5) in paragraph (5)(A), in the matter before  
23                  clause (i), by striking “7.1 percent of such world-  
24                  wide level” and inserting “9,940”.

1 (c) PETITIONING PROCEDURE.—Section  
 2 204(a)(1)(E) of the Immigration and Nationality Act (8  
 3 U.S.C. 1154(a)(1)(E)) is amended by inserting “or  
 4 203(b)(3)(A)(iii)(II)” after “203(b)(1)(A)”.

5 (d) DUAL INTENT.—Section 214(b) of the Immigra-  
 6 tion and Nationality Act (8 U.S.C. 1184(b)) is amended  
 7 by striking “section 101(a)(15)(H)(i) except subclause  
 8 (b1) of such section” and inserting “clause (i), except sub-  
 9 clause (b1), or (ii)(a) of section 101(a)(15)(H)”.

10 **Subtitle B—Preservation and Con-**  
 11 **struction of Farmworker Hous-**  
 12 **ing**

13 **SEC. 220. SHORT TITLE.**

14 This subtitle may be cited as the “Strategy and In-  
 15 vestment in Rural Housing Preservation Act of 2021”.

16 **SEC. 221. PERMANENT ESTABLISHMENT OF HOUSING PRES-**  
 17 **ERVATION AND REVITALIZATION PROGRAM.**

18 Title V of the Housing Act of 1949 (42 U.S.C. 1471  
 19 et seq.) is amended by adding at the end the following  
 20 new section:

21 **“SEC. 545. HOUSING PRESERVATION AND REVITALIZATION**  
 22 **PROGRAM.**

23 “(a) ESTABLISHMENT.—The Secretary shall carry  
 24 out a program under this section for the preservation and

1 revitalization of multifamily rental housing projects fi-  
2 nanced under section 515 or both sections 514 and 516.

3 “(b) NOTICE OF MATURING LOANS.—

4 “(1) TO OWNERS.—On an annual basis, the  
5 Secretary shall provide written notice to each owner  
6 of a property financed under section 515 or both  
7 sections 514 and 516 that will mature within the 4-  
8 year period beginning upon the provision of such no-  
9 tice, setting forth the options and financial incen-  
10 tives that are available to facilitate the extension of  
11 the loan term or the option to decouple a rental as-  
12 sistance contract pursuant to subsection (f).

13 “(2) TO TENANTS.—

14 “(A) IN GENERAL.—For each property fi-  
15 nanced under section 515 or both sections 514  
16 and 516, not later than the date that is 2 years  
17 before the date that such loan will mature, the  
18 Secretary shall provide written notice to each  
19 household residing in such property that in-  
20 forms them of the date of the loan maturity,  
21 the possible actions that may happen with re-  
22 spect to the property upon such maturity, and  
23 how to protect their right to reside in Federally  
24 assisted housing after such maturity.

1           “(B) LANGUAGE.—Notice under this para-  
2 graph shall be provided in plain English and  
3 shall be translated to other languages in the  
4 case of any property located in an area in which  
5 a significant number of residents speak such  
6 other languages.

7           “(c) LOAN RESTRUCTURING.—Under the program  
8 under this section, the Secretary may restructure such ex-  
9 isting housing loans, as the Secretary considers appro-  
10 priate, for the purpose of ensuring that such projects have  
11 sufficient resources to preserve the projects to provide safe  
12 and affordable housing for low-income residents and farm  
13 laborers, by—

14           “(1) reducing or eliminating interest;

15           “(2) deferring loan payments;

16           “(3) subordinating, reducing, or reamortizing  
17 loan debt; and

18           “(4) providing other financial assistance, in-  
19 cluding advances, payments, and incentives (includ-  
20 ing the ability of owners to obtain reasonable re-  
21 turns on investment) required by the Secretary.

22           “(d) RENEWAL OF RENTAL ASSISTANCE.—When the  
23 Secretary offers to restructure a loan pursuant to sub-  
24 section (c), the Secretary shall offer to renew the rental  
25 assistance contract under section 521(a)(2) for a 20-year

1 term that is subject to annual appropriations, provided  
2 that the owner agrees to bring the property up to such  
3 standards that will ensure its maintenance as decent, safe,  
4 and sanitary housing for the full term of the rental assist-  
5 ance contract.

6 “(e) RESTRICTIVE USE AGREEMENTS.—

7 “(1) REQUIREMENT.—As part of the preserva-  
8 tion and revitalization agreement for a project, the  
9 Secretary shall obtain a restrictive use agreement  
10 that obligates the owner to operate the project in ac-  
11 cordance with this title.

12 “(2) TERM.—

13 “(A) NO EXTENSION OF RENTAL ASSIST-  
14 ANCE CONTRACT.—Except when the Secretary  
15 enters into a 20-year extension of the rental as-  
16 sistance contract for the project, the term of  
17 the restrictive use agreement for the project  
18 shall be consistent with the term of the restruc-  
19 tured loan for the project.

20 “(B) EXTENSION OF RENTAL ASSISTANCE  
21 CONTRACT.—If the Secretary enters into a 20-  
22 year extension of the rental assistance contract  
23 for a project, the term of the restrictive use  
24 agreement for the project shall be for 20 years.

1           “(C) TERMINATION.—The Secretary may  
2           terminate the 20-year use restrictive use agree-  
3           ment for a project prior to the end of its term  
4           if the 20-year rental assistance contract for the  
5           project with the owner is terminated at any  
6           time for reasons outside the owner’s control.

7           “(f) DECOUPLING OF RENTAL ASSISTANCE.—

8           “(1) RENEWAL OF RENTAL ASSISTANCE CON-  
9           TRACT.—If the Secretary determines that a matur-  
10          ing loan for a project cannot reasonably be restruc-  
11          tured in accordance with subsection (c) and the  
12          project was operating with rental assistance under  
13          section 521, the Secretary may renew the rental as-  
14          sistance contract, notwithstanding any provision of  
15          section 521, for a term, subject to annual appropria-  
16          tions, of at least 10 years but not more than 20  
17          years.

18          “(2) RENTS.—Any agreement to extend the  
19          term of the rental assistance contract under section  
20          521 for a project shall obligate the owner to con-  
21          tinue to maintain the project as decent, safe and  
22          sanitary housing and to operate the development in  
23          accordance with this title, except that rents shall be  
24          based on the lesser of—

1           “(A) the budget-based needs of the project;

2           or

3           “(B) the operating cost adjustment factor  
4           as a payment standard as provided under sec-  
5           tion 524 of the Multifamily Assisted Housing  
6           Reform and Affordability Act of 1997 (42  
7           U.S.C. 1437 note).

8           “(g) MULTIFAMILY HOUSING TRANSFER TECHNICAL  
9 ASSISTANCE.—Under the program under this section, the  
10 Secretary may provide grants to qualified non-profit orga-  
11 nizations and public housing agencies to provide technical  
12 assistance, including financial and legal services, to bor-  
13 rowers under loans under this title for multifamily housing  
14 to facilitate the acquisition of such multifamily housing  
15 properties in areas where the Secretary determines there  
16 is a risk of loss of affordable housing.

17           “(h) TRANSFER OF RENTAL ASSISTANCE.—After the  
18 loan or loans for a rental project originally financed under  
19 section 515 or both sections 514 and 516 have matured  
20 or have been prepaid and the owner has chosen not to  
21 restructure the loan pursuant to subsection (c), a tenant  
22 residing in such project shall have 18 months prior to loan  
23 maturation or prepayment to transfer the rental assist-  
24 ance assigned to the tenant’s unit to another rental project  
25 originally financed under section 515 or both sections 514

1 and 516, and the owner of the initial project may rent  
2 the tenant's previous unit to a new tenant without income  
3 restrictions.

4 “(i) ADMINISTRATIVE EXPENSES.—Of any amounts  
5 made available for the program under this section for any  
6 fiscal year, the Secretary may use not more than  
7 \$1,000,000 for administrative expenses for carrying out  
8 such program.

9 “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
10 is authorized to be appropriated for the program under  
11 this section \$200,000,000 for each of fiscal years 2022  
12 through 2026.”.

13 **SEC. 222. ELIGIBILITY FOR RURAL HOUSING VOUCHERS.**

14 Section 542 of the Housing Act of 1949 (42 U.S.C.  
15 1490r) is amended by adding at the end the following new  
16 subsection:

17 “(c) ELIGIBILITY OF HOUSEHOLDS IN SECTIONS  
18 514, 515, AND 516 PROJECTS.—The Secretary may pro-  
19 vide rural housing vouchers under this section for any low-  
20 income household (including those not receiving rental as-  
21 sistance) residing, for a term longer than the remaining  
22 term of their lease in effect just prior to prepayment, in  
23 a property financed with a loan made or insured under  
24 section 514 or 515 (42 U.S.C. 1484, 1485) which has  
25 been prepaid without restrictions imposed by the Secretary



1 pursuant to section 502(c)(5)(G)(ii)(I) (42 U.S.C.  
2 1472(c)(5)(G)(ii)(I)), has been foreclosed, or has matured  
3 after September 30, 2005, or residing in a property as-  
4 sisted under section 514 or 516 that is owned by a non-  
5 profit organization or public agency.”.

6 **SEC. 223. AMOUNT OF VOUCHER ASSISTANCE.**

7 Notwithstanding any other provision of law, in the  
8 case of any rural housing voucher provided pursuant to  
9 section 542 of the Housing Act of 1949 (42 U.S.C.  
10 1490r), the amount of the monthly assistance payment for  
11 the household on whose behalf such assistance is provided  
12 shall be determined as provided in subsection (a) of such  
13 section 542.

14 **SEC. 224. RENTAL ASSISTANCE CONTRACT AUTHORITY.**

15 Subsection (d) of section 521 of the Housing Act of  
16 1949 (42 U.S.C. 1490a(d)) is amended—

17 (1) in paragraph (1), by inserting after sub-  
18 paragraph (A) the following new subparagraph (and  
19 by redesignating the subsequent subparagraphs ac-  
20 cordingly):

21 “(B) upon request of an owner of a project fi-  
22 nanced under section 514 or 515, the Secretary is  
23 authorized to enter into renewal of such agreements  
24 for a period of 20 years or the term of the loan,

1       whichever is shorter, subject to amounts made avail-  
2       able in appropriations Acts;” and

3               (2) by adding at the end the following new  
4       paragraph:

5       “(3) In the case of any rental assistance contract au-  
6       thority that becomes available because of the termination  
7       of assistance on behalf of an assisted family—

8               “(A) at the option of the owner of the rental  
9       project, the Secretary shall provide the owner a pe-  
10      riod of 6 months before such assistance is made  
11      available pursuant to subparagraph (B) during  
12      which the owner may use such assistance authority  
13      to provide assistance of behalf of an eligible unas-  
14      sisted family that—

15              “(i) is residing in the same rental project  
16      that the assisted family resided in prior to such  
17      termination; or

18              “(ii) newly occupies a dwelling unit in such  
19      rental project during such period; and

20              “(B) except for assistance used as provided in  
21      subparagraph (A), the Secretary shall use such re-  
22      maining authority to provide such assistance on be-  
23      half of eligible families residing in other rental  
24      projects originally financed under section 515 or  
25      both sections 514 and 516 of this Act.”.

1 **SEC. 225. FUNDING FOR MULTIFAMILY TECHNICAL IM-**  
2 **PROVEMENTS.**

3       There is authorized to be appropriated to the Sec-  
4 retary of Agriculture \$50,000,000 for fiscal year 2022 for  
5 improving the technology of the Department of Agri-  
6 culture used to process loans for multifamily housing and  
7 otherwise managing such housing. Such improvements  
8 shall be made within the 5-year period beginning upon the  
9 appropriation of such amounts and such amount shall re-  
10 main available until the expiration of such 5-year period.

11 **SEC. 226. PLAN FOR PRESERVING AFFORDABILITY OF**  
12 **RENTAL PROJECTS.**

13       (a) PLAN.—The Secretary of Agriculture (in this sec-  
14 tion referred to as the “Secretary”) shall submit a written  
15 plan to the Congress, not later than the expiration of the  
16 6-month period beginning on the date of the enactment  
17 of this Act, for preserving the affordability for low-income  
18 families of rental projects for which loans were made  
19 under section 515 or made to nonprofit or public agencies  
20 under section 514 and avoiding the displacement of tenant  
21 households, which shall—

22           (1) set forth specific performance goals and  
23           measures;

24           (2) set forth the specific actions and mecha-  
25           nisms by which such goals will be achieved;

1           (3) set forth specific measurements by which  
2 progress towards achievement of each goal can be  
3 measured;

4           (4) provide for detailed reporting on outcomes;  
5 and

6           (5) include any legislative recommendations to  
7 assist in achievement of the goals under the plan.

8 (b) ADVISORY COMMITTEE.—

9           (1) ESTABLISHMENT; PURPOSE.—The Sec-  
10 retary shall establish an advisory committee whose  
11 purpose shall be to assist the Secretary in preserving  
12 section 515 properties and section 514 properties  
13 owned by nonprofit or public agencies through the  
14 multifamily housing preservation and revitalization  
15 program under section 545 and in implementing the  
16 plan required under subsection (a).

17           (2) MEMBER.—The advisory committee shall  
18 consist of 16 members, appointed by the Secretary,  
19 as follows:

20                   (A) A State Director of Rural Develop-  
21                   ment for the Department of Agriculture.

22                   (B) The Administrator for Rural Housing  
23                   Service of the Department of Agriculture.

1 (C) Two representatives of for-profit devel-  
2 opers or owners of multifamily rural rental  
3 housing.

4 (D) Two representatives of non-profit de-  
5 velopers or owners of multifamily rural rental  
6 housing.

7 (E) Two representatives of State housing  
8 finance agencies.

9 (F) Two representatives of tenants of mul-  
10 tifamily rural rental housing.

11 (G) One representative of a community de-  
12 velopment financial institution that is involved  
13 in preserving the affordability of housing as-  
14 sisted under sections 514, 515, and 516 of the  
15 Housing Act of 1949.

16 (H) One representative of a nonprofit or-  
17 ganization that operates nationally and has ac-  
18 tively participated in the preservation of hous-  
19 ing assisted by the Rural Housing Service by  
20 conducting research regarding, and providing fi-  
21 nancing and technical assistance for, preserving  
22 the affordability of such housing.

23 (I) One representative of low-income hous-  
24 ing tax credit investors.

1           (J) One representative of regulated finan-  
2           cial institutions that finance affordable multi-  
3           family rural rental housing developments.

4           (K) Two representatives from non-profit  
5           organizations representing farmworkers, includ-  
6           ing one organization representing farmworker  
7           women.

8           (3) MEETINGS.—The advisory committee shall  
9           meet not less often than once each calendar quarter.

10          (4) FUNCTIONS.—In providing assistance to the  
11          Secretary to carry out its purpose, the advisory com-  
12          mittee shall carry out the following functions:

13               (A) Assisting the Rural Housing Service of  
14               the Department of Agriculture to improve esti-  
15               mates of the size, scope, and condition of rental  
16               housing portfolio of the Service, including the  
17               time frames for maturity of mortgages and  
18               costs for preserving the portfolio as affordable  
19               housing.

20               (B) Reviewing current policies and proce-  
21               dures of the Rural Housing Service regarding  
22               preservation of affordable rental housing fi-  
23               nanced under sections 514, 515, 516, and 538  
24               of the Housing Act of 1949, the Multifamily  
25               Preservation and Revitalization Demonstration

1 program (MPR), and the rental assistance pro-  
2 gram and making recommendations regarding  
3 improvements and modifications to such policies  
4 and procedures.

5 (C) Providing ongoing review of Rural  
6 Housing Service program results.

7 (D) Providing reports to the Congress and  
8 the public on meetings, recommendations, and  
9 other findings of the advisory committee.

10 (5) TRAVEL COSTS.—Any amounts made avail-  
11 able for administrative costs of the Department of  
12 Agriculture may be used for costs of travel by mem-  
13 bers of the advisory committee to meetings of the  
14 committee.

15 **SEC. 227. COVERED HOUSING PROGRAMS.**

16 Paragraph (3) of section 41411(a) of the Violence  
17 Against Women Act of 1994 (34 U.S.C. 12491(a)(3)) is  
18 amended—

19 (1) in subparagraph (I), by striking “and” at  
20 the end;

21 (2) by redesignating subparagraph (J) as sub-  
22 paragraph (K); and

23 (3) by inserting after subparagraph (I) the fol-  
24 lowing new subparagraph:

1           “(J) rural development housing voucher  
2 assistance provided by the Secretary of Agri-  
3 culture pursuant to section 542 of the Housing  
4 Act of 1949 (42 U.S.C. 1490r), without regard  
5 to subsection (b) of such section, and applicable  
6 appropriation Acts; and”.

7 **SEC. 228. NEW FARMWORKER HOUSING.**

8           Section 513 of the Housing Act of 1949 (42 U.S.C.  
9 1483) is amended by adding at the end the following new  
10 subsection:

11           “(f) FUNDING FOR FARMWORKER HOUSING.—

12           “(1) SECTION 514 FARMWORKER HOUSING  
13 LOANS.—

14           “(A) INSURANCE AUTHORITY.—The Sec-  
15 retary of Agriculture may, to the extent ap-  
16 proved in appropriation Acts, insure loans  
17 under section 514 (42 U.S.C. 1484) during  
18 each of fiscal years 2022 through 2031 in an  
19 aggregate amount not to exceed \$200,000,000.

20           “(B) AUTHORIZATION OF APPROPRIATIONS  
21 FOR COSTS.—There is authorized to be appro-  
22 priated \$75,000,000 for each of fiscal years  
23 2022 through 2031 for costs (as such term is  
24 defined in section 502 of the Congressional  
25 Budget Act of 1974 (2 U.S.C. 661a)) of loans



1           insured pursuant the authority under subpara-  
2           graph (A).

3           “(2) SECTION 516 GRANTS FOR FARMWORKER  
4           HOUSING.—There is authorized to be appropriated  
5           \$30,000,000 for each of fiscal years 2022 through  
6           2031 for financial assistance under section 516 (42  
7           U.S.C. 1486).

8           “(3) SECTION 521 HOUSING ASSISTANCE.—  
9           There is authorized to be appropriated  
10          \$2,700,000,000 for each of fiscal years 2022  
11          through 2031 for rental assistance agreements en-  
12          tered into or renewed pursuant to section 521(a)(2)  
13          (42 U.S.C. 1490a(a)(2)) or agreements entered into  
14          in lieu of debt forgiveness or payments for eligible  
15          households as authorized by section 502(c)(5)(D).”.

16 **SEC. 229. LOAN AND GRANT LIMITATIONS.**

17          Section 514 of the Housing Act of 1949 (42 U.S.C.  
18          1484) is amended by adding at the end the following:

19          “(j) PER PROJECT LIMITATIONS ON ASSISTANCE.—  
20          If the Secretary, in making available assistance in any  
21          area under this section or section 516 (42 U.S.C. 1486),  
22          establishes a limitation on the amount of assistance avail-  
23          able per project, the limitation on a grant or loan award  
24          per project shall not be less than \$5 million.”.

1 **SEC. 230. OPERATING ASSISTANCE SUBSIDIES.**

2 Subsection (a)(5) of section 521 of the Housing Act  
3 of 1949 (42 U.S.C. 1490a(a)(5)) is amended—

4 (1) in subparagraph (A) by inserting “or do-  
5 mestic farm labor legally admitted to the United  
6 States and authorized to work in agriculture” after  
7 “migrant farmworkers”;

8 (2) in subparagraph (B)—

9 (A) by striking “AMOUNT.—In any fiscal  
10 year” and inserting “AMOUNT.—

11 “(i) HOUSING FOR MIGRANT FARM-  
12 WORKERS.—In any fiscal year”;

13 (B) by inserting “providing housing for mi-  
14 grant farmworkers” after “any project”; and

15 (C) by inserting at the end the following:

16 “(ii) HOUSING FOR OTHER FARM  
17 LABOR.—In any fiscal year, the assistance  
18 provided under this paragraph for any  
19 project providing housing for domestic  
20 farm labor legally admitted to the United  
21 States and authorized to work in agri-  
22 culture shall not exceed an amount equal  
23 to 50 percent of the operating costs for the  
24 project for the year, as determined by the  
25 Secretary. The owner of such project shall  
26 not qualify for operating assistance unless

1 the Secretary certifies that the project was  
2 unoccupied or underutilized before making  
3 units available to such farm labor, and  
4 that a grant under this section will not dis-  
5 place any farm worker who is a United  
6 States worker.”; and

7 (3) in subparagraph (D), by adding at the end  
8 the following:

9 “(iii) The term ‘domestic farm labor’ has  
10 the same meaning given such term in section  
11 514(f)(3) (42 U.S.C. 1484(f)(3)), except that  
12 subparagraph (A) of such section shall not  
13 apply for purposes this section.”.

14 **SEC. 231. ELIGIBILITY OF CERTIFIED WORKERS.**

15 Subsection (a) of section 214 of the Housing and  
16 Community Development Act of 1980 (42 U.S.C. 1436a)  
17 is amended—

18 (1) in paragraph (6), by striking “or” at the  
19 end;

20 (2) by redesignating paragraph (7) as para-  
21 graph (8); and

22 (3) by inserting after paragraph (6) the fol-  
23 lowing:

24 “(7) an alien granted certified agricultural  
25 worker or certified agricultural dependent status

1 under title I of the Farm Workforce Modernization  
2 Act of 2021, but solely for financial assistance made  
3 available pursuant to section 521 or 542 of the  
4 Housing Act of 1949 (42 U.S.C. 1490a, 1490r);  
5 or”.

## 6 **Subtitle C—Foreign Labor** 7 **Recruiter Accountability**

### 8 **SEC. 251. REGISTRATION OF FOREIGN LABOR RECRUITERS.**

9 (a) IN GENERAL.—Not later than 1 year after the  
10 date of the enactment of this Act, the Secretary of Labor,  
11 in consultation with the Secretary of State and the Sec-  
12 retary of Homeland Security, shall establish procedures  
13 for the electronic registration of foreign labor recruiters  
14 engaged in the recruitment of nonimmigrant workers de-  
15 scribed in section 101(a)(15)(H)(ii)(a) of the Immigration  
16 and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to  
17 perform agricultural labor or services in the United States.

18 (b) PROCEDURAL REQUIREMENTS.—The procedures  
19 described in subsection (a) shall—

20 (1) require the applicant to submit a sworn dec-  
21 laration—

22 (A) stating the applicant’s permanent  
23 place of residence or principal place of business,  
24 as applicable;

1 (B) describing the foreign labor recruiting  
2 activities in which the applicant is engaged; and

3 (C) including such other relevant informa-  
4 tion as the Secretary of Labor and the Sec-  
5 retary of State may require;

6 (2) include an expeditious means to update and  
7 renew registrations;

8 (3) include a process, which shall include the  
9 placement of personnel at each United States diplo-  
10 matic mission in accordance with subsection (g)(2),  
11 to receive information from the public regarding for-  
12 eign labor recruiters who have allegedly engaged in  
13 a foreign labor recruiting activity that is prohibited  
14 under this subtitle;

15 (4) include procedures for the receipt and proc-  
16 essing of complaints against foreign labor recruiters  
17 and for remedies, including the revocation of a reg-  
18 istration or the assessment of fines upon a deter-  
19 mination by the Secretary of Labor that the foreign  
20 labor recruiter has violated the requirements of this  
21 subtitle;

22 (5) require the applicant to post a bond in an  
23 amount sufficient to ensure the ability of the appli-  
24 cant to discharge its responsibilities and ensure pro-  
25 tection of workers, including payment of wages; and

1           (6) allow the Secretary of Labor and the Sec-  
2           retary of State to consult with other appropriate  
3           Federal agencies to determine whether any reason  
4           exists to deny registration to a foreign labor re-  
5           cruiter or revoke such registration.

6           (c) ATTESTATIONS.—Foreign labor recruiters reg-  
7           istering under this subtitle shall attest and agree to abide  
8           by the following requirements:

9           (1) PROHIBITED FEES.—The foreign labor re-  
10          cruiter, including any agent or employee of such for-  
11          eign labor recruiter, shall not assess any recruitment  
12          fees on a worker for any foreign labor recruiting ac-  
13          tivity.

14          (2) PROHIBITION ON FALSE AND MISLEADING  
15          INFORMATION.—The foreign labor recruiter shall not  
16          knowingly provide materially false or misleading in-  
17          formation to any worker concerning any matter re-  
18          quired to be disclosed under this subtitle.

19          (3) REQUIRED DISCLOSURES.—The foreign  
20          labor recruiter shall ascertain and disclose to the  
21          worker in writing in English and in the primary lan-  
22          guage of the worker at the time of the worker's re-  
23          cruitment, the following information:

24                  (A) The identity and address of the em-  
25                  ployer and the identity and address of the per-

1 son conducting the recruiting on behalf of the  
2 employer, including each subcontractor or agent  
3 involved in such recruiting.

4 (B) A copy of the approved job order or  
5 work contract under section 218 of the Immi-  
6 gration and Nationality Act, including all assur-  
7 ances and terms and conditions of employment.

8 (C) A statement, in a form specified by the  
9 Secretary—

10 (i) describing the general terms and  
11 conditions associated with obtaining an H-  
12 2A visa and maintaining H-2A status;

13 (ii) affirming the prohibition on the  
14 assessment of fees described in paragraph  
15 (1), and explaining that such fees, if paid  
16 by the employer, may not be passed on to  
17 the worker;

18 (iii) describing the protections af-  
19 farded the worker under this subtitle, in-  
20 cluding procedures for reporting violations  
21 to the Secretary of State, filing a com-  
22 plaint with the Secretary of Labor, or fil-  
23 ing a civil action; and

24 (iv) describing the protections af-  
25 farded the worker by section 202 of the

1 William Wilberforce Trafficking Victims  
2 Protection Reauthorization Act of 2008 (8  
3 U.S.C. 1375b), including the telephone  
4 number for the national human trafficking  
5 resource center hotline number.

6 (4) BOND.—The foreign labor recruiter shall  
7 agree to maintain a bond sufficient to ensure the  
8 ability of the foreign labor recruiter to discharge its  
9 responsibilities and ensure protection of workers,  
10 and to forfeit such bond in an amount determined  
11 by the Secretary under subsections (b)(1)(C)(ii) or  
12 (c)(2)(C) of section 252 for failure to comply with  
13 the provisions of this subtitle.

14 (5) COOPERATION IN INVESTIGATION.—The  
15 foreign labor recruiter shall agree to cooperate in  
16 any investigation under section 252 of this subtitle  
17 by the Secretary or other appropriate authorities.

18 (6) NO RETALIATION.—The foreign labor re-  
19 cruter shall agree to refrain from intimidating,  
20 threatening, restraining, coercing, discharging,  
21 blacklisting or in any other manner discriminating  
22 or retaliating against any worker or their family  
23 members (including a former worker or an applicant  
24 for employment) because such worker disclosed in-  
25 formation to any person based on a reason to believe



1 that the foreign labor recruiter, or any agent or sub-  
2 contractee of such foreign labor recruiter, is engag-  
3 ing or has engaged in a foreign labor recruiting ac-  
4 tivity that does not comply with this subtitle.

5 (7) EMPLOYEES, AGENTS, AND  
6 SUBCONTRACTEES.—The foreign labor recruiter  
7 shall consent to be liable for the conduct of any  
8 agents or subcontractees of any level in relation to  
9 the foreign labor recruiting activity of the agent or  
10 subcontractee to the same extent as if the foreign  
11 labor recruiter had engaged in such conduct.

12 (8) ENFORCEMENT.—If the foreign labor re-  
13 cruter is conducting foreign labor recruiting activity  
14 wholly outside the United States, such foreign labor  
15 recruiter shall establish a registered agent in the  
16 United States who is authorized to accept service of  
17 process on behalf of the foreign labor recruiter for  
18 the purpose of any administrative proceeding under  
19 this title or any Federal court civil action, if such  
20 service is made in accordance with the appropriate  
21 Federal rules for service of process.

22 (d) TERM OF REGISTRATION.—Unless suspended or  
23 revoked, a registration under this section shall be valid  
24 for 2 years.

1 (e) APPLICATION FEE.—The Secretary shall require  
2 a foreign labor recruiter that submits an application for  
3 registration under this section to pay a reasonable fee, suf-  
4 ficient to cover the full costs of carrying out the registra-  
5 tion activities under this subtitle.

6 (f) NOTIFICATION.—

7 (1) EMPLOYER NOTIFICATION.—

8 (A) IN GENERAL.—Not less frequently  
9 than once every year, an employer of H-2A  
10 workers shall provide the Secretary with the  
11 names and addresses of all foreign labor re-  
12 cruiters engaged to perform foreign labor re-  
13 cruiting activity on behalf of the employer,  
14 whether the foreign labor recruiter is to receive  
15 any economic compensation for such services,  
16 and, if so, the identity of the person or entity  
17 who is paying for the services.

18 (B) AGREEMENT TO COOPERATE.—In ad-  
19 dition to the requirements of subparagraph (A),  
20 the employer shall—

21 (i) provide to the Secretary the iden-  
22 tity of any foreign labor recruiter whom  
23 the employer has reason to believe is en-  
24 gaging in foreign labor recruiting activities  
25 that do not comply with this subtitle; and

1                   (ii) promptly respond to any request  
2                   by the Secretary for information regarding  
3                   the identity of a foreign labor recruiter  
4                   with whom the employer has a contract or  
5                   other agreement.

6                   (2) FOREIGN LABOR RECRUITER NOTIFICA-  
7                   TION.—A registered foreign labor recruiter shall no-  
8                   tify the Secretary, not less frequently than once  
9                   every year, of the identity of any subcontractee,  
10                  agent, or foreign labor recruiter employee involved in  
11                  any foreign labor recruiting activity for, or on behalf  
12                  of, the foreign labor recruiter.

13                  (g) ADDITIONAL RESPONSIBILITIES OF THE SEC-  
14                  RETARY OF STATE.—

15                  (1) LISTS.—The Secretary of State, in con-  
16                  sultation with the Secretary of Labor shall maintain  
17                  and make publicly available in written form and on  
18                  the websites of United States embassies in the offi-  
19                  cial language of that country, and on websites main-  
20                  tained by the Secretary of Labor, regularly updated  
21                  lists—

22                         (A) of foreign labor recruiters who hold  
23                         valid registrations under this section, includ-  
24                         ing—

1 (i) the name and address of the for-  
2 eign labor recruiter;

3 (ii) the countries in which such re-  
4 cruiters conduct recruitment;

5 (iii) the employers for whom recruit-  
6 ing is conducted;

7 (iv) the occupations that are the sub-  
8 ject of recruitment;

9 (v) the States where recruited workers  
10 are employed; and

11 (vi) the name and address of the reg-  
12 istered agent in the United States who is  
13 authorized to accept service of process on  
14 behalf of the foreign labor recruiter; and

15 (B) of foreign labor recruiters whose reg-  
16 istration the Secretary has revoked.

17 (2) PERSONNEL.—The Secretary of State shall  
18 ensure that each United States diplomatic mission is  
19 staffed with a person who shall be responsible for re-  
20 ceiving information from members of the public re-  
21 garding potential violations of the requirements ap-  
22 plicable to registered foreign labor recruiters and en-  
23 suring that such information is conveyed to the Sec-  
24 retary of Labor for evaluation and initiation of an  
25 enforcement action, if appropriate.

1           (3) VISA APPLICATION PROCEDURES.—The Sec-  
2           retary shall ensure that consular officers issuing  
3           visas to nonimmigrants under section  
4           101(a)(1)(H)(ii)(a) of the Immigration and Nation-  
5           ality Act (8 U.S.C. 11001(a)(1)(H)(ii)(a))—

6           (A) provide to and review with the appli-  
7           cant, in the applicant’s language (or a language  
8           the applicant understands), a copy of the infor-  
9           mation and resources pamphlet required by sec-  
10          tion 202 of the William Wilberforce Trafficking  
11          Victims Protection Reauthorization Act of 2008  
12          (8 U.S.C. 1375b);

13          (B) ensure that the applicant has a copy of  
14          the approved job offer or work contract;

15          (C) note in the visa application file wheth-  
16          er the foreign labor recruiter has a valid reg-  
17          istration under this section; and

18          (D) if the foreign labor recruiter holds a  
19          valid registration, review and include in the visa  
20          application file, the foreign labor recruiter’s dis-  
21          closures required by subsection (c)(3).

22          (4) DATA.—The Secretary of State shall make  
23          publicly available online, on an annual basis, data  
24          disclosing the gender, country of origin (and State,  
25          county, or province, if available), age, wage, level of

1 training, and occupational classification,  
2 disaggregated by State, of nonimmigrant workers  
3 described in section 101(a)(15)(H)(ii)(a) of the Im-  
4 migration and Nationality Act.

5 **SEC. 252. ENFORCEMENT.**

6 (a) DENIAL OR REVOCATION OF REGISTRATION.—

7 (1) GROUNDS FOR DENIAL OR REVOCATION.—

8 The Secretary shall deny an application for registra-  
9 tion, or revoke a registration, if the Secretary deter-  
10 mines that the foreign labor recruiter, or any agent  
11 or subcontractee of such foreign labor recruiter—

12 (A) knowingly made a material misrepre-  
13 sentation in the registration application;

14 (B) materially failed to comply with one or  
15 more of the attestations provided under section  
16 251(c); or

17 (C) is not the real party in interest.

18 (2) NOTICE.—Prior to denying an application  
19 for registration or revoking a registration under this  
20 subsection, the Secretary shall provide written notice  
21 of the intent to deny or revoke the registration to  
22 the foreign labor recruiter. Such notice shall—

23 (A) articulate with specificity all grounds  
24 for denial or revocation; and

1 (B) provide the foreign labor recruiter with  
2 not less than 60 days to respond.

3 (3) RE-REGISTRATION.—A foreign labor re-  
4 cruiter whose registration was revoked under sub-  
5 section (a) may re-register if the foreign labor re-  
6 cruiter demonstrates to the Secretary's satisfaction  
7 that the foreign labor recruiter has not violated this  
8 subtitle in the 5 years preceding the date an applica-  
9 tion for registration is filed and has taken sufficient  
10 steps to prevent future violations of this subtitle.

11 (b) ADMINISTRATIVE ENFORCEMENT.—

12 (1) COMPLAINT PROCESS.—

13 (A) FILING.—A complaint may be filed  
14 with the Secretary of Labor, in accordance with  
15 the procedures established under section  
16 251(b)(4) not later than 2 years after the ear-  
17 lier of—

18 (i) the date of the last action which  
19 constituted the conduct that is the subject  
20 of the complaint took place; or

21 (ii) the date on which the aggrieved  
22 party had actual knowledge of such con-  
23 duct.

24 (B) DECISION AND PENALTIES.—If the  
25 Secretary of Labor finds, after notice and an

1 opportunity for a hearing, that a foreign labor  
2 recruiter failed to comply with any of the re-  
3 quirements of this subtitle, the Secretary of  
4 Labor may—

5 (i) levy a fine against the foreign  
6 labor recruiter in an amount not more  
7 than—

8 (I) \$10,000 per violation; and

9 (II) \$25,000 per violation, upon

10 the third violation;

11 (ii) order the forfeiture (or partial for-  
12 feiture) of the bond and release of as much  
13 of the bond as the Secretary determines is  
14 necessary for the worker to recover prohib-  
15 ited recruitment fees;

16 (iii) refuse to issue or renew a reg-  
17 istration, or revoke a registration; or

18 (iv) disqualify the foreign labor re-  
19 cruiter from registration for a period of up  
20 to 5 years, or in the case of a subsequent  
21 finding involving willful or multiple mate-  
22 rial violations, permanently disqualify the  
23 foreign labor recruiter from registration.

24 (2) AUTHORITY TO ENSURE COMPLIANCE.—The  
25 Secretary of Labor is authorized to take other such



1 actions, including issuing subpoenas and seeking ap-  
2 propriate injunctive relief, as may be necessary to  
3 assure compliance with the terms and conditions of  
4 this subtitle.

5 (3) STATUTORY CONSTRUCTION.—Nothing in  
6 this subsection may be construed as limiting the au-  
7 thority of the Secretary of Labor to conduct an in-  
8 vestigation—

9 (A) under any other law, including any law  
10 affecting migrant and seasonal agricultural  
11 workers; or

12 (B) in the absence of a complaint.

13 (c) CIVIL ACTION.—

14 (1) IN GENERAL.—The Secretary of Labor or  
15 any person aggrieved by a violation of this subtitle  
16 may bring a civil action against any foreign labor re-  
17 cruiter, or any employer that does not meet the re-  
18 quirements under subsection (d)(1), in any court of  
19 competent jurisdiction—

20 (A) to seek remedial action, including in-  
21 junctive relief; and

22 (B) for damages in accordance with the  
23 provisions of this subsection.

24 (2) AWARD FOR CIVIL ACTION FILED BY AN IN-  
25 DIVIDUAL.—

1 (A) IN GENERAL.—If the court finds in a  
2 civil action filed by an individual under this sec-  
3 tion that the defendant has violated any provi-  
4 sion of this subtitle, the court may award—

5 (i) damages, up to and including an  
6 amount equal to the amount of actual  
7 damages, and statutory damages of up to  
8 \$1,000 per plaintiff per violation, or other  
9 equitable relief, except that with respect to  
10 statutory damages—

11 (I) multiple infractions of a sin-  
12 gle provision of this subtitle (or of a  
13 regulation under this subtitle) shall  
14 constitute only one violation for pur-  
15 poses of this subsection to determine  
16 the amount of statutory damages due  
17 a plaintiff; and

18 (II) if such complaint is certified  
19 as a class action the court may  
20 award—

21 (aa) damages up to an  
22 amount equal to the amount of  
23 actual damages; and

24 (bb) statutory damages of  
25 not more than the lesser of up to

1                   \$1,000 per class member per vio-  
2                   lation, or up to \$500,000; and  
3                   other equitable relief;

4                   (ii) reasonable attorneys' fees and  
5                   costs; and

6                   (iii) such other and further relief as  
7                   necessary to effectuate the purposes of this  
8                   subtitle.

9                   (B) CRITERIA.—In determining the  
10                  amount of statutory damages to be awarded  
11                  under subparagraph (A), the court is author-  
12                  ized to consider whether an attempt was made  
13                  to resolve the issues in dispute before the resort  
14                  to litigation.

15                  (C) BOND.—To satisfy the damages, fees,  
16                  and costs found owing under this paragraph,  
17                  the Secretary shall release as much of the bond  
18                  held pursuant to section 251(c)(4) as necessary.

19                  (3) SUMS RECOVERED IN ACTIONS BY THE SEC-  
20                  RETARY OF LABOR.—

21                  (A) ESTABLISHMENT OF ACCOUNT.—

22                  There is established in the general fund of the  
23                  Treasury a separate account, which shall be  
24                  known as the "H-2A Foreign Labor Recruiter  
25                  Compensation Account". Notwithstanding any

1 other provisions of law, there shall be deposited  
2 as offsetting receipts into the account, all sums  
3 recovered in an action by the Secretary of  
4 Labor under this subsection.

5 (B) USE OF FUNDS.—Amounts deposited  
6 into the H-2A Foreign Labor Recruiter Com-  
7 pensation Account and shall be paid directly to  
8 each worker affected. Any such sums not paid  
9 to a worker because of inability to do so within  
10 a period of 5 years following the date such  
11 funds are deposited into the account shall re-  
12 main available to the Secretary until expended.  
13 The Secretary may transfer all or a portion of  
14 such remaining sums to appropriate agencies to  
15 support the enforcement of the laws prohibiting  
16 the trafficking and exploitation of persons or  
17 programs that aid trafficking victims.

18 (d) EMPLOYER SAFE HARBOR.—

19 (1) IN GENERAL.—An employer that hires  
20 workers referred by a foreign labor recruiter with a  
21 valid registration at the time of hiring shall not be  
22 held jointly liable for a violation committed solely by  
23 a foreign labor recruiter under this subtitle—

24 (A) in any administrative action initiated  
25 by the Secretary concerning such violation; or

1 (B) in any Federal or State civil court ac-  
2 tion filed against the foreign labor recruiter by  
3 or on behalf of such workers or other aggrieved  
4 party under this subtitle.

5 (2) CLARIFICATION.—Nothing in this subtitle  
6 shall be construed to prohibit an aggrieved party or  
7 parties from bringing a civil action for violations of  
8 this subtitle or any other Federal or State law  
9 against any employer who hired workers referred by  
10 a foreign labor recruiter—

11 (A) without a valid registration at the time  
12 of hire; or

13 (B) with a valid registration if the em-  
14 ployer knew or learned of the violation and  
15 failed to report such violation to the Secretary.

16 (e) PAROLE TO PURSUE RELIEF.—If other immigra-  
17 tion relief is not available, the Secretary of Homeland Se-  
18 curity may grant parole to permit an individual to remain  
19 legally in the United States for time sufficient to fully and  
20 effectively participate in all legal proceedings related to  
21 any action taken pursuant to subsection (b) or (c).

22 (f) WAIVER OF RIGHTS.—Agreements by employees  
23 purporting to waive or to modify their rights under this  
24 subtitle shall be void as contrary to public policy.

1 (g) LIABILITY FOR AGENTS.—Foreign labor recruit-  
2 ers shall be subject to the provisions of this section for  
3 violations committed by the foreign labor recruiter’s  
4 agents or subcontractees of any level in relation to their  
5 foreign labor recruiting activity to the same extent as if  
6 the foreign labor recruiter had committed the violation.

7 **SEC. 253. APPROPRIATIONS.**

8 There is authorized to be appropriated such sums as  
9 may be necessary for the Secretary of Labor and Secretary  
10 of State to carry out the provisions of this subtitle.

11 **SEC. 254. DEFINITIONS.**

12 For purposes of this subtitle:

13 (1) FOREIGN LABOR RECRUITER.—The term  
14 “foreign labor recruiter” means any person who per-  
15 forms foreign labor recruiting activity in exchange  
16 for money or other valuable consideration paid or  
17 promised to be paid, to recruit individuals to work  
18 as nonimmigrant workers described in section  
19 101(a)(15)(H)(ii)(a) of the Immigration and Nation-  
20 ality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), including  
21 any person who performs foreign labor recruiting ac-  
22 tivity wholly outside of the United States. Such term  
23 does not include any entity of the United States  
24 Government or an employer, or employee of an em-  
25 ployer, who engages in foreign labor recruiting activ-

1       ity solely to find employees for that employer’s own  
2       use, and without the participation of any other for-  
3       eign labor recruiter.

4               (2) FOREIGN LABOR RECRUITING ACTIVITY.—  
5       The term “foreign labor recruiting activity” means  
6       recruiting, soliciting, or related activities with re-  
7       spect to an individual who resides outside of the  
8       United States in furtherance of employment in the  
9       United States, including when such activity occurs  
10      wholly outside of the United States.

11              (3) RECRUITMENT FEES.—The term “recruit-  
12      ment fees” has the meaning given to such term  
13      under section 22.1702 of title 22 of the Code of  
14      Federal Regulations, as in effect on the date of en-  
15      actment of this Act.

16              (4) PERSON.—The term “person” means any  
17      natural person or any corporation, company, firm,  
18      partnership, joint stock company or association or  
19      other organization or entity (whether organized  
20      under law or not), including municipal corporations.

1 **TITLE III—ELECTRONIC VERIFI-**  
2 **CATION OF EMPLOYMENT**  
3 **ELIGIBILITY**

4 **SEC. 301. ELECTRONIC EMPLOYMENT ELIGIBILITY**  
5 **VERIFICATION SYSTEM.**

6 (a) IN GENERAL.—Chapter 8 of title II of the Immi-  
7 gration and Nationality Act (8 U.S.C. 1321 et seq.) is  
8 amended by inserting after section 274D the following:

9 **“SEC. 274E. REQUIREMENTS FOR THE ELECTRONIC**  
10 **VERIFICATION OF EMPLOYMENT ELIGI-**  
11 **BILITY.**

12 “(a) EMPLOYMENT ELIGIBILITY VERIFICATION SYS-  
13 TEM.—

14 “(1) IN GENERAL.—The Secretary of Homeland  
15 Security (referred to in this section as the ‘Sec-  
16 retary’) shall establish and administer an electronic  
17 verification system (referred to in this section as the  
18 ‘System’), patterned on the E-Verify Program de-  
19 scribed in section 403(a) of the Illegal Immigration  
20 Reform and Immigrant Responsibility Act of 1996  
21 (8 U.S.C. 1324a note) (as in effect on the day be-  
22 fore the effective date described in section 303(a)(4)  
23 of the Farm Workforce Modernization Act of 2021),  
24 and using the employment eligibility confirmation  
25 system established under section 404 of such Act (8



1 U.S.C. 1324a note) (as so in effect) as a foundation,  
2 through which the Secretary shall—

3 “(A) respond to inquiries made by persons  
4 or entities seeking to verify the identity and em-  
5 ployment authorization of individuals that such  
6 persons or entities seek to hire, or to recruit or  
7 refer for a fee, for employment in the United  
8 States; and

9 “(B) maintain records of the inquiries that  
10 were made, and of verifications provided (or not  
11 provided) to such persons or entities as evidence  
12 of compliance with the requirements of this sec-  
13 tion.

14 “(2) INITIAL RESPONSE DEADLINE.—The Sys-  
15 tem shall provide confirmation or a tentative non-  
16 confirmation of an individual’s identity and employ-  
17 ment authorization as soon as practicable, but not  
18 later than 3 calendar days after the initial inquiry.

19 “(3) GENERAL DESIGN AND OPERATION OF  
20 SYSTEM.—The Secretary shall design and operate  
21 the System—

22 “(A) using responsive web design and  
23 other technologies to maximize its ease of use  
24 and accessibility for users on a variety of elec-

1           tronic devices and screen sizes, and in remote  
2           locations;

3           “(B) to maximize the accuracy of re-  
4           sponses to inquiries submitted by persons or en-  
5           tities;

6           “(C) to maximize the reliability of the Sys-  
7           tem and to register each instance when the Sys-  
8           tem is unable to receive inquiries;

9           “(D) to protect the privacy and security of  
10          the personally identifiable information main-  
11          tained by or submitted to the System;

12          “(E) to provide direct notification of an in-  
13          quiry to an individual with respect to whom the  
14          inquiry is made, including the results of such  
15          inquiry, and information related to the process  
16          for challenging the results, in cases in which the  
17          individual has established a user account as de-  
18          scribed in paragraph (4)(B) or an electronic  
19          mail address for the individual is submitted by  
20          the person or entity at the time the inquiry is  
21          made; and

22          “(F) to maintain appropriate administra-  
23          tive, technical, and physical safeguards to pre-  
24          vent misuse of the System and unfair immigra-  
25          tion-related employment practices.

1           “(4) MEASURES TO PREVENT IDENTITY THEFT  
2           AND OTHER FORMS OF FRAUD.—To prevent identity  
3           theft and other forms of fraud, the Secretary shall  
4           design and operate the System with the following at-  
5           tributes:

6                   “(A) PHOTO MATCHING TOOL.—The Sys-  
7                   tem shall display the digital photograph of the  
8                   individual, if any, that corresponds to the docu-  
9                   ment presented by an individual to establish  
10                  identity and employment authorization so that  
11                  the person or entity that makes an inquiry can  
12                  compare the photograph displayed by the Sys-  
13                  tem to the photograph on the document pre-  
14                  sented by the individual.

15                  “(B) INDIVIDUAL MONITORING AND SUS-  
16                  PENSION OF IDENTIFYING INFORMATION.—The  
17                  System shall enable individuals to establish user  
18                  accounts, after authentication of an individual’s  
19                  identity, that would allow an individual to—

20                           “(i) confirm the individual’s own em-  
21                           ployment authorization;

22                           “(ii) receive electronic notification  
23                           when the individual’s social security ac-  
24                           count number or other personally identi-

1           fying information has been submitted to  
2           the System;

3           “(iii) monitor the use history of the  
4           individual’s personally identifying informa-  
5           tion in the System, including the identities  
6           of all persons or entities that have sub-  
7           mitted such identifying information to the  
8           System, the date of each query run, and  
9           the System response for each query run;

10          “(iv) suspend or limit the use of the  
11          individual’s social security account number  
12          or other personally identifying information  
13          for purposes of the System; and

14          “(v) provide notice to the Department  
15          of Homeland Security of any suspected  
16          identity fraud or other improper use of  
17          personally identifying information.

18          “(C) BLOCKING MISUSED SOCIAL SECU-  
19          RITY ACCOUNT NUMBERS.—

20          “(i) IN GENERAL.—The Secretary, in  
21          consultation with the Commissioner of So-  
22          cial Security (referred to in this section as  
23          the ‘Commissioner’), shall develop, after  
24          publication in the Federal Register and an  
25          opportunity for public comment, a process

1 in which social security account numbers  
2 that have been identified to be subject to  
3 unusual multiple use in the System or that  
4 are otherwise suspected or determined to  
5 have been compromised by identity fraud  
6 or other misuse, shall be blocked from use  
7 in the System unless the individual using  
8 such number is able to establish, through  
9 secure and fair procedures, that the indi-  
10 vidual is the legitimate holder of the num-  
11 ber.

12 “(ii) NOTICE.—If the Secretary blocks  
13 or suspends a social security account num-  
14 ber under this subparagraph, the Secretary  
15 shall provide notice to the persons or enti-  
16 ties that have made inquiries to the Sys-  
17 tem using such account number that the  
18 identity and employment authorization of  
19 the individual who provided such account  
20 number must be re-verified.

21 “(D) ADDITIONAL IDENTITY AUTHENTICA-  
22 TION TOOL.—The Secretary shall develop, after  
23 publication in the Federal Register and an op-  
24 portunity for public comment, additional secu-  
25 rity measures to adequately verify the identity

1 of an individual whose identity may not be  
2 verified using the photo tool described in sub-  
3 paragraph (A). Such additional security meas-  
4 ures—

5 “(i) shall be kept up-to-date with  
6 technological advances; and

7 “(ii) shall be designed to provide a  
8 high level of certainty with respect to iden-  
9 tity authentication.

10 “(E) CHILD-LOCK PILOT PROGRAM.—The  
11 Secretary, in consultation with the Commis-  
12 sioner, shall establish a reliable, secure program  
13 through which parents or legal guardians may  
14 suspend or limit the use of the social security  
15 account number or other personally identifying  
16 information of a minor under their care for  
17 purposes of the System. The Secretary may im-  
18 plement the program on a limited pilot basis be-  
19 fore making it fully available to all individuals.

20 “(5) RESPONSIBILITIES OF THE COMMISSIONER  
21 OF SOCIAL SECURITY.—The Commissioner, in con-  
22 sultation with the Secretary, shall establish a reli-  
23 able, secure method, which, within the time periods  
24 specified in paragraph (2) and subsection  
25 (b)(4)(D)(i)(II), compares the name and social secu-

1 rity account number provided in an inquiry against  
2 such information maintained by the Commissioner in  
3 order to validate (or not validate) the information  
4 provided by the person or entity with respect to an  
5 individual whose identity and employment authoriza-  
6 tion the person or entity seeks to confirm, the cor-  
7 respondence of the name and number, and whether  
8 the individual has presented a social security ac-  
9 count number that is not valid for employment. The  
10 Commissioner shall not disclose or release social se-  
11 curity information (other than such confirmation or  
12 nonconfirmation) under the System except as pro-  
13 vided under this section.

14 “(6) RESPONSIBILITIES OF THE SECRETARY OF  
15 HOMELAND SECURITY.—

16 “(A) IN GENERAL.—The Secretary of  
17 Homeland Security shall establish a reliable, se-  
18 cure method, which, within the time periods  
19 specified in paragraph (2) and subsection  
20 (b)(4)(D)(i)(II), compares the name and identi-  
21 fication or other authorization number (or any  
22 other information determined relevant by the  
23 Secretary) which are provided in an inquiry  
24 against such information maintained or  
25 accessed by the Secretary in order to validate

1 (or not validate) the information provided, the  
2 correspondence of the name and number, and  
3 whether the individual is authorized to be em-  
4 ployed in the United States.

5 “(B) TRAINING.—The Secretary shall pro-  
6 vide and regularly update training materials on  
7 the use of the System for persons and entities  
8 making inquiries.

9 “(C) AUDIT.—The Secretary shall provide  
10 for periodic auditing of the System to detect  
11 and prevent misuse, discrimination, fraud, and  
12 identity theft, to protect privacy and assess  
13 System accuracy, and to preserve the integrity  
14 and security of the information in the System.

15 “(D) NOTICE OF SYSTEM CHANGES.—The  
16 Secretary shall provide appropriate notification  
17 to persons and entities registered in the System  
18 of any change made by the Secretary or the  
19 Commissioner related to permitted and prohib-  
20 ited documents, and use of the System.

21 “(7) RESPONSIBILITIES OF THE SECRETARY OF  
22 STATE.—As part of the System, the Secretary of  
23 State shall provide to the Secretary of Homeland Se-  
24 curity access to passport and visa information as  
25 needed to confirm that a passport or passport card



1 presented under subsection (b)(3)(A)(i) confirms the  
2 employment authorization and identity of the indi-  
3 vidual presenting such document, and that a pass-  
4 port, passport card, or visa photograph matches the  
5 Secretary of State’s records, and shall provide such  
6 assistance as the Secretary of Homeland Security  
7 may request in order to resolve tentative noncon-  
8 firmations or final nonconfirmations relating to such  
9 information.

10 “(8) UPDATING INFORMATION.—The Commis-  
11 sioner, the Secretary of Homeland Security, and the  
12 Secretary of State shall update records in their cus-  
13 tody in a manner that promotes maximum accuracy  
14 of the System and shall provide a process for the  
15 prompt correction of erroneous information, includ-  
16 ing instances in which it is brought to their atten-  
17 tion through the tentative nonconfirmation review  
18 process under subsection (b)(4)(D).

19 “(9) MANDATORY AND VOLUNTARY SYSTEM  
20 USES.—

21 “(A) MANDATORY USERS.—Except as oth-  
22 erwise provided under Federal or State law,  
23 such as sections 302 and 303 of the Farm  
24 Workforce Modernization Act of 2021, nothing  
25 in this section shall be construed as requiring

1 the use of the System by any person or entity  
2 hiring, recruiting, or referring for a fee, an in-  
3 dividual for employment in the United States.

4 “(B) VOLUNTARY USERS.—Beginning  
5 after the date that is 30 days after the date on  
6 which final rules are published under section  
7 309(a) of the Farm Workforce Modernization  
8 Act of 2021, a person or entity may use the  
9 System on a voluntary basis to seek verification  
10 of the identity and employment authorization of  
11 individuals the person or entity is hiring, re-  
12 cruiting, or referring for a fee for employment  
13 in the United States.

14 “(C) PROCESS FOR NON-USERS.—The em-  
15 ployment verification process for any person or  
16 entity hiring, recruiting, or referring for a fee,  
17 an individual for employment in the United  
18 States shall be governed by section 274A(b) un-  
19 less the person or entity—

20 “(i) is required by Federal or State  
21 law to use the System; or

22 “(ii) has opted to use the System vol-  
23 untarily in accordance with subparagraph  
24 (B).

1           “(10) NO FEE FOR USE.—The Secretary may  
2           not charge a fee to an individual, person, or entity  
3           related to the use of the System.

4           “(b) NEW HIRES, RECRUITMENT, AND REFERRAL.—  
5           Notwithstanding section 274A(b), the requirements re-  
6           ferred to in paragraphs (1)(B) and (3) of section 274A(a)  
7           are, in the case of a person or entity that uses the System  
8           for the hiring, recruiting, or referring for a fee, an indi-  
9           vidual for employment in the United States, the following:

10           “(1) INDIVIDUAL ATTESTATION OF EMPLOY-  
11           MENT AUTHORIZATION.—During the period begin-  
12           ning on the date on which an offer of employment  
13           is accepted and ending on the date of hire, the indi-  
14           vidual shall attest, under penalty of perjury on a  
15           form designated by the Secretary, that the individual  
16           is authorized to be employed in the United States by  
17           providing on such form—

18           “(A) the individual’s name and date of  
19           birth;

20           “(B) the individual’s social security ac-  
21           count number (unless the individual has applied  
22           for and not yet been issued such a number);

23           “(C) whether the individual is—

24           “(i) a citizen or national of the United  
25           States;

1           “(ii) an alien lawfully admitted for  
2 permanent residence; or

3           “(iii) an alien who is otherwise au-  
4 thorized by the Secretary to be hired, re-  
5 cruited, or referred for employment in the  
6 United States; and

7           “(D) if the individual does not attest to  
8 United States citizenship or nationality, such  
9 identification or other authorization number es-  
10 tablished by the Department of Homeland Se-  
11 curity for the alien as the Secretary may speci-  
12 fy.

13           “(2) EMPLOYER ATTESTATION AFTER EXAM-  
14 INATION OF DOCUMENTS.—Not later than 3 busi-  
15 ness days after the date of hire, the person or entity  
16 shall attest, under penalty of perjury on the form  
17 designated by the Secretary for purposes of para-  
18 graph (1), that it has verified that the individual is  
19 not an unauthorized alien by—

20           “(A) obtaining from the individual the in-  
21 formation described in paragraph (1) and re-  
22 cording such information on the form;

23           “(B) examining—

24           “(i) a document described in para-  
25 graph (3)(A); or

1           “(ii) a document described in para-  
2           graph (3)(B) and a document described in  
3           paragraph (3)(C); and

4           “(C) attesting that the information re-  
5           corded on the form is consistent with the docu-  
6           ments examined.

7           “(3) ACCEPTABLE DOCUMENTS.—

8           “(A) DOCUMENTS ESTABLISHING EMPLOY-  
9           MENT AUTHORIZATION AND IDENTITY.—A doc-  
10          ument described in this subparagraph is an in-  
11          dividual’s—

12           “(i) United States passport or pass-  
13           port card;

14           “(ii) permanent resident card that  
15           contains a photograph;

16           “(iii) foreign passport containing tem-  
17           porary evidence of lawful permanent resi-  
18           dence in the form of an official I-551 (or  
19           successor) stamp from the Department of  
20           Homeland Security or a printed notation  
21           on a machine-readable immigrant visa;

22           “(iv) unexpired employment author-  
23           ization card that contains a photograph;

24           “(v) in the case of a nonimmigrant  
25           alien authorized to engage in employment

1 for a specific employer incident to status,  
2 a foreign passport with Form I-94, Form  
3 I-94A, or other documentation as des-  
4 ignated by the Secretary specifying the  
5 alien's nonimmigrant status as long as  
6 such status has not yet expired and the  
7 proposed employment is not in conflict  
8 with any restrictions or limitations identi-  
9 fied in the documentation;

10 “(vi) passport from the Federated  
11 States of Micronesia or the Republic of the  
12 Marshall Islands with Form I-94, Form I-  
13 94A, or other documentation as designated  
14 by the Secretary, indicating nonimmigrant  
15 admission under the Compact of Free As-  
16 sociation Between the United States and  
17 the Federated States of Micronesia or the  
18 Republic of the Marshall Islands; or

19 “(vii) other document designated by  
20 the Secretary, by notice published in the  
21 Federal Register, if the document—

22 “(I) contains a photograph of the  
23 individual, biometric identification  
24 data, and other personal identifying  
25 information relating to the individual;

1                   “(II) is evidence of authorization  
2                   for employment in the United States;  
3                   and

4                   “(III) contains security features  
5                   to make it resistant to tampering,  
6                   counterfeiting, and fraudulent use.

7                   “(B) DOCUMENTS ESTABLISHING EMPLOY-  
8                   MENT AUTHORIZATION.—A document described  
9                   in this subparagraph is—

10                   “(i) an individual’s social security ac-  
11                   count number card (other than such a card  
12                   which specifies on the face that the  
13                   issuance of the card does not authorize em-  
14                   ployment in the United States); or

15                   “(ii) a document establishing employ-  
16                   ment authorization that the Secretary de-  
17                   termines, by notice published in the Fed-  
18                   eral Register, to be acceptable for purposes  
19                   of this subparagraph, provided that such  
20                   documentation contains security features  
21                   to make it resistant to tampering, counter-  
22                   feiting, and fraudulent use.

23                   “(C) DOCUMENTS ESTABLISHING IDEN-  
24                   TITY.—A document described in this subpara-  
25                   graph is—

1           “(i) an individual’s driver’s license or  
2           identification card if it was issued by a  
3           State or one of the outlying possessions of  
4           the United States and contains a photo-  
5           graph and personal identifying information  
6           relating to the individual;

7           “(ii) an individual’s unexpired United  
8           States military identification card;

9           “(iii) an individual’s unexpired Native  
10          American tribal identification document  
11          issued by a tribal entity recognized by the  
12          Bureau of Indian Affairs;

13          “(iv) in the case of an individual  
14          under 18 years of age, a parent or legal  
15          guardian’s attestation under penalty of law  
16          as to the identity and age of the individual;  
17          or

18          “(v) a document establishing identity  
19          that the Secretary determines, by notice  
20          published in the Federal Register, to be ac-  
21          ceptable for purposes of this subparagraph,  
22          if such documentation contains a photo-  
23          graph of the individual, biometric identi-  
24          fication data, and other personal identi-  
25          fying information relating to the indi-



1           vidual, and security features to make it re-  
2           sistant to tampering, counterfeiting, and  
3           fraudulent use.

4           “(D) AUTHORITY TO PROHIBIT USE OF  
5           CERTAIN DOCUMENTS.—If the Secretary finds  
6           that any document or class of documents de-  
7           scribed in subparagraph (A), (B), or (C) does  
8           not reliably establish identity or employment  
9           authorization or is being used fraudulently to  
10          an unacceptable degree, the Secretary may, by  
11          notice published in the Federal Register, pro-  
12          hibit or place conditions on the use of such doc-  
13          ument or class of documents for purposes of  
14          this section.

15          “(4) USE OF THE SYSTEM TO SCREEN IDEN-  
16          TITY AND EMPLOYMENT AUTHORIZATION.—

17                 “(A) IN GENERAL.—In the case of a per-  
18                 son or entity that uses the System for the hir-  
19                 ing, recruiting, or referring for a fee an indi-  
20                 vidual for employment in the United States,  
21                 during the period described in subparagraph  
22                 (B), the person or entity shall submit an in-  
23                 quiry through the System described in sub-  
24                 section (a) to seek verification of the identity  
25                 and employment authorization of the individual.

1           “(B) VERIFICATION PERIOD.—

2                   “(i) IN GENERAL.—Except as pro-  
3                   vided in clause (ii), and subject to sub-  
4                   section (d), the verification period shall  
5                   begin on the date of hire and end on the  
6                   date that is 3 business days after the date  
7                   of hire, or such other reasonable period as  
8                   the Secretary may prescribe.

9                   “(ii) SPECIAL RULE.—In the case of  
10                  an alien who is authorized to be employed  
11                  in the United States and who provides evi-  
12                  dence from the Social Security Administra-  
13                  tion that the alien has applied for a social  
14                  security account number, the verification  
15                  period shall end 3 business days after the  
16                  alien receives the social security account  
17                  number.

18                  “(C) CONFIRMATION.—If a person or enti-  
19                  ty receives confirmation of an individual’s iden-  
20                  tity and employment authorization, the person  
21                  or entity shall record such confirmation on the  
22                  form designated by the Secretary for purposes  
23                  of paragraph (1).

24                  “(D) TENTATIVE NONCONFIRMATION.—

1           “(i) IN GENERAL.—In cases of ten-  
2           tative nonconfirmation, the Secretary shall  
3           provide, in consultation with the Commis-  
4           sioner, a process for—

5                   “(I) an individual to contest the  
6                   tentative nonconfirmation not later  
7                   than 10 business days after the date  
8                   of the receipt of the notice described  
9                   in clause (ii); and

10                   “(II) the Secretary to issue a  
11                   confirmation or final nonconfirmation  
12                   of an individual’s identity and employ-  
13                   ment authorization not later than 30  
14                   calendar days after the Secretary re-  
15                   ceives notice from the individual con-  
16                   testing a tentative nonconfirmation.

17           “(ii) NOTICE.—If a person or entity  
18           receives a tentative nonconfirmation of an  
19           individual’s identity or employment author-  
20           ization, the person or entity shall, not later  
21           than 3 business days after receipt, notify  
22           such individual in writing in a language  
23           understood by the individual and on a form  
24           designated by the Secretary, that shall in-  
25           clude a description of the individual’s right

1 to contest the tentative nonconfirmation.  
2 The person or entity shall attest, under  
3 penalty of perjury, that the person or enti-  
4 ty provided (or attempted to provide) such  
5 notice to the individual, and the individual  
6 shall acknowledge receipt of such notice in  
7 a manner specified by the Secretary.

8 “(iii) NO CONTEST.—

9 “(I) IN GENERAL.—A tentative  
10 nonconfirmation shall become final if,  
11 upon receiving the notice described in  
12 clause (ii), the individual—

13 “(aa) refuses to acknowledge  
14 receipt of such notice;

15 “(bb) acknowledges in writ-  
16 ing, in a manner specified by the  
17 Secretary, that the individual will  
18 not contest the tentative noncon-  
19 firmation; or

20 “(cc) fails to contest the  
21 tentative nonconfirmation within  
22 the 10-business-day period begin-  
23 ning on the date the individual  
24 received such notice.

1           “(II) RECORD OF NO CON-  
2 TEST.—The person or entity shall in-  
3 dicate in the System that the indi-  
4 vidual did not contest the tentative  
5 nonconfirmation and shall specify the  
6 reason the tentative nonconfirmation  
7 became final under subclause (I).

8           “(III) EFFECT OF FAILURE TO  
9 CONTEST.—An individual’s failure to  
10 contest a tentative nonconfirmation  
11 shall not be considered an admission  
12 of any fact with respect to any viola-  
13 tion of this Act or any other provision  
14 of law.

15           “(iv) CONTEST.—

16           “(I) IN GENERAL.—An individual  
17 may contest a tentative nonconfirma-  
18 tion by using the tentative noncon-  
19 firmation review process under clause  
20 (i), not later than 10 business days  
21 after receiving the notice described in  
22 clause (ii). Except as provided in  
23 clause (iii), the nonconfirmation shall  
24 remain tentative until a confirmation

1 or final nonconfirmation is provided  
2 by the System.

3 “(II) PROHIBITION ON TERMI-  
4 NATION.—In no case shall a person or  
5 entity terminate employment or take  
6 any adverse employment action  
7 against an individual for failure to ob-  
8 tain confirmation of the individual’s  
9 identity and employment authoriza-  
10 tion until the person or entity receives  
11 a notice of final nonconfirmation from  
12 the System. Nothing in this subclause  
13 shall prohibit an employer from termi-  
14 nating the employment of the indi-  
15 vidual for any other lawful reason.

16 “(III) CONFIRMATION OR FINAL  
17 NONCONFIRMATION.—The Secretary,  
18 in consultation with the Commis-  
19 sioner, shall issue notice of a con-  
20 firmation or final nonconfirmation of  
21 the individual’s identity and employ-  
22 ment authorization not later than 30  
23 calendar days after the date the Sec-  
24 retary receives notice from the indi-

1           vidual contesting the tentative non-  
2           confirmation.

3           “(E) FINAL NONCONFIRMATION.—

4           “(i) NOTICE.—If a person or entity  
5           receives a final nonconfirmation of an indi-  
6           vidual’s identity or employment authoriza-  
7           tion, the person or entity shall, not later  
8           than 3 business days after receipt, notify  
9           such individual of the final nonconfirma-  
10          tion in writing, on a form designated by  
11          the Secretary, which shall include informa-  
12          tion regarding the individual’s right to ap-  
13          peal the final nonconfirmation as provided  
14          under subparagraph (F). The person or  
15          entity shall attest, under penalty of per-  
16          jury, that the person or entity provided (or  
17          attempted to provide) the notice to the in-  
18          dividual, and the individual shall acknowl-  
19          edge receipt of such notice in a manner  
20          designated by the Secretary.

21          “(ii) TERMINATION OR NOTIFICATION  
22          OF CONTINUED EMPLOYMENT.—If a per-  
23          son or entity receives a final nonconfirma-  
24          tion regarding an individual, the person or  
25          entity may terminate employment of the

1 individual. If the person or entity does not  
2 terminate such employment pending appeal  
3 of the final nonconfirmation, the person or  
4 entity shall notify the Secretary of such  
5 fact through the System. Failure to notify  
6 the Secretary in accordance with this  
7 clause shall be deemed a violation of sec-  
8 tion 274A(a)(1)(A).

9 “(iii) PRESUMPTION OF VIOLATION  
10 FOR CONTINUED EMPLOYMENT.—If a per-  
11 son or entity continues to employ an indi-  
12 vidual after receipt of a final nonconfirma-  
13 tion, there shall be a rebuttable presump-  
14 tion that the person or entity has violated  
15 paragraphs (1)(A) and (a)(2) of section  
16 274A(a).

17 “(F) APPEAL OF FINAL NONCONFIRMA-  
18 TION.—

19 “(i) ADMINISTRATIVE APPEAL.—The  
20 Secretary, in consultation with the Com-  
21 missioner, shall develop a process by which  
22 an individual may seek administrative re-  
23 view of a final nonconfirmation. Such pro-  
24 cess shall—



1           “(I) permit the individual to sub-  
2           mit additional evidence establishing  
3           identity or employment authorization;

4           “(II) ensure prompt resolution of  
5           an appeal (but in no event shall there  
6           be a failure to respond to an appeal  
7           within 30 days); and

8           “(III) permit the Secretary to  
9           impose a civil money penalty (not to  
10          exceed \$500) on an individual upon  
11          finding that an appeal was frivolous  
12          or filed for purposes of delay.

13          “(ii) COMPENSATION FOR LOST  
14          WAGES RESULTING FROM GOVERNMENT  
15          ERROR OR OMISSION.—

16                 “(I) IN GENERAL.—If, upon con-  
17                 sideration of an appeal of a final non-  
18                 confirmation, the Secretary deter-  
19                 mines that the final nonconfirmation  
20                 was issued in error, the Secretary  
21                 shall further determine whether the  
22                 final nonconfirmation was the result  
23                 of government error or omission. If  
24                 the Secretary determines that the  
25                 final nonconfirmation was solely the

1 result of government error or omission  
2 and the individual was terminated  
3 from employment, the Secretary shall  
4 compensate the individual for lost  
5 wages.

6 “(II) CALCULATION OF LOST  
7 WAGES.—Lost wages shall be cal-  
8 culated based on the wage rate and  
9 work schedule that were in effect  
10 prior to the individual’s termination.  
11 The individual shall be compensated  
12 for lost wages beginning on the first  
13 scheduled work day after employment  
14 was terminated and ending 90 days  
15 after completion of the administrative  
16 review process described in this sub-  
17 paragraph or the day the individual is  
18 reinstated or obtains other employ-  
19 ment, whichever occurs first.

20 “(III) LIMITATION ON COM-  
21 PENSATION.—No compensation for  
22 lost wages shall be awarded for any  
23 period during which the individual  
24 was not authorized for employment in  
25 the United States.

## 1                   “(IV) SOURCE OF FUNDS.—

2                   There is established in the general  
3                   fund of the Treasury, a separate ac-  
4                   count which shall be known as the  
5                   ‘Electronic Verification Compensation  
6                   Account’. Fees collected under sub-  
7                   sections (f) and (g) shall be deposited  
8                   in the Electronic Verification Com-  
9                   pensation Account and shall remain  
10                  available for purposes of providing  
11                  compensation for lost wages under  
12                  this subclause.

13                  “(iii) JUDICIAL REVIEW.—Not later  
14                  than 30 days after the dismissal of an ap-  
15                  peal under this subparagraph, an indi-  
16                  vidual may seek judicial review of such dis-  
17                  missal in the United States District Court  
18                  in the jurisdiction in which the employer  
19                  resides or conducts business.

## 20                  “(5) RETENTION OF VERIFICATION RECORDS.—

21                  “(A) IN GENERAL.—After completing the  
22                  form designated by the Secretary in accordance  
23                  with paragraphs (1) and (2), the person or enti-  
24                  ty shall retain the form in paper, microfiche,  
25                  microfilm, electronic, or other format deemed

1 acceptable by the Secretary, and make it avail-  
2 able for inspection by officers of the Depart-  
3 ment of Homeland Security, the Department of  
4 Justice, or the Department of Labor during the  
5 period beginning on the date the verification is  
6 completed and ending on the later of—

7 “(i) the date that is 3 years after the  
8 date of hire; or

9 “(ii) the date that is 1 year after the  
10 date on which the individual’s employment  
11 is terminated.

12 “(B) COPYING OF DOCUMENTATION PER-  
13 MITTED.—Notwithstanding any other provision  
14 of law, a person or entity may copy a document  
15 presented by an individual pursuant to this sec-  
16 tion and may retain the copy, but only for the  
17 purpose of complying with the requirements of  
18 this section.

19 “(c) REVERIFICATION OF PREVIOUSLY HIRED INDI-  
20 VIDUALS.—

21 “(1) MANDATORY REVERIFICATION.—In the  
22 case of a person or entity that uses the System for  
23 the hiring, recruiting, or referring for a fee an indi-  
24 vidual for employment in the United States, the per-  
25 son or entity shall submit an inquiry using the Sys-

1       tem to verify the identity and employment authoriza-  
2       tion of—

3               “(A) an individual with a limited period of  
4               employment authorization, within 3 business  
5               days before the date on which such employment  
6               authorization expires; and

7               “(B) an individual, not later than 10 days  
8               after receiving a notification from the Secretary  
9               requiring the verification of such individual pur-  
10              suant to subsection (a)(4)(C).

11             “(2) REVERIFICATION PROCEDURES.—The  
12             verification procedures under subsection (b) shall  
13             apply to reverifications under this subsection, except  
14             that employers shall—

15               “(A) use a form designated by the Sec-  
16               retary for purposes of this paragraph; and

17               “(B) retain the form in paper, microfiche,  
18               microfilm, electronic, or other format deemed  
19               acceptable by the Secretary, and make it avail-  
20               able for inspection by officers of the Depart-  
21               ment of Homeland Security, the Department of  
22               Justice, or the Department of Labor during the  
23               period beginning on the date the reverification  
24               commences and ending on the later of—

1                   “(i) the date that is 3 years after the  
2                   date of reverification; or

3                   “(ii) the date that is 1 year after the  
4                   date on which the individual’s employment  
5                   is terminated.

6                   “(3) LIMITATION ON REVERIFICATION.—Except  
7                   as provided in paragraph (1), a person or entity may  
8                   not otherwise reverify the identity and employment  
9                   authorization of a current employee, including an  
10                  employee continuing in employment.

11                  “(d) GOOD FAITH COMPLIANCE.—

12                  “(1) IN GENERAL.—Except as otherwise pro-  
13                  vided in this subsection, a person or entity that uses  
14                  the System is considered to have complied with the  
15                  requirements of this section notwithstanding a tech-  
16                  nical failure of the System, or other technical or pro-  
17                  cedural failure to meet such requirement if there  
18                  was a good faith attempt to comply with the require-  
19                  ment.

20                  “(2) EXCEPTION FOR FAILURE TO CORRECT  
21                  AFTER NOTICE.—Paragraph (1) shall not apply if—

22                          “(A) the failure is not de minimis;

23                          “(B) the Secretary has provided notice to  
24                          the person or entity of the failure, including an  
25                          explanation as to why it is not de minimis;

1           “(C) the person or entity has been pro-  
2           vided a period of not less than 30 days (begin-  
3           ning after the date of the notice) to correct the  
4           failure; and

5           “(D) the person or entity has not corrected  
6           the failure voluntarily within such period.

7           “(3) EXCEPTION FOR PATTERN OR PRACTICE  
8           VIOLATORS.—Paragraph (1) shall not apply to a  
9           person or entity that has engaged or is engaging in  
10          a pattern or practice of violations of paragraph  
11          (1)(A) or (2) of section 274A(a).

12          “(4) DEFENSE.—In the case of a person or en-  
13          tity that uses the System for the hiring, recruiting,  
14          or referring for a fee an individual for employment  
15          in the United States, the person or entity shall not  
16          be liable to a job applicant, an employee, the Federal  
17          Government, or a State or local government, under  
18          Federal, State, or local criminal or civil law, for any  
19          employment-related action taken with respect to an  
20          employee in good-faith reliance on information pro-  
21          vided by the System. Such person or entity shall be  
22          deemed to have established compliance with its obli-  
23          gations under this section, absent a showing by the  
24          Secretary, by clear and convincing evidence, that the

1 employer had knowledge that an employee is an un-  
2 authorized alien.

3 “(e) LIMITATIONS.—

4 “(1) NO NATIONAL IDENTIFICATION CARD.—

5 Nothing in this section shall be construed to author-  
6 ize, directly or indirectly, the issuance or use of na-  
7 tional identification cards or the establishment of a  
8 national identification card.

9 “(2) USE OF RECORDS.—Notwithstanding any  
10 other provision of law, nothing in this section shall  
11 be construed to permit or allow any department, bu-  
12 reau, or other agency of the United States Govern-  
13 ment to utilize any information, database, or other  
14 records assembled under this section for any purpose  
15 other than the verification of identity and employ-  
16 ment authorization of an individual or to ensure the  
17 secure, appropriate, and non-discriminatory use of  
18 the System.

19 “(f) PENALTIES.—

20 “(1) IN GENERAL.—Except as provided in this  
21 subsection, the provisions of subsections (e) through  
22 (g) of section 274A shall apply with respect to com-  
23 pliance with the provisions of this section and pen-  
24 alties for non-compliance for persons or entities that  
25 use the System.



1           “(2) CEASE AND DESIST ORDER WITH CIVIL  
2 MONEY PENALTIES FOR HIRING, RECRUITING, AND  
3 REFERRAL VIOLATIONS.—Notwithstanding the civil  
4 money penalties set forth in section 274A(e)(4), with  
5 respect to a violation of paragraph (1)(A) or (2) of  
6 section 274A(a) by a person or entity that has hired,  
7 recruited, or referred for a fee, an individual for em-  
8 ployment in the United States, a cease and desist  
9 order—

10           “(A) shall require the person or entity to  
11 pay a civil penalty in an amount, subject to  
12 subsection (d), of—

13           “(i) not less than \$2,500 and not  
14 more than \$5,000 for each unauthorized  
15 alien with respect to whom a violation of  
16 either such subsection occurred;

17           “(ii) not less than \$5,000 and not  
18 more than \$10,000 for each such alien in  
19 the case of a person or entity previously  
20 subject to one order under this paragraph;  
21 or

22           “(iii) not less than \$10,000 and not  
23 more than \$25,000 for each such alien in  
24 the case of a person or entity previously

1 subject to more than one order under this  
2 paragraph; and

3 “(B) may require the person or entity to  
4 take such other remedial action as appropriate.

5 “(3) ORDER FOR CIVIL MONEY PENALTY FOR  
6 VIOLATIONS.—With respect to a violation of section  
7 274A(a)(1)(B), the order under this paragraph shall  
8 require the person or entity to pay a civil penalty in  
9 an amount, subject to paragraphs (4), (5), and (6),  
10 of not less than \$1,000 and not more than \$25,000  
11 for each individual with respect to whom such viola-  
12 tion occurred. Failure by a person or entity to utilize  
13 the System as required by law or providing informa-  
14 tion to the System that the person or entity knows  
15 or reasonably believes to be false, shall be treated as  
16 a violation of section 274A(a)(1)(A).

17 “(4) EXEMPTION FROM PENALTY FOR GOOD  
18 FAITH VIOLATION.—

19 “(A) IN GENERAL.—A person or entity  
20 that uses the System is presumed to have acted  
21 with knowledge for purposes of paragraphs  
22 (1)(A) and (2) of section 274A(a) if the person  
23 or entity fails to make an inquiry to verify the  
24 identity and employment authorization of the  
25 individual through the System.

1           “(B) GOOD FAITH EXEMPTION.—In the  
2 case of imposition of a civil penalty under para-  
3 graph (2)(A) with respect to a violation of para-  
4 graph (1)(A) or (2) of section 274A(a) for hir-  
5 ing or continuation of employment or recruit-  
6 ment or referral by a person or entity, and in  
7 the case of imposition of a civil penalty under  
8 paragraph (3) for a violation of section  
9 274A(a)(1)(B) for hiring or recruitment or re-  
10 ferral by a person or entity, the penalty other-  
11 wise imposed may be waived or reduced if the  
12 person or entity establishes that the person or  
13 entity acted in good faith.

14           “(5) MITIGATION ELEMENTS.—For purposes of  
15 paragraphs (2)(A) and (3), when assessing the level  
16 of civil money penalties, in addition to the good faith  
17 of the person or entity being charged, due consider-  
18 ation shall be given to the size of the business, the  
19 seriousness of the violation, whether or not the indi-  
20 vidual was an unauthorized alien, and the history of  
21 previous violations.

22           “(6) CRIMINAL PENALTY.—Notwithstanding  
23 section 274A(f)(1) and the provisions of any other  
24 Federal law relating to fine levels, any person or en-  
25 tity that is required to comply with the provisions of

1 this section and that engages in a pattern or prac-  
2 tice of violations of paragraph (1) or (2) of section  
3 274A(a), shall be fined not more than \$5,000 for  
4 each unauthorized alien with respect to whom such  
5 a violation occurs, imprisoned for not more than 18  
6 months, or both.

7 “(7) ELECTRONIC VERIFICATION COMPENSA-  
8 TION ACCOUNT.—Civil money penalties collected  
9 under this subsection shall be deposited in the Elec-  
10 tronic Verification Compensation Account for the  
11 purpose of compensating individuals for lost wages  
12 as a result of a final nonconfirmation issued by the  
13 System that was based on government error or omis-  
14 sion, as set forth in subsection (b)(4)(F)(ii)(IV).

15 “(8) DEBARMENT.—

16 “(A) IN GENERAL.—If a person or entity  
17 is determined by the Secretary to be a repeat  
18 violator of paragraph (1)(A) or (2) of section  
19 274A(a) or is convicted of a crime under sec-  
20 tion 274A, such person or entity may be consid-  
21 ered for debarment from the receipt of Federal  
22 contracts, grants, or cooperative agreements in  
23 accordance with the debarment standards and  
24 pursuant to the debarment procedures set forth  
25 in the Federal Acquisition Regulation.

1           “(B) NO CONTRACT, GRANT, AGREE-  
2           MENT.—If the Secretary or the Attorney Gen-  
3           eral wishes to have a person or entity consid-  
4           ered for debarment in accordance with this  
5           paragraph, and such a person or entity does not  
6           hold a Federal contract, grant or cooperative  
7           agreement, the Secretary or Attorney General  
8           shall refer the matter to the Administrator of  
9           General Services to determine whether to list  
10          the person or entity on the List of Parties Ex-  
11          cluded from Federal Procurement, and if so, for  
12          what duration and under what scope.

13          “(C) CONTRACT, GRANT, AGREEMENT.—If  
14          the Secretary or the Attorney General wishes to  
15          have a person or entity considered for debar-  
16          ment in accordance with this paragraph, and  
17          such person or entity holds a Federal contract,  
18          grant, or cooperative agreement, the Secretary  
19          or Attorney General shall advise all agencies or  
20          departments holding a contract, grant, or coop-  
21          erative agreement with the person or entity of  
22          the Government’s interest in having the person  
23          or entity considered for debarment, and after  
24          soliciting and considering the views of all such  
25          agencies and departments, the Secretary or At-

1           torney General may refer the matter to the ap-  
2           propriate lead agency to determine whether to  
3           list the person or entity on the List of Parties  
4           Excluded from Federal Procurement, and if so,  
5           for what duration and under what scope.

6           “(D) REVIEW.—Any decision to debar a  
7           person or entity in accordance with this sub-  
8           section shall be reviewable pursuant to part 9.4  
9           of the Federal Acquisition Regulation.

10          “(9) PREEMPTION.—The provisions of this sec-  
11          tion preempt any State or local law, ordinance, pol-  
12          icy, or rule, including any criminal or civil fine or  
13          penalty structure, relating to the hiring, continued  
14          employment, or status verification for employment  
15          eligibility purposes, of unauthorized aliens, except  
16          that a State, locality, municipality, or political sub-  
17          division may exercise its authority over business li-  
18          censing and similar laws as a penalty for failure to  
19          use the System as required under this section.

20          “(g) UNFAIR IMMIGRATION-RELATED EMPLOYMENT  
21          PRACTICES AND THE SYSTEM.—

22          “(1) IN GENERAL.—In addition to the prohibi-  
23          tions on discrimination set forth in section 274B, it  
24          is an unfair immigration-related employment prac-

1        tice for a person or entity, in the course of utilizing  
2        the System—

3                “(A) to use the System for screening an  
4                applicant prior to the date of hire;

5                “(B) to terminate the employment of an  
6                individual or take any adverse employment ac-  
7                tion with respect to that individual due to a  
8                tentative nonconfirmation issued by the System;

9                “(C) to use the System to screen any indi-  
10                vidual for any purpose other than confirmation  
11                of identity and employment authorization as  
12                provided in this section;

13                “(D) to use the System to verify the iden-  
14                tity and employment authorization of a current  
15                employee, including an employee continuing in  
16                employment, other than reverification author-  
17                ized under subsection (c);

18                “(E) to use the System to discriminate  
19                based on national origin or citizenship status;

20                “(F) to willfully fail to provide an indi-  
21                vidual with any notice required under this title;

22                “(G) to require an individual to make an  
23                inquiry under the self-verification procedures  
24                described in subsection (a)(4)(B) or to provide  
25                the results of such an inquiry as a condition of

1 employment, or hiring, recruiting, or referring;  
2 or

3 “(H) to terminate the employment of an  
4 individual or take any adverse employment ac-  
5 tion with respect to that individual based upon  
6 the need to verify the identity and employment  
7 authorization of the individual as required by  
8 subsection (b).

9 “(2) PREEMPLOYMENT SCREENING AND BACK-  
10 GROUND CHECK.—Nothing in paragraph (1)(A)  
11 shall be construed to preclude a preemployment  
12 screening or background check that is required or  
13 permitted under any other provision of law.

14 “(3) CIVIL MONEY PENALTIES FOR DISCRIMINA-  
15 TORY CONDUCT.—Notwithstanding section  
16 274B(g)(2)(B)(iv), the penalties that may be im-  
17 posed by an administrative law judge with respect to  
18 a finding that a person or entity has engaged in an  
19 unfair immigration-related employment practice de-  
20 scribed in paragraph (1) are—

21 “(A) not less than \$1,000 and not more  
22 than \$4,000 for each individual discriminated  
23 against;

24 “(B) in the case of a person or entity pre-  
25 viously subject to a single order under this



1 paragraph, not less than \$4,000 and not more  
2 than \$10,000 for each individual discriminated  
3 against; and

4 “(C) in the case of a person or entity pre-  
5 viously subject to more than one order under  
6 this paragraph, not less than \$6,000 and not  
7 more than \$20,000 for each individual discrimi-  
8 nated against.

9 “(4) ELECTRONIC VERIFICATION COMPENSA-  
10 TION ACCOUNT.—Civil money penalties collected  
11 under this subsection shall be deposited in the Elec-  
12 tronic Verification Compensation Account for the  
13 purpose of compensating individuals for lost wages  
14 as a result of a final nonconfirmation issued by the  
15 System that was based on government error or omis-  
16 sion, as set forth in subsection (b)(4)(F)(ii)(IV).

17 “(h) CLARIFICATION.—All rights and remedies pro-  
18 vided under any Federal, State, or local law relating to  
19 workplace rights, including but not limited to back pay,  
20 are available to an employee despite—

21 “(1) the employee’s status as an unauthorized  
22 alien during or after the period of employment; or

23 “(2) the employer’s or employee’s failure to  
24 comply with the requirements of this section.

1       “(i) DEFINITION.—In this section, the term ‘date of  
2 hire’ means the date on which employment for pay or  
3 other remuneration commences.”.

4       (b) CONFORMING AMENDMENT.—The table of con-  
5 tents for the Immigration and Nationality Act is amended  
6 by inserting after the item relating to section 274D the  
7 following:

“Sec. 274E. Requirements for the electronic verification of employment eligi-  
bility.”.

8       **SEC. 302. MANDATORY ELECTRONIC VERIFICATION FOR**  
9                               **THE AGRICULTURAL INDUSTRY.**

10       (a) IN GENERAL.—The requirements for the elec-  
11 tronic verification of identity and employment authoriza-  
12 tion described in section 274E of the Immigration and Na-  
13 tionality Act, as inserted by section 301 of this Act, shall  
14 apply to a person or entity hiring, recruiting, or referring  
15 for a fee an individual for agricultural employment in the  
16 United States in accordance with the effective dates set  
17 forth in subsection (b).

18       (b) EFFECTIVE DATES.—

19               (1) HIRING.—Subsection (a) shall apply to a  
20 person or entity hiring an individual for agricultural  
21 employment in the United States as follows:

22                       (A) With respect to employers having 500  
23 or more employees in the United States on the  
24 date of the enactment of this Act, on the date

1 that is 6 months after completion of the appli-  
2 cation period described in section 101(c).

3 (B) With respect to employers having 100  
4 or more employees in the United States (but  
5 less than 500 such employees) on the date of  
6 the enactment of this Act, on the date that is  
7 9 months after completion of the application pe-  
8 riod described in section 101(c).

9 (C) With respect to employers having 20  
10 or more employees in the United States (but  
11 less than 100 such employees) on the date of  
12 the enactment of this Act, on the date that is  
13 12 months after completion of the application  
14 period described in section 101(c).

15 (D) With respect to employers having one  
16 or more employees in the United States, (but  
17 less than 20 such employees) on the date of the  
18 enactment of this Act, on the date that is 15  
19 months after completion of the application pe-  
20 riod described in section 101(c).

21 (2) RECRUITING AND REFERRING FOR A FEE.—  
22 Subsection (a) shall apply to a person or entity re-  
23 cruiting or referring for a fee an individual for agri-  
24 cultural employment in the United States on the

1 date that is 12 months after completion of the appli-  
2 cation period described in section 101(c).

3 (3) TRANSITION RULE.—Except as required  
4 under subtitle A of title IV of the Illegal Immigra-  
5 tion Reform and Immigrant Responsibility Act of  
6 1996 (8 U.S.C. 1324a note) (as in effect on the day  
7 before the effective date described in section  
8 303(a)(4)), Executive Order No. 13465 (8 U.S.C.  
9 1324a note; relating to Government procurement),  
10 or any State law requiring persons or entities to use  
11 the E-Verify Program described in section 403(a) of  
12 the Illegal Immigration Reform and Immigrant Re-  
13 sponsibility Act of 1996 (8 U.S.C. 1324a note) (as  
14 in effect on the day before the effective date de-  
15 scribed in section 303(a)(4)), sections 274A and  
16 274B of the Immigration and Nationality Act (8  
17 U.S.C. 1324a and 1324b) shall apply to a person or  
18 entity hiring, recruiting, or referring an individual  
19 for employment in the United States until the appli-  
20 cable effective date under this subsection.

21 (4) E-VERIFY VOLUNTARY USERS AND OTHERS  
22 DESIRING EARLY COMPLIANCE.—Nothing in this  
23 subsection shall be construed to prohibit persons or  
24 entities, including persons or entities that have vol-  
25 untarily elected to participate in the E-Verify Pro-

1       gram described in section 403(a) of the Illegal Im-  
2       migration Reform and Immigrant Responsibility Act  
3       of 1996 (8 U.S.C. 1324a note) (as in effect on the  
4       day before the effective date described in section  
5       303(a)(4)), from seeking early compliance on a vol-  
6       untary basis.

7               (5) DELAYED IMPLEMENTATION.—The Sec-  
8       retary of Homeland Security, in consultation with  
9       the Secretary of Agriculture, may delay the effective  
10      dates described in paragraphs (1) and (2) for a pe-  
11      riod not to exceed 180 days if the Secretary deter-  
12      mines, based on the most recent report described in  
13      section 133 and other relevant data, that a signifi-  
14      cant number of applications under section 101 re-  
15      main pending.

16      (c) RURAL ACCESS TO ASSISTANCE FOR TENTATIVE  
17      NONCONFIRMATION REVIEW PROCESS.—

18               (1) IN GENERAL.—The Secretary of Homeland  
19      Security shall coordinate with the Secretary of Agri-  
20      culture, in consultation with the Commissioner of  
21      Social Security, to create a process for individuals to  
22      seek assistance in contesting a tentative noncon-  
23      firmation as described in section 274E(b)(4)(D) of  
24      the Immigration and Nationality Act, as inserted by

1 section 301 of this Act, at local offices or service  
2 centers of the U.S. Department of Agriculture.

3 (2) STAFFING AND RESOURCES.—The Sec-  
4 retary of Homeland Security and Secretary of Agri-  
5 culture shall ensure that local offices and service  
6 centers of the U.S. Department of Agriculture are  
7 staffed appropriately and have the resources nec-  
8 essary to provide information and support to individ-  
9 uals seeking the assistance described in paragraph  
10 (1), including by facilitating communication between  
11 such individuals and the Department of Homeland  
12 Security or the Social Security Administration.

13 (3) CLARIFICATION.—Nothing in this sub-  
14 section shall be construed to delegate authority or  
15 transfer responsibility for reviewing and resolving  
16 tentative nonconfirmations from the Secretary of  
17 Homeland Security and the Commissioner of Social  
18 Security to the Secretary of Agriculture.

19 (d) DOCUMENT ESTABLISHING EMPLOYMENT AU-  
20 THORIZATION AND IDENTITY.—In accordance with section  
21 274E(b)(3)(A)(vii) of the Immigration and Nationality  
22 Act, as inserted by section 301 of this Act, and not later  
23 than 12 months after the completion of the application  
24 period described in section 101(c) of this Act, the Sec-  
25 retary of Homeland Security shall recognize documentary

1 evidence of certified agricultural worker status described  
2 in section 102(a)(2) of this Act as valid proof of employ-  
3 ment authorization and identity for purposes of section  
4 274E(b)(3)(A) of the Immigration and Nationality Act,  
5 as inserted by section 301 of this Act.

6 (e) AGRICULTURAL EMPLOYMENT.—For purposes of  
7 this section, the term “agricultural employment” means  
8 agricultural labor or services, as defined by section  
9 101(a)(15)(H)(ii) of the Immigration and Nationality Act  
10 (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by this Act.

11 **SEC. 303. COORDINATION WITH E-VERIFY PROGRAM.**

12 (a) REPEAL.—

13 (1) IN GENERAL.—Subtitle A of title IV of the  
14 Illegal Immigration Reform and Immigrant Respon-  
15 sibility Act of 1996 (8 U.S.C. 1324a note) is re-  
16 pealed.

17 (2) CLERICAL AMENDMENT.—The table of sec-  
18 tions, in section 1(d) of the Illegal Immigration Re-  
19 form and Immigrant Responsibility Act of 1996, is  
20 amended by striking the items relating to subtitle A  
21 of title IV.

22 (3) REFERENCES.—Any reference in any Fed-  
23 eral, State, or local law, Executive order, rule, regu-  
24 lation, or delegation of authority, or any document  
25 of, or pertaining to, the Department of Homeland

1 Security, Department of Justice, or the Social Secu-  
2 rity Administration, to the E-Verify Program de-  
3 scribed in section 403(a) of the Illegal Immigration  
4 Reform and Immigrant Responsibility Act of 1996  
5 (8 U.S.C. 1324a note), or to the employment eligi-  
6 bility confirmation system established under section  
7 404 of the Illegal Immigration Reform and Immig-  
8 rant Responsibility Act of 1996 (8 U.S.C. 1324a  
9 note), is deemed to refer to the employment eligi-  
10 bility confirmation system established under section  
11 274E of the Immigration and Nationality Act, as in-  
12 serted by section 301 of this Act.

13 (4) EFFECTIVE DATE.—This subsection, and  
14 the amendments made by this subsection, shall take  
15 effect on the date that is 30 days after the date on  
16 which final rules are published under section 309(a).

17 (b) FORMER E-VERIFY MANDATORY USERS, IN-  
18 CLUDING FEDERAL CONTRACTORS.—Beginning on the ef-  
19 fective date in subsection (a)(4), the Secretary of Home-  
20 land Security shall require employers required to partici-  
21 pate in the E-Verify Program described in section 403(a)  
22 of the Illegal Immigration Reform and Immigrant Respon-  
23 sibility Act of 1996 (8 U.S.C. 1324a note) by reason of  
24 any Federal, State, or local law, Executive order, rule, reg-  
25 ulation, or delegation of authority, including employers re-



1 quired to participate in such program by reason of Federal  
2 acquisition laws (and regulations promulgated under those  
3 laws, including the Federal Acquisition Regulation), to  
4 comply with the requirements of section 274E of the Im-  
5 migration and Nationality Act, as inserted by section 301  
6 of this Act (and any additional requirements of such Fed-  
7 eral acquisition laws and regulation) in lieu of any require-  
8 ment to participate in the E-Verify Program.

9 (c) FORMER E-VERIFY VOLUNTARY USERS.—Begin-  
10 ning on the effective date in subsection (a)(4), the Sec-  
11 retary of Homeland Security shall provide for the vol-  
12 untary compliance with the requirements of section 274E  
13 of the Immigration and Nationality Act, as inserted by  
14 section 301 of this Act, by employers voluntarily electing  
15 to participate in the E-Verify Program described in sec-  
16 tion 403(a) of the Illegal Immigration Reform and Immi-  
17 grant Responsibility Act of 1996 (8 U.S.C. 1324a note)  
18 before such date.

19 **SEC. 304. FRAUD AND MISUSE OF DOCUMENTS.**

20 Section 1546(b) of title 18, United States Code, is  
21 amended—

22 (1) in paragraph (1), by striking “identification  
23 document,” and inserting “identification document  
24 or document meant to establish employment author-  
25 ization,”;

1           (2) in paragraph (2), by striking “identification  
2           document” and inserting “identification document or  
3           document meant to establish employment authoriza-  
4           tion,”; and

5           (3) in the matter following paragraph (3) by in-  
6           serting “or section 274E(b)” after “section  
7           274A(b)”.

8   **SEC. 305. TECHNICAL AND CONFORMING AMENDMENTS.**

9           (a) UNLAWFUL EMPLOYMENT OF ALIENS.—Section  
10          274A of the Immigration and Nationality Act (8 U.S.C.  
11          1324a) is amended—

12           (1) in paragraph (1)(B)(ii) of subsection (a), by  
13           striking “subsection (b).” and inserting “section  
14           274B.”; and

15           (2) in the matter preceding paragraph (1) of  
16           subsection (b), by striking “The requirements re-  
17           ferred” and inserting “Except as provided in section  
18           274E, the requirements referred”.

19           (b) UNFAIR IMMIGRATION-RELATED EMPLOYMENT  
20          PRACTICES.—Section 274B(a)(1) of the Immigration and  
21          Nationality Act (8 U.S.C. 1324b(a)(1)) is amended in the  
22          matter preceding subparagraph (A), by inserting “includ-  
23          ing misuse of the verification system as described in sec-  
24          tion 274E(g)” after “referral for a fee,”.

1 **SEC. 306. PROTECTION OF SOCIAL SECURITY ADMINISTRA-**  
2 **TION PROGRAMS.**

3 (a) **FUNDING UNDER AGREEMENT.**—Effective for  
4 fiscal years beginning on or after October 1, 2021, the  
5 Commissioner and the Secretary shall ensure that an  
6 agreement is in place which shall—

7 (1) provide funds to the Commissioner for the  
8 full costs of the responsibilities of the Commissioner  
9 with respect to employment eligibility verification,  
10 including under this title and the amendments made  
11 by this title, and including—

12 (A) acquiring, installing, and maintaining  
13 technological equipment and systems necessary  
14 for the fulfillment of such responsibilities, but  
15 only that portion of such costs that are attrib-  
16 utable exclusively to such responsibilities; and

17 (B) responding to individuals who contest  
18 a tentative nonconfirmation or administratively  
19 appeal a final nonconfirmation provided with  
20 respect to employment eligibility verification;

21 (2) provide such funds annually in advance of  
22 the applicable quarter based on an estimating meth-  
23 odology agreed to by the Commissioner and the Sec-  
24 retary (except in such instances where the delayed  
25 enactment of an annual appropriation may preclude  
26 such quarterly payments); and

1           (3) require an annual accounting and reconcili-  
2           ation of the actual costs incurred and the funds pro-  
3           vided under the agreement, which shall be reviewed  
4           by the Inspectors General of the Social Security Ad-  
5           ministration and the Department of Homeland Secu-  
6           rity.

7           (b) CONTINUATION OF EMPLOYMENT VERIFICATION  
8           IN ABSENCE OF TIMELY AGREEMENT.—In any case in  
9           which the agreement required under subsection (a) for any  
10          fiscal year beginning on or after October 1, 2021, has not  
11          been reached as of October 1 of such fiscal year, the latest  
12          agreement described in such subsection shall be deemed  
13          in effect on an interim basis for such fiscal year until such  
14          time as an agreement required under subsection (a) is sub-  
15          sequently reached, except that the terms of such interim  
16          agreement shall be modified to adjust for inflation and any  
17          increase or decrease in the volume of requests under the  
18          employment eligibility verification system. In any case in  
19          which an interim agreement applies for any fiscal year  
20          under this subsection, the Commissioner and the Sec-  
21          retary shall, not later than October 1 of such fiscal year,  
22          notify the Committee on Ways and Means, the Committee  
23          on the Judiciary, and the Committee on Appropriations  
24          of the House of Representatives and the Committee on  
25          Finance, the Committee on the Judiciary, and the Com-

1 mittee on Appropriations of the Senate of the failure to  
2 reach the agreement required under subsection (a) for  
3 such fiscal year. Until such time as the agreement re-  
4 quired under subsection (a) has been reached for such fis-  
5 cal year, the Commissioner and the Secretary shall, not  
6 later than the end of each 90-day period after October  
7 1 of such fiscal year, notify such Committees of the status  
8 of negotiations between the Commissioner and the Sec-  
9 retary in order to reach such an agreement.

10 **SEC. 307. REPORT ON THE IMPLEMENTATION OF THE**  
11 **ELECTRONIC EMPLOYMENT VERIFICATION**  
12 **SYSTEM.**

13 Not later than 24 months after the date on which  
14 final rules are published under section 309(a), and annu-  
15 ally thereafter, the Secretary shall submit to Congress a  
16 report that includes the following:

17 (1) An assessment of the accuracy rates of the  
18 responses of the electronic employment verification  
19 system established under section 274E of the Immi-  
20 gration and Nationality Act, as inserted by section  
21 301 of this Act (referred to in this section as the  
22 “System”), including tentative and final noncon-  
23 firmation notices issued to employment-authorized  
24 individuals and confirmation notices issued to indi-  
25 viduals who are not employment-authorized.

1           (2) An assessment of any challenges faced by  
2 persons or entities (including small employers) in  
3 utilizing the System.

4           (3) An assessment of any challenges faced by  
5 employment-authorized individuals who are issued  
6 tentative or final nonconfirmation notices.

7           (4) An assessment of the incidence of unfair  
8 immigration-related employment practices, as de-  
9 scribed in section 274E(g) of the Immigration and  
10 Nationality Act, as inserted by section 301 of this  
11 Act, related to the use of the System.

12           (5) An assessment of the photo matching and  
13 other identity authentication tools, as described in  
14 section 274E(a)(4) of the Immigration and Nation-  
15 ality Act, as inserted by section 301 of this Act, in-  
16 cluding—

17                   (A) an assessment of the accuracy rates of  
18 such tools;

19                   (B) an assessment of the effectiveness of  
20 such tools at preventing identity fraud and  
21 other misuse of identifying information;

22                   (C) an assessment of any challenges faced  
23 by persons, entities, or individuals utilizing such  
24 tools; and

1 (D) an assessment of operation and main-  
2 tenance costs associated with such tools.

3 (6) A summary of the activities and findings of  
4 the U.S. Citizenship and Immigrations Services E-  
5 Verify Monitoring and Compliance Branch, or any  
6 successor office, including—

7 (A) the number, types and outcomes of au-  
8 dits, investigations, and other compliance activi-  
9 ties initiated by the Branch in the previous  
10 year;

11 (B) the capacity of the Branch to detect  
12 and prevent violations of section 274E(g) of the  
13 Immigration and Nationality Act, as inserted by  
14 this Act; and

15 (C) an assessment of the degree to which  
16 persons and entities misuse the System, includ-  
17 ing—

18 (i) use of the System before an indi-  
19 vidual's date of hire;

20 (ii) failure to provide required notifi-  
21 cations to individuals;

22 (iii) use of the System to interfere  
23 with or otherwise impede individuals' as-  
24 sertions of their rights under other laws;  
25 and

1 (iv) use of the System for unauthor-  
2 ized purposes; and

3 (7) An assessment of the impact of implementa-  
4 tion of the System in the agricultural industry and  
5 the use of the verification system in agricultural in-  
6 dustry hiring and business practices.

7 **SEC. 308. MODERNIZING AND STREAMLINING THE EMPLOY-**  
8 **MENT ELIGIBILITY VERIFICATION PROCESS.**

9 Not later than 12 months after the date of the enact-  
10 ment of this Act, the Secretary, in consultation with the  
11 Commissioner, shall submit to Congress a plan to mod-  
12 ernize and streamline the employment eligibility  
13 verification process that shall include—

14 (1) procedures to allow persons and entities to  
15 verify the identity and employment authorization of  
16 newly hired individuals where the in-person, physical  
17 examination of identity and employment authoriza-  
18 tion documents is not practicable;

19 (2) a proposal to create a simplified employ-  
20 ment verification process that allows employers that  
21 utilize the employment eligibility verification system  
22 established under section 274E of the Immigration  
23 and Nationality Act, as inserted by section 301 of  
24 this Act, to verify the identity and employment au-  
25 thorization of individuals without also having to



1 complete and retain Form I–9, Employment Eligi-  
2 bility Verification, or any subsequent replacement  
3 form; and

4 (3) any other proposal that the Secretary deter-  
5 mines would simplify the employment eligibility  
6 verification process without compromising the integ-  
7 rity or security of the system.

8 **SEC. 309. RULEMAKING AND PAPERWORK REDUCTION ACT.**

9 (a) IN GENERAL.—Not later than 180 days prior to  
10 the end of the application period defined in section 101(c)  
11 of this Act, the Secretary shall publish in the Federal Reg-  
12 ister proposed rules implementing this title and the  
13 amendments made by this title. The Secretary shall final-  
14 ize such rules not later than 180 days after the date of  
15 publication.

16 (b) PAPERWORK REDUCTION ACT.—

17 (1) IN GENERAL.—The requirements under  
18 chapter 35 of title 44, United States Code, (com-  
19 monly known as the “Paperwork Reduction Act”) shall  
20 apply to any action to implement this title or  
21 the amendments made by this title.

22 (2) ELECTRONIC FORMS.—All forms designated  
23 or established by the Secretary that are necessary to  
24 implement this title and the amendments made by  
25 this title shall be made available in paper and elec-



117TH CONGRESS  
1ST SESSION

# S. 264

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2021

Mr. DURBIN (for himself and Mr. GRAHAM) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dream Act of 2021”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) IN GENERAL.—Except as otherwise specifi-  
8 cally provided, any term used in this Act that is

1 used in the immigration laws shall have the meaning  
2 given such term in the immigration laws.

3 (2) DACA.—The term “DACA” means de-  
4 ferred action granted to an alien pursuant to the  
5 Deferred Action for Childhood Arrivals program an-  
6 nounced by President Obama on June 15, 2012.

7 (3) DISABILITY.—The term “disability” has the  
8 meaning given such term in section 3(1) of the  
9 Americans with Disabilities Act of 1990 (42 U.S.C.  
10 12102(1)).

11 (4) EARLY CHILDHOOD EDUCATION PRO-  
12 GRAM.—The term “early childhood education pro-  
13 gram” has the meaning given such term in section  
14 103 of the Higher Education Act of 1965 (20  
15 U.S.C. 1003).

16 (5) ELEMENTARY SCHOOL; HIGH SCHOOL; SEC-  
17 ONDARY SCHOOL.—The terms “elementary school”,  
18 “high school”, and “secondary school” have the  
19 meanings given such terms in section 8101 of the  
20 Elementary and Secondary Education Act of 1965  
21 (20 U.S.C. 7801).

22 (6) IMMIGRATION LAWS.—The term “immigra-  
23 tion laws” has the meaning given such term in sec-  
24 tion 101(a)(17) of the Immigration and Nationality  
25 Act (8 U.S.C. 1101(a)(17)).

1 (7) INSTITUTION OF HIGHER EDUCATION.—The  
2 term “institution of higher education”—

3 (A) except as provided in subparagraph  
4 (B), has the meaning given such term in section  
5 102 of the Higher Education Act of 1965 (20  
6 U.S.C. 1002); and

7 (B) does not include an institution of high-  
8 er education outside of the United States.

9 (8) PERMANENT RESIDENT STATUS ON A CON-  
10 DITIONAL BASIS.—The term “permanent resident  
11 status on a conditional basis” means status as an  
12 alien lawfully admitted for permanent residence on  
13 a conditional basis under this Act.

14 (9) POVERTY LINE.—The term “poverty line”  
15 has the meaning given such term in section 673 of  
16 the Community Services Block Grant Act (42 U.S.C.  
17 9902).

18 (10) SECRETARY.—Except as otherwise specifi-  
19 cally provided, the term “Secretary” means the Sec-  
20 retary of Homeland Security.

21 (11) UNIFORMED SERVICES.—The term “Uni-  
22 formed Services” has the meaning given the term  
23 “uniformed services” in section 101(a) of title 10,  
24 United States Code.

1 **SEC. 3. PERMANENT RESIDENT STATUS ON A CONDITIONAL**  
2 **BASIS FOR CERTAIN LONG-TERM RESIDENTS**  
3 **WHO ENTERED THE UNITED STATES AS CHIL-**  
4 **DREN.**

5 (a) **CONDITIONAL BASIS FOR STATUS.**—Notwith-  
6 standing any other provision of law, an alien shall be con-  
7 sidered, at the time of obtaining the status of an alien  
8 lawfully admitted for permanent residence under this sec-  
9 tion, to have obtained such status on a conditional basis  
10 subject to the provisions under this Act.

11 (b) **REQUIREMENTS.**—

12 (1) **IN GENERAL.**—Notwithstanding any other  
13 provision of law, the Secretary shall cancel the re-  
14 moval of, and adjust to the status of an alien law-  
15 fully admitted for permanent residence on a condi-  
16 tional basis, an alien who is inadmissible or deport-  
17 able from the United States or is in temporary pro-  
18 tected status under section 244 of the Immigration  
19 and Nationality Act (8 U.S.C. 1254a), if—

20 (A) the alien has been continuously phys-  
21 ically present in the United States since the  
22 date that is 4 years before the date of the en-  
23 actment of this Act;

24 (B) the alien was younger than 18 years of  
25 age on the date on which the alien initially en-  
26 tered the United States;

1 (C) subject to paragraphs (2) and (3), the  
2 alien—

3 (i) is not inadmissible under para-  
4 graph (2), (3), (6)(E), (6)(G), (8),  
5 (10)(A), (10)(C), or (10)(D) of section  
6 212(a) of the Immigration and Nationality  
7 Act (8 U.S.C. 1182(a));

8 (ii) has not ordered, incited, assisted,  
9 or otherwise participated in the persecution  
10 of any person on account of race, religion,  
11 nationality, membership in a particular so-  
12 cial group, or political opinion; and

13 (iii) has not been convicted of—

14 (I) any offense under Federal or  
15 State law, other than a State offense  
16 for which an essential element is the  
17 alien's immigration status, that is  
18 punishable by a maximum term of im-  
19 prisonment of more than 1 year; or

20 (II) 3 or more offenses under  
21 Federal or State law, other than State  
22 offenses for which an essential ele-  
23 ment is the alien's immigration sta-  
24 tus, for which the alien was convicted  
25 on different dates for each of the 3 of-

1 fenses and imprisoned for an aggregate of 90 days or more; and

2  
3 (D) the alien—

4 (i) has been admitted to an institution  
5 of higher education;

6 (ii) has earned a high school diploma  
7 or a commensurate alternative award from  
8 a public or private high school, or has obtained a general education development  
9 certificate recognized under State law or a  
10 high school equivalency diploma in the  
11 United States; or

12  
13 (iii) is enrolled in secondary school or  
14 in an education program assisting students  
15 in—

16 (I) obtaining a regular high  
17 school diploma or its recognized equivalent under State law; or

18  
19 (II) in passing a general educational development exam, a high  
20 school equivalence diploma examination, or other similar State-authorized  
21 exam.

22  
23  
24 (2) WAIVER.—With respect to any benefit  
25 under this Act, the Secretary may waive the grounds



1 of inadmissibility under paragraph (2), (6)(E),  
2 (6)(G), or (10)(D) of section 212(a) of the Immigra-  
3 tion and Nationality Act (8 U.S.C. 1182(a)) for hu-  
4 manitarian purposes or family unity or if the waiver  
5 is otherwise in the public interest.

6 (3) TREATMENT OF EXPUNGED CONVICT-  
7 TIONS.—An expunged conviction shall not automati-  
8 cally be treated as an offense under paragraph (1).  
9 The Secretary shall evaluate expunged convictions  
10 on a case-by-case basis according to the nature and  
11 severity of the offense to determine whether, under  
12 the particular circumstances, the Secretary deter-  
13 mines that the alien should be eligible for cancella-  
14 tion of removal, adjustment to permanent resident  
15 status on a conditional basis, or other adjustment of  
16 status.

17 (4) DACA RECIPIENTS.—The Secretary shall  
18 cancel the removal of, and adjust to the status of an  
19 alien lawfully admitted for permanent residence on  
20 a conditional basis, an alien who was granted DACA  
21 unless the alien has engaged in conduct since the  
22 alien was granted DACA that would make the alien  
23 ineligible for DACA.

24 (5) APPLICATION FEE.—

1 (A) IN GENERAL.—The Secretary may re-  
2 quire an alien applying for permanent resident  
3 status on a conditional basis under this section  
4 to pay a reasonable fee that is commensurate  
5 with the cost of processing the application.

6 (B) EXEMPTION.—An applicant may be  
7 exempted from paying the fee required under  
8 subparagraph (A) if the alien—

9 (i)(I) is younger than 18 years of age;

10 (II) received total income, during the  
11 12-month period immediately preceding the  
12 date on which the alien files an application  
13 under this section, that is less than 150  
14 percent of the poverty line; and

15 (III) is in foster care or otherwise  
16 lacking any parental or other familial sup-  
17 port;

18 (ii) is younger than 18 years of age  
19 and is homeless;

20 (iii)(I) cannot care for himself or her-  
21 self because of a serious, chronic disability;  
22 and

23 (II) received total income, during the  
24 12-month period immediately preceding the  
25 date on which the alien files an application

1 under this section, that is less than 150  
2 percent of the poverty line; or

3 (iv)(I) during the 12-month period im-  
4 mediately preceding the date on which the  
5 alien files an application under this sec-  
6 tion, accumulated \$10,000 or more in debt  
7 as a result of unreimbursed medical ex-  
8 penses incurred by the alien or an imme-  
9 diate family member of the alien; and

10 (II) received total income, during the  
11 12-month period immediately preceding the  
12 date on which the alien files an application  
13 under this section, that is less than 150  
14 percent of the poverty line.

15 (6) SUBMISSION OF BIOMETRIC AND BIO-  
16 GRAPHIC DATA.—The Secretary may not grant an  
17 alien permanent resident status on a conditional  
18 basis under this section unless the alien submits bio-  
19 metric and biographic data, in accordance with pro-  
20 cedures established by the Secretary. The Secretary  
21 shall provide an alternative procedure for aliens who  
22 are unable to provide such biometric or biographic  
23 data because of a physical impairment.

24 (7) BACKGROUND CHECKS.—

1 (A) REQUIREMENT FOR BACKGROUND  
2 CHECKS.—The Secretary shall utilize biometric,  
3 biographic, and other data that the Secretary  
4 determines appropriate—

5 (i) to conduct security and law en-  
6 forcement background checks of an alien  
7 seeking permanent resident status on a  
8 conditional basis under this section; and

9 (ii) to determine whether there is any  
10 criminal, national security, or other factor  
11 that would render the alien ineligible for  
12 such status.

13 (B) COMPLETION OF BACKGROUND  
14 CHECKS.—The security and law enforcement  
15 background checks of an alien required under  
16 subparagraph (A) shall be completed, to the  
17 satisfaction of the Secretary, before the date on  
18 which the Secretary grants such alien perma-  
19 nent resident status on a conditional basis  
20 under this section.

21 (8) MEDICAL EXAMINATION.—

22 (A) REQUIREMENT.—An alien applying for  
23 permanent resident status on a conditional  
24 basis under this section shall undergo a medical  
25 examination.

1 (B) POLICIES AND PROCEDURES.—The  
2 Secretary, with the concurrence of the Sec-  
3 retary of Health and Human Services, shall  
4 prescribe policies and procedures for the nature  
5 and timing of the examination required under  
6 subparagraph (A).

7 (9) MILITARY SELECTIVE SERVICE.—An alien  
8 applying for permanent resident status on a condi-  
9 tional basis under this section shall establish that  
10 the alien has registered under the Military Selective  
11 Service Act (50 U.S.C. 3801 et seq.), if the alien is  
12 subject to registration under such Act.

13 (c) DETERMINATION OF CONTINUOUS PRESENCE.—

14 (1) TERMINATION OF CONTINUOUS PERIOD.—  
15 Any period of continuous physical presence in the  
16 United States of an alien who applies for permanent  
17 resident status on a conditional basis under this sec-  
18 tion shall not terminate when the alien is served a  
19 notice to appear under section 239(a) of the Immi-  
20 gration and Nationality Act (8 U.S.C. 1229(a)).

21 (2) TREATMENT OF CERTAIN BREAKS IN PRES-  
22 ENCE.—

23 (A) IN GENERAL.—Except as provided in  
24 subparagraphs (B) and (C), an alien shall be  
25 considered to have failed to maintain contin-

1           uous physical presence in the United States  
2           under subsection (b)(1)(A) if the alien has de-  
3           parted from the United States for any period  
4           exceeding 90 days or for any periods, in the ag-  
5           gregate, exceeding 180 days.

6           (B) EXTENSIONS FOR EXTENUATING CIR-  
7           CUMSTANCES.—The Secretary may extend the  
8           time periods described in subparagraph (A) for  
9           an alien who demonstrates that the failure to  
10          timely return to the United States was due to  
11          extenuating circumstances beyond the alien’s  
12          control, including the serious illness of the  
13          alien, or death or serious illness of a parent,  
14          grandparent, sibling, or child of the alien.

15          (C) TRAVEL AUTHORIZED BY THE SEC-  
16          RETARY.—Any period of travel outside of the  
17          United States by an alien that was authorized  
18          by the Secretary may not be counted toward  
19          any period of departure from the United States  
20          under subparagraph (A).

21          (d) LIMITATION ON REMOVAL OF CERTAIN  
22          ALIENS.—

23               (1) IN GENERAL.—The Secretary or the Attor-  
24          ney General may not remove an alien who appears  
25          prima facie eligible for relief under this section.

1           (2) ALIENS SUBJECT TO REMOVAL.—The Sec-  
2           retary shall provide a reasonable opportunity to  
3           apply for relief under this section to any alien who  
4           requests such an opportunity or who appears prima  
5           facie eligible for relief under this section if the alien  
6           is in removal proceedings, is the subject of a final  
7           removal order, or is the subject of a voluntary depar-  
8           ture order.

9           (3) CERTAIN ALIENS ENROLLED IN ELEMEN-  
10          TARY OR SECONDARY SCHOOL.—

11           (A) STAY OF REMOVAL.—The Attorney  
12          General shall stay the removal proceedings of  
13          an alien who—

14                   (i) meets all the requirements under  
15                   subparagraphs (A), (B), and (C) of sub-  
16                   section (b)(1), subject to paragraphs (2)  
17                   and (3) of such subsection;

18                   (ii) is at least 5 years of age; and

19                   (iii) is enrolled in an elementary  
20                   school, a secondary school, or an early  
21                   childhood education program.

22           (B) COMMENCEMENT OF REMOVAL PRO-  
23          CEEDINGS.—The Secretary may not commence  
24          removal proceedings for an alien described in  
25          subparagraph (A).





1 basis, the Secretary shall provide notice to the alien re-  
2 garding the provisions of this Act and the requirements  
3 to have the conditional basis of such status removed.

4 (c) TERMINATION OF STATUS.—The Secretary may  
5 terminate the permanent resident status on a conditional  
6 basis of an alien only if the Secretary—

7 (1) determines that the alien ceases to meet the  
8 requirements under paragraph (1)(C) of section  
9 3(b), subject to paragraphs (2) and (3) of that sec-  
10 tion; and

11 (2) prior to the termination, provides the  
12 alien—

13 (A) notice of the proposed termination;  
14 and

15 (B) the opportunity for a hearing to pro-  
16 vide evidence that the alien meets such require-  
17 ments or otherwise contest the termination.

18 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

19 (1) IN GENERAL.—Except as provided in para-  
20 graph (2), an alien whose permanent resident status  
21 on a conditional basis expires under subsection  
22 (a)(1) or is terminated under subsection (c) or  
23 whose application for such status is denied shall re-  
24 turn to the immigration status that the alien had  
25 immediately before receiving permanent resident sta-

1       tus on a conditional basis or applying for such sta-  
2       tus, as appropriate.

3               (2) SPECIAL RULE FOR TEMPORARY PRO-  
4       TECTED STATUS.—An alien whose permanent resi-  
5       dent status on a conditional basis expires under sub-  
6       section (a)(1) or is terminated under subsection (c)  
7       or whose application for such status is denied and  
8       who had temporary protected status under section  
9       244 of the Immigration and Nationality Act (8  
10      U.S.C. 1254a) immediately before receiving or ap-  
11     plying for such permanent resident status on a con-  
12     ditional basis, as appropriate, may not return to  
13     such temporary protected status if—

14               (A) the relevant designation under section  
15               244(b) of the Immigration and Nationality Act  
16               (8 U.S.C. 1254a(b)) has been terminated; or

17               (B) the Secretary determines that the rea-  
18               son for terminating the permanent resident sta-  
19               tus on a conditional basis renders the alien in-  
20               eligible for such temporary protected status.

21 **SEC. 5. REMOVAL OF CONDITIONAL BASIS OF PERMANENT**  
22 **RESIDENT STATUS.**

23       (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL  
24       BASIS.—

1           (1) IN GENERAL.—Subject to paragraph (2),  
2           the Secretary shall remove the conditional basis of  
3           an alien’s permanent resident status granted under  
4           this Act and grant the alien status as an alien law-  
5           fully admitted for permanent residence if the alien—

6                   (A) is described in paragraph (1)(C) of  
7                   section 3(b), subject to paragraphs (2) and (3)  
8                   of that section;

9                   (B) has not abandoned the alien’s resi-  
10                  dence in the United States; and

11                  (C)(i) has acquired a degree from an insti-  
12                  tution of higher education or has completed at  
13                  least 2 years, in good standing, in a program  
14                  for a bachelor’s degree or higher degree in the  
15                  United States;

16                  (ii) has served in the Uniformed Services  
17                  for at least 2 years and, if discharged, received  
18                  an honorable discharge; or

19                  (iii) has been employed for periods totaling  
20                  at least 3 years and at least 75 percent of the  
21                  time that the alien has had a valid employment  
22                  authorization, except that any period during  
23                  which the alien is not employed while having a  
24                  valid employment authorization and is enrolled  
25                  in an institution of higher education, a sec-

1           ondary school, or an education program de-  
2           scribed in section 3(b)(1)(D)(iii), shall not  
3           count toward the time requirements under this  
4           clause.

5           (2) **HARDSHIP EXCEPTION.**—The Secretary  
6           shall remove the conditional basis of an alien’s per-  
7           manent resident status and grant the alien status as  
8           an alien lawfully admitted for permanent residence  
9           if the alien—

10                   (A) satisfies the requirements under sub-  
11                   paragraphs (A) and (B) of paragraph (1);

12                   (B) demonstrates compelling circumstances  
13                   for the inability to satisfy the requirements  
14                   under subparagraph (C) of such paragraph; and

15                   (C) demonstrates that—

16                           (i) the alien has a disability;

17                           (ii) the alien is a full-time caregiver of  
18                   a minor child; or

19                           (iii) the removal of the alien from the  
20                   United States would result in extreme  
21                   hardship to the alien or the alien’s spouse,  
22                   parent, or child who is a national of the  
23                   United States or is lawfully admitted for  
24                   permanent residence.

25           (3) **CITIZENSHIP REQUIREMENT.**—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (B), the conditional basis of an  
3 alien’s permanent resident status granted under  
4 this Act may not be removed unless the alien  
5 demonstrates that the alien satisfies the re-  
6 quirements under section 312(a) of the Immi-  
7 gration and Nationality Act (8 U.S.C. 1423(a)).

8 (B) EXCEPTION.—Subparagraph (A) shall  
9 not apply to an alien who is unable to meet the  
10 requirements under such section 312(a) due to  
11 disability.

12 (4) APPLICATION FEE.—

13 (A) IN GENERAL.—The Secretary may re-  
14 quire aliens applying for lawful permanent resi-  
15 dent status under this section to pay a reason-  
16 able fee that is commensurate with the cost of  
17 processing the application.

18 (B) EXEMPTION.—An applicant may be  
19 exempted from paying the fee required under  
20 subparagraph (A) if the alien—

21 (i)(I) is younger than 18 years of age;

22 (II) received total income, during the  
23 12-month period immediately preceding the  
24 date on which the alien files an application

1 under this section, that is less than 150  
2 percent of the poverty line; and

3 (III) is in foster care or otherwise  
4 lacking any parental or other familial sup-  
5 port;

6 (ii) is younger than 18 years of age  
7 and is homeless;

8 (iii)(I) cannot care for himself or her-  
9 self because of a serious, chronic disability;  
10 and

11 (II) received total income, during the  
12 12-month period immediately preceding the  
13 date on which the alien files an application  
14 under this section, that is less than 150  
15 percent of the poverty line; or

16 (iv)(I) during the 12-month period im-  
17 mediately preceding the date on which the  
18 alien files an application under this sec-  
19 tion, the alien accumulated \$10,000 or  
20 more in debt as a result of unreimbursed  
21 medical expenses incurred by the alien or  
22 an immediate family member of the alien;  
23 and

24 (II) received total income, during the  
25 12-month period immediately preceding the

1           date on which the alien files an application  
2           under this section, that is less than 150  
3           percent of the poverty line.

4           (5) SUBMISSION OF BIOMETRIC AND BIO-  
5           GRAPHIC DATA.—The Secretary may not remove the  
6           conditional basis of an alien’s permanent resident  
7           status unless the alien submits biometric and bio-  
8           graphic data, in accordance with procedures estab-  
9           lished by the Secretary. The Secretary shall provide  
10          an alternative procedure for applicants who are un-  
11          able to provide such biometric data because of a  
12          physical impairment.

13          (6) BACKGROUND CHECKS.—

14           (A) REQUIREMENT FOR BACKGROUND  
15           CHECKS.—The Secretary shall utilize biometric,  
16           biographic, and other data that the Secretary  
17           determines appropriate—

18                   (i) to conduct security and law en-  
19                   forcement background checks of an alien  
20                   applying for removal of the conditional  
21                   basis of the alien’s permanent resident sta-  
22                   tus; and

23                   (ii) to determine whether there is any  
24                   criminal, national security, or other factor

1           that would render the alien ineligible for  
2           removal of such conditional basis.

3           (B) COMPLETION OF BACKGROUND  
4           CHECKS.—The security and law enforcement  
5           background checks of an alien required under  
6           subparagraph (A) shall be completed, to the  
7           satisfaction of the Secretary, before the date on  
8           which the Secretary removes the conditional  
9           basis of the alien’s permanent resident status.

10       (b) TREATMENT FOR PURPOSES OF NATURALIZA-  
11       TION.—

12           (1) IN GENERAL.—For purposes of title III of  
13           the Immigration and Nationality Act (8 U.S.C. 1401  
14           et seq.), an alien granted permanent resident status  
15           on a conditional basis shall be considered to have  
16           been admitted to the United States, and be present  
17           in the United States, as an alien lawfully admitted  
18           for permanent residence.

19           (2) LIMITATION ON APPLICATION FOR NATU-  
20           RALIZATION.—An alien may not apply for natu-  
21           ralization while the alien is in permanent resident  
22           status on a conditional basis.



1 **SEC. 6. DOCUMENTATION REQUIREMENTS.**

2 (a) DOCUMENTS ESTABLISHING IDENTITY.—An  
3 alien’s application for permanent resident status on a con-  
4 ditional basis may include, as proof of identity—

5 (1) a passport or national identity document  
6 from the alien’s country of origin that includes the  
7 alien’s name and the alien’s photograph or finger-  
8 print;

9 (2) the alien’s birth certificate and an identity  
10 card that includes the alien’s name and photograph;

11 (3) a school identification card that includes the  
12 alien’s name and photograph, and school records  
13 showing the alien’s name and that the alien is or  
14 was enrolled at the school;

15 (4) a Uniformed Services identification card  
16 issued by the Department of Defense;

17 (5) any immigration or other document issued  
18 by the United States Government bearing the alien’s  
19 name and photograph; or

20 (6) a State-issued identification card bearing  
21 the alien’s name and photograph.

22 (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-  
23 ICAL PRESENCE IN THE UNITED STATES.—To establish  
24 that an alien has been continuously physically present in  
25 the United States, as required under section 3(b)(1)(A),  
26 or to establish that an alien has not abandoned residence

1 in the United States, as required under section 5(a)(1)(B),  
2 the alien may submit documents to the Secretary, includ-  
3 ing—

4 (1) employment records that include the em-  
5 ployer's name and contact information;

6 (2) records from any educational institution the  
7 alien has attended in the United States;

8 (3) records of service from the Uniformed Serv-  
9 ices;

10 (4) official records from a religious entity con-  
11 firming the alien's participation in a religious cere-  
12 mony;

13 (5) passport entries;

14 (6) a birth certificate for a child who was born  
15 in the United States;

16 (7) automobile license receipts or registration;

17 (8) deeds, mortgages, or rental agreement con-  
18 tracts;

19 (9) tax receipts;

20 (10) insurance policies;

21 (11) remittance records;

22 (12) rent receipts or utility bills bearing the  
23 alien's name or the name of an immediate family  
24 member of the alien, and the alien's address;

1           (13) copies of money order receipts for money  
2 sent in or out of the United States;

3           (14) dated bank transactions; or

4           (15) 2 or more sworn affidavits from individ-  
5 uals who are not related to the alien who have direct  
6 knowledge of the alien's continuous physical pres-  
7 ence in the United States, that contain—

8           (A) the name, address, and telephone num-  
9 ber of the affiant; and

10           (B) the nature and duration of the rela-  
11 tionship between the affiant and the alien.

12       (c) DOCUMENTS ESTABLISHING INITIAL ENTRY  
13 INTO THE UNITED STATES.—To establish under section  
14 3(b)(1)(B) that an alien was younger than 18 years of  
15 age on the date on which the alien initially entered the  
16 United States, an alien may submit documents to the Sec-  
17 retary, including—

18           (1) an admission stamp on the alien's passport;

19           (2) records from any educational institution the  
20 alien has attended in the United States;

21           (3) any document from the Department of Jus-  
22 tice or the Department of Homeland Security stat-  
23 ing the alien's date of entry into the United States;

24           (4) hospital or medical records showing medical  
25 treatment or hospitalization, the name of the med-

1 ical facility or physician, and the date of the treat-  
2 ment or hospitalization;

3 (5) rent receipts or utility bills bearing the  
4 alien's name or the name of an immediate family  
5 member of the alien, and the alien's address;

6 (6) employment records that include the em-  
7 ployer's name and contact information;

8 (7) official records from a religious entity con-  
9 firming the alien's participation in a religious cere-  
10 mony;

11 (8) a birth certificate for a child who was born  
12 in the United States;

13 (9) automobile license receipts or registration;

14 (10) deeds, mortgages, or rental agreement con-  
15 tracts;

16 (11) tax receipts;

17 (12) travel records;

18 (13) copies of money order receipts sent in or  
19 out of the country;

20 (14) dated bank transactions;

21 (15) remittance records; or

22 (16) insurance policies.

23 (d) DOCUMENTS ESTABLISHING ADMISSION TO AN  
24 INSTITUTION OF HIGHER EDUCATION.—To establish that  
25 an alien has been admitted to an institution of higher edu-

1 cation, the alien shall submit to the Secretary a document  
2 from the institution of higher education certifying that the  
3 alien—

4 (1) has been admitted to the institution; or

5 (2) is currently enrolled in the institution as a  
6 student.

7 (e) DOCUMENTS ESTABLISHING RECEIPT OF A DE-  
8 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—

9 To establish that an alien has acquired a degree from an  
10 institution of higher education in the United States, the  
11 alien shall submit to the Secretary a diploma or other doc-  
12 ument from the institution stating that the alien has re-  
13 ceived such a degree.

14 (f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH  
15 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-  
16 MENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—

17 To establish that an alien has earned a high school di-  
18 ploma or a commensurate alternative award from a public  
19 or private high school, or has obtained a general edu-  
20 cational development certificate recognized under State  
21 law or a high school equivalency diploma in the United  
22 States, the alien shall submit to the Secretary—

23 (1) a high school diploma, certificate of comple-  
24 tion, or other alternate award;

1           (2) a high school equivalency diploma or certifi-  
2       cate recognized under State law; or

3           (3) evidence that the alien passed a State-au-  
4       thorized exam, including the general educational de-  
5       velopment exam, in the United States.

6       (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN  
7       EDUCATIONAL PROGRAM.—To establish that an alien is  
8       enrolled in any school or education program described in  
9       section 3(b)(1)(D)(iii), 3(d)(3)(A)(iii), or 5(a)(1)(C), the  
10      alien shall submit school records from the United States  
11      school that the alien is currently attending that include—

12           (1) the name of the school; and

13           (2) the alien’s name, periods of attendance, and  
14      current grade or educational level.

15      (h) DOCUMENTS ESTABLISHING EXEMPTION FROM  
16      APPLICATION FEES.—To establish that an alien is exempt  
17      from an application fee under section 3(b)(5)(B) or  
18      5(a)(4)(B), the alien shall submit to the Secretary the fol-  
19      lowing relevant documents:

20           (1) DOCUMENTS TO ESTABLISH AGE.—To es-  
21      tablish that an alien meets an age requirement, the  
22      alien shall provide proof of identity, as described in  
23      subsection (a), that establishes that the alien is  
24      younger than 18 years of age.

1           (2) DOCUMENTS TO ESTABLISH INCOME.—To  
2 establish the alien’s income, the alien shall provide—

3           (A) employment records that have been  
4 maintained by the Social Security Administra-  
5 tion, the Internal Revenue Service, or any other  
6 Federal, State, or local government agency;

7           (B) bank records; or

8           (C) at least 2 sworn affidavits from indi-  
9 viduals who are not related to the alien and  
10 who have direct knowledge of the alien’s work  
11 and income that contain—

12           (i) the name, address, and telephone  
13 number of the affiant; and

14           (ii) the nature and duration of the re-  
15 lationship between the affiant and the  
16 alien.

17           (3) DOCUMENTS TO ESTABLISH FOSTER CARE,  
18 LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR  
19 SERIOUS, CHRONIC DISABILITY.—To establish that  
20 the alien was in foster care, lacks parental or famil-  
21 ial support, is homeless, or has a serious, chronic  
22 disability, the alien shall provide at least 2 sworn af-  
23 fidavits from individuals who are not related to the  
24 alien and who have direct knowledge of the cir-  
25 cumstances that contain—

1 (A) a statement that the alien is in foster  
2 care, otherwise lacks any parental or other fa-  
3 miliar support, is homeless, or has a serious,  
4 chronic disability, as appropriate;

5 (B) the name, address, and telephone num-  
6 ber of the affiant; and

7 (C) the nature and duration of the rela-  
8 tionship between the affiant and the alien.

9 (4) DOCUMENTS TO ESTABLISH UNPAID MED-  
10 ICAL EXPENSE.—To establish that the alien has debt  
11 as a result of unreimbursed medical expenses, the  
12 alien shall provide receipts or other documentation  
13 from a medical provider that—

14 (A) bear the provider's name and address;

15 (B) bear the name of the individual receiv-  
16 ing treatment; and

17 (C) document that the alien has accumu-  
18 lated \$10,000 or more in debt in the past 12  
19 months as a result of unreimbursed medical ex-  
20 penses incurred by the alien or an immediate  
21 family member of the alien.

22 (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR  
23 HARDSHIP EXEMPTION.—To establish that an alien satis-  
24 fies one of the criteria for the hardship exemption set forth  
25 in section 5(a)(2)(C), the alien shall submit to the Sec-



1 retary at least 2 sworn affidavits from individuals who are  
2 not related to the alien and who have direct knowledge  
3 of the circumstances that warrant the exemption, that  
4 contain—

5 (1) the name, address, and telephone number of  
6 the affiant; and

7 (2) the nature and duration of the relationship  
8 between the affiant and the alien.

9 (j) DOCUMENTS ESTABLISHING SERVICE IN THE  
10 UNIFORMED SERVICES.—To establish that an alien has  
11 served in the Uniformed Services for at least 2 years and,  
12 if discharged, received an honorable discharge, the alien  
13 shall submit to the Secretary—

14 (1) a Department of Defense form DD-214;

15 (2) a National Guard Report of Separation and  
16 Record of Service form 22;

17 (3) personnel records for such service from the  
18 appropriate Uniformed Service; or

19 (4) health records from the appropriate Uni-  
20 formed Service.

21 (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

22 (1) IN GENERAL.—An alien may satisfy the em-  
23 ployment requirement under section 5(a)(1)(C)(iii)  
24 by submitting records that—

1 (A) establish compliance with such employ-  
2 ment requirement; and

3 (B) have been maintained by the Social Se-  
4 curity Administration, the Internal Revenue  
5 Service, or any other Federal, State, or local  
6 government agency.

7 (2) OTHER DOCUMENTS.—An alien who is un-  
8 able to submit the records described in paragraph  
9 (1) may satisfy the employment requirement by sub-  
10 mitting at least 2 types of reliable documents that  
11 provide evidence of employment, including—

12 (A) bank records;

13 (B) business records;

14 (C) employer records;

15 (D) records of a labor union, day labor  
16 center, or organization that assists workers in  
17 employment;

18 (E) sworn affidavits from individuals who  
19 are not related to the alien and who have direct  
20 knowledge of the alien's work, that contain—

21 (i) the name, address, and telephone  
22 number of the affiant; and

23 (ii) the nature and duration of the re-  
24 lationship between the affiant and the  
25 alien; and

1 (F) remittance records.

2 (I) AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-  
3 UMENTS.—If the Secretary determines, after publication  
4 in the Federal Register and an opportunity for public com-  
5 ment, that any document or class of documents does not  
6 reliably establish identity or that permanent resident sta-  
7 tus on a conditional basis is being obtained fraudulently  
8 to an unacceptable degree, the Secretary may prohibit or  
9 restrict the use of such document or class of documents.

10 **SEC. 7. RULEMAKING.**

11 (a) INITIAL PUBLICATION.—Not later than 90 days  
12 after the date of the enactment of this Act, the Secretary  
13 shall publish regulations implementing this Act in the  
14 Federal Register. Such regulations shall allow eligible indi-  
15 viduals to immediately apply affirmatively for the relief  
16 available under section 3 without being placed in removal  
17 proceedings.

18 (b) INTERIM REGULATIONS.—Notwithstanding sec-  
19 tion 553 of title 5, United States Code, the regulations  
20 published pursuant to subsection (a) shall be effective, on  
21 an interim basis, immediately upon publication in the Fed-  
22 eral Register, but may be subject to change and revision  
23 after public notice and opportunity for a period of public  
24 comment.

1 (c) FINAL REGULATIONS.—Not later than 180 days  
2 after the date on which interim regulations are published  
3 under this section, the Secretary shall publish final regula-  
4 tions implementing this Act.

5 (d) PAPERWORK REDUCTION ACT.—The require-  
6 ments under chapter 35 of title 44, United States Code  
7 (commonly known as the “Paperwork Reduction Act”),  
8 shall not apply to any action to implement this Act.

9 **SEC. 8. CONFIDENTIALITY OF INFORMATION.**

10 (a) IN GENERAL.—The Secretary may not disclose  
11 or use information provided in applications filed under this  
12 Act or in requests for DACA for the purpose of immigra-  
13 tion enforcement.

14 (b) REFERRALS PROHIBITED.—The Secretary may  
15 not refer any individual who has been granted permanent  
16 resident status on a conditional basis or who was granted  
17 DACA to U.S. Immigration and Customs Enforcement,  
18 U.S. Customs and Border Protection, or any designee of  
19 either such entity.

20 (c) LIMITED EXCEPTION.—Notwithstanding sub-  
21 sections (a) and (b), information provided in an applica-  
22 tion for permanent resident status on a conditional basis  
23 or a request for DACA may be shared with Federal secu-  
24 rity and law enforcement agencies—

1           (1) for assistance in the consideration of an ap-  
2           plication for permanent resident status on a condi-  
3           tional basis;

4           (2) to identify or prevent fraudulent claims;

5           (3) for national security purposes; or

6           (4) for the investigation or prosecution of any  
7           felony not related to immigration status.

8           (d) PENALTY.—Any person who knowingly uses, pub-  
9           lishes, or permits information to be examined in violation  
10          of this section shall be fined not more than \$10,000.

11 **SEC. 9. RESTORATION OF STATE OPTION TO DETERMINE**  
12                           **RESIDENCY FOR PURPOSES OF HIGHER EDU-**  
13                           **CATION BENEFITS.**

14          (a) IN GENERAL.—Section 505 of the Illegal Immi-  
15          gration Reform and Immigrant Responsibility Act of 1996  
16          (8 U.S.C. 1623) is repealed.

17          (b) EFFECTIVE DATE.—The repeal under subsection  
18          (a) shall take effect as if included in the original enact-  
19          ment of the Illegal Immigration Reform and Immigrant  
20          Responsibility Act of 1996 (division C of Public Law 104–  
21          208; 110 Stat. 3009–546).

○

117TH CONGRESS  
1ST SESSION

# S. 306

To provide a process for granting lawful permanent resident status to aliens from certain countries who meet specified eligibility requirements, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2021

Mr. VAN HOLLEN (for himself, Mrs. FEINSTEIN, Mr. CARDIN, Mr. SCHUMER, Mr. SCHATZ, Mr. BLUMENTHAL, Mr. MARKEY, Ms. CORTEZ MASTO, Ms. SMITH, Mrs. GILLIBRAND, Mr. DURBIN, Ms. WARREN, Ms. ROSEN, Mr. WARNER, Mr. PADILLA, Mr. SANDERS, Mr. WYDEN, Mr. WHITEHOUSE, Mr. KAINE, Mrs. MURRAY, Mr. BOOKER, Ms. DUCKWORTH, Mr. COONS, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To provide a process for granting lawful permanent resident status to aliens from certain countries who meet specified eligibility requirements, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLES.**

4       This Act may be cited as the “Safe Environment  
5       from Countries Under Repression and Emergency Act” or  
6       the “SECURE Act”.

1 **SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN FOREIGN NA-**  
2 **TIONALS.**

3 (a) ADJUSTMENT OF STATUS.—

4 (1) AUTHORIZATION.—

5 (A) IN GENERAL.—Notwithstanding sec-  
6 tion 245(c) of the Immigration and Nationality  
7 Act (8 U.S.C. 1255(c)), the status of any alien  
8 described in subsection (b)(1) shall be adjusted  
9 by the Secretary of Homeland Security to that  
10 of an alien lawfully admitted for permanent res-  
11 idence if the alien—

12 (i) is not inadmissible under para-  
13 graph (2) or (3) of section 212(a) of such  
14 Act (8 U.S.C. 1182(a));

15 (ii) is not deportable under paragraph  
16 (2), (3), or (4) of section 237(a) of such  
17 Act (8 U.S.C. 1227(a)); and

18 (iii) is not described in section  
19 208(b)(2)(A)(i) of such Act (8 U.S.C.  
20 1158(b)(2)(A)(i)).

21 (B) TREATMENT OF EXPUNGED CONVIC-  
22 TIONS.—For purposes of this Act, the term  
23 “conviction” does not include a judgment that  
24 has been expunged or set aside that resulted in  
25 a rehabilitative disposition or the equivalent.

26 (2) APPLICATION.—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (B), any alien who is physically  
3 present in the United States may apply for ad-  
4 justment of status under this section.

5 (B) APPLICATIONS FROM OUTSIDE UNITED  
6 STATES FOR CERTAIN ALIENS PREVIOUSLY RE-  
7 MOVED OR WHO DEPARTED.—In the case of an  
8 alien who, on or after September 28, 2016, was  
9 removed from the United States or departed  
10 pursuant to an order of voluntary departure,  
11 the alien may apply for adjustment of status  
12 under this section from outside the United  
13 States if, on the day before the date on which  
14 the alien was so removed or so departed, the  
15 alien was an alien described in subsection  
16 (b)(1).

17 (C) FEE.—

18 (i) IN GENERAL.—The Secretary of  
19 Homeland Security shall require any alien  
20 applying for permanent resident status  
21 under this section to pay a reasonable fee  
22 that is commensurate with the cost of  
23 processing the application. Such fee may  
24 not exceed \$1,140.



1 (ii) FEE EXEMPTION.—An applicant  
2 may be exempted from paying the applica-  
3 tion fee required under clause (i) if the ap-  
4 plicant—

5 (I) is younger than 18 years of  
6 age;

7 (II) received total income, during  
8 the 12-month period immediately pre-  
9 ceding the date on which the applicant  
10 files an application under this section,  
11 that is less than 150 percent of the  
12 Federal poverty line;

13 (III) is in foster care or other-  
14 wise lacking any parental or other fa-  
15 milial support; or

16 (IV) cannot care for himself or  
17 herself because of a serious, chronic  
18 disability.

19 (D) RELATIONSHIP OF APPLICATION TO  
20 CERTAIN ORDERS.—

21 (i) MOTION NOT REQUIRED.—An  
22 alien described in subparagraph (A) or (B)  
23 who has been the subject of an order of re-  
24 moval or voluntary departure may not be  
25 required, as a condition of submitting or

1 approving an application under such sub-  
2 paragraph, to file a motion to reopen, re-  
3 consider, or vacate such order.

4 (ii) APPROVAL.—If the Secretary of  
5 Homeland Security approves an application  
6 submitted by an alien under this para-  
7 graph, the Secretary shall cancel any order  
8 of removal or voluntary departure to which  
9 the alien is or was subject.

10 (iii) DENIAL.—If the Secretary of  
11 Homeland Security renders a final admin-  
12 istrative decision to deny an application  
13 submitted by an alien under this para-  
14 graph, any order of removal or voluntary  
15 departure to which the alien is subject  
16 shall be effective and enforceable to the  
17 same extent as if such application had not  
18 been made.

19 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
20 TUS.—

21 (1) IN GENERAL.—An alien is described in this  
22 subsection if the alien—

23 (A) is a national of a foreign state that  
24 was at any time designated under section

1           244(b) of the Immigration and Nationality Act  
2           (8 U.S.C. 1254a(b));

3           (B)(i) is in temporary protected status  
4           under section 244 of the Immigration and Na-  
5           tionality Act (8 U.S.C. 1254a);

6           (ii) held temporary protected status as a  
7           national of a designated foreign state described  
8           in subparagraph (A);

9           (iii) qualified for temporary protected sta-  
10          tus on the date on which the last designation or  
11          extension was made by the Secretary of Home-  
12          land Security; or

13          (iv) was present in the United States pur-  
14          suant to a grant of deferred enforced departure  
15          that had been extended beyond September 28,  
16          2016;

17          (C)(i) has been continuously present in the  
18          United States for not less than 3 years and is  
19          physically present in the United States on the  
20          date on which the alien files an application for  
21          adjustment of status under this section; or

22          (ii) in the case of an alien who, on or after  
23          September 28, 2016, was removed from the  
24          United States or departed pursuant to an order  
25          of voluntary departure, was continuously

1 present in the United States for a period of not  
2 less than 3 years before the date on which the  
3 alien was so removed or so departed; and

4 (D) passes all applicable criminal and na-  
5 tional security background checks.

6 (2) SHORT ABSENCES.—An alien shall not be  
7 considered to have failed to maintain continuous  
8 physical presence in the United States under para-  
9 graph (1)(C) by reason of an absence, or multiple  
10 absences, from the United States for any period or  
11 periods that do not exceed, in the aggregate, 180  
12 days.

13 (3) WAIVER AUTHORIZED.—Notwithstanding  
14 any provision of the Immigration and Nationality  
15 Act (8 U.S.C. 1101 et seq.), an alien who fails to  
16 meet the continuous physical presence requirement  
17 under paragraph (1)(C) shall be considered eligible  
18 for adjustment of status under this section if the At-  
19 torney General or the Secretary of Homeland Secu-  
20 rity, as applicable, determines that the removal or  
21 continued absence of the alien from the United  
22 States, as applicable, would result in extreme hard-  
23 ship to the alien or to the alien's spouse, children,  
24 parents, or domestic partner.

25 (c) STAY OF REMOVAL.—

1           (1) IN GENERAL.—Except as provided in para-  
2 graph (2), an alien who is subject to a final order  
3 of removal may not be removed if the alien—

4           (A) has a pending application under sub-  
5 section (a); or

6           (B)(i) is prima facie eligible to file an ap-  
7 plication under subsection (a); and

8           (ii) indicates that he or she intends to file  
9 such an application.

10          (2) EXCEPTION.—Paragraph (1) shall not  
11 apply to any alien whose application under sub-  
12 section (a) has been denied by the Secretary of  
13 Homeland Security in a final administrative deter-  
14 mination.

15          (3) DURING CERTAIN PROCEEDINGS.—

16           (A) IN GENERAL.—Except as provided in  
17 subparagraph (B) and notwithstanding any pro-  
18 vision of the Immigration and Nationality Act  
19 (8 U.S.C. 1101 et seq.), the Secretary of Home-  
20 land Security may not order any alien to be re-  
21 moved from the United States if the alien  
22 raises, as a defense to such an order, the eligi-  
23 bility of the alien to apply for adjustment of  
24 status under subsection (a).

1 (B) EXCEPTION.—Subparagraph (A) shall  
2 not apply to any alien whose application under  
3 subsection (a) has been denied by the Secretary  
4 of Homeland Security in a final administrative  
5 determination.

6 (4) WORK AUTHORIZATION.—The Secretary of  
7 Homeland Security—

8 (A) shall authorize any alien who has ap-  
9 plied for adjustment of status under subsection  
10 (a) to engage in employment in the United  
11 States while such application is pending; and

12 (B) may provide such alien with an “em-  
13 ployment authorized” endorsement or other ap-  
14 propriate document signifying such employment  
15 authorization.

16 (d) ADVANCE PAROLE.—

17 (1) IN GENERAL.—During the period beginning  
18 on the date on which an alien applies for adjustment  
19 of status under this Act and ending on the date on  
20 which the Secretary of Homeland Security makes a  
21 final decision regarding such application, the alien  
22 shall be eligible to apply for advance parole.

23 (2) APPLICABILITY.—Section 101(g) of the Im-  
24 migration and Nationality Act (8 U.S.C. 1101(g))

1 shall not apply to an alien granted advance parole  
2 under this subsection.

3 (e) ADJUSTMENT OF STATUS FOR SPOUSES AND  
4 CHILDREN.—

5 (1) IN GENERAL.—Notwithstanding section  
6 245(c) of the Immigration and Nationality Act (8  
7 U.S.C. 1255(c)) and except as provided in para-  
8 graphs (2) and (3), the Secretary of Homeland Se-  
9 curity shall adjust the status of an alien to that of  
10 an alien lawfully admitted for permanent residence  
11 if the alien—

12 (A) is the spouse, domestic partner, child,  
13 or unmarried son or daughter of an alien whose  
14 status has been adjusted to that of an alien  
15 lawfully admitted for permanent residence  
16 under subsection (a);

17 (B) is physically present in the United  
18 States on the date on which the alien files an  
19 application for such adjustment of status; and

20 (C) is otherwise eligible to receive an immi-  
21 grant visa and is otherwise admissible to the  
22 United States for permanent residence.

23 (2) CONTINUOUS PRESENCE REQUIREMENT.—

24 (A) IN GENERAL.—The status of an un-  
25 married son or daughter referred to in para-

1 graph (1)(A) may not be adjusted under para-  
2 graph (1) until such son or daughter establishes  
3 that he or she has been physically present in  
4 the United States for at least 1 year.

5 (B) SHORT ABSENCES.—An alien shall not  
6 be considered to have failed to maintain contin-  
7 uous physical presence in the United States  
8 under subparagraph (A) by reason of an ab-  
9 sence, or multiple absences, from the United  
10 States for any period or periods that do not ex-  
11 ceed, in the aggregate, 180 days.

12 (3) WAIVER.—In determining eligibility and ad-  
13 missibility under paragraph (1)(C), the grounds for  
14 inadmissibility under paragraphs (4), (5), (6),  
15 (7)(A), and (9) of section 212(a) of the Immigration  
16 and Nationality Act (8 U.S.C. 1182(a)) shall not  
17 apply.

18 (f) CLARIFICATION OF INSPECTION AND ADMISSION  
19 UNDER TEMPORARY PROTECTED STATUS.—Section  
20 244(f)(4) of the Immigration and Nationality Act (8  
21 U.S.C. 1254a(f)(4)) is amended by inserting “as having  
22 been inspected and admitted into the United States, and”  
23 after “considered”.

24 (g) AVAILABILITY OF ADMINISTRATIVE REVIEW.—  
25 The Secretary of Homeland Security shall provide appli-



1 cants for adjustment of status under subsection (a) the  
2 same right to, and procedures for, administrative review  
3 as are provided to—

4 (1) applicants for adjustment of status under  
5 section 245 of the Immigration and Nationality Act  
6 (8 U.S.C. 1255); or

7 (2) aliens who are subject to removal pro-  
8 ceedings under section 240 of such Act (8 U.S.C.  
9 1229a).

10 (h) EXCEPTIONS TO NUMERICAL LIMITATIONS.—  
11 The numerical limitations set forth in sections 201 and  
12 202 of the Immigration and Nationality Act (8 U.S.C.  
13 1151 and 1152) shall not apply to aliens whose status is  
14 adjusted pursuant to subsection (a).

15 **SEC. 3. CONFIDENTIALITY OF INFORMATION.**

16 (a) IN GENERAL.—The Secretary of Homeland Secu-  
17 rity may not disclose or use information provided in appli-  
18 cations filed under section 2 for the purpose of immigra-  
19 tion enforcement.

20 (b) REFERRALS PROHIBITED.—The Secretary may  
21 not refer any individual who has been granted permanent  
22 resident status under section 2 to U.S. Immigration and  
23 Customs Enforcement, U.S. Customs and Border Protec-  
24 tion, or any designee of either such entity.

1 (c) LIMITED EXCEPTION.—Notwithstanding sub-  
 2 sections (a) and (b), information provided in an applica-  
 3 tion for permanent resident status under section 2 may  
 4 be shared with Federal security and law enforcement  
 5 agencies—

6 (1) for assistance in the consideration of an ap-  
 7 plication for permanent resident status under such  
 8 section;

9 (2) to identify or prevent fraudulent claims;

10 (3) for national security purposes; or

11 (4) for the investigation or prosecution of any  
 12 felony not related to immigration status.

13 (d) PENALTY.—Any person who knowingly uses, pub-  
 14 lishes, or permits information to be examined in violation  
 15 of this section shall be fined not more than \$10,000.

16 **SEC. 4. ADDITIONAL REPORTING REQUIREMENTS REGARD-**  
 17 **ING FUTURE DISCONTINUED ELIGIBILITY OF**  
 18 **ALIENS FROM COUNTRIES CURRENTLY LIST-**  
 19 **ED UNDER TEMPORARY PROTECTED STATUS.**

20 Section 244(b)(3) of the Immigration and Nationality  
 21 Act (8 U.S.C. 1254a(b)(3)) is amended—

22 (1) in subparagraph (A)—

23 (A) by striking “Attorney General” each  
 24 place such term appears and inserting “Sec-  
 25 retary of Homeland Security”; and

1 (B) by inserting “(including a rec-  
2 ommendation from the Secretary of State that  
3 is received by the Secretary of Homeland Secu-  
4 rity not later than 90 days before the end of  
5 such period of designation)” after “Govern-  
6 ment”; and

7 (2) in subparagraph (B)—

8 (A) by striking “If the Attorney General”  
9 and inserting the following:

10 “(i) IN GENERAL.—If the Secretary of  
11 Homeland Security”; and

12 (B) in clause (i), as designated by subpara-  
13 graph (A), by striking “Attorney General” and  
14 inserting “Secretary”; and

15 (C) by adding at the end the following:

16 “(ii) REPORT.—Not later than 3 days  
17 after the publication of the Secretary’s de-  
18 termination in the Federal Register that a  
19 country’s designation under paragraph (1)  
20 is being terminated, the Secretary shall  
21 submit a report to the Committee on the  
22 Judiciary of the Senate and the Committee  
23 on the Judiciary of the House of Rep-  
24 resentatives that includes—

1           “(I) an explanation of the event  
2 or events that initially prompted such  
3 country’s designation under para-  
4 graph (1);

5           “(II) the progress the country  
6 has made in remedying the designa-  
7 tion under paragraph (1), including  
8 any significant challenges or short-  
9 comings that have not been addressed  
10 since the initial designation;

11           “(III) a statement indicating  
12 whether the country has requested a  
13 designation under paragraph (1), a  
14 redesignation under such paragraph,  
15 or an extension of such designation;  
16 and

17           “(IV) an analysis, with applicable  
18 and relevant metrics, as determined  
19 by the Secretary, of the country’s abil-  
20 ity to repatriate its nationals, includ-  
21 ing—

22           “(aa) the country’s financial  
23 ability to provide for its repatri-  
24 ated citizens;

1           “(bb) the country’s financial  
2 ability to address the initial des-  
3 ignation under paragraph (1)  
4 without foreign assistance;

5           “(cc) the country’s gross do-  
6 mestic product and per capita  
7 gross domestic product per cap-  
8 ita;

9           “(dd) an analysis of the  
10 country’s political stability and  
11 its ability to be economically self-  
12 sufficient without foreign assist-  
13 ance;

14           “(ee) the economic and so-  
15 cial impact the repatriation of  
16 nationals in possession of tem-  
17 porary protected status would  
18 have on the recipient country;  
19 and

20           “(ff) any additional metrics  
21 the Secretary considers nec-  
22 essary.”.

23 **SEC. 5. OTHER MATTERS.**

24           (a) APPLICATION OF IMMIGRATION AND NATION-  
25 ALITY ACT PROVISIONS.—Except as otherwise specifically

1 provided in this Act, the definitions under section 101 of  
2 the Immigration and Nationality Act (8 U.S.C. 1101)  
3 shall apply when such terms are used in this Act.

4 (b) SAVINGS PROVISION.—Nothing in this Act may  
5 be construed to repeal, amend, alter, modify, effect, or re-  
6 strict the powers, duties, functions, or authority of the  
7 Secretary of Homeland Security in the administration and  
8 enforcement of the immigration laws.

9 (c) ELIGIBILITY FOR OTHER IMMIGRATION BENE-  
10 FITS.—Any alien who is eligible to be granted the status  
11 of an alien lawfully admitted for permanent residence  
12 under section 2 may not be precluded from seeking such  
13 status under any other provision of law for which the alien  
14 may otherwise be eligible.

○

117TH CONGRESS  
1ST SESSION

# S. 348

To provide an earned path to citizenship, to address the root causes of migration and responsibly manage the southern border, and to reform the immigrant visa system, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 2021

Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. PADILLA, Mr. LUJÁN, Mr. BOOKER, Ms. HIRONO, Ms. KLOBUCHAR, Mr. SANDERS, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. COONS, Ms. BALDWIN, Mr. BENNET, Mr. SCHATZ, Mrs. FEINSTEIN, Mr. MARKEY, Ms. WARREN, Mr. HICKENLOOPER, Mr. DURBIN, Ms. ROSEN, Mr. VAN HOLLEN, Ms. DUCKWORTH, Ms. SMITH, Mr. CARPER, Ms. CORTEZ MASTO, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To provide an earned path to citizenship, to address the root causes of migration and responsibly manage the southern border, and to reform the immigrant visa system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “U.S. Citizenship Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.  
 Sec. 3. Terminology with respect to noncitizens.

TITLE I—EARNED PATH TO CITIZENSHIP AND OTHER REFORMS

Subtitle A—Earned Path to Citizenship

- Sec. 1101. Lawful prospective immigrant status.  
 Sec. 1102. Adjustment of status of lawful prospective immigrants.  
 Sec. 1103. The Dream Act.  
 Sec. 1104. The American Promise Act.  
 Sec. 1105. The Agricultural Workers Adjustment Act.  
 Sec. 1106. General provisions relating to adjustment of status.

Subtitle B—Other Reforms

- Sec. 1201. V nonimmigrant visas.  
 Sec. 1202. Expungement and sentencing.  
 Sec. 1203. Petty offenses.  
 Sec. 1204. Restoring fairness to adjudications.  
 Sec. 1205. Judicial review.  
 Sec. 1206. Modifications to naturalization provisions.  
 Sec. 1207. Relief for long-term legal residents of the Commonwealth of the  
 Northern Mariana Islands.  
 Sec. 1208. Government contracting and acquisition of real property interest.  
 Sec. 1209. Conforming amendments to the Social Security Act.

TITLE II—ADDRESSING THE ROOT CAUSES OF MIGRATION AND  
 RESPONSIBLY MANAGING THE SOUTHERN BORDER

- Sec. 2001. Definitions.

Subtitle A—Promoting the Rule of Law, Security, and Economic Development  
 in Central America

- Sec. 2101. United States Strategy for Engagement in Central America.  
 Sec. 2102. Securing support of international donors and partners.  
 Sec. 2103. Combating corruption, strengthening the rule of law, and consoli-  
 dating democratic governance.  
 Sec. 2104. Combating criminal violence and improving citizen security.  
 Sec. 2105. Combating sexual, gender-based, and domestic violence.  
 Sec. 2106. Tackling extreme poverty and advancing economic development.  
 Sec. 2107. Authorization of appropriations for United States Strategy for En-  
 gagement in Central America.

Subtitle B—Addressing Migration Needs by Strengthening Regional Humanitarian  
 Responses for Refugees and Asylum Seekers in the Western Hemi-  
 sphere and Strengthening Repatriation Initiatives

- Sec. 2201. Expanding refugee and asylum processing in the Western Hemi-  
 sphere.



- Sec. 2202. Further strengthening regional humanitarian responses in the Western Hemisphere.
- Sec. 2203. Information campaign on dangers of irregular migration.
- Sec. 2204. Identification, screening, and processing of refugees and other individuals eligible for lawful admission to the United States.
- Sec. 2205. Registration and intake.
- Sec. 2206. Central American Refugee Program.
- Sec. 2207. Central American Minors Program.
- Sec. 2208. Central American Family Reunification Parole Program.
- Sec. 2209. Informational campaign; case status hotline.

#### Subtitle C—Managing the Border and Protecting Border Communities

- Sec. 2301. Expediting legitimate trade and travel at ports of entry.
- Sec. 2302. Deploying smart technology at the southern border.
- Sec. 2303. Independent oversight on privacy rights.
- Sec. 2304. Training and continuing education.
- Sec. 2305. GAO study of waiver of environmental and other laws.
- Sec. 2306. Establishment of Border Community Stakeholder Advisory Committee.
- Sec. 2307. Rescue beacons.
- Sec. 2308. Use of force.
- Sec. 2309. Office of Professional Responsibility.

#### Subtitle D—Improving Border Infrastructure for Families and Children; Cracking Down on Criminal Organizations

- Sec. 2401. Humanitarian and medical standards for individuals in U.S. Customs and Border Protection custody.
- Sec. 2402. Child welfare at the border.
- Sec. 2403. Office of Inspector General oversight.
- Sec. 2404. Enhanced investigation and prosecution of human smuggling networks and trafficking organizations.
- Sec. 2405. Enhanced penalties for organized smuggling schemes.
- Sec. 2406. Expanding financial sanctions on narcotics trafficking and money laundering.
- Sec. 2407. Support for transnational anti-gang task forces for countering criminal gangs.
- Sec. 2408. Hindering immigration, border, and customs controls.

### TITLE III—REFORM OF THE IMMIGRANT VISA SYSTEM

#### Subtitle A—Promoting Family Reunification

- Sec. 3101. Recapture of immigrant visas lost to bureaucratic delay.
- Sec. 3102. Reclassification of spouses and minor children of lawful permanent residents as immediate relatives.
- Sec. 3103. Adjustment of family-sponsored per-country limits.
- Sec. 3104. Promoting family unity.
- Sec. 3105. Relief for orphans, widows, and widowers.
- Sec. 3106. Exemption from immigrant visa limit for certain veterans who are natives of the Philippines.
- Sec. 3107. Fiancée or fiancé child status protection.
- Sec. 3108. Retention of priority dates.
- Sec. 3109. Inclusion of permanent partners.
- Sec. 3110. Definition of child.

- Sec. 3111. Termination of conditional permanent resident status for certain noncitizen permanent partners and sons and daughters upon finding qualifying permanent partnership improper.
- Sec. 3112. Nationality at birth.

Subtitle B—National Origin-Based Antidiscrimination for Nonimmigrants

- Sec. 3201. Expansion of nondiscrimination provision.
- Sec. 3202. Transfer and limitations on authority to suspend or restrict the entry of a class of noncitizens.

Subtitle C—Diversity Immigrants

- Sec. 3301. Increasing diversity visas.

Subtitle D—Reforming Employment-Based Immigration

- Sec. 3401. Doctoral STEM graduates from accredited United States universities.
- Sec. 3402. Addressing visa backlogs.
- Sec. 3403. Eliminating employment-based per country levels.
- Sec. 3404. Increased immigrant visas for other workers.
- Sec. 3405. Flexible adjustments to employment-based immigrant visa program.
- Sec. 3406. Regional Economic Development Immigrant Visa Pilot Program.
- Sec. 3407. Wage-based consideration of temporary workers.
- Sec. 3408. Clarifying dual intent for postsecondary students.
- Sec. 3409. H-4 visa reform.
- Sec. 3410. Extensions related to pending petitions.

Subtitle E—Promoting Immigrant and Refugee Integration

- Sec. 3501. Definition of Foundation.
- Sec. 3502. United States Citizenship and Integration Foundation.
- Sec. 3503. Pilot program to promote immigrant integration at State and local levels.
- Sec. 3504. English as a Gateway to Integration grant program.
- Sec. 3505. Workforce Development and Shared Prosperity grant program.
- Sec. 3506. Existing citizenship education grants.
- Sec. 3507. Grant program to assist eligible applicants.
- Sec. 3508. Study on factors affecting employment opportunities for immigrants and refugees with professional credentials obtained in foreign countries.
- Sec. 3509. In-State tuition rates for refugees, asylees, and certain special immigrants.
- Sec. 3510. Waiver of English requirement for senior new Americans.
- Sec. 3511. Naturalization for certain United States high school graduates.
- Sec. 3512. Naturalization ceremonies.
- Sec. 3513. National citizenship promotion program.
- Sec. 3514. Authorization of appropriations for Foundation and pilot program.

TITLE IV—IMMIGRATION COURTS, FAMILY VALUES, AND  
VULNERABLE INDIVIDUALS

Subtitle A—Promoting Efficient Processing of Asylum Seekers, Addressing Immigration Court Backlogs, and Efficiently Repatriating Migrants Ordered Removed

- Sec. 4101. Expanding alternatives to detention.

- Sec. 4102. Eliminating immigration court backlogs.
- Sec. 4103. Improved training for immigration judges and members of the Board of Immigration Appeals.
- Sec. 4104. New technology to improve court efficiency.
- Sec. 4105. Court appearance compliance and legal orientation.
- Sec. 4106. Improving court efficiency and reducing costs by increasing access to legal information.
- Sec. 4107. Facilitating safe and efficient repatriation.

Subtitle B—Protecting Family Values and Monitoring and Caring for  
Unaccompanied Noncitizen Children After Arrival

- Sec. 4201. Definition of local educational agency.
- Sec. 4202. Responsibility of sponsor for immigration court compliance and child well-being.
- Sec. 4203. Funding to school districts for unaccompanied noncitizen children.
- Sec. 4204. School enrollment.

Subtitle C—Admission and Protection of Refugees, Asylum Seekers, and  
Other Vulnerable Individuals

- Sec. 4301. Elimination of time limits on asylum applications.
- Sec. 4302. Increasing annual numerical limitation on U visas.
- Sec. 4303. Employment authorization for asylum seekers and other individuals.
- Sec. 4304. Enhanced protection for individuals seeking T visas, U visas, and protection under VAWA.
- Sec. 4305. Alternatives to detention.
- Sec. 4306. Notification of proceedings.
- Sec. 4307. Conversion of certain petitions.
- Sec. 4308. Improvements to application process for Afghan special immigrant visas.
- Sec. 4309. Special immigrant status for certain surviving spouses and children.
- Sec. 4310. Special immigrant status for certain Syrians who worked for the United States Government in Syria.
- Sec. 4311. Authorization of appropriations.

TITLE V—EMPLOYMENT AUTHORIZATION AND PROTECTING  
WORKERS FROM EXPLOITATION

- Sec. 5101. Commission on Employment Authorization.
- Sec. 5102. Power Act.
- Sec. 5103. Additional civil penalty.
- Sec. 5104. Continued application of workforce and labor protection remedies.
- Sec. 5105. Prohibition on discrimination based on national origin or citizenship status.
- Sec. 5106. Fairness for farmworkers.
- Sec. 5107. Protections for migrant and seasonal laborers.
- Sec. 5108. Directive to the United States Sentencing Commission.
- Sec. 5109. Labor Law Enforcement Fund.

**1 SEC. 2. DEFINITIONS.**

**2** In this Act:

1           (1) IN GENERAL.—Any term used in this Act  
2 that is used in the immigration laws shall have the  
3 meaning given such term in the immigration laws.

4           (2) IMMIGRATION LAWS.—The term “immigra-  
5 tion laws” has the meaning given the term in section  
6 101(a) of the Immigration and Nationality Act (8  
7 U.S.C. 1101(a)).

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

10 **SEC. 3. TERMINOLOGY WITH RESPECT TO NONCITIZENS.**

11           (a) IMMIGRATION AND NATIONALITY ACT.—

12           (1) IN GENERAL.—The Immigration and Na-  
13 tionality Act (8 U.S.C. 1101 et seq.) is amended—

14           (A) in section 101(a) (8 U.S.C. 1101(a))—

15           (i) by striking paragraph (3) and in-  
16 sserting the following:

17           “(3) NONCITIZEN.—The term ‘noncitizen’ means any  
18 person not a citizen or national of the United States.”;

19 and

20           (ii) by adding at the end the fol-  
21 lowing:

22           “(53) NONCITIZENSHIP.—The term ‘noncitizenship’  
23 means the condition of being a noncitizen.”;

24           (B) by striking “an alien” each place it ap-  
25 pears and inserting “a noncitizen”;

1 (C) by striking “An alien” each place it  
2 appears and inserting “A noncitizen”;

3 (D) by striking “alien” each place it ap-  
4 pears and inserting “noncitizen”;

5 (E) by striking “aliens” each place it ap-  
6 pears and inserting “noncitizens”;

7 (F) by striking “alien’s” each place it ap-  
8 pears and inserting “noncitizen’s”; and

9 (G) by striking “alienage” each place it  
10 appears and inserting “noncitizenship”.

11 (2) HEADINGS.—The Immigration and Nation-  
12 ality Act (8 U.S.C. 1101 et seq.) is amended—

13 (A) in the title and chapter headings—

14 (i) by striking “**ALIEN**” each place  
15 it appears and inserting “**NONCIT-**  
16 **IZEN**”; and

17 (ii) by striking “**ALIENS**” each  
18 place it appears and inserting “**NON-**  
19 **CITIZENS**”;

20 (B) in the section headings—

21 (i) by striking “**ALIEN**” each place it  
22 appears and inserting “**NONCITIZEN**”;

23 (ii) by striking “**ALIENS**” each place  
24 it appears and inserting “**NONCITIZENS**”;  
25 and

1 (iii) by striking “**ALIENAGE**” each  
2 place it appears and inserting “**NONCITI-**  
3 **ZENSHIP**”;

4 (C) in the subsection headings—

5 (i) by striking “ALIEN” each place it  
6 appears and inserting “NONCITIZEN”; and

7 (ii) by striking “ALIENS” each place it  
8 appears and inserting “NONCITIZENS”;  
9 and

10 (D) in the paragraph, subparagraph,  
11 clause, subclause, item, and subitem headings—

12 (i) by striking “ALIEN” each place it  
13 appears and inserting “NONCITIZEN”;

14 (ii) by striking “ALIEN” each place it  
15 appears and inserting “NONCITIZEN”;

16 (iii) by striking “ALIENS” each place  
17 it appears and inserting “NONCITIZENS”;  
18 and

19 (iv) by striking “ALIENS” each place  
20 it appears and inserting “NONCITIZENS”.

21 (3) TABLE OF CONTENTS.—The table of con-  
22 tents for the Immigration and Nationality Act (8  
23 U.S.C. 1101 et seq.) is amended—

24 (A) by striking the item relating to title V  
25 and inserting the following:

“TITLE V—NONCITIZEN TERRORIST REMOVAL PROCEDURES”;

1 and

2 (B) in the items relating to the chapters  
3 and sections—

4 (i) by striking “Alien” each place it  
5 appears and inserting “Noncitizen”;

6 (ii) by striking “Aliens” each place it  
7 appears and inserting “Noncitizens”;

8 (iii) by striking “alien” each place it  
9 appears and inserting “noncitizen”;

10 (iv) by striking “aliens” each place it  
11 appears and inserting “noncitizens”; and

12 (v) by striking “alienage” each place  
13 it appears and inserting “noncitizenship”.

14 (b) UNACCOMPANIED NONCITIZEN CHILDREN.—Sec-  
15 tion 462 of the Homeland Security Act of 2002 (6 U.S.C.  
16 279) is amended by striking “alien” each place it appears  
17 and inserting “noncitizen”.

18 (c) REFERENCES TO ALIENS.—With respect to a per-  
19 son who is not a citizen or national of the United States,  
20 any reference in Federal law, Federal regulation, or any  
21 written instrument issued by the executive branch of the  
22 Government to an alien shall be deemed to refer to a non-  
23 citizen (as defined in section 101(a) of the Immigration  
24 and Nationality Act, as amended by subsection (a)(1)).

1 **TITLE I—EARNED PATH TO CITI-**  
 2 **ZENSHIP AND OTHER RE-**  
 3 **FORMS**

4 **Subtitle A—Earned Path to**  
 5 **Citizenship**

6 **SEC. 1101. LAWFUL PROSPECTIVE IMMIGRANT STATUS.**

7 (a) IN GENERAL.—Chapter 5 of title II of the Immi-  
 8 gration and Nationality Act (8 U.S.C. 1255 et seq.) is  
 9 amended by inserting after section 245A the following:

10 **“SEC. 245B. ADJUSTMENT OF STATUS OF ELIGIBLE EN-**  
 11 **TRANS TO THAT OF LAWFUL PROSPECTIVE**  
 12 **IMMIGRANT.**

13 “(a) REQUIREMENTS.—Notwithstanding any other  
 14 provision of law, the Secretary may grant lawful prospec-  
 15 tive immigrant status to a noncitizen who—

16 “(1) satisfies the eligibility requirements set  
 17 forth in section 245G(b), including all criminal and  
 18 national security background checks and the pay-  
 19 ment of all applicable fees; and

20 “(2) submits an application pursuant to the  
 21 procedures under section 245G(b)(1).

22 “(b) SPOUSES AND CHILDREN.—The requirement in  
 23 paragraph (2) subsection (a) shall not apply to a noncit-  
 24 izen who is the spouse or child of a noncitizen who satisfies  
 25 all requirements of that subsection.



1       “(c) DURATION OF STATUS AND EXTENSION.—The  
2 initial period of authorized admission for a lawful prospec-  
3 tive immigrant—

4           “(1) shall remain valid for 6 years, unless re-  
5 voked pursuant to subsection 245G(g)(4); and

6           “(2) may be extended for additional 6-year  
7 terms if—

8           “(A) the noncitizen remains eligible for  
9 lawful prospective immigrant status;

10           “(B) the noncitizen has successfully passed  
11 the background checks described in section  
12 245G(d)(3); and

13           “(C) such status was not revoked by the  
14 Secretary.

15       “(d) EVIDENCE OF LAWFUL PROSPECTIVE IMMI-  
16 GRANT STATUS.—

17           “(1) IN GENERAL.—The Secretary shall issue  
18 documentary evidence of lawful prospective immi-  
19 grant status to each noncitizen, including the prin-  
20 cipal applicant and any spouse or child included in  
21 the application, whose application for such status  
22 has been approved.

23           “(2) DOCUMENTATION FEATURES.—Documen-  
24 tary evidence issued under paragraph (1) shall—

1           “(A) comply with the requirements of sec-  
2           tion 245G(g)(3)(C); and

3           “(B) specify a period of validity of 6 years  
4           beginning on the date of issuance.

5           “(e) TERMS AND CONDITIONS OF LAWFUL PROSPEC-  
6           TIVE IMMIGRANT STATUS.—

7           “(1) IN GENERAL.—A noncitizen granted lawful  
8           prospective immigrant status under this section shall  
9           be considered lawfully present in the United States  
10          for all purposes while such noncitizen remains in  
11          such status, except that the noncitizen—

12           “(A) is not entitled to the premium assist-  
13           ance tax credit authorized under section 36B of  
14           the Internal Revenue Code of 1986 for his or  
15           her health insurance coverage;

16           “(B) shall be subject to the rules applica-  
17           ble to individuals not lawfully present that are  
18           set forth in subsection (e) of that section;

19           “(C) shall be subject to the rules applicable  
20           to individuals not lawfully present that are set  
21           forth in section 1402(e) of the Patient Protec-  
22           tion and Affordable Care Act (42 U.S.C.  
23           18071); and

24           “(D) shall be subject to the rules applica-  
25           ble to individuals not lawfully present set forth

1 in section 5000A(d)(3) of the Internal Revenue  
2 Code of 1986.

3 “(2) ELIGIBILITY FOR COVERAGE UNDER A  
4 QUALIFIED HEALTH PLAN.—Notwithstanding section  
5 1312(f)(3) of the Patient Protection and Affordable  
6 Care Act (42 U.S.C. 18032(f)(3)), a lawful prospec-  
7 tive immigrant shall be treated as a qualified indi-  
8 vidual under section 1312 of that Act if the lawful  
9 prospective immigrant meets the requirements under  
10 subsection (f)(1) of that section.

11 “(3) EMPLOYMENT.—Notwithstanding any  
12 other provision of law, including section 241(a)(7),  
13 a lawful prospective immigrant shall be authorized  
14 to be employed in the United States while in such  
15 status.

16 “(4) TRAVEL OUTSIDE THE UNITED STATES.—  
17 A lawful prospective immigrant may travel outside of  
18 the United States and may be admitted, if otherwise  
19 admissible, upon returning to the United States  
20 without having to obtain a visa if—

21 “(A) the lawful prospective immigrant is in  
22 possession of—

23 “(i) valid, unexpired documentary evi-  
24 dence of lawful prospective immigrant sta-  
25 tus; or

1           “(ii) a travel document, duly approved  
2           by the Secretary, that was issued to the  
3           lawful prospective immigrant after the law-  
4           ful prospective immigrant’s original docu-  
5           mentary evidence was lost, stolen, or de-  
6           stroyed;

7           “(B) the lawful prospective immigrant’s  
8           absences from the United States do not exceed  
9           180 days, in the aggregate, in any calendar  
10          year, unless—

11           “(i) the lawful prospective immi-  
12          grant’s absences were authorized by the  
13          Secretary; or

14           “(ii) the lawful prospective immi-  
15          grant’s failure to timely return was due to  
16          circumstances beyond the noncitizen’s con-  
17          trol;

18          “(C) the lawful prospective immigrant  
19          meets the requirements for an extension as de-  
20          scribed in subsection (c)(2); and

21          “(D) the lawful prospective immigrant es-  
22          tablishes that the lawful prospective immigrant  
23          is not inadmissible under subparagraph (A)(i),  
24          (A)(iii), (B), or (C) of section 212(a)(3).

1           “(5) ASSIGNMENT OF SOCIAL SECURITY NUM-  
2           BER.—

3           “(A) IN GENERAL.—The Commissioner of  
4           Social Security (referred to in this paragraph as  
5           the ‘Commissioner’), in coordination with the  
6           Secretary, shall implement a system to allow for  
7           the assignment of a Social Security number and  
8           the issuance of a Social Security card to each  
9           lawful prospective immigrant.

10           “(B) INFORMATION SHARING.—

11           “(i) IN GENERAL.—The Secretary  
12           shall provide the Commissioner with infor-  
13           mation from the applications submitted by  
14           noncitizens granted lawful prospective im-  
15           migrant status under this section and such  
16           other information as the Commissioner  
17           considers necessary to assign a Social Se-  
18           curity account number to such noncitizens.

19           “(ii) USE OF INFORMATION.—The  
20           Commissioner may use information re-  
21           ceived from the Secretary under this sub-  
22           paragraph—

23                   “(I) to assign Social Security ac-  
24                   count numbers to lawful prospective  
25                   immigrants; and

1                   “(II) to administer the programs  
2                   of the Social Security Administration.

3                   “(iii) LIMITATION.—The Commis-  
4                   sioner may maintain, use, and disclose  
5                   such information only as permitted under  
6                   section 552a of title 5, United States Code  
7                   (commonly known as the Privacy Act of  
8                   1974), and other applicable Federal law.”.

9                   (b) ENLISTMENT IN THE ARMED FORCES.—Section  
10 504(b)(1) of title 10, United States Code, is amended by  
11 adding at the end the following:

12                   “(D) A noncitizen who has been granted  
13                   lawful prospective immigrant status under sec-  
14                   tion 245B of the Immigration and Nationality  
15                   Act.”.

16                   (c) TECHNICAL AND CONFORMING AMENDMENTS.—

17                   (1) TABLE OF CONTENTS.—The table of con-  
18                   tents for the Immigration and Nationality Act (8  
19                   U.S.C. 1101 et seq.) is amended by inserting after  
20                   the item relating to section 245A the following:

“Sec. 245B. Adjustment of status of eligible entrants to that of lawful prospec-  
                  tive immigrant.”.

21                   (2) DEFINITION OF LAWFUL PROSPECTIVE IM-  
22                   MIGRANT.—Section 101(a) of the Immigration and  
23                   Nationality Act (8 U.S.C. 1101(a)), as amended by

1 section 3, is further amended by adding at the end  
2 the following:

3 “(54) **LAWFUL PROSPECTIVE IMMIGRANT.**—The  
4 term ‘lawful prospective immigrant’ means a noncitizen  
5 granted lawful prospective immigrant status under section  
6 245B.”.

7 **SEC. 1102. ADJUSTMENT OF STATUS OF LAWFUL PROSPEC-**  
8 **TIVE IMMIGRANTS.**

9 (a) **IN GENERAL.**—Chapter 5 of title II of the Immi-  
10 gration and Nationality Act (8 U.S.C. 1255 et seq.), as  
11 amended by section 1101, is further amended by inserting  
12 after section 245B the following:

13 **“SEC. 245C. ADJUSTMENT OF STATUS OF LAWFUL PRO-**  
14 **SPECTIVE IMMIGRANTS.**

15 “(a) **REQUIREMENTS.**—Notwithstanding any other  
16 provision of law, the Secretary may adjust the status of  
17 a lawful prospective immigrant to that of a lawful perma-  
18 nent resident if the lawful prospective immigrant—

19 “(1) subject to subsection (b), satisfies the eli-  
20 gibility requirements set forth in section 245G(b),  
21 including all criminal and national security back-  
22 ground checks and the payment of all applicable  
23 fees;

24 “(2) submits an application pursuant to the  
25 procedures under section 245G(b)(1);

1           “(3) has been a lawful prospective immigrant  
2           for not less than 5 years;

3           “(4) remains eligible for such status;

4           “(5) establishes, to the satisfaction of the Sec-  
5           retary, that the lawful prospective immigrant has  
6           not been continuously absent from the United States  
7           for more than 180 days in any calendar year during  
8           the period of admission as a lawful prospective im-  
9           migrant, unless the lawful prospective immigrant’s  
10          absence was—

11                   “(A) authorized by the Secretary; or

12                   “(B) due to circumstances beyond the law-  
13                  ful prospective immigrant’s control; and

14           “(6) has satisfied any applicable Federal tax li-  
15          ability.

16          “(b) PREVIOUS WAIVERS.—For purposes of this sec-  
17          tion, any ground of inadmissibility under section 212(a)  
18          that was previously waived for a noncitizen, or made inap-  
19          plicable under any section of this Act, shall not apply.

20          “(c) DEMONSTRATION OF COMPLIANCE.—An appli-  
21          cant may demonstrate compliance with subsection (a)(6)  
22          by submitting appropriate documentation, in accordance  
23          with regulations promulgated by the Secretary, in con-  
24          sultation with the Secretary of the Treasury.



1       “(d) APPLICABLE FEDERAL TAX LIABILITY DE-  
 2 FINED.—In this section, the term ‘applicable Federal tax  
 3 liability’ means all Federal income taxes assessed in ac-  
 4 cordance with section 6203 of the Internal Revenue Code  
 5 of 1986.”.

6       (b) TECHNICAL AND CONFORMING AMENDMENTS.—

7           (1) TABLE OF CONTENTS.—The table of con-  
 8 tents for the Immigration and Nationality Act (8  
 9 U.S.C. 1101 et seq.), as amended by section 1101,  
 10 is further amended by inserting after the item relat-  
 11 ing to section 245B the following:

“Sec. 245C. Adjustment of status of lawful prospective immigrants.”.

12           (2) DEFINITION OF LAWFUL PERMANENT RESI-  
 13 DENT.—Section 101(a) of the Immigration and Na-  
 14 tionality Act (8 U.S.C. 1101(a)), as amended by sec-  
 15 tion 1101, is further amended by adding at the end  
 16 the following:

17       “(55) LAWFUL PERMANENT RESIDENT.—The term  
 18 ‘lawful permanent resident’ means a noncitizen lawfully  
 19 admitted for permanent residence.”.

20 **SEC. 1103. THE DREAM ACT.**

21       (a) IN GENERAL.—Chapter 5 of title II of the Immi-  
 22 gration and Nationality Act (8 U.S.C. 1255 et seq.), as  
 23 amended by section 1102, is further amended by inserting  
 24 after section 245C the following:

1 **“SEC. 245D. ADJUSTMENT OF STATUS FOR CERTAIN NON-**  
2 **CITIZENS WHO ENTERED THE UNITED**  
3 **STATES AS CHILDREN.**

4 “(a) REQUIREMENTS.—Notwithstanding any other  
5 provision of law, the Secretary may grant lawful perma-  
6 nent resident status to a noncitizen if the noncitizen—

7 “(1) satisfies the eligibility requirements set  
8 forth in section 245G(b), including all criminal and  
9 national security background checks and the pay-  
10 ment of all applicable fees;

11 “(2) submits an application pursuant to the  
12 procedures under section 245G(b)(1);

13 “(3) was younger than 18 years of age on the  
14 date on which the noncitizen initially entered the  
15 United States;

16 “(4) has earned a high school diploma, a com-  
17 mensurate alternative award from a public or private  
18 high school or secondary school, a general education  
19 development certificate recognized under State law,  
20 or a high school equivalency diploma in the United  
21 States;

22 “(5)(A) has obtained a degree from an institu-  
23 tion of higher education, or has completed at least  
24 2 years, in good standing, of a program in the  
25 United States leading to a bachelor’s degree or high-  
26 er degree or a recognized postsecondary credential

1 from an area career and technical education school  
2 providing education at the postsecondary level;

3 “(B) has served in the uniformed services for  
4 not less than 2 years and, if discharged, received an  
5 honorable discharge; or

6 “(C) demonstrates earned income for periods  
7 totaling not less than 3 years and not less than 75  
8 percent of the time that the noncitizen has had valid  
9 employment authorization, except that, in the case  
10 of a noncitizen who was enrolled in an institution of  
11 higher education or an area career and technical  
12 education school to obtain a recognized postsec-  
13 ondary credential, the Secretary shall reduce such  
14 total 3-year requirement by the total of such periods  
15 of enrollment; and

16 “(6) establishes that the noncitizen has reg-  
17 istered under the Military Selective Service Act (50  
18 U.S.C. 3801 et seq.), if the noncitizen is subject to  
19 registration under that Act.

20 “(b) WAIVER.—The Secretary may waive the require-  
21 ment under subsection (a)(5) if the noncitizen dem-  
22 onstrates compelling circumstances for the noncitizen’s in-  
23 ability to satisfy such requirement.

24 “(c) SPOUSES AND CHILDREN.—The requirements in  
25 paragraphs (2) through (6) of subsection (a) shall not

1 apply to a noncitizen who is the spouse or child of a non-  
2 citizen who satisfies all requirements of that subsection.

3 “(d) SPECIAL PROCEDURE FOR APPLICANTS WITH  
4 DACA.—The Secretary shall establish a streamlined pro-  
5 cedure for noncitizens who—

6 “(1) have been granted Deferred Action for  
7 Childhood Arrivals pursuant to the memorandum of  
8 the Department of Homeland Security entitled ‘Ex-  
9 ercising Prosecutorial Discretion with Respect to In-  
10 dividuals Who Came to the United States as Chil-  
11 dren’ issued on June 15, 2012 (referred to in this  
12 section as ‘DACA’); and

13 “(2) meet the requirements for renewal of  
14 DACA to apply for adjustment of status to that of  
15 a lawful permanent resident.

16 “(e) TREATMENT OF INDIVIDUALS GRANTED DACA  
17 AND INDIVIDUALS WHO ADJUST STATUS UNDER THIS  
18 SECTION.—

19 “(1) PRE-EXISTING CONDITION INSURANCE  
20 PLAN PROGRAM.—The interim final rule of the De-  
21 partment of Health and Human Services entitled  
22 ‘Pre-Existing Condition Insurance Plan Program’  
23 (77 Fed. Reg. 52614 (August 30, 2012)) shall have  
24 no force or effect.

1           “(2) APPLICABLE DEFINITION OF LAWFULLY  
2 PRESENT.—In determining whether an individual is  
3 lawfully present for purposes of determining whether  
4 the individual is lawfully residing in the United  
5 States under section 1903(v)(4) of the Social Secu-  
6 rity Act (42 U.S.C. 1396b(v)(4)), the definition of  
7 ‘lawfully present’ under section 152.2 of title 45,  
8 Code of Federal Regulations (or any successor regu-  
9 lation) shall be applied.

10           “(3) INAPPLICABILITY OF LIMITATION ON FED-  
11 ERAL MEANS-TESTED PUBLIC BENEFITS.—

12           “(A) IN GENERAL.—Notwithstanding any  
13 other provision of law, except as provided in  
14 subparagraph (B), with respect to eligibility for  
15 any benefit under title XIX or XXI of the So-  
16 cial Security Act (42 U.S.C. 1396 et seq. or  
17 1397aa et seq.), the limitation under section  
18 403(a) of the Personal Responsibility and Work  
19 Opportunity Reconciliation Act of 1996 (8  
20 U.S.C. 1613(a)) shall not apply to an individual  
21 who adjusts status under this section.

22           “(B) EXCEPTION.—The limitation de-  
23 scribed in subparagraph (A) shall apply to an  
24 individual who was eligible to adjust status only  
25 by virtue of subsection (c).

1       “(f) INSTITUTION OF HIGHER EDUCATION DE-  
2 FINED.—In this section, the term ‘institution of higher  
3 education’ has the meaning given such term in section 102  
4 of the Higher Education Act of 1965 (20 U.S.C. 1002),  
5 except that the term does not include institutions de-  
6 scribed in subsection (a)(1)(C) of such section.”.

7       (b) COMPENSATION FOR OFFICERS OR EMPLOYEES  
8 OF THE UNITED STATES.—Section 704 of title VII of di-  
9 vision E of the Consolidated Appropriations Act, 2018  
10 (Public Law 115–141; 132 Stat. 588) is amended—

11           (1) in paragraph (3), by striking “; or” and in-  
12 serting a semicolon; and

13           (2) in paragraph (4), by inserting “; or (5) is  
14 a person who is employed by the House of Rep-  
15 resentatives or the Senate, and has been issued an  
16 employment authorization document under DACA”  
17 after “United States”.

18       (c) RESTORATION OF STATE OPTION TO DETERMINE  
19 RESIDENCY FOR PURPOSES OF HIGHER EDUCATION.—

20           (1) REPEAL.—Section 505 of the Illegal Immi-  
21 gration Reform and Immigrant Responsibility Act of  
22 1996 (8 U.S.C. 1623) is repealed.

23           (2) EFFECTIVE DATE.—The repeal under para-  
24 graph (1) shall take effect as if included in the origi-  
25 nal enactment of the Illegal Immigration Reform

1 and Immigrant Responsibility Act of 1996 (division  
2 C of Public Law 104–208).

3 (d) FEDERAL HOUSING ADMINISTRATION INSUR-  
4 ANCE OF MORTGAGES.—Section 203 of the National  
5 Housing Act (12 U.S.C. 1709) is amended by inserting  
6 after subsection (h) the following:

7 “(i) DACA RECIPIENT ELIGIBILITY.—

8 “(1) DACA RECIPIENT DEFINED.—In this sub-  
9 section, the term ‘DACA recipient’ means a noncit-  
10 izen who, at any time before, on, or after the date  
11 of enactment of this subsection, is or was subject to  
12 a grant of deferred action pursuant to the Depart-  
13 ment of Homeland Security memorandum entitled  
14 ‘Exercising Prosecutorial Discretion with Respect to  
15 Individuals Who Came to the United States as Chil-  
16 dren’ issued on June 15, 2012.

17 “(2) PROHIBITION.—The Secretary may not—

18 “(A) prescribe terms that limit the eligi-  
19 bility of a single family mortgage for insurance  
20 under this title because of the status of the  
21 mortgagor as a DACA recipient; or

22 “(B) issue any limited denial of participa-  
23 tion in the program for such insurance because  
24 of the status of the mortgagor as a DACA re-  
25 cipient.

1 “(3) EXEMPTION.—

2 “(A) DENIAL FOR FAILURE TO SATISFY  
3 VALID ELIGIBILITY REQUIREMENTS.—Nothing  
4 in this title prohibits the denial of insurance  
5 based on failure to satisfy valid eligibility re-  
6 quirements.

7 “(B) INVALID ELIGIBILITY REQUIRE-  
8 MENTS.—Valid eligibility requirements do not  
9 include criteria that were adopted with the pur-  
10 pose of denying eligibility for insurance because  
11 of race, color, religion, sex, familial status, na-  
12 tional origin, disability, or the status of a mort-  
13 gator as a DACA recipient.”.

14 (e) RURAL HOUSING SERVICE.—Section 501 of the  
15 Housing Act of 1949 (42 U.S.C. 1471) is amended by  
16 adding at the end the following:

17 “(k) DACA RECIPIENT ELIGIBILITY.—

18 “(1) DACA RECIPIENT DEFINED.—In this sub-  
19 section, the term ‘DACA recipient’ means a noncit-  
20 izen who, at any time before, on, or after the date  
21 of enactment of this subsection, is or was subject to  
22 a grant of deferred action pursuant to the Depart-  
23 ment of Homeland Security memorandum entitled  
24 ‘Exercising Prosecutorial Discretion with Respect to



1 Individuals Who Came to the United States as Chil-  
2 dren’ issued on June 15, 2012.

3 “(2) PROHIBITION.—The Secretary may not  
4 prescribe terms that limit eligibility for a single fam-  
5 ily mortgage made, insured, or guaranteed under  
6 this title because of the status of the mortgagor as  
7 a DACA recipient.”.

8 (f) FANNIE MAE.—Section 302(b) of the National  
9 Housing Act (12 U.S.C. 1717(b)) is amended by adding  
10 at the end the following:

11 “(8) DACA RECIPIENT ELIGIBILITY.—

12 “(A) DACA RECIPIENT DEFINED.—In this  
13 paragraph, the term ‘DACA recipient’ means a  
14 noncitizen who, at any time before, on, or after  
15 the date of enactment of this paragraph, is or  
16 was subject to a grant of deferred action pursu-  
17 ant to the Department of Homeland Security  
18 memorandum entitled ‘Exercising Prosecutorial  
19 Discretion with Respect to Individuals Who  
20 Came to the United States as Children’ issued  
21 on June 15, 2012.

22 “(B) PROHIBITION.—The corporation may  
23 not condition purchase of a single-family resi-  
24 dence mortgage by the corporation under this

1 subsection on the status of the borrower as a  
2 DACA recipient.”.

3 (g) FREDDIE MAC.—Section 305(a) of the Federal  
4 Home Loan Mortgage Corporation Act (12 U.S.C.  
5 1454(a)) is amended by adding at the end the following:

6 “(6) DACA RECIPIENT ELIGIBILITY.—

7 “(A) DACA RECIPIENT DEFINED.—In this  
8 paragraph, the term ‘DACA recipient’ means a  
9 noncitizen who, at any time before, on, or after  
10 the date of enactment of this paragraph, is or  
11 was subject to a grant of deferred action pursu-  
12 ant to the Department of Homeland Security  
13 memorandum entitled ‘Exercising Prosecutorial  
14 Discretion with Respect to Individuals Who  
15 Came to the United States as Children’ issued  
16 on June 15, 2012.

17 “(B) PROHIBITION.—The Corporation may  
18 not condition purchase of a single-family resi-  
19 dence mortgage by the Corporation under this  
20 subsection on the status of the borrower as a  
21 DACA recipient.”.

22 (h) TECHNICAL AND CONFORMING AMENDMENT.—  
23 The table of contents for the Immigration and Nationality  
24 Act (8 U.S.C. 1101 et seq.), as amended by section 1102,

1 is further amended by inserting after the item relating to  
 2 section 245C the following:

“Sec. 245D. Adjustment of status for certain noncitizens who entered the  
 United States as children.”.

3 **SEC. 1104. THE AMERICAN PROMISE ACT.**

4 (a) ADJUSTMENT OF STATUS FOR CERTAIN NATION-  
 5 ALS OF CERTAIN COUNTRIES DESIGNATED FOR TEM-  
 6 PORARY PROTECTED STATUS OR DEFERRED ENFORCED  
 7 DEPARTURE.—Chapter 5 of title II of the Immigration  
 8 and Nationality Act (8 U.S.C. 1255 et seq.), as amended  
 9 by section 1103, is further amended by inserting after sec-  
 10 tion 245D the following:

11 **“SEC. 245E. ADJUSTMENT OF STATUS FOR CERTAIN NA-**  
 12 **TIONALS OF CERTAIN COUNTRIES DES-**  
 13 **IGNATED FOR TEMPORARY PROTECTED STA-**  
 14 **TUS OR DEFERRED ENFORCED DEPARTURE.**

15 “(a) REQUIREMENTS.—Notwithstanding any other  
 16 provision of law, the Secretary may grant lawful perma-  
 17 nent resident status to a noncitizen if the noncitizen—

18 “(1) satisfies the eligibility requirements set  
 19 forth in section 245G(b), including all criminal and  
 20 national security background checks and the pay-  
 21 ment of all applicable fees;

22 “(2) submits an application pursuant to the  
 23 procedures under section 245G(b)(1);

1           “(3) subject to section 245G(b)(3)(B)(ii), has  
2           been continuously physically present in the United  
3           States since January 1, 2017; and

4           “(4)(A) is a national of a foreign state (or a  
5           part thereof), or in the case of a noncitizen having  
6           no nationality, is a person who last habitually re-  
7           sided in such foreign state, with a designation under  
8           section 244(b) on January 1, 2017, who had or was  
9           otherwise eligible for temporary protected status on  
10          such date notwithstanding subsections (c)(1)(A)(iv)  
11          and (c)(3)(C) of that section; or

12          “(B) was eligible for deferred enforced depar-  
13          ture as of January 1, 2017.

14          “(b) SPOUSES AND CHILDREN.—The requirements of  
15          paragraphs (2) through (4) of subsection (a) shall not  
16          apply to a noncitizen who is the spouse or child of a non-  
17          citizen who satisfies all the requirements of subsection  
18          (a).”.

19          (b) CLARIFICATION OF INSPECTION AND ADMISSION  
20          UNDER TEMPORARY PROTECTED STATUS.—The Immi-  
21          gration and Nationality Act (8 U.S.C. 1101 et seq.) is  
22          amended—

23                  (1) in section 244(f)(4) (8 U.S.C. 1254a(f)(4)),  
24                  by inserting “as having been inspected and admitted  
25                  to the United States” after “considered”; and

1           (2) in section 245(c) (8 U.S.C. 1255(c)), in the  
 2 matter preceding paragraph (1), by inserting “or a  
 3 noncitizen granted temporary protected status under  
 4 section 244” after “self-petitioner”.

5           (c) **TECHNICAL AND CONFORMING AMENDMENT.**—  
 6 The table of contents for the Immigration and Nationality  
 7 Act (8 U.S.C. 1101 et seq.), as amended by section 1103,  
 8 is further amended by inserting after the item relating to  
 9 section 245D the following:

“Sec. 245E. Adjustment of status for certain nationals of certain countries des-  
 igned for temporary protected status or deferred enforced de-  
 parture.”.

10 **SEC. 1105. THE AGRICULTURAL WORKERS ADJUSTMENT**  
 11 **ACT.**

12           (a) **IN GENERAL.**—Chapter 5 of title II of the Immi-  
 13 gration and Nationality Act (8 U.S.C. 1255 et seq.), as  
 14 amended by section 1104, is further amended by inserting  
 15 after section 245E the following:

16 **“SEC. 245F. ADJUSTMENT OF STATUS FOR AGRICULTURAL**  
 17 **WORKERS.**

18           “(a) **REQUIREMENTS.**—Notwithstanding any other  
 19 provision of law, the Secretary may grant lawful perma-  
 20 nent resident status to a noncitizen if—

21           “(1) the noncitizen satisfies the eligibility re-  
 22 quirements set forth in section 245G(b), including  
 23 all criminal and national security background checks  
 24 and the payment of all applicable fees; and

1           “(2) submits an application pursuant to the  
2 procedures under section 245G(b)(1); and

3           “(3) the Secretary determines that, during the  
4 5-year period immediately preceding the date on  
5 which the noncitizen submits an application under  
6 this section, the noncitizen performed agricultural  
7 labor or services for at least 2,300 hours or 400  
8 work days.

9           “(b) SPOUSES AND CHILDREN.—The requirements of  
10 paragraph (3) of subsection (a) shall not apply to a noncit-  
11 izen who is the spouse or child of a noncitizen who satisfies  
12 all the requirements of that subsection.

13           “(c) AGRICULTURAL LABOR OR SERVICES DE-  
14 FINED.—In this section, the term ‘agricultural labor or  
15 services’ means—

16           “(1) agricultural labor or services (within the  
17 meaning of the term in section 101(a)(15)(H)(ii)),  
18 without regard to whether the labor or services are  
19 of a seasonal or temporary nature; and

20           “(2) agricultural employment (as defined in sec-  
21 tion 3 of the Migrant and Seasonal Agricultural  
22 Worker Protection Act (29 U.S.C. 1802)), without  
23 regard to whether the specific service or activity is  
24 temporary or seasonal.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 2 The table of contents for the Immigration and Nationality  
 3 Act (8 U.S.C. 1101 et seq.), as amended by section 1104,  
 4 is further amended by inserting after the item relating to  
 5 section 245E the following:

“Sec. 245F. Adjustment of status for agricultural workers.”.

6 **SEC. 1106. GENERAL PROVISIONS RELATING TO ADJUST-**  
 7 **MENT OF STATUS.**

8 (a) IN GENERAL.—Chapter 5 of title II of the Immi-  
 9 gration and Nationality Act (8 U.S.C. 1255 et seq.), as  
 10 amended by section 1105, is further amended by inserting  
 11 after section 245E the following:

12 **“SEC. 245G. GENERAL PROVISIONS RELATING TO ADJUST-**  
 13 **MENT OF STATUS.**

14 “(a) APPLICABILITY.—Unless otherwise specified,  
 15 the provisions of this section shall apply to sections 245B,  
 16 245C, 245D, 245E, and 245F.

17 “(b) COMMON ELIGIBILITY REQUIREMENTS FOR AP-  
 18 PPLICATIONS UNDER SECTIONS 245B, 245C, 245D, 245E,  
 19 AND 245F.—Unless otherwise specified, a noncitizen ap-  
 20 plying for status under section 245B, 245C, 245D, 245E,  
 21 or 245F shall satisfy the following requirements:

22 “(1) SUBMITTAL OF APPLICATION.—The non-  
 23 citizen shall submit a completed application to the  
 24 Secretary at such time, in such manner, and con-

1 taining such information as the Secretary shall re-  
2 quire.

3 “(2) PAYMENT OF FEES.—

4 “(A) IN GENERAL.—A noncitizen who is  
5 18 years of age or older shall pay to the De-  
6 partment of Homeland Security a processing  
7 fee in an amount determined by the Secretary.

8 “(B) RECOVERY OF COSTS.—The proc-  
9 essing fee referred to in subparagraph (A) shall  
10 be set at a level sufficient to recover the cost  
11 of processing the application.

12 “(C) AUTHORITY TO LIMIT FEES.—The  
13 Secretary may—

14 “(i) limit the maximum processing fee  
15 payable under this paragraph by a family;  
16 and

17 “(ii) for good cause, exempt individual  
18 applicants or defined classes of applicants  
19 from the requirement to pay fees under  
20 this paragraph.

21 “(D) DEPOSIT.—Fees collected under this  
22 paragraph shall be deposited into the Immigra-  
23 tion Examinations Fee Account pursuant to  
24 section 286(m).

25 “(3) PHYSICAL PRESENCE.—



1           “(A) DATE OF SUBMITTAL OF APPLICA-  
2           TION.—The noncitizen shall be physically  
3           present in the United States on the date on  
4           which the application is submitted.

5           “(B) CONTINUOUS PHYSICAL PRESENCE.—

6           “(i) IN GENERAL.—Except as pro-  
7           vided in clause (ii), the noncitizen shall  
8           have been continuously physically present  
9           in the United States beginning on January  
10          1, 2021, and ending on the date on which  
11          the application is approved.

12          “(ii) EXCEPTIONS.—

13          “(I) AUTHORIZED ABSENCE.—A  
14          noncitizen who departed temporarily  
15          from the United States shall not be  
16          considered to have failed to maintain  
17          continuous physical presence in the  
18          United States during any period of  
19          travel that was authorized by the Sec-  
20          retary.

21          “(II) BRIEF, CASUAL, AND INNO-  
22          CENT ABSENCES.—

23          “(aa) IN GENERAL.—A non-  
24          citizen who departed temporarily  
25          from the United States shall not

1 be considered to have failed to  
2 maintain continuous physical  
3 presence in the United States if  
4 the noncitizen's absences from  
5 the United States are brief, cas-  
6 ual, and innocent, whether or not  
7 such absences were authorized by  
8 the Secretary.

9 “(bb) ABSENCES MORE  
10 THAN 180 DAYS.—For purposes  
11 of this clause, an absence of more  
12 than 180 days, in the aggregate,  
13 during a calendar year shall not  
14 be considered brief, unless the  
15 Secretary finds that the length of  
16 the absence was due to cir-  
17 cumstances beyond the nonciti-  
18 zen's control, including the seri-  
19 ous illness of the noncitizen,  
20 death or serious illness of a  
21 spouse, parent, grandparent,  
22 grandchild, sibling, son, or  
23 daughter of the noncitizen, or  
24 due to international travel re-  
25 strictions.

1           “(iii) EFFECT OF NOTICE TO AP-  
2           PEAR.—Issuance of a notice to appear  
3           under section 239(a) shall not be consid-  
4           ered to interrupt the continuity of a non-  
5           citizen’s continuous physical presence in  
6           the United States.

7           “(4) WAIVER FOR NONCITIZENS PREVIOUSLY  
8           REMOVED.—

9           “(A) IN GENERAL.—With respect to a non-  
10          citizen who was removed from or who departed  
11          the United States on or after January 20,  
12          2017, and who was continuously physically  
13          present in the United States for not fewer than  
14          3 years immediately preceding the date on  
15          which the noncitizen was removed or departed,  
16          the Secretary may waive, for humanitarian pur-  
17          poses, to ensure family unity, or if such a waiv-  
18          er is otherwise in the public interest, the appli-  
19          cation of—

20                 “(i) paragraph (3)(A); and

21                 “(ii) in the case of an applicant for  
22          lawful prospective immigrant status under  
23          section 245B, if the applicant has not re-  
24          entered the United States unlawfully after  
25          January 1, 2021, subsection (c)(3).

1           “(B) APPLICATION PROCEDURE.—The  
 2           Secretary, in consultation with the Secretary of  
 3           State, shall establish a procedure by which a  
 4           noncitizen, while outside the United States,  
 5           may apply for status under section 245B,  
 6           245C, 245D, 245E, or 245F, as applicable, if  
 7           the noncitizen would have been eligible for such  
 8           status but for the noncitizen’s removal or de-  
 9           parture.

10          “(c) GROUNDS FOR INELIGIBILITY.—

11           “(1) CERTAIN GROUNDS OF INADMIS-  
 12           SIBILITY.—

13           “(A) IN GENERAL.—Subject to subpara-  
 14           graph (B), a noncitizen shall be ineligible for  
 15           status under sections 245B, 245C, 245D,  
 16           245E, and 245F if the noncitizen—

17                   “(i) is inadmissible under paragraph  
 18                   (2), (3), (6)(E), (8), (10)(C), or (10)(E) of  
 19                   section 212(a);

20                   “(ii) has been convicted of a felony of-  
 21                   fense (excluding any offense under State  
 22                   law for which an essential element in the  
 23                   noncitizen’s immigration status); or

24                   “(iii) has been convicted of 3 or more  
 25                   misdemeanor offenses (excluding simple

1 possession of cannabis or cannabis-related  
 2 paraphernalia, any offense involving can-  
 3 nabis or cannabis-related paraphernalia  
 4 that is no longer prosecutable in the State  
 5 in which the conviction was entered, any  
 6 offense under State law for which an es-  
 7 sential element is the noncitizen’s immigra-  
 8 tion status, any offense involving civil dis-  
 9 obedience without violence, and any minor  
 10 traffic offense) not occurring on the same  
 11 date, and not arising out of the same act,  
 12 omission, or scheme of misconduct.

13 “(B) WAIVERS.—

14 “(i) IN GENERAL.—For purposes of  
 15 subparagraph (A), the Secretary may, for  
 16 humanitarian purposes, family unity, or if  
 17 otherwise in the public interest—

18 “(I) waive inadmissibility  
 19 under—

20 “(aa) subparagraphs (A),  
 21 (C), and (D) of section  
 22 212(a)(2); and

23 “(bb) paragraphs (6)(E),  
 24 (8), (10)(C), and (10)(E) of such  
 25 section;

1           “(II) waive ineligibility under  
2           subparagraph (A)(ii) (excluding of-  
3           fenses described in section  
4           101(a)(43)(A)) or inadmissibility  
5           under subparagraph (B) of section  
6           212(a)(2) if the noncitizen has not  
7           been convicted of any offense during  
8           the 10-year period preceding the date  
9           on which the noncitizen applies for  
10          status under section 245B, 245C,  
11          245D, 245E, or 245F, as applicable;  
12          and

13           “(III) for purposes of subpara-  
14          graph (A)(iii), waive consideration  
15          of—

16           “(aa) 1 misdemeanor offense  
17          if, during the 5-year period pre-  
18          ceding the date on which the  
19          noncitizen applies for status  
20          under section 245B, 245C,  
21          245D, 245E, or 245F, as appli-  
22          cable, the noncitizen has not been  
23          convicted of any offense; or

24           “(bb) 2 misdemeanor of-  
25          fenses if, during the 10-year pe-

1                   riod preceding such date, the  
2                   noncitizen has not been convicted  
3                   of any offense.

4                   “(ii) CONSIDERATIONS.—In making a  
5                   determination under subparagraph (B),  
6                   the Secretary of Homeland Security or the  
7                   Attorney General shall consider all miti-  
8                   gating and aggravating factors, includ-  
9                   ing—

10                   “(I) the severity of the under-  
11                   lying circumstances, conduct, or viola-  
12                   tion;

13                   “(II) the duration of the nonciti-  
14                   zen’s residence in the United States;

15                   “(III) evidence of rehabilitation,  
16                   if applicable; and

17                   “(IV) the extent to which the  
18                   noncitizen’s removal, or the denial of  
19                   the noncitizen’s application, would ad-  
20                   versely affect the noncitizen or the  
21                   noncitizen’s United States citizen or  
22                   lawful permanent resident family  
23                   members.

24                   “(2) NONCITIZENS IN CERTAIN IMMIGRATION  
25                   STATUSES.—

1           “(A) IN GENERAL.—A noncitizen shall be  
2 ineligible for status under sections 245B, 245C,  
3 245D, 245E, and 245F if on January 1, 2021,  
4 the noncitizen was any of the following:

5           “(i) A lawful permanent resident.

6           “(ii) A noncitizen admitted as a ref-  
7 ugee under section 207 or granted asylum  
8 under section 208.

9           “(iii) A noncitizen who, according to  
10 the records of the Secretary or the Sec-  
11 retary of State, is in a period of authorized  
12 stay in a nonimmigrant status described in  
13 section 101(a)(15)(A), other than—

14           “(I) a spouse or a child of a non-  
15 citizen eligible for status under section  
16 245B, 245C, 245D, 245E, or 245F;

17           “(II) a noncitizen considered to  
18 be in a nonimmigrant status solely by  
19 reason of section 702 of the Consoli-  
20 dated Natural Resources Act of 2008  
21 (Public Law 110–229; 122 Stat. 854)  
22 or section 244(f)(4) of this Act;

23           “(III) a nonimmigrant described  
24 in section 101(a)(15)(H)(ii)(a); and



1                   “(IV) a noncitizen who has en-  
2                   gaged in ‘essential critical infrastruc-  
3                   ture labor or services’, as described in  
4                   the ‘Advisory Memorandum on Identifi-  
5                   cation of Essential Critical Infra-  
6                   structure Workers During COVID–19  
7                   Response’ (as revised by the Depart-  
8                   ment of Homeland Security) during  
9                   the period described in subparagraph  
10                   (B).

11                   “(iv) A noncitizen paroled into the  
12                   Commonwealth of the Northern Mariana  
13                   Islands or Guam who did not reside in the  
14                   Commonwealth or Guam on November 28,  
15                   2009.

16                   “(B) PERIOD DESCRIBED.—The period de-  
17                   scribed in this subparagraph is the period  
18                   that—

19                   “(i) begins on the first day of the  
20                   public health emergency declared by the  
21                   Secretary of Health and Human Services  
22                   under section 319 of the Public Health  
23                   Service Act (42 U.S.C. 247d) with respect  
24                   to COVID–19; and

1                   “(ii) ends on the date that is 90 days  
2                   after the date on which such public health  
3                   emergency terminates.

4                   “(3) CERTAIN NONCITIZENS OUTSIDE THE  
5                   UNITED STATES AND UNLAWFUL REENTRANTS.—A  
6                   noncitizen shall be ineligible for status under sec-  
7                   tions 245B, 245C, 245D, 245E, and 245F if the  
8                   noncitizen—

9                   “(A) departed the United States while sub-  
10                  ject to an order of exclusion, deportation, re-  
11                  moval, or voluntary departure; and

12                  “(B)(i) was outside the United States on  
13                  January 1, 2021; or

14                  “(ii) reentered the United States unlaw-  
15                  fully after January 1, 2021.

16                  “(d) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC  
17                  DATA; BACKGROUND CHECKS.—

18                  “(1) IN GENERAL.—The Secretary may not  
19                  grant a noncitizen status under section 245B, 245C,  
20                  245D, 245E, or 245F unless the noncitizen submits  
21                  biometric and biographic data, in accordance with  
22                  procedures established by the Secretary.

23                  “(2) ALTERNATIVE PROCEDURE.—The Sec-  
24                  retary shall provide an alternative procedure for

1 noncitizens who are unable to provide such biometric  
2 or biographic data due to a physical impairment.

3 “(3) BACKGROUND CHECKS.—

4 “(A) IN GENERAL.—The Secretary shall  
5 use biometric and biographic data—

6 “(i) to conduct security and law en-  
7 forcement background checks; and

8 “(ii) to determine whether there is  
9 any criminal, national security, or other  
10 factor that would render the noncitizen in-  
11 eligible for status under section 245B,  
12 245C, 245D, 245E, or 245F, as applica-  
13 ble.

14 “(B) COMPLETION REQUIRED.—A noncit-  
15 izen may not be granted status under section  
16 245B, 245C, 245D, 245E, or 245F unless se-  
17 curity and law enforcement background checks  
18 are completed to the satisfaction of the Sec-  
19 retary.

20 “(e) ELIGIBILITY FOR OTHER STATUSES.—

21 “(1) IN GENERAL.—A noncitizen’s eligibility for  
22 status under section 245B, 245C, 245D, 245E, or  
23 245F shall not preclude the noncitizen from seeking  
24 any status under any other provision of law for  
25 which the noncitizen may otherwise be eligible.

1           “(2) INAPPLICABILITY OF OTHER PROVI-  
2           SIONS.—Section 208(d)(6) shall not apply to any  
3           noncitizen who submits an application under section  
4           245B, 245C, 245D, 245E, or 245F.

5           “(f) EXEMPTION FROM NUMERICAL LIMITATION.—  
6           Nothing in this section or section 245B, 245C, 245D,  
7           245E, or 245F or in any other law may be construed—

8           “(1) to limit the number of noncitizens who  
9           may be granted status under sections 245B, 245C,  
10          245D, 245E, and 245F; or

11          “(2) to count against any other numerical limi-  
12          tation under this Act.

13          “(g) PROCEDURES.—

14          “(1) OPPORTUNITY TO APPLY AND LIMITATION  
15          ON REMOVAL.—A noncitizen who appears to be  
16          prima facie eligible for status under section 245B,  
17          245C, 245D, 245E, or 245F shall be given a reason-  
18          able opportunity to apply for such adjustment of sta-  
19          tus and, if the noncitizen applies within a reasonable  
20          period, the noncitizen shall not be removed before—

21                 “(A) the Secretary has issued a final deci-  
22                 sion denying relief;

23                 “(B) a final order of removal has been  
24                 issued; and

1           “(C) the decision of the Secretary is  
2 upheld by a court, or the time for initiating ju-  
3 dicial review under section 242 has expired, un-  
4 less the order of removal is based on criminal  
5 or national security grounds, in which case re-  
6 moval does not affect the noncitizen’s right to  
7 judicial review.

8           “(2) SPOUSES AND CHILDREN.—

9           “(A) FAMILY APPLICATION.—The Sec-  
10 retary shall establish a process by which a prin-  
11 cipal applicant and his or her spouse and chil-  
12 dren may file a single combined application  
13 under section 245B, 245C, 245D, 245E, or  
14 245F, including a petition to classify the spouse  
15 and children as the spouse and children of the  
16 principal applicant.

17           “(B) EFFECT OF TERMINATION OF LEGAL  
18 RELATIONSHIP OR DOMESTIC VIOLENCE.—If  
19 the spousal or parental relationship between a  
20 noncitizen granted lawful prospective immigrant  
21 status or lawful permanent resident status  
22 under section 245B, 245C, 245D, 245E, or  
23 245F and the noncitizen’s spouse or child is  
24 terminated by death, divorce, or annulment, or  
25 the spouse or child has been battered or sub-

1           jected to extreme cruelty by the noncitizen (re-  
2           gardless of whether the legal relationship termi-  
3           nates), the spouse or child may apply independ-  
4           ently for lawful prospective immigrant status or  
5           lawful permanent resident status if he or she is  
6           otherwise eligible.

7           “(C) EFFECT OF DENIAL OF APPLICATION  
8           OR REVOCATION OF STATUS.—If the application  
9           of a noncitizen for status under section 245B,  
10          245C, 245D, 245E, or 245F is denied, or his  
11          or her status is revoked, the spouse or child of  
12          such noncitizen shall remain eligible to apply  
13          independently for status under the applicable  
14          section.

15          “(3) ADJUDICATION.—

16                 “(A) IN GENERAL.—The Secretary shall  
17                 evaluate each application submitted under sec-  
18                 tion 245B, 245C, 245D, 245E, or 245F to de-  
19                 termine whether the applicant meets the appli-  
20                 cable requirements.

21                 “(B) ADJUSTMENT OF STATUS IF FAVOR-  
22                 ABLE DETERMINATION.—If the Secretary deter-  
23                 mines that a noncitizen meets the requirements  
24                 of section 245B, 245C, 245D, 245E, or 245F,  
25                 as applicable, the Secretary shall—

1 “(i) notify the noncitizen of such de-  
2 termination; and

3 “(ii) adjust the status of the noncit-  
4 izen to that of lawful prospective immi-  
5 grant or lawful permanent resident, as ap-  
6 plicable, effective as of the date of such de-  
7 termination.

8 “(C) DOCUMENTARY EVIDENCE OF STA-  
9 TUS.—

10 “(i) IN GENERAL.—The Secretary  
11 shall issue documentary evidence of lawful  
12 prospective immigrant status or lawful per-  
13 manent resident status, as applicable, to  
14 each noncitizen whose application for such  
15 status has been approved.

16 “(ii) ELEMENTS.—Documentary evi-  
17 dence issued under clause (i) shall—

18 “(I) be machine-readable and  
19 tamper-resistant;

20 “(II) contain a digitized photo-  
21 graph of the noncitizen;

22 “(III) during the noncitizen’s au-  
23 thorized period of admission, serve as  
24 a valid travel and entry document;  
25 and

1                   “(IV) include such other features  
2                   and information as the Secretary may  
3                   prescribe.

4                   “(iii) EMPLOYMENT AUTHORIZA-  
5                   TION.—Documentary evidence issued  
6                   under clause (i) shall be accepted during  
7                   the period of its validity by an employer as  
8                   evidence of employment authorization and  
9                   identity under section 274A(b)(1)(B); and

10                  “(D) ADVERSE DETERMINATION.—If the  
11                  Secretary determines that the noncitizen does  
12                  not meet the requirements for the status for  
13                  which the noncitizen applied, the Secretary  
14                  shall notify the noncitizen of such determina-  
15                  tion.

16                  “(E) WITHDRAWAL OF APPLICATION.—

17                  “(i) IN GENERAL.—On receipt of a re-  
18                  quest to withdraw an application under  
19                  section 245B, 245C, 245D, 245E, or  
20                  245F, the Secretary shall cease processing  
21                  of the application and close the case.

22                  “(ii) EFFECT OF WITHDRAWAL.—  
23                  Withdrawal of such an application shall  
24                  not prejudice any future application filed



1 by the applicant for any immigration ben-  
2 efit under this Act.

3 “(F) DOCUMENT REQUIREMENTS.—

4 “(i) ESTABLISHING IDENTITY.—A  
5 noncitizen’s application for status under  
6 section 245B, 245C, 245D, 245E, or 245F  
7 may include, as evidence of identity, the  
8 following:

9 “(I) A passport or national iden-  
10 tity document from the noncitizen’s  
11 country of origin that includes the  
12 noncitizen’s name and the noncitizen’s  
13 photograph or fingerprint.

14 “(II) The noncitizen’s birth cer-  
15 tificate and an identity card that in-  
16 cludes the noncitizen’s name and pho-  
17 tograph.

18 “(III) A school identification  
19 card that includes the noncitizen’s  
20 name and photograph, and school  
21 records showing the noncitizen’s name  
22 and that the noncitizen is or was en-  
23 rolled at the school.

1           “(IV) A uniformed services iden-  
2           tification card issued by the Depart-  
3           ment of Defense.

4           “(V) Any immigration or other  
5           document issued by the United States  
6           Government bearing the noncitizen’s  
7           name and photograph.

8           “(VI) A State-issued identifica-  
9           tion card bearing the noncitizen’s  
10          name and photograph.

11          “(VII) Any other evidence that  
12          the Secretary determines to be cred-  
13          ible.

14          “(ii) DOCUMENTS ESTABLISHING CON-  
15          TINUOUS PHYSICAL PRESENCE.—Evidence  
16          that the noncitizen has been continuously  
17          physically present in the United States  
18          may include the following:

19               “(I) Passport entries, including  
20               admission stamps on the noncitizen’s  
21               passport.

22               “(II) Any document from the De-  
23               partment of Justice or the Depart-  
24               ment of Homeland Security noting the

1 noncitizen's date of entry into the  
2 United States.

3 “(III) Records from any edu-  
4 cational institution the noncitizen has  
5 attended in the United States.

6 “(IV) Employment records of the  
7 noncitizen that include the employer's  
8 name and contact information.

9 “(V) Records of service from the  
10 uniformed services.

11 “(VI) Official records from a reli-  
12 gious entity confirming the nonciti-  
13 zen's participation in a religious cere-  
14 mony.

15 “(VII) A birth certificate for a  
16 child who was born in the United  
17 States.

18 “(VIII) Hospital or medical  
19 records showing medical treatment or  
20 hospitalization, the name of the med-  
21 ical facility or physician, and the date  
22 of the treatment or hospitalization.

23 “(IX) Automobile license receipts  
24 or registration.

1           “(X) Deeds, mortgages, or rental  
2 agreement contracts.

3           “(XI) Rent receipts or utility  
4 bills bearing the noncitizen’s name or  
5 the name of an immediate family  
6 member of the noncitizen, and the  
7 noncitizen’s address.

8           “(XII) Tax receipts.

9           “(XIII) Insurance policies.

10          “(XIV) Remittance records, in-  
11 cluding copies of money order receipts  
12 sent in or out of the country.

13          “(XV) Travel records, including  
14 online or hardcopy airplane, bus and  
15 train tickets, itineraries, and hotel or  
16 hostel receipts.

17          “(XVI) Dated bank transactions.

18          “(XVII) Sworn affidavits from at  
19 least two individuals who are not re-  
20 lated to the noncitizen who have di-  
21 rect knowledge of the noncitizen’s con-  
22 tinuous physical presence in the  
23 United States, that contain—

1                   “(aa) the name, address,  
2                   and telephone number of the affi-  
3                   ant; and

4                   “(bb) the nature and dura-  
5                   tion of the relationship between  
6                   the affiant and the noncitizen.

7                   “(XVIII) Any other evidence de-  
8                   termined to be credible.

9                   “(iii) DOCUMENTS ESTABLISHING EX-  
10                  EMPTION FROM APPLICATION FEES.—The  
11                  Secretary shall set forth, by regulation, the  
12                  documents that may be used as evidence  
13                  that a noncitizen’s application for status  
14                  under section 245B, 245C, 245D, 245E,  
15                  or 245F is exempt from an application fee  
16                  under subsection (b)(2).

17                  “(iv) AUTHORITY TO PROHIBIT USE  
18                  OF CERTAIN DOCUMENTS.—If the Sec-  
19                  retary determines, after publication in the  
20                  Federal Register and an opportunity for  
21                  public comment, that any document or  
22                  class of documents does not reliably estab-  
23                  lish identity, or that any document or class  
24                  of documents is frequently being used to  
25                  obtain relief under this section and is being

1 obtained fraudulently to an unacceptable  
2 degree, the Secretary may prohibit or re-  
3 strict the use of such document or class of  
4 documents.

5 “(G) SUFFICIENCY OF THE EVIDENCE.—

6 “(i) FAILURE TO SUBMIT SUFFICIENT  
7 EVIDENCE.—The Secretary may deny an  
8 application under section 245B, 245C,  
9 245D, 245E, or 245F submitted by a non-  
10 citizen who fails to submit requested initial  
11 evidence, including requested biometric  
12 data, or any requested additional evidence,  
13 by the date required by the Secretary.

14 “(ii) AMENDED APPLICATION.—A  
15 noncitizen whose application is denied  
16 under clause (i) may, without an additional  
17 fee, submit to the Secretary an amended  
18 application or supplement the existing ap-  
19 plication if the amended or supplemented  
20 application contains the required informa-  
21 tion and any fee that was missing from the  
22 initial application.

23 “(iii) FULFILLMENT OF ELIGIBILITY  
24 REQUIREMENTS.—Except as provided in  
25 clause (i), an application—

1                   “(I) may not be denied for fail-  
2                   ure to submit particular evidence; and

3                   “(II) may only be denied on evi-  
4                   dentiary grounds if the evidence sub-  
5                   mitted is not credible or otherwise  
6                   fails to establish eligibility.

7                   “(iv) AUTHORITY TO DETERMINE  
8                   PROBITY OF EVIDENCE.—The Secretary  
9                   may determine—

10                   “(I) whether evidence is credible;  
11                   and

12                   “(II) the weight to be given the  
13                   evidence.

14                   “(4) REVOCATION.—

15                   “(A) IN GENERAL.—If the Secretary deter-  
16                   mines that a noncitizen fraudulently obtained  
17                   status under section 245B, 245C, 245D, 245E,  
18                   or 245F, the Secretary may revoke such status  
19                   at any time after—

20                   “(i) providing appropriate notice to  
21                   the noncitizen;

22                   “(ii) providing the noncitizen an op-  
23                   portunity to respond; and

1           “(iii) the exhaustion or waiver of all  
2           applicable administrative review procedures  
3           under paragraph (6).

4           “(B) ADDITIONAL EVIDENCE.—In deter-  
5           mining whether to revoke a noncitizen’s status  
6           under subparagraph (A), the Secretary may re-  
7           quire the noncitizen—

8                   “(i) to submit additional evidence; or

9                   “(ii) to appear for an interview.

10           “(C) INVALIDATION OF DOCUMENTA-  
11           TION.—If a noncitizen’s status is revoked under  
12           subparagraph (A), any documentation issued by  
13           the Secretary to the noncitizen under paragraph  
14           (3)(C) shall automatically be rendered invalid  
15           for any purpose except for departure from the  
16           United States.

17           “(5) ADMINISTRATIVE REVIEW.—

18                   “(A) EXCLUSIVE ADMINISTRATIVE RE-  
19           VIEW.—Administrative review of a determina-  
20           tion with respect to an application for status  
21           under section 245B, 245C, 245D, 245E, or  
22           245F shall be conducted solely in accordance  
23           with this paragraph.

24                   “(B) ADMINISTRATIVE APPELLATE RE-  
25           VIEW.—



1           “(i) ESTABLISHMENT OF ADMINIS-  
2           TRATIVE APPELLATE AUTHORITY.—The  
3           Secretary shall establish or designate an  
4           appellate authority to provide for a single  
5           level of administrative appellate review of  
6           denials of applications or petitions sub-  
7           mitted, and revocations of status, under  
8           sections 245B, 245C, 245D, 245E, and  
9           245F.

10           “(ii) SINGLE APPEAL FOR EACH AD-  
11           MINISTRATIVE DECISION.—A noncitizen in  
12           the United States whose application for  
13           status under section 245B, 245C, 245D,  
14           245E, or 245F has been denied or whose  
15           status under any such section has been re-  
16           voked may submit to the Secretary not  
17           more than 1 appeal of each such decision.

18           “(iii) NOTICE OF APPEAL.—A notice  
19           of appeal under this paragraph shall be  
20           submitted not later than 90 days after the  
21           date of service of the denial or revocation,  
22           unless a delay beyond the 90-day period is  
23           reasonably justifiable.

24           “(iv) REVIEW BY SECRETARY.—Noth-  
25           ing in this paragraph may be construed to

1           limit the authority of the Secretary to cer-  
2           tify appeals for review and final decision.

3           “(v) DENIAL OF PETITIONS FOR  
4           SPOUSES AND CHILDREN.—A decision to  
5           deny, or revoke approval of, a petition sub-  
6           mitted by a noncitizen to classify a spouse  
7           or child of the noncitizen as the spouse or  
8           child of a noncitizen for purposes of sec-  
9           tion 245B, 245C, 245D, 245E, or 245F  
10          may be appealed under this paragraph.

11          “(C) STAY OF REMOVAL.—Noncitizens  
12          seeking administrative review of a denial, or  
13          revocation of approval, of an application for sta-  
14          tus under section 245B, 245C, 245D, 245E, or  
15          245F shall not be removed from the United  
16          States before a final decision is rendered estab-  
17          lishing ineligibility for such status.

18          “(D) RECORD FOR REVIEW.—Administra-  
19          tive appellate review under this paragraph shall  
20          be de novo and based solely upon—

21                  “(i) the administrative record estab-  
22                  lished at the time of the determination on  
23                  the application; and

24                  “(ii) any additional newly discovered  
25                  or previously unavailable evidence.

1           “(6) JUDICIAL REVIEW.—Judicial review of de-  
2           cisions denying, or revoking approval of, applications  
3           or petitions under sections 245B, 245C, 245D,  
4           245E, and 245F shall be governed by section 242.

5           “(7) EFFECTS WHILE APPLICATIONS ARE  
6           PENDING.—During the period beginning on the date  
7           on which a noncitizen applies for status under sec-  
8           tion 245B, 245C, 245D, 245E, or 245F and ending  
9           on the date on which the Secretary makes a final de-  
10          cision on such application—

11                   “(A) notwithstanding section 212(d)(5)(A),  
12                   the Secretary shall have the discretion to grant  
13                   advance parole to the noncitizen;

14                   “(B) the noncitizen shall not be considered  
15                   an unauthorized noncitizen (as defined in sec-  
16                   tion 274A(h)(3)).

17          “(8) EMPLOYMENT.—

18                   “(A) RECEIPT OF APPLICATION.—As soon  
19                   as practicable after receiving an application for  
20                   status under section 245B, 245C, 245D, 245E,  
21                   or 245F, the Secretary shall provide the appli-  
22                   cant with a document acknowledging receipt of  
23                   such application.

1           “(B) EMPLOYMENT AUTHORIZATION.—A  
2 document issued under subparagraph (A)  
3 shall—

4           “(i) serve as interim proof of the non-  
5 citizen’s authorization to accept employ-  
6 ment in the United States; and

7           “(ii) be accepted by an employer as  
8 evidence of employment authorization  
9 under section 274A(b)(1)(C) pending a  
10 final decision on the application.

11          “(C) EMPLOYER PROTECTION.—An em-  
12 ployer who knows that a noncitizen employee is  
13 an applicant for status under section 245B,  
14 245C, 245D, 245E, or 245F or intends to  
15 apply for any such status, and who continues to  
16 employ the noncitizen pending a final decision  
17 on the noncitizen employee’s application, shall  
18 not be considered to be in violation of section  
19 274A(a)(2) for hiring, employment, or contin-  
20 ued employment of the noncitizen.

21          “(9) INFORMATION PRIVACY.—

22           “(A) IN GENERAL.—Except as provided in  
23 subparagraph (B), no officer or employee of the  
24 United States may—

1           “(i) use the information provided by a  
2           noncitizen pursuant to an application sub-  
3           mitted under section 245B, 245C, 245D,  
4           245E, or 245F to initiate removal pro-  
5           ceedings against any person identified in  
6           the application;

7           “(ii) make any publication whereby  
8           the information provided by any particular  
9           individual pursuant to such an application  
10          may be identified; or

11          “(iii) permit any individual other than  
12          an officer or employee of the Federal agen-  
13          cy to which such an application is sub-  
14          mitted to examine the application.

15          “(B) REQUIRED DISCLOSURE.—Notwith-  
16          standing subparagraph (A), the Attorney Gen-  
17          eral or the Secretary shall provide the informa-  
18          tion provided in an application under section  
19          245B, 245C, 245D, 245E, or 245F, and any  
20          other information derived from such informa-  
21          tion, to—

22                 “(i) a duly recognized law enforce-  
23                 ment entity in connection with an inves-  
24                 tigation or prosecution of an offense de-  
25                 scribed in paragraph (2) or (3) of section

1           212(a), if such information is requested in  
2           writing by such entity; or

3           “(ii) an official coroner for purposes  
4           of affirmatively identifying a deceased indi-  
5           vidual (whether or not such individual is  
6           deceased as a result of a crime).

7           “(C) PENALTY.—Whoever knowingly uses,  
8           publishes, or permits information to be exam-  
9           ined in violation of this section shall be fined  
10          not more than \$50,000.

11          “(D) SAFEGUARDS.—The Secretary shall  
12          require appropriate administrative and physical  
13          safeguards to protect against disclosure and  
14          uses of information that violate this paragraph.

15          “(E) ANNUAL ASSESSMENT.—Not less fre-  
16          quently than annually, the Secretary shall con-  
17          duct an assessment that, for the preceding cal-  
18          endar year—

19                 “(i) analyzes the effectiveness of the  
20                 safeguards under subparagraph (D);

21                 “(ii) determines the number of au-  
22                 thorized disclosures made; and

23                 “(iii) determines the number of disclo-  
24                 sures prohibited by subparagraph (A)  
25                 made.

1           “(10) LANGUAGE ASSISTANCE.—The Secretary,  
2           in consultation with the Attorney General, shall  
3           make available forms and accompanying instructions  
4           in the most common languages spoken in the United  
5           States, as determined by the Secretary.

6           “(11) REASONABLE ACCOMMODATIONS.—The  
7           Secretary shall develop a plan for providing reason-  
8           able accommodation, consistent with applicable law,  
9           to applicants for status under sections 245B, 245C,  
10          245D, 245E, and 245F with disabilities (as defined  
11          in section 3(1) of the Americans with Disabilities  
12          Act of 1990 (42 U.S.C. 12102(1))).

13          “(h) DEFINITIONS.—In this section and sections  
14          245B, 245C, 245D, 245E, and 245F:

15                 “(1) FINAL DECISION.—The term ‘final deci-  
16                 sion’ means a decision or an order issued by the Sec-  
17                 retary under this section after the period for re-  
18                 questing administrative review under subsection  
19                 (g)(5) has expired or the challenged decision was af-  
20                 firmed after such administrative review.

21                 “(2) SECRETARY.—The term ‘Secretary’ means  
22                 the Secretary of Homeland Security.

23                 “(3) UNIFORMED SERVICES.—The term ‘uni-  
24                 formed services’ has the meaning given the term in  
25                 section 101(a) of title 10, United States Code.”.

1 (b) RULEMAKING.—

2 (1) RULES IMPLEMENTING SECTIONS 245B,  
3 245D, 245E, 245F, AND 245G.—

4 (A) IN GENERAL.—Not later than 1 year  
5 after the date of the enactment of this Act, the  
6 Secretary shall issue interim final rules, pub-  
7 lished in the Federal Register, implementing  
8 sections 245B, 245D, 245E, 245F, and 245G  
9 of the Immigration and Nationality Act, as  
10 added by this subtitle.

11 (B) EFFECTIVE DATE.—Notwithstanding  
12 section 553 of title 5, United States Code, the  
13 rules issued under this paragraph shall be effec-  
14 tive, on an interim basis, immediately upon  
15 publication, but may be subject to change and  
16 revision after public notice and opportunity for  
17 a period of public comment.

18 (C) FINAL RULES.—Not later than 180  
19 days after the date of publication under sub-  
20 paragraph (B), the Secretary shall finalize the  
21 interim rules.

22 (2) RULES IMPLEMENTING SECTION 245C.—Not  
23 later than 180 days after the date of the enactment  
24 of this Act, the Secretary shall issue a final rule im-



1       plementing section 245C of the Immigration and  
2       Nationality Act, as added by this subtitle.

3           (3) REQUIREMENT.—The rules issued under  
4       this subsection shall prescribe the evidence required  
5       to demonstrate eligibility for status under sections  
6       245B, 245C, 245D, 245E, and 245F of the Immi-  
7       gration and Nationality Act, as added by this sub-  
8       title, or otherwise required to apply for status under  
9       such sections.

10       (c) PAPERWORK REDUCTION ACT.—The require-  
11       ments under chapter 35 of title 44, United States Code  
12       (commonly known as the “Paperwork Reduction Act”),  
13       shall not apply to any action to implement this title.

14       (d) TECHNICAL AND CONFORMING AMENDMENT.—  
15       The table of contents for the Immigration and Nationality  
16       Act (8 U.S.C. 1101 et seq.), as amended by section 1105,  
17       is further amended by inserting after the item relating to  
18       section 245F the following:

“Sec. 245G. General provisions relating to adjustment of status.”.

## 19           **Subtitle B—Other Reforms**

### 20       **SEC. 1201. V NONIMMIGRANT VISAS.**

21       (a)       NONIMMIGRANT       ELIGIBILITY.—Section  
22       101(a)(15)(V) of the Immigration and Nationality Act (8  
23       U.S.C. 1101(a)(15)(V)) is amended to read as follows:

1           “(V) subject to section 214(q)(1), a noncit-  
2           izen who is the beneficiary of an approved peti-  
3           tion under section 203(a) or 245B.”.

4           (b) EMPLOYMENT AND PERIOD OF ADMISSION OF  
5 NONIMMIGRANTS DESCRIBED IN SECTION  
6 101(a)(15)(V).—Section 214(q)(1) of the Immigration  
7 and Nationality Act (8 U.S.C. 1184(q)(1)) is amended to  
8 read as follows:

9           “(q) NONIMMIGRANTS DESCRIBED IN SECTION  
10 101(a)(15)(V).—

11           “(1) CERTAIN SONS AND DAUGHTERS.—

12           “(A) EMPLOYMENT AUTHORIZATION.—The  
13           Secretary shall—

14           “(i) authorize a nonimmigrant admit-  
15           ted pursuant to section 101(a)(15)(V) to  
16           engage in employment in the United States  
17           during the period of such nonimmigrant’s  
18           authorized admission; and

19           “(ii) provide the nonimmigrant with  
20           an ‘employment authorized’ endorsement  
21           or other appropriate document signifying  
22           authorization of employment.

23           “(B) TERMINATION OF ADMISSION.—The  
24           period of authorized admission for a non-  
25           immigrant admitted pursuant to section

1           101(a)(15)(V) shall terminate 30 days after the  
2           date on which—

3                   “(i) the nonimmigrant’s application  
4                   for an immigrant visa pursuant to the ap-  
5                   proval of a petition under section 203(a) is  
6                   denied; or

7                   “(ii) the nonimmigrant’s application  
8                   for adjustment of status under section  
9                   245, 245B, or 245C pursuant to the ap-  
10                  proval of such a petition is denied.

11               “(C) PUBLIC BENEFITS.—

12                   “(i) IN GENERAL.—A noncitizen who  
13                   is lawfully present in the United States  
14                   pursuant to section 101(a)(15)(V) is not  
15                   eligible for any means-tested public bene-  
16                   fits (as such term is defined and imple-  
17                   mented in section 403 of the Personal Re-  
18                   sponsibility and Work Opportunity Rec-  
19                   onciliation Act of 1996 (8 U.S.C. 1613)).

20                   “(ii) HEALTH CARE COVERAGE.—A  
21                   noncitizen admitted under section  
22                   101(a)(15)(V)—

23                   “(iii) is not entitled to the premium  
24                   assistance tax credit authorized under sec-  
25                   tion 36B of the Internal Revenue Code of

1 1986 for his or her health insurance cov-  
2 erage;

3 “(iv) shall be subject to the rules ap-  
4 plicable to individuals not lawfully present  
5 that are set forth in subsection (e) of such  
6 section;

7 “(v) shall be subject to the rules ap-  
8 plicable to individuals not lawfully present  
9 set forth in section 1402(e) of the Patient  
10 Protection and Affordable Care Act (42  
11 U.S.C. 18071(e)); and

12 “(vi) shall be subject to the rules ap-  
13 plicable to individuals not lawfully present  
14 set forth in section 5000A(d)(3) of the In-  
15 ternal Revenue Code of 1986.”.

16 (c) EFFECTIVE DATE.—The amendments made by  
17 this section shall take effect on the first day of the first  
18 fiscal year beginning after the date of the enactment of  
19 this Act.

20 **SEC. 1202. EXPUNGEMENT AND SENTENCING.**

21 (a) DEFINITION OF CONVICTION.—Section  
22 101(a)(48) of the Immigration and Nationality Act (8  
23 U.S.C. 1101(a)(48)) is amended to read as follows:

1       “(48)(A) The term ‘conviction’ means, with respect  
2 to a noncitizen, a formal judgment of guilt of the noncit-  
3 izen entered by a court.

4       “(B) The following may not be considered a convic-  
5 tion for purposes of this Act:

6           “(i) An adjudication or judgment of guilt that  
7 has been dismissed, expunged, deferred, annulled, in-  
8 validated, withheld, or vacated.

9           “(ii) Any adjudication in which the court has  
10 issued—

11           “(I) a judicial recommendation against re-  
12 moval;

13           “(II) an order of probation without entry  
14 of judgment; or

15           “(III) any similar disposition.

16           “(iii) A judgment that is on appeal or is within  
17 the time to file direct appeal.

18       “(C)(i) Unless otherwise provided, with respect to an  
19 offense, any reference to a term of imprisonment or a sen-  
20 tence is considered to include only the period of incarcer-  
21 ation ordered by a court.

22           “(ii) Any such reference shall be considered to ex-  
23 clude any portion of a sentence of which the imposition  
24 or execution was suspended.”.



1 penalty possible for each crime of  
2 which the noncitizen was convicted (or  
3 which the noncitizen admits having  
4 committed or of which the acts that  
5 the noncitizen admits having com-  
6 mitted constituted the essential ele-  
7 ments) did not exceed imprisonment  
8 for 1 year and, if the noncitizen was  
9 convicted of either crime, the noncit-  
10 izen was not sentenced to terms of im-  
11 prisonment with respective sentences  
12 imposed in excess of 180 days (re-  
13 gardless of the extent to which either  
14 sentence was ultimately executed).”.

15 **SEC. 1204. RESTORING FAIRNESS TO ADJUDICATIONS.**

16 (a) **WAIVER OF GROUNDS OF INADMISSIBILITY.**—  
17 Section 212 of the Immigration and Nationality Act (8  
18 U.S.C. 1182) is amended by inserting after subsection (b)  
19 the following:

20 “(c) **HUMANITARIAN, FAMILY UNITY, AND PUBLIC**  
21 **INTEREST WAIVER.**—

22 “(1) **IN GENERAL.**—Notwithstanding any other  
23 provision of law, except section 245G(c)(1)(B), the  
24 Secretary of Homeland Security or the Attorney  
25 General may waive the operation of any 1 or more

1 grounds of inadmissibility under this section (exclud-  
2 ing inadmissibility under subsection (a)(3)) for any  
3 purpose, including eligibility for relief from re-  
4 moval—

5 “(A) for humanitarian purposes;

6 “(B) to ensure family unity; or

7 “(C) if a waiver is otherwise in the public  
8 interest.

9 “(2) CONSIDERATIONS.—In making a deter-  
10 mination under paragraph (1), the Secretary of  
11 Homeland Security or the Attorney General shall  
12 consider all mitigating and aggravating factors, in-  
13 cluding—

14 “(A) the severity of the underlying cir-  
15 cumstances, conduct, or violation;

16 “(B) the duration of the noncitizen’s resi-  
17 dence in the United States;

18 “(C) evidence of rehabilitation, if applica-  
19 ble; and

20 “(D) the extent to which the noncitizen’s  
21 removal, or the denial of the noncitizen’s appli-  
22 cation, would adversely affect the noncitizen or  
23 the noncitizen’s United States citizen or lawful  
24 permanent resident family members.”.



1 (b) WAIVER OF GROUNDS OF DEPORTABILITY.—Sec-  
2 tion 237(a) of the Immigration and Nationality Act (8  
3 U.S.C. 1227(a)) is amended by adding at the end the fol-  
4 lowing:

5 “(8) HUMANITARIAN, FAMILY UNITY, AND PUB-  
6 LIC INTEREST WAIVER.—

7 “(A) IN GENERAL.—Notwithstanding any  
8 other provision of law, except section  
9 245G(c)(1)(B), the Secretary of Homeland Se-  
10 curity or the Attorney General may waive the  
11 operation of any 1 or more grounds of deport-  
12 ability under this subsection (excluding deport-  
13 ability under paragraph (2)(A)(iii) based on a  
14 conviction described in section 101(a)(43)(A)  
15 and deportability under paragraph (4)) for any  
16 purpose, including eligibility for relief from re-  
17 moval—

18 “(i) for humanitarian purposes;

19 “(ii) to ensure family unity; or

20 “(iii) if a waiver is otherwise in the  
21 public interest.

22 “(B) CONSIDERATIONS.—In making a de-  
23 termination under subparagraph (A), the Sec-  
24 retary of Homeland Security or the Attorney

1           General shall consider all mitigating and aggra-  
2           vating factors, including—

3                   “(i) the severity of the underlying cir-  
4                   cumstances, conduct, or violation;

5                   “(ii) the duration of the noncitizen’s  
6                   residence in the United States;

7                   “(iii) evidence of rehabilitation, if ap-  
8                   plicable; and

9                   “(iv) the extent to which the nonciti-  
10                  zen’s removal, or the denial of the nonciti-  
11                  zen’s application, would adversely affect  
12                  the noncitizen or the noncitizen’s United  
13                  States citizen or lawful permanent resident  
14                  family members.”.

15 **SEC. 1205. JUDICIAL REVIEW.**

16           Section 242 of the Immigration and Nationality Act  
17 (8 U.S.C. 1252) is amended—

18                   (1) in subsection (a)(2)—

19                           (A) in subparagraph (B), by inserting “the  
20                           exercise of discretion arising under” after “no  
21                           court shall have jurisdiction to review”;

22                           (B) in subparagraph (C), by inserting  
23                           “and subsection (h)” after “subparagraph  
24                           (D)”; and

1 (C) by amending subparagraph (D) to read  
2 as follows:

3 “(D) JUDICIAL REVIEW OF CERTAIN  
4 LEGAL CLAIMS.—Nothing in subparagraph (B)  
5 or (C), or in any other provision of this Act  
6 that limits or eliminates judicial review, shall be  
7 construed as precluding review of constitutional  
8 claims or questions of law.”;

9 (2) in subsection (b)—

10 (A) in paragraph (2), in the first sentence,  
11 by inserting “or, in the case of a decision gov-  
12 erned by section 245G(g)(6), in the judicial cir-  
13 cuit in which the petitioner resides” after “pro-  
14 ceedings”; and

15 (B) in paragraph (9), by striking the first  
16 sentence and inserting the following: “Except as  
17 otherwise provided in this section, judicial re-  
18 view of a determination respecting a removal  
19 order shall be available only in judicial review  
20 of a final order under this section.”;

21 (3) in subsection (f)—

22 (A) in paragraph (1), by striking “or re-  
23 strain the operation of”; and

1 (B) in paragraph (2), by adding “after all  
 2 administrative and judicial review available to  
 3 the noncitizen is complete” before “unless”; and  
 4 (4) by adding at the end the following:

5 “(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINA-  
 6 TIONS RELATING TO STATUS UNDER CHAPTER 5.—

7 “(1) DIRECT REVIEW.—If a noncitizen’s appli-  
 8 cation under section 245B, 245C, 245D, 245E, or  
 9 245F is denied, or the approval of such application  
 10 is revoked, after the exhaustion of administrative ap-  
 11 pellate review under section 245G(g)(5), the noncit-  
 12 izen may seek review of such decision, in accordance  
 13 with chapter 7 of title 5, United States Code, in the  
 14 district court of the United States in which the non-  
 15 citizen resides.

16 “(2) STATUS DURING REVIEW.—During the pe-  
 17 riod in which a review described in paragraph (1) is  
 18 pending—

19 “(A) any unexpired grant of voluntary de-  
 20 parture under section 240B shall be tolled; and

21 “(B) any order of exclusion, deportation,  
 22 or removal shall automatically be stayed unless  
 23 the court, in its discretion, orders otherwise.

24 “(3) REVIEW AFTER REMOVAL PRO-  
 25 CEEDINGS.—A noncitizen may seek judicial review of

1 a denial or revocation of approval of the noncitizen’s  
2 application under section 245B, 245C, 245D, 245E,  
3 or 245F in the appropriate court of appeals of the  
4 United States in conjunction with the judicial review  
5 of an order of removal, deportation, or exclusion if  
6 the validity of the denial or revocation has not been  
7 upheld in a prior judicial proceeding under para-  
8 graph (1).

9 “(4) STANDARD FOR JUDICIAL REVIEW.—

10 “(A) BASIS.—Judicial review of a denial or  
11 revocation of approval of an application under  
12 section 245B, 245C, 245D, 245E, or 245F  
13 shall be based upon the administrative record  
14 established at the time of the review.

15 “(B) AUTHORITY TO REMAND.—The re-  
16 viewing court may remand a case under this  
17 subsection to the Secretary of Homeland Secu-  
18 rity (referred to in this subsection as the ‘Sec-  
19 retary’) for consideration of additional evidence  
20 if the court finds that—

21 “(i) the additional evidence is mate-  
22 rial; and

23 “(ii) there were reasonable grounds  
24 for failure to adduce the additional evi-  
25 dence before the Secretary.

1           “(C) SCOPE OF REVIEW.—Notwithstanding  
2 any other provision of law, judicial review of all  
3 questions arising from a denial or revocation of  
4 approval of an application under section 245B,  
5 245C, 245D, 245E, or 245F shall be governed  
6 by the standard of review set forth in section  
7 706 of title 5, United States Code.

8           “(5) REMEDIAL POWERS.—

9           “(A) JURISDICTION.—Notwithstanding any  
10 other provision of law, the district courts of the  
11 United States shall have jurisdiction over any  
12 cause or claim arising from a pattern or prac-  
13 tice of the Secretary in the operation or imple-  
14 mentation of section 245B, 245C, 245D, 245E,  
15 245F, or 245G that is arbitrary, capricious, or  
16 otherwise contrary to law.

17           “(B) SCOPE OF RELIEF.—The district  
18 courts of the United States may order any ap-  
19 propriate relief in a cause or claim described in  
20 subparagraph (A) without regard to exhaustion,  
21 ripeness, or other standing requirements (other  
22 than constitutionally mandated requirements),  
23 if the court determines that—

1                   “(i) the resolution of such cause or  
2                   claim will serve judicial and administrative  
3                   efficiency; or

4                   “(ii) a remedy would otherwise not be  
5                   reasonably available or practicable.

6                   “(6) CHALLENGES TO THE VALIDITY OF THE  
7                   SYSTEM.—

8                   “(A) IN GENERAL.—Except as provided in  
9                   paragraph (5), any claim that section 245B,  
10                  245C, 245D, 245E, 245F, or 245G, or any reg-  
11                  ulation, written policy, written directive, or  
12                  issued or unwritten policy or practice initiated  
13                  by or under the authority of the Secretary to  
14                  implement such sections, violates the Constitu-  
15                  tion of the United States or is otherwise in vio-  
16                  lation of law is available in an action instituted  
17                  in a district court of the United States in ac-  
18                  cordance with the procedures prescribed in this  
19                  paragraph.

20                  “(B) SAVINGS PROVISION.—Except as pro-  
21                  vided in subparagraph (C), nothing in subpara-  
22                  graph (A) may be construed to preclude an ap-  
23                  plicant under section 245B, 245C, 245D, 245E,  
24                  or 245F from asserting that an action taken or

1 a decision made by the Secretary with respect  
2 to the applicant's status was contrary to law.

3 “(C) CLASS ACTIONS.—Any claim de-  
4 scribed in subparagraph (A) that is brought as  
5 a class action shall be brought in conformity  
6 with—

7 “(i) the Class Action Fairness Act of  
8 2005 (Public Law 109–2; 119 Stat. 4);  
9 and

10 “(ii) the Federal Rules of Civil Proce-  
11 dure.

12 “(D) PRECLUSIVE EFFECT.—The final dis-  
13 position of any claim brought under subpara-  
14 graph (A) shall be preclusive of any such claim  
15 asserted by the same individual in a subsequent  
16 proceeding under this subsection.

17 “(E) EXHAUSTION AND STAY OF PRO-  
18 CEEDINGS.—

19 “(i) IN GENERAL.—No claim brought  
20 under this paragraph shall require the  
21 plaintiff to exhaust administrative rem-  
22 edies under section 245G(g)(5).

23 “(ii) STAY AUTHORIZED.—Nothing in  
24 this paragraph may be construed to pre-  
25 vent the court from staying proceedings



1           under this paragraph to permit the Sec-  
2           retary to evaluate an allegation of an un-  
3           written policy or practice or to take correc-  
4           tive action. In determining whether to  
5           issue such a stay, the court shall take into  
6           account any harm the stay may cause to  
7           the claimant.”.

8   **SEC. 1206. MODIFICATIONS TO NATURALIZATION PROVI-**  
9                                   **SIONS.**

10       The Immigration and Nationality Act (8 U.S.C. 1101  
11 et seq.) is amended—

12           (1) in section 316 (8 U.S.C. 1427), by adding  
13           at the end the following:

14           “(g) For purposes of this chapter, the phrases ‘law-  
15 fully admitted for permanent residence’, ‘lawfully admitted  
16 to the United States for permanent residence’, and ‘lawful  
17 admission for permanent residence’ shall refer to a noncit-  
18 izen who—

19           “(1) was granted the status of lawful perma-  
20           nent resident;

21           “(2) did not obtain such status through fraudu-  
22           lent misrepresentation or fraudulent concealment of  
23           a material fact, provided that the Secretary shall  
24           have the discretion to waive the application of this  
25           paragraph; and

1 “(3) for good cause shown.”; and

2 (2) in section 319 (8 U.S.C. 1430)—

3 (A) in the section heading, by striking

4 “**AND EMPLOYEES OF CERTAIN NON-**  
5 **PROFIT ORGANIZATIONS**” and inserting “,

6 **EMPLOYEES OF CERTAIN NONPROFIT OR-**  
7 **GANIZATIONS, AND OTHER LAWFUL RESI-**  
8 **DENTS**”; and

9 (B) by adding at the end the following:

10 “(f) Notwithstanding section 316(a)(1), any lawful  
11 permanent resident who was lawfully present in the  
12 United States and eligible for employment authorization  
13 for not less than 3 years before becoming a lawful perma-  
14 nent resident may be naturalized upon compliance with  
15 all other requirements under this chapter.”.

16 **SEC. 1207. RELIEF FOR LONG-TERM LEGAL RESIDENTS OF**  
17 **THE COMMONWEALTH OF THE NORTHERN**  
18 **MARIANA ISLANDS.**

19 The Joint Resolution entitled “A Joint Resolution to  
20 approve the ‘Covenant to Establish a Commonwealth of  
21 the Northern Mariana Islands in Political Union with the  
22 United States of America’, and for other purposes”, ap-  
23 proved March 24, 1976 (48 U.S.C. 1806), is amended—

24 (1) in subsection (b)(1)—

1 (A) by amending subparagraph (A) to read  
2 as follows:

3 “(A) NONIMMIGRANT WORKERS GEN-  
4 ERALLY.—A noncitizen, if otherwise qualified,  
5 may seek admission to Guam or to the Com-  
6 monwealth during the transition program as a  
7 nonimmigrant worker under section  
8 101(a)(15)(H) of the Immigration and Nation-  
9 ality Act (8 U.S.C. 1101(a)(15)(H) without  
10 counting against the numerical limitations set  
11 forth in section 214(g) of such Act (8 U.S.C.  
12 1184(g)).”; and

13 (B) in subparagraph (B)(i), by striking  
14 “contact” and inserting “contract”;  
15 (2) in subsection (e)—

16 (A) in paragraph (4), in the paragraph  
17 heading, by striking “ALIENS” and inserting  
18 “NONCITIZENS”; and

19 (B) by amending paragraph (6) to read as  
20 follows:

21 “(6) SPECIAL PROVISION REGARDING LONG-  
22 TERM RESIDENTS OF THE COMMONWEALTH.—

23 “(A) CNMI RESIDENT STATUS.—A noncit-  
24 izen described in subparagraph (B) may, upon  
25 the application of the noncitizen, be admitted in

1 CNMI Resident status to the Commonwealth  
2 subject to the following rules:

3 “(i) The noncitizen shall be treated as  
4 a noncitizen lawfully admitted to the Com-  
5 monwealth only, including permitting entry  
6 to and exit from the Commonwealth, until  
7 the earlier of the date on which—

8 “(I) the noncitizen ceases to re-  
9 side in the Commonwealth; or

10 “(II) the noncitizen’s status is  
11 adjusted under section 245 of the Im-  
12 migration and Nationality Act (8  
13 U.S.C. 1255) to that of a noncitizen  
14 lawfully admitted for permanent resi-  
15 dence in accordance with all applica-  
16 ble eligibility requirements.

17 “(ii) The Secretary of Homeland Se-  
18 curity—

19 “(I) shall establish a process for  
20 such noncitizen to apply for CNMI  
21 Resident status during the 180-day  
22 period beginning on the date that is  
23 90 days after the date of the enact-  
24 ment of the U.S. Citizenship Act;

1           “(II) may, in the Secretary’s dis-  
2           cretion, authorize deferred action or  
3           parole, as appropriate, with work au-  
4           thorization, for such noncitizen until  
5           the date of adjudication of the nonciti-  
6           zen’s application for CNMI Resident  
7           status; and

8           “(III) in the case of a noncitizen  
9           who has nonimmigrant status on the  
10          date on which the noncitizen applies  
11          for CNMI Resident status, the Sec-  
12          retary shall extend such non-  
13          immigrant status and work authoriza-  
14          tion through the end of the 180-day  
15          period described in subclause (I) or  
16          the date of adjudication of the nonciti-  
17          zen’s application for CNMI Resident  
18          status, whichever is later.

19          “(iii) Nothing in this subparagraph  
20          may be construed to provide any noncitizen  
21          granted status under this subparagraph  
22          with public assistance to which the noncit-  
23          izen is not otherwise entitled.

24          “(iv) A noncitizen granted status  
25          under this paragraph shall be deemed a

1 qualified noncitizen under section 431 of  
2 the Personal Responsibility and Work Op-  
3 portunity Reconciliation Act of 1996 (8  
4 U.S.C. 1641) for purposes of receiving re-  
5 lief during—

6 “(I) a major disaster declared by  
7 the President under section 401 of the  
8 Robert T. Stafford Disaster Relief  
9 and Emergency Assistance Act (42  
10 U.S.C. 5170);

11 “(II) an emergency declared by  
12 the President under section 501 of the  
13 Robert T. Stafford Disaster Relief  
14 and Emergency Assistance Act (42  
15 U.S.C. 5191); or

16 “(III) a national emergency de-  
17 clared by the President under the Na-  
18 tional Emergencies Act (50 U.S.C.  
19 1601 et seq.).

20 “(v) A noncitizen granted status  
21 under this paragraph—

22 “(I) subject to section 237(a)(8),  
23 is subject to all grounds of deport-  
24 ability under section 237 of the Immi-

1           gration and Nationality Act (8 U.S.C.  
2           1227);

3           “(II) subject to section 212(c), is  
4           subject to all grounds of inadmis-  
5           sibility under section 212 of the Im-  
6           migration and Nationality Act (8  
7           U.S.C. 1182) if seeking admission to  
8           the United States at a port of entry  
9           in the Commonwealth;

10          “(III) is inadmissible to the  
11          United States at any port of entry  
12          outside the Commonwealth, except  
13          that the Secretary of Homeland Secu-  
14          rity may in the Secretary’s discretion  
15          authorize admission of such noncitizen  
16          at a port of entry in Guam for the  
17          purpose of direct transit to the Com-  
18          monwealth, which admission shall be  
19          considered an admission to the Com-  
20          monwealth;

21          “(IV) automatically shall lose  
22          such status if the noncitizen travels  
23          from the Commonwealth to any other  
24          place in the United States, except that  
25          the Secretary of Homeland Security

1           may in the Secretary’s discretion es-  
2           tablish procedures for the advance ap-  
3           proval on a case-by-case basis of such  
4           travel for a temporary and legitimate  
5           purpose, and the Secretary may in the  
6           Secretary’s discretion authorize the  
7           direct transit of noncitizens with  
8           CNMI Resident status through Guam  
9           to a foreign place;

10                   “(V) shall be authorized to work  
11           in the Commonwealth incident to sta-  
12           tus; and

13                   “(VI) shall be issued appropriate  
14           travel documentation and evidence of  
15           work authorization by the Secretary.

16                   “(B) NONCITIZENS DESCRIBED.—A non-  
17           citizen is described in this subparagraph if the  
18           noncitizen—

19                   “(i) was lawfully present on June 25,  
20           2019, or on December 31, 2018, in the  
21           Commonwealth under the immigration  
22           laws of the United States, including pursu-  
23           ant to a grant of parole under section  
24           212(d)(5) of the Immigration and Nation-



1 ality Act (8 U.S.C. 1182(d)(5)) or deferred  
2 action;

3 “(ii) subject to subsection (c) of sec-  
4 tion 212 of the Immigration and Nation-  
5 ality Act (8 U.S.C. 1182), is admissible as  
6 an immigrant to the United States under  
7 that Act (8 U.S.C. 1101 et seq.), except  
8 that no immigrant visa is required;

9 “(iii) except in the case of a noncit-  
10 izen who meets the requirements of sub-  
11 clause (III) or (VI) of clause (v), resided  
12 continuously and lawfully in the Common-  
13 wealth from November 28, 2009, through  
14 June 25, 2019;

15 “(iv) is not a citizen of the Republic  
16 of the Marshall Islands, the Federated  
17 States of Micronesia, or the Republic of  
18 Palau; and

19 “(v) in addition—

20 “(I) was born in the Northern  
21 Mariana Islands between January 1,  
22 1974, and January 9, 1978;

23 “(II) was, on November 27,  
24 2009, a permanent resident of the  
25 Commonwealth (as defined in section

1 4303 of title 3 of the Northern Mar-  
2 iana Islands Commonwealth Code, in  
3 effect on May 8, 2008);

4 “(III) is the spouse or child (as  
5 defined in section 101(b)(1) of the  
6 Immigration and Nationality Act (8  
7 U.S.C. 1101(b)(1))) of a noncitizen  
8 described in subclause (I), (II), (V),  
9 (VI), or (VII);

10 “(IV) was, on November 27,  
11 2011, a spouse, child, or parent of a  
12 United States citizen, notwithstanding  
13 the age of the United States citizen,  
14 and continues to have such family re-  
15 lationship with the citizen on the date  
16 of the application described in sub-  
17 paragraph (A);

18 “(V) had a grant of parole under  
19 section 212(d)(5) of the Immigration  
20 and Nationality Act (8 U.S.C.  
21 1182(d)(5)) on December 31, 2018,  
22 under the former parole program for  
23 certain in-home caregivers adminis-  
24 tered by United States Citizenship  
25 and Immigration Services;

1           “(VI) was admitted to the Com-  
2           monwealth as a Commonwealth Only  
3           Transitional Worker during fiscal year  
4           2015, and during every subsequent  
5           fiscal year beginning before the date  
6           of enactment of the Northern Mariana  
7           Islands U.S. Workforce Act of 2018  
8           (Public Law 115–218; 132 Stat.  
9           1547); or

10           “(VII) resided in the Northern  
11           Mariana Islands as an investor under  
12           Commonwealth immigration law, and  
13           is currently a resident classified as a  
14           CNMI-only nonimmigrant under sec-  
15           tion 101(a)(15)(E)(ii) of the Immigra-  
16           tion and Nationality Act (8 U.S.C.  
17           1101(a)(15)(E)(ii)).

18           “(C) AUTHORITY OF ATTORNEY GEN-  
19           ERAL.—Beginning on the first day of the 180-  
20           day period established by the Secretary of  
21           Homeland Security under subparagraph  
22           (A)(ii)(I), the Attorney General may accept and  
23           adjudicate an application for CNMI Resident  
24           status under this paragraph by a noncitizen

1           who is in removal proceedings before the Attor-  
2           ney General if the noncitizen—

3                   “(i) makes an initial application to  
4                   the Attorney General within such 180-day  
5                   period; or

6                   “(ii) applied to the Secretary of  
7                   Homeland Security during such 180-day  
8                   period and before being placed in removal  
9                   proceedings, and the Secretary denied the  
10                  application.

11               “(D) JUDICIAL REVIEW.—Notwithstanding  
12               any other law, no court shall have jurisdiction  
13               to review any decision of the Secretary of  
14               Homeland Security or the Attorney General on  
15               an application under this paragraph or any  
16               other action or determination of the Secretary  
17               of Homeland Security or the Attorney General  
18               to implement, administer, or enforce this para-  
19               graph.

20               “(E) PROCEDURE.—The requirements of  
21               chapter 5 of title 5 (commonly referred to as  
22               the Administrative Procedure Act), or any other  
23               law relating to rulemaking, information collec-  
24               tion, or publication in the Federal Register

1 shall not apply to any action to implement, ad-  
2 minister, or enforce this paragraph.

3 “(F) ADJUSTMENT OF STATUS FOR CNMI  
4 RESIDENTS.—A noncitizen with CNMI Resident  
5 status may adjust his or her status to that of  
6 a noncitizen lawfully admitted for permanent  
7 residence 5 years after the date of the enact-  
8 ment of the U.S. Citizenship Act or 5 years  
9 after the date on which CNMI Resident status  
10 is granted, whichever is later.

11 “(G) WAIVER OF APPLICATION DEAD-  
12 LINE.—The Secretary of Homeland Security  
13 may, in the Secretary’s sole and unreviewable  
14 discretion, accept an application for CNMI  
15 Resident status submitted after the application  
16 deadline if—

17 “(i) the applicant is eligible for CNMI  
18 Resident status;

19 “(ii) the applicant timely submitted  
20 an application for CNMI Resident status  
21 and made a good faith effort to comply  
22 with the application requirements as deter-  
23 mined by the Secretary; and

24 “(iii) the application is received not  
25 later than 90 days after the expiration of

1           the application deadline or the date on  
2           which notice of rejection of the application  
3           is submitted, whichever is later.”;

4           (3) by striking “an alien” each place it appears  
5           and inserting “a noncitizen”;

6           (4) by striking “An alien” each place it appears  
7           and inserting “A noncitizen”;

8           (5) by striking “alien” each place it appears  
9           and inserting “noncitizen”;

10          (6) by striking “aliens” each place it appears  
11          and inserting “noncitizens”; and

12          (7) by striking “alien’s” each place it appears  
13          and inserting “noncitizen’s”.

14 **SEC. 1208. GOVERNMENT CONTRACTING AND ACQUISITION**  
15 **OF REAL PROPERTY INTEREST.**

16          (a) EXEMPTION FROM GOVERNMENT CONTRACTING  
17 AND HIRING RULES.—

18           (1) IN GENERAL.—A determination by a Fed-  
19           eral agency to use a procurement competition ex-  
20           emption under section 3304(a) of title 41, United  
21           States Code, or to use the authority granted in para-  
22           graph (2), for the purpose of implementing this title  
23           and the amendments made by this title is not sub-  
24           ject to challenge by protest to the Government Ac-  
25           countability Office under chapter 35 of title 31,

1 United States Code, or to the Court of Federal  
2 Claims, under section 1491 of title 28, United  
3 States Code. An agency shall immediately advise  
4 Congress of the exercise of the authority granted  
5 under this paragraph.

6 (2) GOVERNMENT CONTRACTING EXEMPTION.—

7 The competition requirement under section 3306 of  
8 title 41, United States Code, may be waived or  
9 modified by a Federal agency for any procurement  
10 conducted to implement this title or the amendments  
11 made by this title if the senior procurement execu-  
12 tive for the agency conducting the procurement—

13 (A) determines that the waiver or modi-  
14 fication is necessary; and

15 (B) submits an explanation for such deter-  
16 mination to the Committee on Homeland Secu-  
17 rity and Governmental Affairs of the Senate  
18 and the Committee on Homeland Security of  
19 the House of Representatives.

20 (3) HIRING RULES EXEMPTION.—

21 (A) IN GENERAL.—Notwithstanding any  
22 other provision of law, the Secretary is author-  
23 ized to make term, temporary limited, and part-  
24 time appointments of employees who will imple-  
25 ment this title and the amendments made by

1           this title without regard to the number of such  
2           employees, their ratio to permanent full-time  
3           employees, and the duration of their employ-  
4           ment.

5           (B) SAVINGS PROVISION.—Nothing in  
6           chapter 71 of title 5, United States Code, shall  
7           affect the authority of any Department man-  
8           agement official to hire term, temporary limited  
9           or part-time employees under this paragraph.

10          (b) AUTHORITY TO ACQUIRE LEASEHOLDS.—Not-  
11         withstanding any other provision of law, the Secretary  
12         may acquire a leasehold interest in real property, and may  
13         provide in a lease entered into under this subsection for  
14         the construction or modification of any facility on the  
15         leased property, if the Secretary determines that the ac-  
16         quisition of such interest, and such construction or modi-  
17         fication, are necessary in order to facilitate the implemen-  
18         tation of this title and the amendments made by this title.

19         **SEC. 1209. CONFORMING AMENDMENTS TO THE SOCIAL SE-**  
20                                 **CURITY ACT.**

21          (a) IN GENERAL.—Section 208(e)(1) of the Social  
22         Security Act (42 U.S.C. 408(e)(1)) is amended—

23                 (1) in subparagraph (B)(ii), by striking “, or”  
24                 and inserting a semicolon at the end;



1           (2) in subparagraph (C), by striking the comma  
2           at the end and inserting a semicolon;

3           (3) by inserting after subparagraph (C) the fol-  
4           lowing:

5                   “(D) who is granted status as a lawful  
6                   prospective immigrant under section 245B of  
7                   the Immigration and Nationality Act; or

8                   “(E) whose status is adjusted to that of  
9                   lawful permanent resident under section 245C,  
10                  245D, 245E, or 245F of the Immigration and  
11                  Nationality Act,”; and

12           (4) in the undesignated matter at the end, by  
13           inserting “, or in the case of a noncitizen described  
14           in subparagraph (D) or (E), if such conduct is al-  
15           leged to have occurred before the date on which the  
16           noncitizen submitted an application under section  
17           245B, 245C, 245D, 245E, or 245F of such Act” be-  
18           fore the period at the end.

19           (b) EFFECTIVE DATE.—The amendments made by  
20           this section shall take effect on the first day of the tenth  
21           month beginning after the date of the enactment of this  
22           Act.

1 **TITLE II—ADDRESSING THE**  
2 **ROOT CAUSES OF MIGRATION**  
3 **AND RESPONSIBLY MAN-**  
4 **AGING THE SOUTHERN BOR-**  
5 **DER**

6 **SEC. 2001. DEFINITIONS.**

7 In this title:

8 (1) **BEST INTEREST DETERMINATION.**—The  
9 term “best interest determination” means a formal  
10 process with procedural safeguards designed to give  
11 primary consideration to the child’s best interests in  
12 decision making.

13 (2) **INTERNALLY DISPLACED PERSONS.**—The  
14 term “internally displaced persons” means persons  
15 or groups of persons who—

16 (A) have been forced to leave their homes  
17 or places of habitual residence because of armed  
18 conflict, generalized violence, violations of  
19 human rights, or natural or human-made disas-  
20 ters; and

21 (B) have not crossed an internationally  
22 recognized border of a nation state.

23 (3) **INTERNATIONAL PROTECTION.**—The term  
24 “international protection” means—

25 (A) asylum status;

1 (B) refugee status;

2 (C) protection under the Convention  
3 Against Torture and Other Cruel, Inhuman or  
4 Degrading Treatment or Punishment, done at  
5 New York December 10, 1984; and

6 (D) any other regional protection status  
7 available in the Western Hemisphere.

8 (4) LARGE-SCALE, NONINTRUSIVE INSPECTION  
9 SYSTEM.—The term “large-scale, nonintrusive in-  
10 spection system” means a technology, including x-  
11 ray, gamma-ray, and passive imaging systems, capa-  
12 ble of producing an image of the contents of a com-  
13 mercial or passenger vehicle or freight rail car in 1  
14 pass of such vehicle or car.

15 (5) PRE-PRIMARY.—The term “pre-primary”  
16 means deploying scanning technology before primary  
17 inspection booths at land border ports of entry in  
18 order to provide images of commercial or passenger  
19 vehicles or freight rail cars before they are presented  
20 for inspection.

21 (6) SCANNING.—The term “scanning” means  
22 utilizing nonintrusive imaging equipment, radiation  
23 detection equipment, or both, to capture data, in-  
24 cluding images of a commercial or passenger vehicle  
25 or freight rail car.

1 **Subtitle A—Promoting the Rule of**  
2 **Law, Security, and Economic**  
3 **Development in Central Amer-**  
4 **ica**

5 **SEC. 2101. UNITED STATES STRATEGY FOR ENGAGEMENT**  
6 **IN CENTRAL AMERICA.**

7 (a) IN GENERAL.—The Secretary of State shall im-  
8 plement a 4-year strategy, to be known as the “United  
9 States Strategy for Engagement in Central America” (re-  
10 ferred to in this subtitle as the “Strategy”)—

11 (1) to advance reforms in Central America; and

12 (2) to address the key factors contributing to  
13 the flight of families, unaccompanied noncitizen chil-  
14 dren, and other individuals from Central America to  
15 the United States.

16 (b) ELEMENTS.—The Strategy shall include efforts—

17 (1) to strengthen democratic governance, ac-  
18 countability, transparency, and the rule of law;

19 (2) to combat corruption and impunity;

20 (3) to improve access to justice;

21 (4) to bolster the effectiveness and independ-  
22 ence of judicial systems and public prosecutors’ of-  
23 fices;

24 (5) to improve the effectiveness of civilian police  
25 forces;

1           (6) to confront and counter the violence, extor-  
2           tion, and other crimes perpetrated by armed crimi-  
3           nal gangs, illicit trafficking organizations, and orga-  
4           nized crime, while disrupting recruitment efforts by  
5           such organizations;

6           (7) to disrupt money laundering and other illicit  
7           financial operations of criminal networks, armed  
8           gangs, illicit trafficking organizations, and human  
9           smuggling networks;

10          (8) to promote greater respect for internation-  
11          ally recognized human rights, labor rights, funda-  
12          mental freedoms, and the media;

13          (9) to protect the human rights of environ-  
14          mental defenders, civil society activists, and journal-  
15          ists;

16          (10) to enhance accountability for government  
17          officials, including police and security force per-  
18          sonnel, who are credibly alleged to have committed  
19          serious violations of human rights or other crimes;

20          (11) to enhance the capability of governments  
21          in Central America to protect and provide for vul-  
22          nerable and at-risk populations;

23          (12) to address the underlying causes of pov-  
24          erty and inequality and the constraints to inclusive  
25          economic growth in Central America; and

1           (13) to prevent and respond to endemic levels  
2 of sexual, gender-based, and domestic violence.

3           (c) COORDINATION AND CONSULTATION.—In imple-  
4 menting the Strategy, the Secretary of State shall—

5           (1) coordinate with the Secretary of the Treas-  
6 ury, the Secretary of Defense, the Secretary, the At-  
7 torney General, the Administrator of the United  
8 States Agency for International Development, and  
9 the Chief Executive Officer of the United States De-  
10 velopment Finance Corporation; and

11           (2) consult with the Director of National Intel-  
12 ligence, national and local civil society organizations  
13 in Central America and the United States, and the  
14 governments of Central America.

15           (d) SUPPORT FOR CENTRAL AMERICAN EFFORTS.—  
16 To the degree feasible, the Strategy shall support or com-  
17 plement efforts being carried out by the Governments of  
18 El Salvador, of Guatemala, and of Honduras, in coordina-  
19 tion with bilateral and multilateral donors and partners,  
20 including the Inter-American Development Bank.

21 **SEC. 2102. SECURING SUPPORT OF INTERNATIONAL DO-**  
22 **NORS AND PARTNERS.**

23           (a) PLAN.—The Secretary of State shall implement  
24 a 4-year plan—

1           (1) to secure support from international donors  
2           and regional partners to enhance the implementation  
3           of the Strategy;

4           (2) to identify governments that are willing to  
5           provide financial and technical assistance for the im-  
6           plementation of the Strategy and the specific assist-  
7           ance that will be provided; and

8           (3) to identify and describe the financial and  
9           technical assistance to be provided by multilateral  
10          institutions, including the Inter-American Develop-  
11          ment Bank, the World Bank, the International Mon-  
12          etary Fund, the Andean Development Corporation—  
13          Development Bank of Latin America, and the Orga-  
14          nization of American States.

15          (b) DIPLOMATIC ENGAGEMENT AND COORDINA-  
16          TION.—The Secretary of State, in coordination with the  
17          Secretary of the Treasury, as appropriate, shall—

18               (1) carry out diplomatic engagement to secure  
19               contributions of financial and technical assistance  
20               from international donors and partners in support of  
21               the Strategy; and

22               (2) take all necessary steps to ensure effective  
23               cooperation among international donors and part-  
24               ners supporting the Strategy.

1 **SEC. 2103. COMBATING CORRUPTION, STRENGTHENING**  
2 **THE RULE OF LAW, AND CONSOLIDATING**  
3 **DEMOCRATIC GOVERNANCE.**

4 The Secretary of State and the Administrator of the  
5 United States Agency for International Development are  
6 authorized—

7 (1) to combat corruption in Central America by  
8 supporting—

9 (A) Inspectors General and oversight insti-  
10 tutions, including—

11 (i) support for multilateral support  
12 missions for key ministries, including min-  
13 istries responsible for tax, customs, pro-  
14 curement, and citizen security; and

15 (ii) relevant training for inspectors  
16 and auditors;

17 (B) multilateral support missions against  
18 corruption and impunity;

19 (C) civil society organizations conducting  
20 oversight of executive and legislative branch of-  
21 ficials and functions, police and security forces,  
22 and judicial officials and public prosecutors;  
23 and

24 (D) the enhancement of freedom of infor-  
25 mation mechanisms;



1           (2) to strengthen the rule of law in Central  
2 America by supporting—

3           (A) Attorney General offices, public pros-  
4 secutors, and the judiciary, including enhancing  
5 investigative and forensics capabilities;

6           (B) an independent, merit-based selection  
7 processes for judges and prosecutors, inde-  
8 pendent internal controls, and relevant ethics  
9 and professional training, including training on  
10 sexual, gender-based, and domestic violence;

11           (C) improved victim, witness, and whistle-  
12 blower protection and access to justice; and

13           (D) reforms to and the improvement of  
14 prison facilities and management;

15           (3) to consolidate democratic governance in  
16 Central America by supporting—

17           (A) reforms of civil services, related train-  
18 ing programs, and relevant laws and processes  
19 that lead to independent, merit-based selection  
20 processes;

21           (B) national legislatures and their capacity  
22 to conduct oversight of executive branch func-  
23 tions;

1           (C) reforms to, and strengthening of, polit-  
2           ical party and campaign finance laws and elec-  
3           toral tribunals;

4           (D) local governments and their capacity  
5           to provide critical safety, education, health, and  
6           sanitation services to citizens; and

7           (4) to defend human rights by supporting—

8           (A) human rights ombudsman offices;

9           (B) government protection programs that  
10          provide physical protection and security to  
11          human rights defenders, journalists, trade  
12          unionists, whistleblowers, and civil society activ-  
13          ists who are at risk;

14          (C) civil society organizations that promote  
15          and defend human rights, freedom of expres-  
16          sion, freedom of the press, labor rights, environ-  
17          mental protection, and the rights of individuals  
18          with diverse sexual orientations or gender iden-  
19          tities; and

20          (D) civil society organizations that address  
21          sexual, gender-based, and domestic violence,  
22          and that protect victims of such violence.

1 **SEC. 2104. COMBATING CRIMINAL VIOLENCE AND IMPROV-**  
2 **ING CITIZEN SECURITY.**

3 The Secretary of State and the Administrator of the  
4 United States Agency for International Development are  
5 authorized—

6 (1) to counter the violence and crime per-  
7 petrated by armed criminal gangs, illicit trafficking  
8 organizations, and human smuggling networks in  
9 Central America by providing assistance to civilian  
10 law enforcement, including support for—

11 (A) the execution and management of com-  
12 plex, multi-actor criminal cases;

13 (B) the enhancement of intelligence collec-  
14 tion capacity, and training on civilian intel-  
15 ligence collection (including safeguards for pri-  
16 vacy and basic civil liberties), investigative tech-  
17 niques, forensic analysis, and evidence preserva-  
18 tion;

19 (C) community policing policies and pro-  
20 grams;

21 (D) the enhancement of capacity to iden-  
22 tify, investigate, and prosecute crimes involving  
23 sexual, gender-based, and domestic violence;  
24 and

25 (E) port, airport, and border security offi-  
26 cials, agencies and systems, including—

1 (i) the professionalization of immigra-  
2 tion personnel;

3 (ii) improvements to computer infra-  
4 structure and data management systems,  
5 secure communications technologies, non-  
6 intrusive inspection equipment, and radar  
7 and aerial surveillance equipment; and

8 (iii) assistance to canine units;

9 (2) to disrupt illicit financial networks in Cen-  
10 tral America, including by supporting—

11 (A) finance ministries, including the impo-  
12 sition of financial sanctions to block the assets  
13 of individuals and organizations involved in  
14 money laundering or the financing of armed  
15 criminal gangs, illicit trafficking networks,  
16 human smuggling networks, or organized crime;

17 (B) financial intelligence units, including  
18 the establishment and enhancement of anti-  
19 money laundering programs; and

20 (C) the reform of bank secrecy laws;

21 (3) to assist in the professionalization of civilian  
22 police forces in Central America by supporting—

23 (A) reforms with respect to personnel re-  
24 cruitment, vetting, and dismissal processes, in-

1 including the enhancement of polygraph capa-  
2 bility for use in such processes;

3 (B) Inspectors General and oversight of-  
4 fices, including relevant training for inspectors  
5 and auditors, and independent oversight mecha-  
6 nisms, as appropriate; and

7 (C) training and the development of proto-  
8 cols regarding the appropriate use of force and  
9 human rights;

10 (4) to improve crime prevention and to reduce  
11 violence, extortion, child recruitment into gangs, and  
12 sexual slavery by supporting—

13 (A) the improvement of child protection  
14 systems;

15 (B) the enhancement of programs for at-  
16 risk youth, including the improvement of com-  
17 munity centers and programs aimed at success-  
18 fully reinserting former gang members;

19 (C) livelihood programming that provides  
20 youth and other at-risk individuals with legal  
21 and sustainable alternatives to gang member-  
22 ship;

23 (D) safe shelter and humanitarian re-  
24 sponses for victims of crime and internal dis-  
25 placement; and

1 (E) programs to receive and effectively re-  
2 integrate repatriated migrants in El Salvador,  
3 Guatemala, and Honduras.

4 **SEC. 2105. COMBATING SEXUAL, GENDER-BASED, AND DO-**  
5 **MESTIC VIOLENCE.**

6 The Secretary of State and the Administrator of the  
7 United States Agency for International Development are  
8 authorized to counter sexual, gender-based, and domestic  
9 violence in Central American countries by—

10 (1) broadening engagement among national and  
11 local institutions to address sexual, gender-based,  
12 and domestic violence;

13 (2) supporting educational initiatives to reduce  
14 sexual, gender-based, and domestic violence;

15 (3) supporting outreach efforts tailored to meet  
16 the needs of women, girls, individuals of diverse sex-  
17 ual orientations or gender identities, and other vul-  
18 nerable individuals at risk of violence and exploi-  
19 tation;

20 (4) formalizing standards of care and confiden-  
21 tiality at police, health facilities, and other govern-  
22 ment facilities; and

23 (5) establishing accountability mechanisms for  
24 perpetrators of violence.

1 **SEC. 2106. TACKLING EXTREME POVERTY AND ADVANCING**  
2 **ECONOMIC DEVELOPMENT.**

3 The Secretary of State and the Administrator of the  
4 United States Agency for International Development are  
5 authorized to tackle extreme poverty and the underlying  
6 causes of poverty in Central American countries by—

7 (1) strengthening human capital by sup-  
8 porting—

9 (A) workforce development and entrepre-  
10 neurship training programs that are driven by  
11 market demand, including programs that  
12 prioritize women, at-risk youth, and indigenous  
13 communities;

14 (B) improving early-grade literacy, and  
15 primary and secondary school curricula;

16 (C) relevant professional training for  
17 teachers and educational administrators;

18 (D) educational policy reform and improve-  
19 ment of education sector budgeting; and

20 (E) establishment and expansion of safe  
21 schools and related facilities for children;

22 (2) enhancing economic competitiveness and in-  
23 vestment climate by supporting—

24 (A) small business development centers  
25 and programs that strengthen supply chain in-  
26 tegration;

1 (B) the improvement of protections for in-  
2 vestors, including dispute resolution and arbi-  
3 tration mechanisms;

4 (C) trade facilitation and customs harmo-  
5 nization programs; and

6 (D) reducing energy costs through invest-  
7 ments in clean technologies and the reform of  
8 energy policies and regulations;

9 (3) strengthening food security by supporting—

10 (A) small and medium-scale sustainable  
11 agriculture, including by providing technical  
12 training, improving access to credit, and pro-  
13 moting policies and programs that incentivize  
14 government agencies and private institutions to  
15 buy from local producers;

16 (B) agricultural value chain development  
17 for farming communities;

18 (C) nutrition programs to reduce childhood  
19 malnutrition and stunting rates; and

20 (D) mitigation, adaptation, and recovery  
21 programs in response to natural disasters and  
22 other external shocks; and

23 (4) improving fiscal and financial affairs by  
24 supporting—



1 (A) domestic revenue generation, including  
2 programs to improve tax administration, collec-  
3 tion, and enforcement;

4 (B) strengthening public sector financial  
5 management, including strategic budgeting and  
6 expenditure tracking; and

7 (C) reform of customs and procurement  
8 policies and processes.

9 **SEC. 2107. AUTHORIZATION OF APPROPRIATIONS FOR**  
10 **UNITED STATES STRATEGY FOR ENGAGE-**  
11 **MENT IN CENTRAL AMERICA.**

12 (a) **IN GENERAL.**—There are authorized to be appro-  
13 priated \$1,000,000,000 for each of the fiscal years 2022  
14 through 2025 to carry out the Strategy.

15 (b) **PORTION OF FUNDING AVAILABLE WITHOUT**  
16 **CONDITION.**—The Secretary of State or the Administrator  
17 of the United States Agency for International Develop-  
18 ment, as appropriate, may obligate up to 50 percent of  
19 the amounts appropriated in each fiscal year pursuant to  
20 subsection (a) to carry out the Strategy on the first day  
21 of the fiscal year for which they are appropriated.

22 (c) **PORTION OF FUNDING AVAILABLE AFTER**  
23 **PROGRESS ON SPECIFIC ISSUES.**—

24 (1) **EFFECTIVE IMPLEMENTATION.**—The re-  
25 maining 50 percent of the amounts appropriated

1 pursuant to subsection (a) (after the obligations au-  
2 thORIZED under subsection (b)) may only be made  
3 available for assistance to the Government of El Sal-  
4 vador, of Guatemala, or of Honduras after the Sec-  
5 retary of State consults with, and subsequently cer-  
6 tifies and reports to, the Committee on Foreign Re-  
7 lations of the Senate, the Committee on Appropria-  
8 tions of the Senate, the Committee on Foreign Af-  
9 fairs of the House of Representatives, and the Com-  
10 mittee on Appropriations of the House of Represent-  
11 atives that the respective government is taking effec-  
12 tive steps (in addition to steps taken during the pre-  
13 vious calendar year)—

14 (A) to combat corruption and impunity, in-  
15 cluding investigating and prosecuting govern-  
16 ment officials, military personnel, and civilian  
17 police officers credibly alleged to be corrupt;

18 (B) to implement reforms, policies, and  
19 programs to strengthen the rule of law, includ-  
20 ing increasing the transparency of public insti-  
21 tutions and the independence of the judiciary  
22 and electoral institutions;

23 (C) to protect the rights of civil society,  
24 opposition political parties, trade unionists,

1 human rights defenders, and the independence  
2 of the media;

3 (D) to provide effective and accountable ci-  
4 vilian law enforcement and security for its citi-  
5 zens, and curtailing the role of the military in  
6 internal policing;

7 (E) to implement policies to reduce poverty  
8 and promote equitable economic growth and op-  
9 portunity;

10 (F) to increase government revenues, in-  
11 cluding by enhancing tax collection, strength-  
12 ening customs agencies, and reforming procure-  
13 ment processes;

14 (G) to improve border security and coun-  
15 tering human smuggling, criminal gangs, drug  
16 traffickers, and transnational criminal organiza-  
17 tions;

18 (H) to counter and prevent sexual and  
19 gender-based violence;

20 (I) to inform its citizens of the dangers of  
21 the journey to the southwest border of the  
22 United States;

23 (J) to resolve disputes involving the confis-  
24 cation of real property of United States entities;  
25 and

1 (K) to implement reforms to strengthen  
2 educational systems, vocational training pro-  
3 grams, and programs for at-risk youth.

4 **Subtitle B—Addressing Migration**  
5 **Needs by Strengthening Re-**  
6 **gional Humanitarian Responses**  
7 **for Refugees and Asylum Seek-**  
8 **ers in the Western Hemisphere**  
9 **and Strengthening Repatriation**  
10 **Initiatives**

11 **SEC. 2201. EXPANDING REFUGEE AND ASYLUM PROC-**  
12 **ESSING IN THE WESTERN HEMISPHERE.**

13 (a) REFUGEE PROCESSING.—The Secretary of State,  
14 in coordination with the Secretary, shall work with inter-  
15 national partners, including the United Nations High  
16 Commissioner for Refugees and international nongovern-  
17 mental organizations, to support and strengthen the do-  
18 mestic capacity of countries in the Western Hemisphere  
19 to process and accept refugees for resettlement and adju-  
20 dicate asylum claims by—

21 (1) providing support and technical assistance  
22 to expand and improve the capacity to identify, proc-  
23 ess, and adjudicate refugee claims, adjudicate appli-  
24 cations for asylum, or otherwise accept refugees re-  
25 ferred for resettlement by the United Nations High

1 Commissioner for Refugees or host nations, includ-  
2 ing by increasing the number of refugee and asylum  
3 officers who are trained in the relevant legal stand-  
4 ards for adjudicating claims for protection;

5 (2) establishing and expanding safe and secure  
6 locations to facilitate the safe and orderly movement  
7 of individuals and families seeking international pro-  
8 tection;

9 (3) improving national refugee and asylum reg-  
10 istration systems to ensure that any person seeking  
11 refugee status, asylum, or other humanitarian pro-  
12 tections—

13 (A) receives due process and meaningful  
14 access to existing humanitarian protections;

15 (B) is provided with adequate information  
16 about his or her rights, including the right to  
17 seek protection;

18 (C) is properly screened for security, in-  
19 cluding biographic and biometric capture; and

20 (D) receives appropriate documents to pre-  
21 vent fraud and ensure freedom of movement  
22 and access to basic social services; and

23 (4) developing the capacity to conduct best in-  
24 terest determinations for unaccompanied children  
25 with international protection needs to ensure that

1 such children are properly registered and that their  
2 claims are appropriately considered.

3 (b) DIPLOMATIC ENGAGEMENT AND COORDINA-  
4 TION.—The Secretary of State, in coordination with the  
5 Secretary, as appropriate, shall—

6 (1) carry out diplomatic engagement to secure  
7 commitments from governments to resettle refugees  
8 from Central America; and

9 (2) take all necessary steps to ensure effective  
10 cooperation among governments resettling refugees  
11 from Central America.

12 **SEC. 2202. FURTHER STRENGTHENING REGIONAL HUMANI-**  
13 **TARIAN RESPONSES IN THE WESTERN HEMI-**  
14 **SPHERE.**

15 The Secretary of State, in coordination with inter-  
16 national partners, including the United Nations High  
17 Commissioner for Refugees, shall support and coordinate  
18 with the government of each country hosting a significant  
19 population of refugees and asylum seekers from El Sal-  
20 vador, Guatemala, and Honduras—

21 (1) to establish and expand temporary shelter  
22 and shelter network capacity to meet the immediate  
23 protection and humanitarian needs of refugees and  
24 asylum seekers, including shelters for families,

1 women, unaccompanied children, and other vulner-  
2 able populations;

3 (2) to deliver gender-, trauma-, and age-sen-  
4 sitive humanitarian assistance to refugees and asy-  
5 lum seekers, including access to accurate informa-  
6 tion, legal representation, education, livelihood op-  
7 portunities, cash assistance, and health care;

8 (3) to establish and expand sexual, gender-  
9 based, and domestic violence prevention, recovery,  
10 and humanitarian programming;

11 (4) to fund national- and community-led hu-  
12 manitarian organizations in humanitarian response;

13 (5) to support local integration initiatives to  
14 help refugees and asylum seekers rebuild their lives  
15 and contribute in a meaningful way to the local  
16 economy in their host country; and

17 (6) to support technical assistance for refugee  
18 relocation and resettlement.

19 **SEC. 2203. INFORMATION CAMPAIGN ON DANGERS OF IR-**  
20 **REGULAR MIGRATION.**

21 (a) IN GENERAL.—The Secretary of State, in coordi-  
22 nation with the Secretary, shall design and implement  
23 public information campaigns in El Salvador, Guatemala,  
24 Honduras, and other appropriate Central American coun-  
25 tries—

1           (1) to disseminate information about the poten-  
2           tial dangers of travel to the United States;

3           (2) to provide accurate information about  
4           United States immigration law and policy; and

5           (3) to provide accurate information about the  
6           availability of asylum, other humanitarian protec-  
7           tions in countries in the Western Hemisphere, and  
8           other legal means for migration.

9           (b) ELEMENTS.—The information campaigns imple-  
10          mented pursuant to subsection (a), to the greatest extent  
11          possible—

12           (1) shall be targeted at regions with high levels  
13           of outbound migration or significant populations of  
14           internally displaced persons;

15           (2) shall be conducted in local languages;

16           (3) shall employ a variety of communications  
17           media, including social media; and

18           (4) shall be developed in coordination with pro-  
19           gram officials at the Department of Homeland Secu-  
20           rity, the Department of State, and other govern-  
21           ment, nonprofit, or academic entities in close contact  
22           with migrant populations from El Salvador, Guate-  
23           mala, and Honduras, including repatriated migrants.



1 **SEC. 2204. IDENTIFICATION, SCREENING, AND PROCESSING**  
2 **OF REFUGEES AND OTHER INDIVIDUALS ELI-**  
3 **GIBLE FOR LAWFUL ADMISSION TO THE**  
4 **UNITED STATES.**

5 (a) DESIGNATED PROCESSING CENTERS.—

6 (1) IN GENERAL.—The Secretary of State, in  
7 coordination with the Secretary, shall establish des-  
8 ignated processing centers for the registration,  
9 screening, and processing of refugees and other eligi-  
10 ble individuals, and the resettlement or relocation of  
11 these individuals to the United States or other coun-  
12 tries.

13 (2) LOCATIONS.—Not fewer than 1 designated  
14 processing centers shall be established in a safe and  
15 secure location identified by the United States and  
16 the host government in—

17 (A) El Salvador;

18 (B) Guatemala;

19 (C) Honduras; and

20 (D) any other Central American country  
21 that the Secretary of State considers appro-  
22 priate to accept and process requests and appli-  
23 cations under this subtitle.

24 (b) PERSONNEL.—

25 (1) REFUGEE OFFICERS AND RELATED PER-  
26 SONNEL.—The Secretary shall ensure that sufficient

1 numbers of refugee officers and other personnel are  
2 assigned to each designated processing center to ful-  
3 fill the requirements under this subtitle.

4 (2) SUPPORT PERSONNEL.—The Secretary and  
5 the Attorney General shall hire and assign sufficient  
6 personnel to ensure, absent exceptional cir-  
7 cumstances, that all security and law enforcement  
8 background checks required under this subtitle and  
9 family verification checks carried out by the Refugee  
10 Access Verification Unit are completed within 180  
11 days.

12 (c) OPERATIONS.—

13 (1) IN GENERAL.—Absent extraordinary cir-  
14 cumstances, each designated processing center shall  
15 commence operations as expeditiously as possible.

16 (2) PRODUCTIVITY AND QUALITY CONTROL.—  
17 The Secretary of State, in coordination with the Sec-  
18 retary, shall monitor the activities of each des-  
19 ignated processing center and establish metrics and  
20 criteria for evaluating the productivity and quality  
21 control of each designated processing center.

22 **SEC. 2205. REGISTRATION AND INTAKE.**

23 (a) REGISTRATION.—Each designated processing  
24 center shall receive and register individuals seeking to  
25 apply for benefits under this subtitle who meet criteria

1 specified by the Secretary of State, in coordination with  
2 the Secretary.

3 (b) INTAKE.—The designated processing center shall  
4 assess registered individuals to determine the benefits for  
5 which they may be eligible, including—

6 (1) refugee resettlement pursuant to the Cen-  
7 tral American Refugee Program described in section  
8 2206;

9 (2) the Central American Minors Program de-  
10 scribed in section 2207; and

11 (3) the Central American Family Reunification  
12 Parole Program described in section 2208.

13 (c) EXPEDITED PROCESSING.—The Secretary of  
14 State shall provide expedited processing of applications  
15 and requests under this subtitle in emergency situations,  
16 for humanitarian reasons, or if the Secretary of State oth-  
17 erwise determines that circumstances warrant expedited  
18 treatment.

19 **SEC. 2206. CENTRAL AMERICAN REFUGEE PROGRAM.**

20 (a) PROCESSING AT DESIGNATED PROCESSING CEN-  
21 TERS.—

22 (1) IN GENERAL.—Any individual who registers  
23 at a designated processing center, expresses a fear  
24 of persecution or an intention to apply for refugee  
25 status, and who is a national of El Salvador, of

1 Honduras, of Guatemala, or of any other Central  
2 American country whose nationals the Secretary of  
3 State has determined are eligible for refugee status  
4 under this section may apply for refugee resettlement  
5 under this section. Upon filing of a completed  
6 application, the applicant may be referred to a refugee  
7 officer for further processing in accordance  
8 with this section.

9 (2) SUBMISSION OF BIOGRAPHIC AND BIOMETRIC  
10 DATA.—An applicant described in paragraph (1)  
11 shall submit biographic and biometric data in accordance  
12 with procedures established by the Secretary of State,  
13 in coordination with the Secretary. An alternative procedure  
14 shall be provided for applicants who are unable to provide  
15 all required biographic and biometric data because of a  
16 physical or mental impairment.

18 (3) BACKGROUND CHECKS.—The Secretary of  
19 State shall utilize biometric, biographic, and other  
20 appropriate data to conduct security and law enforcement  
21 background checks of applicants to determine whether there  
22 is any criminal, national security, or other ground that  
23 would render the applicant ineligible for admission as a  
24 refugee under section

1 207 of the Immigration and Nationality Act (8  
2 U.S.C. 1157).

3 (4) ORIENTATION.—The Secretary of State  
4 shall provide prospective applicants for refugee re-  
5 settlement with information on applicable require-  
6 ments and legal standards. All orientation materials,  
7 including application forms and instructions, shall be  
8 provided in English and Spanish.

9 (5) INTERNATIONAL ORGANIZATIONS.—The  
10 Secretary of State, in consultation with the Sec-  
11 retary, shall enter into agreements with international  
12 organizations, including the United Nations High  
13 Commissioner for Refugees, to facilitate the proc-  
14 essing and preparation of case files for applicants  
15 under this section.

16 (b) OPTIONAL REFERRAL TO OTHER COUNTRIES.—

17 (1) IN GENERAL.—An applicant for refugee re-  
18 settlement under this section may be referred to an-  
19 other country for the processing of the applicant's  
20 refugee claim if another country agrees to promptly  
21 process the applicant's refugee claim in accordance  
22 with the terms and procedures of a bilateral agree-  
23 ment described in paragraph (2).

24 (2) BILATERAL AGREEMENTS FOR REFERRAL  
25 OF REFUGEES.—

1           (A) IN GENERAL.—The Secretary of State,  
2           in consultation with the Secretary, may enter  
3           into bilateral agreements with other countries  
4           for the referral, processing, and resettlement of  
5           individuals who register at a designated proc-  
6           essing center and seek to apply for refugee re-  
7           settlement under this section. Such agreements  
8           shall be limited to countries with the dem-  
9           onstrated capacity to accept and adjudicate ap-  
10          plications for refugee status and other forms of  
11          international protection, and to resettle refugees  
12          consistent with obligations under the Conven-  
13          tion Relating to the Status of Refugees, done at  
14          Geneva July 28, 1951 and made applicable by  
15          the Protocol Relating to the Status of Refugees,  
16          done at New York January 31, 1967 (19 UST  
17          6223).

18          (B) INTERNATIONAL ORGANIZATIONS.—  
19          The Secretary of State, in consultation with the  
20          Secretary, may enter into agreements with  
21          international organizations, including the  
22          United Nations High Commissioner for Refu-  
23          gees, to facilitate the referral, processing, and  
24          resettlement of individuals described in sub-  
25          paragraph (A).

1           (c) EMERGENCY RELOCATION COORDINATION.—The  
2 Secretary of State, in coordination with the Secretary,  
3 may enter into bilateral or multilateral agreements with  
4 other countries in the Western Hemisphere to establish  
5 safe and secure emergency transit centers for individuals  
6 who register at a designated processing center, are deemed  
7 to face an imminent risk of harm, and require temporary  
8 placement in a safe location pending a final decision on  
9 an application under this section. Such agreements may  
10 be developed in consultation with the United Nations High  
11 Commissioner for Refugees and shall conform to inter-  
12 national humanitarian standards.

13           (d) EXPANSION OF REFUGEE CORPS.—Subject to the  
14 availability of amounts provided in advance in appropria-  
15 tion Acts, the Secretary shall appoint additional refugee  
16 officers as may be necessary to carry out this section.

17 **SEC. 2207. CENTRAL AMERICAN MINORS PROGRAM.**

18           (a) ELIGIBILITY.—

19               (1) PETITION.—If an assessment under section  
20 2205(b) results in a determination that a noncitizen  
21 is eligible for special immigrant status in accordance  
22 with this subsection—

23                       (A) the designated processing center that  
24                       conducted such assessment may accept a peti-  
25                       tion for such status filed by the noncitizen, or

1 on behalf of the noncitizen by a parent or legal  
2 guardian; and

3 (B) subject to subsection (d), and notwith-  
4 standing any other provision of law, the Sec-  
5 retary may provide such noncitizen with status  
6 as a special immigrant under section  
7 101(a)(27) of the Immigration and Nationality  
8 Act (8 U.S.C. 1101(a)(27)).

9 (2) CRITERIA.—A noncitizen shall be eligible  
10 under this subsection if he or she—

11 (A) is a national of El Salvador, of Hon-  
12 duras, of Guatemala, or of any other Central  
13 American country whose nationals the Secretary  
14 has determined are eligible for special immi-  
15 grant status under this section;

16 (B) is a child (as defined in section  
17 101(b)(1) of the Immigration and Nationality  
18 Act (8 U.S.C. 1101(b)(1))) of an individual who  
19 is lawfully present in the United States; and

20 (C) is otherwise admissible to the United  
21 States (excluding the grounds of inadmissibility  
22 specified in section 212(a)(4) of the Immigra-  
23 tion and Nationality Act (8 U.S.C.  
24 1182(a)(4))).



1 (b) MINOR CHILDREN.—Any child (as defined in sec-  
2 tion 101(b)(1) of the Immigration and Nationality Act (8  
3 U.S.C. 1101(b)(1))) of a noncitizen described in sub-  
4 section (a) is entitled to special immigrant status if accom-  
5 panying or following to join such noncitizen.

6 (c) EXCLUSION FROM NUMERICAL LIMITATIONS.—  
7 Noncitizens provided special immigrant status under this  
8 section shall not be counted against any numerical limita-  
9 tion under the Immigration and Nationality Act (8 U.S.C.  
10 1101 et seq.).

11 (d) APPLICANTS UNDER PRIOR CENTRAL AMERICAN  
12 MINORS REFUGEE PROGRAM.—

13 (1) IN GENERAL.—The Secretary shall deem an  
14 application filed under the Central American Minors  
15 Refugee Program, established on December 1, 2014,  
16 and terminated on August 16, 2017, which was not  
17 the subject of a final disposition before January 31,  
18 2018, to be a petition filed under this section.

19 (2) FINAL DETERMINATION.—Absent excep-  
20 tional circumstances, the Secretary shall make a  
21 final determination on applications described in  
22 paragraph (1) not later than 180 days after the date  
23 of the enactment of this Act.

24 (3) NOTICE.—The Secretary shall—

1 (A) promptly notify all relevant parties of  
2 the conversion of an application described in  
3 paragraph (1) into a special immigrant petition;  
4 and

5 (B) provide instructions for withdrawal of  
6 the petition if the noncitizen does not want to  
7 proceed with the requested relief.

8 (e) BIOMETRICS AND BACKGROUND CHECKS.—

9 (1) SUBMISSION OF BIOMETRIC AND BIO-  
10 GRAPHIC DATA.—Petitioners for special immigrant  
11 status under this section shall submit biometric and  
12 biographic data in accordance with procedures estab-  
13 lished by the Secretary. An alternative procedure  
14 shall be provided for applicants who are unable to  
15 provide all required biometric data because of a  
16 physical or mental impairment.

17 (2) BACKGROUND CHECKS.—The Secretary  
18 shall utilize biometric, biographic, and other appro-  
19 priate data to conduct security and law enforcement  
20 background checks of petitioners to determine  
21 whether there is any criminal, national security, or  
22 other ground that would render the applicant ineli-  
23 gible for special immigrant status under this section.

24 (3) COMPLETION OF BACKGROUND CHECKS.—  
25 The security and law enforcement background

1 checks required under paragraph (2) shall be com-  
2 pleted, to the satisfaction of the Secretary, before  
3 the date on which a petition for special immigrant  
4 status under this section may be approved.

5 **SEC. 2208. CENTRAL AMERICAN FAMILY REUNIFICATION**  
6 **PAROLE PROGRAM.**

7 (a) **ELIGIBILITY.**—

8 (1) **APPLICATION.**—If an assessment under sec-  
9 tion 2205(b) results in a determination that a non-  
10 citizen is eligible for parole in accordance with this  
11 section—

12 (A) the designated processing center may  
13 accept a completed application for parole filed  
14 by the noncitizen, or on behalf of the noncitizen  
15 by a parent or legal guardian; and

16 (B) the Secretary may grant parole under  
17 section 212(d)(5) of the Immigration and Na-  
18 tionality Act (8 U.S.C. 1182(d)(5)) to such  
19 noncitizen.

20 (2) **CRITERIA.**—A noncitizen shall be eligible  
21 for parole under this section if he or she—

22 (A) is a national of El Salvador, of Guate-  
23 mala, of Honduras, or of any other Central  
24 American country whose nationals the Secretary

1           has determined are eligible for parole under this  
2           section;

3           (B) is the beneficiary of an approved immi-  
4           grant visa petition under section 203(a) of the  
5           Immigration and Nationality Act (8 U.S.C.  
6           1153(a)); and

7           (C) an immigrant visa is not immediately  
8           available for the noncitizen, but is expected to  
9           be available within a period designated by the  
10          Secretary.

11       (b) BIOMETRICS AND BACKGROUND CHECKS.—

12           (1) SUBMISSION OF BIOMETRIC AND BIO-  
13           GRAPHIC DATA.—Applicants for parole under this  
14           section shall be required to submit biometric and  
15           biographic data in accordance with procedures estab-  
16           lished by the Secretary. An alternative procedure  
17           shall be provided for applicants who are unable to  
18           provide all required biometric data because of a  
19           physical or mental impairment.

20           (2) BACKGROUND CHECKS.—The Secretary  
21           shall utilize biometric, biographic, and other appro-  
22           priate data to conduct security and law enforcement  
23           background checks of applicants to determine wheth-  
24           er there is any criminal, national security, or other

1 ground that would render the applicant ineligible for  
2 parole under this section.

3 (3) COMPLETION OF BACKGROUND CHECKS.—

4 The security and law enforcement background  
5 checks required under paragraph (2) shall be com-  
6 pleted to the satisfaction of the Secretary before the  
7 date on which an application for parole may be ap-  
8 proved.

9 **SEC. 2209. INFORMATIONAL CAMPAIGN; CASE STATUS HOT-**  
10 **LINE.**

11 (a) INFORMATIONAL CAMPAIGN.—The Secretary  
12 shall implement an informational campaign, in English  
13 and Spanish, in the United States, El Salvador, Guate-  
14 mala, Honduras, and other appropriate Central American  
15 countries to increase awareness of the programs author-  
16 ized under this subtitle.

17 (b) CASE STATUS HOTLINE.—The Secretary shall es-  
18 tablish a case status hotline to provide confidential proc-  
19 essing information on pending cases.

1 **Subtitle C—Managing the Border**  
2 **and Protecting Border Commu-**  
3 **nities**

4 **SEC. 2301. EXPEDITING LEGITIMATE TRADE AND TRAVEL**  
5 **AT PORTS OF ENTRY.**

6 (a) **TECHNOLOGY DEPLOYMENT PLAN.**—The Sec-  
7 retary is authorized to develop and implement a plan to  
8 deploy technology—

9 (1) to expedite the screening of legitimate trade  
10 and travel; and

11 (2) to enhance the ability to identify narcotics  
12 and other contraband, at every land, air, and sea  
13 port of entry.

14 (b) **ELEMENTS.**—The technology deployment plan  
15 developed pursuant to subsection (a) shall include—

16 (1) the specific steps that will be taken to in-  
17 crease the rate of high-throughput scanning of com-  
18 mercial and passenger vehicles and freight rail traf-  
19 fic entering the United States at land ports of entry  
20 and rail-border crossings along the border using  
21 large-scale, nonintrusive inspection systems or simi-  
22 lar technology before primary inspections booths to  
23 enhance border security;

24 (2) a comprehensive description of the tech-  
25 nologies and improvements needed to facilitate legal

1 travel and trade, reduce wait times, and better iden-  
2 tify contraband at land and rail ports of entry, in-  
3 cluding—

4 (A) the specific steps the Secretary will  
5 take to ensure, to the greatest extent prac-  
6 ticable, that high-throughput scanning tech-  
7 nologies are deployed within 5 years at all land  
8 border ports of entry to ensure that all commer-  
9 cial and passenger vehicles and freight rail traf-  
10 fic entering the United States at land ports of  
11 entry and rail-border crossings along the border  
12 undergo pre-primary scanning; and

13 (B) the specific steps the Secretary will  
14 take to increase the amount of cargo that is  
15 subject to nonintrusive inspections systems at  
16 all ports of entry;

17 (3) a comprehensive description of the tech-  
18 nologies and improvements needed to enhance trav-  
19 eler experience, reduce inspection and wait times,  
20 and better identify potential criminals and terrorists  
21 at air ports of entry;

22 (4) a comprehensive description of the tech-  
23 nologies and improvements needed—

24 (A) to enhance the security of maritime  
25 trade;

1 (B) to increase the percent of shipping  
2 containers that are scanned; and

3 (C) to enhance the speed and quality of in-  
4 spections without adversely impacting trade  
5 flows;

6 (5) any projected impacts identified by the  
7 Commissioner of U.S. Customs and Border Protec-  
8 tion regarding—

9 (A) the number of commercial and pas-  
10 senger vehicles and freight rail traffic entering  
11 at land ports of entry and rail-border crossings;

12 (B) where such systems are in use; and

13 (C) the average wait times at peak and  
14 non-peak travel times, by lane type (if applica-  
15 ble), as scanning rates are increased;

16 (6) any projected impacts, as identified by the  
17 Commissioner of U.S. Customs and Border Protec-  
18 tion, regarding border security operations at ports of  
19 entry as a result of implementation actions, includ-  
20 ing any required changes to the number of U.S.  
21 Customs and Border Protection officers or their du-  
22 ties and assignments;

23 (7) any projected impact on—



1 (A) the ability of regular border crossers  
2 and border community residents to cross the  
3 border efficiently; and

4 (B) the privacy and civil liberties of border  
5 community residents (as identified by medical  
6 professionals), border community stakeholders  
7 (including elected officials, educators, and busi-  
8 ness leaders), and civil rights experts;

9 (8) detailed performance measures and bench-  
10 marks that can be used to evaluate how effective  
11 these technologies are in helping to expedite legal  
12 trade and travel while enhancing security at ports of  
13 entry; and

14 (9) the estimated costs and an acquisition plan  
15 for implementing the steps identified in the plan, in-  
16 cluding—

17 (A) achieving pre-primary, high-through-  
18 put scanning at all feasible land and rail ports  
19 of entry within the timeframes specified in  
20 paragraph (1);

21 (B) reducing passenger and pedestrian  
22 wait times;

23 (C) the acquisition, operations, and main-  
24 tenance costs for large-scale, nonintrusive in-

1           specification systems and other technologies identi-  
2           fied in the plan; and

3           (D) associated costs for any necessary in-  
4           frastructure enhancements or configuration  
5           changes at each port of entry.

6           (c) SMALL BUSINESS OPPORTUNITIES.—The acquisi-  
7           tion plan required under subsection (b)(9) shall promote,  
8           to the extent practicable, opportunities for entities that  
9           qualify as small business concerns (as defined under sec-  
10          tion 3(a) of the Small Business Act (15 U.S.C. 632(a))).

11          (d) MODERNIZATION OF PORT OF ENTRY INFRA-  
12          STRUCTURE.—The Secretary is authorized to develop and  
13          implement a plan that—

14               (1) identifies infrastructure improvements at  
15               ports of entry that would—

16                       (A) enhance the ability to process asylum  
17                       seekers;

18                       (B) facilitate daily pedestrian and vehic-  
19                       ular trade and traffic; and

20                       (C) detect, interdict, disrupt, and prevent  
21                       fentanyl, other synthetic opioids, and other nar-  
22                       cotics and psychoactive substances and associ-  
23                       ated contraband from entering the United  
24                       States;

1           (2) describes circumstances in which effective  
2 technology in use at certain ports of entry smart  
3 cannot be implemented at other ports of entry, in-  
4 cluding—

5           (A) infrastructure constraints that would  
6 impact the ability to deploy detection equipment  
7 to improve the ability of such officers to iden-  
8 tify such drugs and other dangers that are  
9 being illegally transported into the United  
10 States; and

11           (B) mitigation measures that could be im-  
12 plemented at these ports of entry; and

13           (3) includes other improvements to infrastruc-  
14 ture and safety equipment that are needed to protect  
15 officers from inclement weather, surveillance by  
16 smugglers, and accidental exposure to narcotics or  
17 other dangers associated with the inspection of po-  
18 tential drug traffickers.

19           (e) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated such funds as may be  
21 necessary to implement the plans required under this sec-  
22 tion.

1 **SEC. 2302. DEPLOYING SMART TECHNOLOGY AT THE**  
2 **SOUTHERN BORDER.**

3 (a) IN GENERAL.—The Secretary is authorized to de-  
4 velop and implement a strategy to manage and secure the  
5 southern border of the United States by deploying smart  
6 technology—

7 (1) to enhance situational awareness along the  
8 border; and

9 (2) to counter transnational criminal networks.

10 (b) CONTENTS.—The smart technology strategy de-  
11 scribed in subsection (a) shall include—

12 (1) a comprehensive assessment of the physical  
13 barriers, levees, technologies, tools, and other devices  
14 that are currently in use along the southern border  
15 of the United States;

16 (2) the deployment of technology between ports  
17 of entry that focuses on flexible solutions that can  
18 expand the ability to detect illicit activity, evaluate  
19 the effectiveness of border security operations, and  
20 be easily relocated, broken out by U.S. Border Pa-  
21 trol sector;

22 (3) the specific steps that may be taken in each  
23 U.S. Border Patrol sector during the next 5 years  
24 to identify technology systems and tools that can  
25 help provide situational awareness of the southern  
26 border;

1           (4) an explanation for why each technology,  
2 tool, or other device was recommended to achieve  
3 and maintain situational awareness of the southern  
4 border, including—

5                   (A) the methodology used to determine  
6 which type of technology, tool, or other device  
7 was recommended;

8                   (B) a specific description of how each tech-  
9 nology will contribute to the goal of evaluating  
10 the performance and identifying the effective-  
11 ness rate of U.S. Border Patrol agents and op-  
12 erations; and

13                   (C) a privacy evaluation of each tech-  
14 nology, tool, or other device that examines their  
15 potential impact on border communities;

16           (5) cost-effectiveness calculations for each tech-  
17 nology, tool, or other device that will be deployed, in-  
18 cluding an analysis of the cost per mile of border  
19 surveillance;

20           (6) a cost justification for each instance a more  
21 expensive technology, tool, or other device is rec-  
22 ommended over a less expensive option in a given  
23 U.S. Border Patrol sector; and

24           (7) performance measures that can be used to  
25 evaluate the effectiveness of each technology de-

1       ployed and of U.S. Border Patrol operations in each  
2       sector.

3       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
4       are authorized to be appropriated such sums as may be  
5       necessary to implement this section.

6       **SEC. 2303. INDEPENDENT OVERSIGHT ON PRIVACY RIGHTS.**

7       The Office of the Inspector General for the Depart-  
8       ment of Homeland Security shall conduct oversight to en-  
9       sure that—

10           (1) the technology used by U.S. Customs and  
11       Border Protection is—

12                   (A) effective in serving a legitimate agency  
13       purpose;

14                   (B) the least intrusive means of serving  
15       such purpose; and

16                   (C) cost effective;

17           (2) guidelines are developed for using such  
18       technology to ensure appropriate limits on data col-  
19       lection, processing, sharing, and retention; and

20           (3) the Department of Homeland Security has  
21       consulted with stakeholders, including affected bor-  
22       der communities, in the development of any plans to  
23       expand technology.

1 **SEC. 2304. TRAINING AND CONTINUING EDUCATION.**

2 (a) MANDATORY TRAINING AND CONTINUING EDU-  
3 CATION TO PROMOTE AGENT AND OFFICER SAFETY AND  
4 PROFESSIONALISM.—The Secretary is authorized to es-  
5 tablish policies and guidelines to ensure that every agent  
6 and officer of U.S. Customs and Border Protection and  
7 U.S. Immigration and Customs Enforcement receives  
8 training upon onboarding regarding accountability, stand-  
9 ards for professional and ethical conduct, and oversight.

10 (b) CURRICULUM.—The training required under sub-  
11 section (a) shall include—

12 (1) best practices in community policing, cul-  
13 tural awareness, and carrying out enforcement ac-  
14 tions near sensitive locations, responding to griev-  
15 ances, and how to refer complaints to the Immigra-  
16 tion Detention Ombudsman;

17 (2) interaction with vulnerable populations; and

18 (3) standards of professional and ethical con-  
19 duct.

20 (c) CONTINUING EDUCATION.—

21 (1) IN GENERAL.—The Secretary shall require  
22 all agents and officers of U.S. Customs and Border  
23 Protection and U.S. Immigration and Customs En-  
24 forcement who are required to undergo training  
25 under subsection (a) to participate in continuing  
26 education.

1           (2) CONSTITUTIONAL AUTHORITY SUBJECT  
2           MATTER.—Continuing education required under  
3           paragraph (1) shall include training regarding—

4                   (A) the protection of the civil, constitu-  
5                   tional, human, and privacy rights of individuals;  
6                   and

7                   (B) use of force policies applicable to  
8                   agents and officers.

9           (3) ADMINISTRATION.—Courses offered as part  
10           of continuing education under this subsection shall  
11           be administered in coordination with the Federal  
12           Law Enforcement Training Centers.

13           (d) MEDICAL TRAINING FOR U.S. BORDER PATROL  
14           AGENTS.—

15                   (1) IN GENERAL.—Section 411 of the Home-  
16                   land Security Act of 2002 (6 U.S.C. 211) is amend-  
17                   ed—

18                           (A) in subsection (l)—

19                                   (i) by striking “The Commissioner”  
20                                   and inserting the following:

21   “(1) CONTINUING EDUCATION.—The Commis-  
22   sioner”; and

23   (ii) by adding at the end the fol-  
24   lowing:



1           “(2) MEDICAL TRAINING FOR U.S. BORDER PA-  
2 TROL AGENTS.—

3           “(A) IN GENERAL.—

4           “(i) AVAILABILITY.—Beginning not  
5 later than 6 months after the date of the  
6 enactment of the U.S. Citizenship Act, the  
7 Commissioner shall make available, in each  
8 U.S. Border Patrol sector, at no cost to  
9 U.S. Border Patrol agents selected for  
10 such training, emergency medical techni-  
11 cian (referred to in this paragraph as  
12 ‘EMT’) and paramedic training, including  
13 pediatric medical training, which shall uti-  
14 lize nationally recognized pediatric training  
15 curricula that includes emergency pediatric  
16 care.

17           “(ii) USE OF OFFICIAL DUTY TIME.—

18 A U.S. Border Patrol agent shall be cred-  
19 ited with work time for any EMT or para-  
20 medic training provided to such agent  
21 under clause (i) in order to achieve or  
22 maintain an EMT or paramedic certifi-  
23 cation.

24           “(iii) OBLIGATED OVERTIME.—A U.S.  
25 Border Patrol agent shall not accrue any

1 debt of obligated overtime hours that the  
2 agent may have incurred, pursuant to sec-  
3 tion 5550(b) of title 5, United States  
4 Code, in order to achieve or maintain a  
5 paramedic certification.

6 “(iv) LODGING AND PER DIEM.—  
7 Lodging and per diem shall be made avail-  
8 able to U.S. Border Patrol agents attend-  
9 ing training described in clause (i) if such  
10 training is not available at a location with-  
11 in commuting distance of the agent’s resi-  
12 dence or worksite.

13 “(v) SERVICE COMMITMENT.—Any  
14 U.S. Border Patrol agent who completes a  
15 certification preparation program pursuant  
16 to clause (i) shall—

17 “(I) complete 1 year of service as  
18 a U.S. Border Patrol agent following  
19 the completion of EMT training;

20 “(II) complete 3 years of service  
21 as a U.S. Border Patrol agent fol-  
22 lowing the completion of paramedic  
23 training; or

1                   “(III) reimburse U.S. Customs  
2                   and Border Protection in an amount  
3                   equal to the product of—

4                           “(aa) the cost of providing  
5                           such training to such agent; mul-  
6                           tiplied by

7                                   “(bb) the percentage of the  
8                                   service required under subclauses  
9                                   (I) and (II) that the agent failed  
10                                  to complete.

11                           “(B) INCREASE IN RATE OF PAY FOR BOR-  
12                           DER PATROL MEDICAL CERTIFICATION.—

13                                   “(i) EMT CERTIFICATION.—A U.S.  
14                                   Border Patrol agent who has completed  
15                                   EMT training pursuant to subparagraph  
16                                   (A)(i) and has a current, State-issued or  
17                                   State-recognized certification as an EMT  
18                                   shall receive, in addition to the pay to  
19                                   which the agent is otherwise entitled under  
20                                   this section, an amount equal to 5 percent  
21                                   of such pay.

22                                   “(ii) PARAMEDIC CERTIFICATION.—A  
23                                   U.S. Border Patrol agent who has com-  
24                                   pleted paramedic training pursuant to sub-  
25                                   paragraph (A)(i) and has a current, State-

1 issued or State-recognized certification as  
2 a paramedic shall receive, in addition to  
3 the pay to which the agent is otherwise en-  
4 titled under this section (except for sub-  
5 paragraph (A)), an amount equal to 10  
6 percent of such pay.

7 “(iii) EXISTING CERTIFICATIONS.—A  
8 U.S. Border Patrol agent who did not par-  
9 ticipate in the training made available pur-  
10 suant to subparagraph (A)(i), but, as of  
11 the date of the enactment of the U.S. Citi-  
12 zenship Act, has a current State-issued or  
13 State-recognized EMT or paramedic cer-  
14 tification, shall receive, in addition to the  
15 pay to which the agent is otherwise enti-  
16 tled under this section (excluding the ap-  
17 plication of clause (i) and (ii)), an amount  
18 equal to—

19 “(I) 5 percent of such pay for an  
20 EMT certification; and

21 “(II) 10 percent of such pay for  
22 a paramedic certification.

23 “(C) AVAILABILITY OF MEDICALLY  
24 TRAINED BORDER PATROL AGENTS.—Not later  
25 than 6 months after the date of the enactment

1 of the U.S. Citizenship Act, the Commissioner  
2 of U.S. Customs and Border Protection shall—

3 “(i) ensure that—

4 “(I) U.S. Border Patrol agents  
5 with current EMT or paramedic cer-  
6 tifications are stationed at each U.S.  
7 Border Patrol sector and remote sta-  
8 tion along the southern border to the  
9 greatest extent possible;

10 “(II) not fewer than 10 percent  
11 of all U.S. Border Patrol agents as-  
12 signed to each U.S. Border Patrol  
13 sector have EMT certifications; and

14 “(III) not fewer than 1 percent  
15 of all U.S. Border Patrol agents as-  
16 signed to each U.S. Border Patrol  
17 sector have paramedic certifications;  
18 and

19 “(ii) in determining the assigned posts  
20 of U.S. Border Patrol agents who have re-  
21 ceived training under subparagraph (A)(i),  
22 give priority to remote stations and for-  
23 ward operating bases.

24 “(D) MEDICAL SUPPLIES.—

1           “(i) MINIMUM LIST.—The Commis-  
2           sioner of U.S. Customs and Border Protec-  
3           tion shall provide minimum medical sup-  
4           plies to each U.S. Border Patrol agent  
5           with an EMT or paramedic certification  
6           and to each U.S. Border Patrol sector, in-  
7           cluding all remote stations and forward op-  
8           erating bases, for use while on patrol, in-  
9           cluding—

10                   “(I) supplies designed for chil-  
11                   dren;

12                   “(II) first aid kits; and

13                   “(III) oral hydration, such as  
14                   water.

15           “(ii) CONSULTATION.—In developing  
16           the minimum list of medical supplies re-  
17           quired under clause (i), the Commissioner  
18           shall consult national organizations with  
19           expertise in emergency medical care, in-  
20           cluding emergency medical care of chil-  
21           dren.

22           “(E) MOTOR VEHICLES.—The Commis-  
23           sioner of U.S. Customs and Border Protection  
24           shall make available appropriate motor vehicles  
25           to U.S. Border Patrol agents with current EMT

1 or paramedic certifications to enable them to  
2 provide necessary emergency medical assistance.

3 “(F) GAO REPORT.—Not later than 3  
4 years after the date of the enactment of the  
5 U.S. Citizenship Act, the Comptroller General  
6 of the United States shall—

7 “(i) review the progress of the U.S.  
8 Customs and Border Protection’s pro-  
9 motion in reaching the goal of up to 10  
10 percent of all U.S. Border Patrol agents  
11 having EMT or paramedic certifications;  
12 and

13 “(ii) provide a recommendation to  
14 Congress as to whether—

15 “(I) the Commissioner of U.S.  
16 Customs and Border Protection has  
17 effectively and vigorously undertaken  
18 an agency-wide effort to encourage  
19 and promote the mandate for medical  
20 training for U.S. Border Patrol  
21 agents under this paragraph;

22 “(II) additional incentive modi-  
23 fications are needed to achieve or  
24 maintain the goal, including pay dif-  
25 ferentials; and

1                   “(III) the 10 percent goal is  
2                   properly scoped to materially con-  
3                   tribute to the preservation of life and  
4                   the effectiveness and efficiency of U.S.  
5                   Border Patrol operations, including  
6                   whether the number is too high or too  
7                   low.”; and

8                   (B) in subsection (r), by striking “section,  
9                   the terms” and inserting the following: “sec-  
10                  tion—

11                  “(1) the term ‘child’ means any individual who  
12                  has not reached 18 years of age; and

13                  “(2) the terms”.

14                  (2) AUTHORIZATION OF APPROPRIATIONS.—  
15                  There are authorized to be appropriated such sums  
16                  as may be necessary to carry out section 411(l)(2)  
17                  of the Homeland Security Act of 2002, as added by  
18                  paragraph (1).

19                  (e) IDENTIFYING AND TREATING INDIVIDUALS EX-  
20                  PERIENCING MEDICAL DISTRESS.—

21                  (1) ONLINE TRAINING.—

22                  (A) IN GENERAL.—Beginning on the date  
23                  that is 90 days after the date of the enactment  
24                  of this Act, the Commissioner of U.S. Customs  
25                  and Border Protection shall require all U.S.



1 Border Patrol agents, including agents with  
2 EMT or paramedic certification, to complete an  
3 online training program that meets nationally  
4 recognized standards for the medical care of  
5 children to enable U.S. Border Patrol agents—

6 (i) to identify common signs of med-  
7 ical distress in children; and

8 (ii) to ensure the timely transport of  
9 sick or injured children to an appropriate  
10 medical provider.

11 (B) CONTRACT.—In developing or selecting  
12 an online training program under subparagraph  
13 (A), the Commissioner may enter into a con-  
14 tract with a national professional medical asso-  
15 ciation of pediatric medical providers.

16 (2) VOICE ACCESS TO MEDICAL PROFES-  
17 SIONALS.—

18 (A) IN GENERAL.—The Commissioner of  
19 U.S. Customs and Border Protection shall en-  
20 sure that all remote U.S. Border Patrol sta-  
21 tions, forward operating bases, and remote  
22 ports of entry along the southern border of the  
23 United States have 24-hour voice access to a  
24 medical command physician whose board certifi-  
25 cation includes the ability to perform this role

1 or a mid-level health care provider with pedi-  
2 atric training for consultations regarding the  
3 medical needs of individuals, including children,  
4 taken into custody near the United States bor-  
5 der.

6 (B) ACCEPTABLE MEANS OF ACCESS.—Ac-  
7 cess under subparagraph (A) may be accom-  
8 plished through mobile phones, satellite mobile  
9 radios, or other means prescribed by the Com-  
10 missioner.

11 (f) COMMERCIAL DRIVER PROGRAM.—

12 (1) ESTABLISHMENT.—The Commissioner of  
13 U.S. Customs and Border Protection shall establish  
14 a program to expedite detainee transport to border  
15 patrol processing facilities by ensuring, beginning  
16 not later than 1 year after the date of the enactment  
17 of this Act, that—

18 (A) not fewer than 300 U.S. Border Patrol  
19 agents assigned to remote U.S. Border Patrol  
20 stations have a commercial driver’s license with  
21 a passenger endorsement for detainee transport;

22 (B) in each of the El Paso, Laredo, Rio  
23 Grande Valley, San Diego, Yuma, and Tucson  
24 U.S. Border Patrol Sectors—

1 (i) not fewer than 5 U.S. Border Pa-  
2 trol agents with a commercial driver's li-  
3 cense are available during every shift; and

4 (ii) not fewer than 3 buses are as-  
5 signed to the sector; and

6 (C) in each of the Big Bend, Del Rio, and  
7 El Centro U.S. Border Patrol Sectors—

8 (i) not fewer than 2 U.S. Border Pa-  
9 trol agents with a commercial driver's li-  
10 cense are available during every shift; and

11 (ii) not fewer than 1 bus is assigned  
12 to the sector.

13 (2) RELOCATION.—Buses assigned to specific  
14 U.S. Border Patrol sectors pursuant to paragraph  
15 (1) may be relocated to other sectors in response to  
16 changing patterns.

17 (3) REDUCING WAIT TIMES AT REMOTE U.S.  
18 BORDER PATROL STATIONS.—The Commissioner of  
19 U.S. Customs and Border Protection shall ensure  
20 that sufficient buses are available in each U.S. Bor-  
21 der Patrol sector to avoid subjecting detainees to  
22 long wait times at remote border patrol stations.

23 (4) USE OF OFFICIAL DUTY TIME.—A U.S.  
24 Border Patrol agent shall be credited with work time

1 for the process of obtaining and maintaining a com-  
2 mercial driver's license under paragraph (1).

3 (5) REPORTS TO CONGRESS.—The Secretary  
4 shall submit quarterly reports regarding the average  
5 length of detainees' stay at U.S. Border Patrol sta-  
6 tions to—

7 (A) the Committee on Homeland Security  
8 and Governmental Affairs of the Senate; and

9 (B) the Committee on Homeland Security  
10 of the House of Representatives.

11 **SEC. 2305. GAO STUDY OF WAIVER OF ENVIRONMENTAL**  
12 **AND OTHER LAWS.**

13 The Comptroller General of the United States shall  
14 study the impact of the authority of the Secretary, under  
15 section 102(c) of the Illegal Immigration Reform and Im-  
16 migrant Responsibility Act of 1996 (Division C of Public  
17 Law 104–208; 8 U.S.C. 1103 note), to waive otherwise  
18 applicable legal requirements to expedite the construction  
19 of barriers and roads near United States borders, includ-  
20 ing the impact of such waiver on the environment, Indian  
21 lands, and border communities.

1 **SEC. 2306. ESTABLISHMENT OF BORDER COMMUNITY**  
2 **STAKEHOLDER ADVISORY COMMITTEE.**

3 (a) IN GENERAL.—Subtitle B of title IV of the  
4 Homeland Security Act of 2002 (6 U.S.C. 211 et seq.)  
5 is amended by inserting after section 415 the following:

6 **“SEC. 416. BORDER COMMUNITY STAKEHOLDER ADVISORY**  
7 **COMMITTEE.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ADVISORY COMMITTEE.—The term ‘Advi-  
10 sory Committee’ means the Border Community  
11 Stakeholder Advisory committee established pursu-  
12 ant to subsection (b).

13 “(2) BORDER COMMUNITY STAKEHOLDER.—  
14 The term ‘border community stakeholder’ means an  
15 individual who has ownership interests or resides  
16 near an international land border of the United  
17 States, including—

18 “(A) an individual who owns land within  
19 10 miles of an international land border of the  
20 United States;

21 “(B) a business leader of a company oper-  
22 ating within 100 miles of a land border of the  
23 United States;

24 “(C) a local official from a community on  
25 a land border of the United States;

1           “(D) a representative of an Indian Tribe  
2           possessing Tribal lands on a land border of the  
3           United States; and

4           “(E) a representative of a human rights or  
5           civil rights organization operating near a land  
6           border of the United States.

7           “(b) ESTABLISHMENT.—The Secretary shall estab-  
8           lish, within the Department, the Border Community  
9           Stakeholder Advisory Committee.

10          “(c) DUTIES.—

11           “(1) IN GENERAL.—The Secretary shall consult  
12           with the Advisory Committee, as appropriate, re-  
13           garding border security and immigration enforce-  
14           ment matters, including on the development, refine-  
15           ment, and implementation of policies, protocols, pro-  
16           grams, and rulemaking pertaining to border security  
17           and immigration enforcement that may impact bor-  
18           der communities.

19           “(2) RECOMMENDATIONS.—The Advisory Com-  
20           mittee shall develop, at the request of the Secretary,  
21           recommendations regarding policies, protocols, pro-  
22           grams, and rulemaking pertaining to border security  
23           and immigration enforcement that may impact bor-  
24           der communities.

25          “(d) MEMBERSHIP.—

1 “(1) APPOINTMENT.—

2 “(A) IN GENERAL.—The Secretary shall  
3 appoint the members of the Advisory Com-  
4 mittee.

5 “(B) COMPOSITION.—The Advisory Com-  
6 mittee shall be composed of—

7 “(i) 1 border community stakeholder  
8 from each of the 9 U.S. Border Patrol sec-  
9 tors; and

10 “(ii) 3 individuals with significant ex-  
11 pertise and experience in immigration law,  
12 civil rights, and civil liberties, particularly  
13 relating to the interests of residents of bor-  
14 der communities.

15 “(2) TERM OF OFFICE.—

16 “(A) TERMS.—The term of each member  
17 of the Advisory Committee shall be 2 years.  
18 The Secretary may reappoint members for addi-  
19 tional terms.

20 “(B) REMOVAL.—The Secretary may re-  
21 view the participation of a member of the Advi-  
22 sory Committee and remove such member for  
23 cause at any time.

24 “(3) PROHIBITION ON COMPENSATION.—The  
25 members of the Advisory Committee may not receive

1 pay, allowances, or benefits from the Federal Gov-  
2 ernment by reason of their service on the Advisory  
3 Committee.

4 “(4) MEETINGS.—

5 “(A) IN GENERAL.—The Secretary shall  
6 require the Advisory Committee to meet at least  
7 semiannually and may convene additional meet-  
8 ings as necessary.

9 “(B) PUBLIC MEETINGS.—At least 1 of  
10 the meetings described in subparagraph (A)  
11 shall be open to the public.

12 “(C) ATTENDANCE.—The Advisory Com-  
13 mittee shall maintain a record of the persons  
14 present at each meeting.

15 “(5) MEMBER ACCESS TO SENSITIVE SECURITY  
16 INFORMATION.—

17 “(A) ACCESS.—If the Secretary determines  
18 that there is no cause to restrict a member of  
19 the Advisory Committee from possessing sen-  
20 sitive security information, the member may be  
21 granted access to such information that is rel-  
22 evant to the member’s advisory duties after vol-  
23 untarily signing a nondisclosure agreement.

24 “(B) RESTRICTIONS ON USE.—The mem-  
25 ber shall protect the sensitive security informa-



1           tion referred to in subparagraph (A) in accord-  
2           ance with part 1520 of title 49, Code of Fed-  
3           eral Regulations.

4           “(6) CHAIRPERSON.—A stakeholder representa-  
5           tive on the Advisory Committee who is elected by the  
6           appointed membership of the Advisory Committee  
7           shall chair the Advisory Committee.

8           “(e) NONAPPLICABILITY OF FACA.—The Federal  
9           Advisory Committee Act (5 U.S.C. App.) shall not apply  
10          to the Advisory Committee or any of its subcommittees.”.

11          (b) APPROPRIATIONS.—There are authorized to be  
12          appropriated such sums as may be necessary to implement  
13          this section.

14          (c) CLERICAL AMENDMENT.—The table of contents  
15          in section 1(b) of the Homeland Security Act of 2002  
16          (Public Law 107–296) is amended by inserting after the  
17          item relating to section 415 the following:

          “Sec. 416. Border Community Stakeholder Advisory Committee.”.

18       **SEC. 2307. RESCUE BEACONS.**

19          Section 411(o) of the Homeland Security Act of 2002  
20          (6 U.S.C. 211(o)) is amended by adding at the end the  
21          following:

22               “(3) RESCUE BEACONS.—Beginning on October  
23               1, 2021, in carrying out subsection (c)(8), the Com-  
24               missioner shall purchase, deploy, and maintain addi-  
25               tional self-powering, 9–1–1 cellular relay rescue bea-

1       cons along the southern border of the United States  
2       at appropriate locations, as determined by the Com-  
3       missioner, to effectively mitigate migrant deaths.”.

4 **SEC. 2308. USE OF FORCE.**

5       (a) DEPARTMENT OF HOMELAND SECURITY POLI-  
6       CIES.—

7           (1) ISSUANCE.—The Secretary, in coordination  
8       with the Assistant Attorney General for the Civil  
9       Rights, shall issue policies governing the use of force  
10      by all Department of Homeland Security personnel.

11          (2) CONSULTATION REQUIREMENT.—In devel-  
12      oping policies pursuant to paragraph (1), the Sec-  
13      retary shall consult with law enforcement and civil  
14      rights organizations to ensure that such policies—

15           (A) focus law enforcement efforts and tac-  
16      tics on protecting public safety and national se-  
17      curity that are consistent with our Nation’s val-  
18      ues; and

19           (B) leverage best practices and technology  
20      to provide such protection.

21      (b) PUBLIC REPORTING.—Not later than 24 hours  
22      after any use-of-force incident that results in serious in-  
23      jury to, or the death of, an officer, agent, or member of  
24      the public, the Secretary shall—

25           (1) make the facts of such incident public; and

1 (2) comply fully with the requirements set forth  
2 in section 3 of the Death in Custody Reporting Act  
3 of 2013 (42 U.S.C. 13727a).

4 **SEC. 2309. OFFICE OF PROFESSIONAL RESPONSIBILITY.**

5 (a) IN GENERAL.—The Commissioner of U.S. Cus-  
6 toms and Border Protection shall hire, train, and assign  
7 sufficient Office of Professional Responsibility special  
8 agents to ensure that there is 1 such special agent for  
9 every 30 officers to investigate criminal and administrative  
10 matters and misconduct by officers and other employees  
11 of U.S. Customs and Border Protection.

12 (b) CONTRACTS.—The Commissioner is authorized to  
13 enter into such contracts as may be necessary to carry  
14 out this section.

15 **Subtitle D—Improving Border In-**  
16 **frastructure for Families and**  
17 **Children; Cracking Down on**  
18 **Criminal Organizations**

19 **SEC. 2401. HUMANITARIAN AND MEDICAL STANDARDS FOR**  
20 **INDIVIDUALS IN U.S. CUSTOMS AND BORDER**  
21 **PROTECTION CUSTODY.**

22 (a) IN GENERAL.—The Secretary, in coordination  
23 with the Secretary of Health and Human Services, and  
24 in consultation with nongovernmental experts in the deliv-  
25 ery of humanitarian response and health care, shall de-

1 velop guidelines and protocols for basic minimum stand-  
2 ards of care for individuals in the custody of U.S. Customs  
3 and Border Protection.

4 (b) ISSUES ADDRESSED.—The guidelines and proto-  
5 cols described in subsection (a) shall ensure that the staff-  
6 ing, physical facilities, furnishings, and supplies are ade-  
7 quate to provide each detainee with appropriate—

8 (1) medical care, including initial health  
9 screenings and medical assessments;

10 (2) water, sanitation, and hygiene;

11 (3) food and nutrition;

12 (4) clothing and shelter;

13 (5) quiet, dimly illuminated sleeping quarters if  
14 he or she is detained overnight;

15 (6) information about available services and  
16 legal rights, in the common language spoken by the  
17 detainee, and access to a telephone; and

18 (7) freedom to practice the detainee's religion.

19 **SEC. 2402. CHILD WELFARE AT THE BORDER.**

20 (a) GUIDELINES.—The Secretary, in consultation  
21 with appropriate Federal, State, and local government of-  
22 ficials, pediatricians, and child welfare experts and private  
23 sector agencies, shall develop additional guidelines for the  
24 treatment of children in the custody of U.S. Customs and  
25 Border Protection.

1 (b) GUIDING PRINCIPLE.—The guiding principle of  
2 the guidelines developed pursuant to subsection (a) shall  
3 be “the best interest of the child” and shall include—

4 (1) appropriate training for all Department of  
5 Homeland Security personnel and cooperating entity  
6 personnel who have contact with children relating to  
7 the care and custody of children;

8 (2) ensuring the availability of qualified child  
9 welfare professionals and licensed medical profes-  
10 sionals, as appropriate;

11 (3) a reliable system for identifying and report-  
12 ing allegations of child abuse or neglect;

13 (4) prohibiting the removal of a child from a  
14 parent or legal guardian for the purpose of deterring  
15 individuals from migrating to the United States or  
16 promoting compliance with the United States immi-  
17 gration laws;

18 (5) reasonable arrangements for unannounced  
19 visits and inspections by the Office of Inspector Gen-  
20 eral of the Department of Homeland Security, non-  
21 governmental organizations, and State and local  
22 child welfare agencies; and

23 (6) the preservation of all records associated  
24 with children in the custody of the Department of  
25 Homeland Security, including records of—

1 (A) the identities of the children;

2 (B) any known family members of the chil-  
3 dren; and

4 (C) reported incidents of abuse of the chil-  
5 dren while in custody.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated such sums as may be  
8 necessary to implement this section.

9 **SEC. 2403. OFFICE OF INSPECTOR GENERAL OVERSIGHT.**

10 Not later than 6 months after the date of the enact-  
11 ment of this Act and every 6 months thereafter, the In-  
12 spector General of the Department of Homeland Security,  
13 in coordination with the Secretary of Health and Human  
14 Services, shall submit a report to the appropriate congres-  
15 sional committees regarding—

16 (1) the status of the implementation of sections  
17 2401 and 2402; and

18 (2) findings made after announced and unan-  
19 nounced inspections to Department of Homeland Se-  
20 curity facilities.

21 **SEC. 2404. ENHANCED INVESTIGATION AND PROSECUTION**  
22 **OF HUMAN SMUGGLING NETWORKS AND**  
23 **TRAFFICKING ORGANIZATIONS.**

24 The Attorney General and the Secretary shall expand  
25 collaboration on the investigation and prosecution of

1 human smuggling networks and trafficking organizations  
2 targeting migrants, asylum seekers, and unaccompanied  
3 children and operating at the southwestern border of the  
4 United States, including the continuation and expansion  
5 of anti-trafficking coordination teams.

6 **SEC. 2405. ENHANCED PENALTIES FOR ORGANIZED SMUG-**  
7 **GLING SCHEMES.**

8 (a) IN GENERAL.—Section 274(a)(1)(B) of the Im-  
9 migration and Nationality Act (8 U.S.C. 1324(a)(1)(B))  
10 is amended—

11 (1) by redesignating clauses (iii) and (iv) as  
12 clauses (iv) and (v), respectively;

13 (2) by inserting after clause (ii) the following:

14 “(iii) in the case of a violation of subparagraph  
15 (A)(i) during and in relation to which the person,  
16 while acting for profit or other financial gain, know-  
17 ingly directs or participates in a scheme to cause 10  
18 or more persons (other than a parent, spouse, sib-  
19 ling, son or daughter, grandparent, or grandchild of  
20 the offender) to enter or to attempt to enter the  
21 United States at the same time at a place other  
22 than a designated port of entry or place other than  
23 designated by the Secretary, be fined under title 18,  
24 United States Code, imprisoned not more than 15  
25 years, or both;” and

1           (3) in clause (iv), as redesignated, by inserting  
2           “commits or attempts to commit sexual assault of,”  
3           after “section 1365 of title 18, United States Code)  
4           to,”.

5           (b) BULK CASH SMUGGLING.—Section 5332(b)(1) of  
6 title 31, United States Code, is amended—

7           (1) in the paragraph heading, by striking  
8           “TERM OF IMPRISONMENT.—” and inserting “IN  
9           GENERAL.—”; and

10           (2) by inserting “, fined under title 18, or  
11           both” after “5 years”.

12 **SEC. 2406. EXPANDING FINANCIAL SANCTIONS ON NAR-**  
13 **COTICS TRAFFICKING AND MONEY LAUN-**  
14 **DERING.**

15           (a) FINANCIAL SANCTIONS EXPANSION.—The Sec-  
16 retary of the Treasury, the Attorney General, the Sec-  
17 retary of State, the Secretary of Defense, and the Director  
18 of Central Intelligence shall expand investigations, intel-  
19 ligence collection, and analysis pursuant to the Foreign  
20 Narcotics Kingpin Designation Act (21 U.S.C. 1901 et  
21 seq.) to increase the identification and application of sanc-  
22 tions against—

23           (1) significant foreign narcotics traffickers and  
24           their organizations and networks; and





1           (1) expanding transnational criminal investiga-  
2           tions focused on criminal gangs in identified coun-  
3           tries, such as MS-13 and 18th Street;

4           (2) expanding training and partnership efforts  
5           with law enforcement entities in identified countries  
6           to disrupt and dismantle criminal gangs, both inter-  
7           nationally and in their respective countries;

8           (3) establishing or expanding gang-related in-  
9           vestigative units;

10          (4) collecting and disseminating intelligence to  
11          support related United States-based investigations;  
12          and

13          (5) expanding programming related to gang  
14          intervention and prevention for at-risk youth.

15 **SEC. 2408. HINDERING IMMIGRATION, BORDER, AND CUS-**  
16 **TOMS CONTROLS.**

17          (a) PERSONNEL AND STRUCTURES.—Title II of the  
18 Immigration and Nationality Act (8 U.S.C. 1151 et seq.)  
19 is amended by inserting after section 274D the following:

20 **“SEC. 274E. HINDERING IMMIGRATION, BORDER, AND CUS-**  
21 **TOMS CONTROLS.**

22          “(a) ILLICIT SPOTTING.—

23                 “(1) IN GENERAL.—It shall be unlawful to  
24                 knowingly surveil, track, monitor, or transmit the lo-  
25                 cation, movement, or activities of any officer or em-

1 ployee of a Federal, State, or Tribal law enforce-  
 2 ment agency with the intent—

3 “(A) to gain financially; and

4 “(B) to violate—

5 “(i) the immigration laws;

6 “(ii) the customs and trade laws of  
 7 the United States (as defined in section  
 8 2(4) of the Trade Facilitation and Trade  
 9 Enforcement Act of 2015 (Public Law  
 10 114–125));

11 “(iii) any other Federal law relating  
 12 to transporting controlled substances, agri-  
 13 culture, or monetary instruments into the  
 14 United States; or

15 “(iv) any Federal law relating to bor-  
 16 der controls measures of the United  
 17 States.

18 “(2) PENALTY.—Any person who violates para-  
 19 graph (1) shall be fined under title 18, United  
 20 States Code, imprisoned for not more than 5 years,  
 21 or both.

22 “(b) DESTRUCTION OF UNITED STATES BORDER  
 23 CONTROLS.—

24 “(1) IN GENERAL.—It shall be unlawful to  
 25 knowingly and without lawful authorization—

1           “(A) destroy or significantly damage any  
2 fence, barrier, sensor, camera, or other physical  
3 or electronic device deployed by the Federal  
4 Government to control an international border  
5 of, or a port of entry to, the United States; or

6           “(B) otherwise construct, excavate, or  
7 make any structure intended to defeat, cir-  
8 cumvent or evade such a fence, barrier, sensor  
9 camera, or other physical or electronic device  
10 deployed by the Federal Government to control  
11 an international border of, or a port of entry to,  
12 the United States.

13           “(2) PENALTY.—Any person who violates para-  
14 graph (1) shall be fined under title 18, United  
15 States Code, imprisoned for not more than 5 years,  
16 or both.”.

17           (b) CLERICAL AMENDMENT.—The table of contents  
18 of the Immigration and Nationality Act (8 U.S.C. 1101  
19 et seq.) is amended by inserting after the item relating  
20 to section 274D the following:

“Sec. 274E. Hindering immigration, border, and customs controls.”.

1       **TITLE III—REFORM OF THE**  
2       **IMMIGRANT VISA SYSTEM**  
3       **Subtitle A—Promoting Family**  
4       **Reunification**

5       **SEC. 3101. RECAPTURE OF IMMIGRANT VISAS LOST TO BU-**  
6       **REAUCRATIC DELAY.**

7       (a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-  
8       MIGRANTS.—Section 201(c) of the Immigration and Na-  
9       tionality Act (8 U.S.C. 1151(c)) is amended to read as  
10      follows:

11      “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED  
12      IMMIGRANTS.—

13           “(1) IN GENERAL.—The worldwide level of fam-  
14      ily-sponsored immigrants under this subsection for a  
15      fiscal year is equal to the sum of—

16           “(A) 480,000;

17           “(B) the number computed under para-  
18      graph (2); and

19           “(C) the number computed under para-  
20      graph (3).

21      “(2) UNUSED VISA NUMBERS FROM PREVIOUS  
22      FISCAL YEAR.—The number computed under this  
23      paragraph for a fiscal year is the difference, if any,  
24      between—

1           “(A) the worldwide level of employment-  
2           based immigrant visas established for the pre-  
3           vious fiscal year; and

4           “(B) the number of visas issued under sec-  
5           tion 203(b) during the previous fiscal year.

6           “(3) UNUSED VISA NUMBERS FROM FISCAL  
7           YEARS 1992 THROUGH 2020.—The number computed  
8           under this paragraph is the difference, if any, be-  
9           tween—

10           “(A) the difference, if any, between—

11           “(i) the sum of the worldwide levels of  
12           family-sponsored immigrant visas estab-  
13           lished for fiscal years 1992 through 2020;  
14           and

15           “(ii) the number of visas issued under  
16           section 203(a) during such fiscal years;  
17           and

18           “(B) the number of visas resulting from  
19           the calculation under subparagraph (A) that  
20           were issued after fiscal year 2020 under section  
21           203(a).”.

22           (b) WORLDWIDE LEVEL OF EMPLOYMENT-BASED  
23           IMMIGRANTS.—Section 201(d) of the Immigration and  
24           Nationality Act (8 U.S.C. 1151(d)) is amended to read  
25           as follows:

1       “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED  
2 IMMIGRANTS.—

3           “(1) IN GENERAL.—The worldwide level of em-  
4       ployment-based immigrants under this subsection for  
5       a fiscal year is equal to the sum of—

6           “(A) 170,000;

7           “(B) the number computed under para-  
8       graph (2); and

9           “(C) the number computed under para-  
10       graph (3).

11       “(2) UNUSED VISA NUMBERS FROM PREVIOUS  
12       FISCAL YEAR.—The number computed under this  
13       paragraph for a fiscal year is the difference, if any,  
14       between—

15           “(A) the worldwide level of family-spon-  
16       sored immigrant visas established for the pre-  
17       vious fiscal year; and

18           “(B) the number of visas issued under sec-  
19       tion 203(a) during the previous fiscal year.

20       “(3) UNUSED VISA NUMBERS FROM FISCAL  
21       YEARS 1992 THROUGH 2020.—The number computed  
22       under this paragraph is the difference, if any, be-  
23       tween—

24           “(A) the difference, if any, between—

1           “(i) the sum of the worldwide levels of  
2           employment-based immigrant visas estab-  
3           lished for each of fiscal years 1992  
4           through 2020; and

5           “(ii) the number of visas issued under  
6           section 203(b) during such fiscal years;  
7           and

8           “(B) the number of visas resulting from  
9           the calculation under subparagraph (A) that  
10          were issued after fiscal year 2020 under section  
11          203(b).”.

12          (c) EFFECTIVE DATE.—The amendments made by  
13          this section shall apply to each fiscal year beginning with  
14          fiscal year 2022.

15      **SEC. 3102. RECLASSIFICATION OF SPOUSES AND MINOR**  
16                                    **CHILDREN OF LAWFUL PERMANENT RESI-**  
17                                    **DENTS AS IMMEDIATE RELATIVES.**

18          (a) IN GENERAL.—Section 201(b)(2) of the Immi-  
19          gration and Nationality Act (8 U.S.C. 1151(b)(2)) is  
20          amended to read as follows:

21                           “(2) IMMEDIATE RELATIVES.—

22                                   “(A) IN GENERAL.—

23   “(i) IMMEDIATE RELATIVE DE-  
24   FINED.—In this Act, the term ‘immediate  
25   relative’ includes—



1           “(I) a child, spouse, and parent  
2           of a citizen of the United States, ex-  
3           cept that, in the case of parents, such  
4           citizen of the United States shall be  
5           at least 21 years of age;

6           “(II) a child or spouse of a law-  
7           ful permanent resident; and

8           “(III) for each family member of  
9           a citizen of the United States or law-  
10          ful permanent resident described in  
11          subclauses (I) and (II), the family  
12          member’s spouse or child who is ac-  
13          companying or following to join the  
14          family member.

15          “(ii) PREVIOUSLY ISSUED VISA.—A  
16          noncitizen admitted under section 211(a)  
17          on the basis of a prior issuance of a visa  
18          under section 203(a) to his or her imme-  
19          diate relative accompanying parent is an  
20          immediate relative.

21          “(iii) PARENTS AND CHILDREN.—A  
22          noncitizen who was the child or parent of  
23          a citizen of the United States or a child of  
24          a lawful permanent resident on the date of  
25          the death of the United States citizen or

1 lawful permanent resident is an immediate  
2 relative if the noncitizen files a petition  
3 under section 204(a)(1)(A)(ii) not later  
4 than 2 years after such date or before at-  
5 taining 21 years of age.

6 “(iv) SPOUSES.—A noncitizen who  
7 was the spouse of a citizen of the United  
8 States or lawful permanent resident for  
9 not less than 2 years on the date of death  
10 of the United States citizen or lawful per-  
11 manent resident (or, if married for less  
12 than 2 years on such date, proves by a pre-  
13 ponderance of the evidence that the mar-  
14 riage was entered into in good faith and  
15 not solely for the purpose of obtaining an  
16 immigration benefit and the noncitizen was  
17 not legally separated from the citizen of  
18 the United States or lawful permanent  
19 resident on such date) and each child of  
20 such noncitizen shall be considered, for  
21 purposes of this subsection, an immediate  
22 relative after such date if the spouse files  
23 a petition under section 204(a)(1)(A)(ii)  
24 before the date on which the spouse remar-  
25 ries.

1                   “(v) SPECIAL RULE.—For purposes of  
2                   this subparagraph, a noncitizen who has  
3                   filed a petition under clause (iii) or (iv) of  
4                   section 204(a)(1)(A) remains an immediate  
5                   relative if the United States citizen or law-  
6                   ful permanent resident spouse or parent  
7                   loses United States citizenship or lawful  
8                   permanent residence on account of the  
9                   abuse.

10                   “(B) BIRTH DURING TEMPORARY VISIT  
11                   ABROAD.—A noncitizen born to a lawful perma-  
12                   nent resident during a temporary visit abroad is  
13                   an immediate relative.”.

14                   (b) ALLOCATION OF IMMIGRANT VISAS.—Section  
15                   203(a) of the Immigration and Nationality Act (8 U.S.C.  
16                   1153(a)) is amended—

17                   (1) in paragraph (1), by striking “23,400” and  
18                   inserting “26.5 percent of such worldwide level”;

19                   (2) by striking paragraph (2) and inserting the  
20                   following:

21                   “(2) UNMARRIED SONS AND UNMARRIED  
22                   DAUGHTERS OF LAWFUL PERMANENT RESIDENTS.—  
23                   Qualified immigrants who are the unmarried sons or  
24                   unmarried daughters (but are not the children) of  
25                   lawful permanent residents shall be allocated visas in

1 a number not to exceed 16.8 percent of such world-  
2 wide level, plus any visas not required for the class  
3 specified in paragraph (1).”;

4 (3) in paragraph (3), by striking “23,400” and  
5 inserting “16.8 percent of such worldwide level”;  
6 and

7 (4) in paragraph (4), by striking “65,000” and  
8 inserting “39.9 percent of such worldwide level”.

9 (c) CONFORMING AMENDMENTS.—

10 (1) RULES FOR DETERMINING WHETHER CER-  
11 TAIN NONCITIZENS ARE IMMEDIATE RELATIVES.—  
12 Section 201(f) of the Immigration and Nationality  
13 Act (8 U.S.C. 1151(f)) is amended—

14 (A) in paragraph (1), by striking “para-  
15 graphs (2) and (3),” and inserting “paragraph  
16 (2),”;

17 (B) by striking paragraph (2);

18 (C) by redesignating paragraphs (3) and  
19 (4) as paragraphs (2) and (3), respectively; and

20 (D) in paragraph (3), as redesignated by  
21 subparagraph (C), by striking “through (3)”  
22 and inserting “and (2)”.

23 (2) ALLOCATION OF IMMIGRATION VISAS.—Sec-  
24 tion 203(h) of the Immigration and Nationality Act  
25 (8 U.S.C. 1153(h)) is amended—

1 (A) in paragraph (1)—

2 (i) in the matter preceding subpara-  
3 graph (A), by striking “subsections  
4 (a)(2)(A) and (d)” and inserting “sub-  
5 section (d)”;

6 (ii) in subparagraph (A), by striking  
7 “becomes available for such noncitizen (or,  
8 in the case of subsection (d), the date on  
9 which an immigrant visa number became  
10 available for the noncitizen’s parent),” and  
11 inserting “became available for the nonciti-  
12 zen’s parent,”; and

13 (iii) in subparagraph (B), by striking  
14 “applicable”;

15 (B) by amending paragraph (2) to read as  
16 follows:

17 “(2) PETITION DESCRIBED.—The petition de-  
18 scribed in this paragraph is a petition filed under  
19 section 204 for classification of a noncitizen’s parent  
20 under subsection (a), (b), or (c).”; and

21 (C) in paragraph (3), by striking “sub-  
22 sections (a)(2)(A) and (d)” and inserting “sub-  
23 section (d)”.

1           (3) PROCEDURE FOR GRANTING IMMIGRANT  
2 STATUS.—Section 204 of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1154) is amended—

4           (A) in subsection (a)(1)—

5           (i) in subparagraph (A)—

6           (I) in clause (i), by inserting “or  
7 lawful permanent resident” after “cit-  
8 izen of the United States”;

9           (II) in clause (ii), by striking  
10 “described in the second sentence of  
11 section 201(b)(2)(A)(i) also” and in-  
12 serting “, noncitizen child, or noncit-  
13 izen parent described in section  
14 201(b)(2)(A)”;

15          (III) in clause (iii)—

16          (aa) in subclause (I)(aa), by  
17 inserting “or lawful permanent  
18 resident” after “citizen”; and

19          (bb) in subclause (II)(aa)—

20           (AA) in subitems (AA)  
21 and (BB), by inserting “or  
22 lawful permanent resident;”  
23 after “citizen of the United  
24 States” each place it ap-  
25 pears; and

1 (BB) in subitem (CC),  
2 by inserting “or lawful per-  
3 manent resident” after  
4 “United States citizen” each  
5 place it appears and by in-  
6 sserting “or lawful perma-  
7 nent resident” after “citi-  
8 zenship”;

9 (IV) in clause (iv)—

10 (aa) by striking “citizen of  
11 the United States” and inserting  
12 “United States citizen or lawful  
13 permanent resident parent”;

14 (bb) by inserting “or lawful  
15 permanent resident” after  
16 “United States citizen”;

17 (cc) by inserting “or lawful  
18 permanent resident” after “citi-  
19 zenship”;

20 (dd) by striking “citizen  
21 parent may” and inserting  
22 “United States citizen or lawful  
23 permanent resident parent may”;

24 (ee) by striking “citizen par-  
25 ent.” and inserting “United

1 States citizen or lawful perma-  
2 nent resident parent.”; and

3 (ff) by striking “residence  
4 includes” and inserting “resi-  
5 dence with a parent includes”;

6 (V) in clause (v)(I), by inserting  
7 “or lawful permanent resident” after  
8 “citizen”;

9 (VI) in clause (vi)—

10 (aa) by inserting “or lawful  
11 permanent resident status” after  
12 “renunciation of citizenship”;  
13 and

14 (bb) by inserting “or lawful  
15 permanent resident” after “abus-  
16 er’s citizenship”; and

17 (VII) in clause (viii)(I)—

18 (aa) by striking “citizen of  
19 the United States” and inserting  
20 “United States citizen or lawful  
21 permanent resident”; and

22 (bb) by inserting “or lawful  
23 permanent resident” after “the  
24 citizen”;

25 (ii) by striking subparagraph (B);



1 (iii) in subparagraph (C), by striking  
2 “subparagraph (A)(iii), (A)(iv), (B)(ii), or  
3 (B)(iii)” and inserting “clause (iii) or (iv)  
4 of subparagraph (A)”;

5 (iv) in subparagraph (D)—

6 (I) in clause (i)(I), by striking  
7 “clause (iv) of section 204(a)(1)(A) or  
8 section 204(a)(1)(B)(iii)” each place  
9 it appears and inserting “subpara-  
10 graph (A)(iv)”;

11 (II) in clause (ii), by striking  
12 “subparagraph (A)(iii), (A)(iv), (B)(ii)  
13 or (B)(iii)” and inserting “clause (iii)  
14 or (iv) of subparagraph (A)”;

15 (III) in clause (iv), by striking  
16 “subparagraph (A)(iii), (A)(iv),  
17 (B)(ii), or (B)(iii)” and inserting  
18 “clause (iii) or (iv) of subparagraph  
19 (A)”;

20 (IV) in clause (v), by striking “or  
21 (B)(iii)”;

22 (v) in subparagraph (J)—

23 (I) by striking “or clause (ii) or  
24 (iii) of subparagraph (B)”;

1 (II) by striking “subparagraphs  
2 (C) and (D)” and inserting “subpara-  
3 graphs (B) and (C)”; and  
4 (vi) by redesignating subparagraphs  
5 (C) through (L) as subparagraphs (B)  
6 through (K), respectively;  
7 (B) in subsection (a), by striking para-  
8 graph (2);  
9 (C) in subsection (h)—  
10 (i) in the first sentence, by striking  
11 “or a petition filed under subsection  
12 (a)(1)(B)(ii) pursuant to conditions de-  
13 scribed in subsection (a)(1)(A)(iii)(1)”;  
14 and  
15 (ii) in the second sentence—  
16 (I) by striking “section  
17 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii)”  
18 and inserting “subsection  
19 (a)(1)(A)(iii)”; and  
20 (II) by striking “section  
21 204(a)(1)(A) or in section  
22 204(a)(1)(B)(iii)” and inserting “sub-  
23 section (a)(1)(A)”;

1 (D) in subsection (i)(1), by striking “sub-  
2 section (a)(4)(D)” and inserting “subsection  
3 (a)(1)(D)”;

4 (E) in subsection (j), by striking “sub-  
5 section (a)(1)(D)” and inserting “subsection  
6 (a)(1)(E)”;

7 (F) in subsection l(1)—

8 (i) by striking “who resided in the  
9 United States at the time of the death of  
10 the qualifying relative and who continues  
11 to reside in the United States”;

12 (ii) by striking “any related applica-  
13 tions,” and inserting “any related applica-  
14 tions (including affidavits of support),”.

15 (4) ADDITIONAL CONFORMING AMENDMENTS.—

16 (A) Section 101(a) of the Immigration and  
17 Nationality Act (8 U.S.C. 1101(a)) is amend-  
18 ed—

19 (i) in paragraph (50), by striking “,  
20 204(a)(1)(B)(ii)(II)(aa)(BB),”;

21 (ii) in paragraph (51)—

22 (I) by striking subparagraph (B);

23 and

1 (II) by redesignating subpara-  
2 graphs (C) through (G) as subpara-  
3 graphs (B) through (F), respectively.

4 (B) Section 212(a)(4)(C)(i) of the Immi-  
5 gration and Nationality Act (8 U.S.C.  
6 1182(a)(4)(C)(i)) is amended—

7 (i) by striking subclause (II); and

8 (ii) by redesignating subclause (III) as  
9 subclause (II).

10 (C) Section 240(c)(7)(C)(iv)(I) of the Im-  
11 migration and Nationality Act (8 U.S.C.  
12 1229a(c)(7)(C)(iv)(I)) is amended by striking “,  
13 clause (ii) or (iii) of section 204(a)(1)(B),”.

14 **SEC. 3103. ADJUSTMENT OF FAMILY-SPONSORED PER-**  
15 **COUNTRY LIMITS.**

16 Section 202(a) of the Immigration and Nationality  
17 Act (8 U.S.C. 1152(a)) is amended—

18 (1) in paragraph (2), by striking “7 percent (in  
19 the case of a single foreign state) or 2 percent” and  
20 inserting “20 percent (in the case of a single foreign  
21 state) or 5 percent”; and

22 (2) by amending paragraph (4) to read as fol-  
23 lows:

24 “(4) LIMITING PASS DOWN FOR CERTAIN COUN-  
25 TRIES SUBJECT TO SUBSECTION (e).—In the case of

1 a foreign state or dependent area to which sub-  
2 section (e) applies, if the total number of visas  
3 issued under section 203(a)(2) exceeds the max-  
4 imum number of visas that may be made available  
5 to immigrants of the state or area under section  
6 203(a)(2) consistent with subsection (e) (determined  
7 without regard to this paragraph), in applying para-  
8 graphs (3) and (4) of section 203(a) under sub-  
9 section (e)(2) all visas shall be deemed to have been  
10 required for the classes specified in paragraphs (1)  
11 and (2) of such section.”.

12 **SEC. 3104. PROMOTING FAMILY UNITY.**

13 (a) REPEAL OF 3-YEAR, 10-YEAR, AND PERMANENT  
14 BARS.—Section 212(a)(9) of the Immigration and Nation-  
15 ality Act (8 U.S.C. 1182(a)(9)) is amended to read as fol-  
16 lows:

17 “(9) NONCITIZENS PREVIOUSLY REMOVED.—

18 “(A) ARRIVING NONCITIZEN.—Any noncit-  
19 izen who has been ordered removed under sec-  
20 tion 235(b)(1) or at the end of proceedings  
21 under section 240 initiated upon the nonciti-  
22 zen’s arrival in the United States and who  
23 again seeks admission within 5 years of the  
24 date of such removal (or within 20 years in the  
25 case of a second or subsequent removal or at

1 any time in the case of a noncitizen convicted  
2 of an aggravated felony) is inadmissible.

3 “(B) OTHER NONCITIZENS.—Any noncit-  
4 izen not described in subparagraph (A) who  
5 seeks admission within 10 years of the date of  
6 such noncitizen’s departure or removal (or with-  
7 in 20 years of such date in the case of a second  
8 or subsequent removal or at any time in the  
9 case of a noncitizen convicted of an aggravated  
10 felony) is inadmissible if the noncitizen—

11 “(i) has been ordered removed under  
12 section 240 or any other provision of law;  
13 or

14 “(ii) departed the United States while  
15 an order of removal was outstanding.

16 “(C) EXCEPTION.—Subparagraphs (A)  
17 and (B) shall not apply to a noncitizen seeking  
18 admission within a period if, prior to the date  
19 of the noncitizen’s reembarkation at a place  
20 outside the United States or attempt to be ad-  
21 mitted from foreign contiguous territory, the  
22 Secretary of Homeland Security has consented  
23 to the noncitizen’s reapplying for admission.”.

1 (b) MISREPRESENTATION OF CITIZENSHIP.—The  
2 Immigration and Nationality Act (8 U.S.C. 1101 et seq.)  
3 is amended—

4 (1) in section 212(a)(6)(C) (8 U.S.C.  
5 1182(a)(6)(C)), by amending clause (ii) to read as  
6 follows:

7 “(ii) MISREPRESENTATION OF CITI-  
8 ZENSHIP.—

9 “(I) IN GENERAL.—Any noncit-  
10 izen who willfully misrepresents, or  
11 has willfully misrepresented, himself  
12 or herself to be a citizen of the United  
13 States for any purpose or benefit  
14 under this Act (including section  
15 274A) or any Federal or State law is  
16 inadmissible.

17 “(II) EXCEPTION.—In the case  
18 of a noncitizen who was under the age  
19 of 21 years at the time of making a  
20 misrepresentation described in sub-  
21 clause (I), the noncitizen shall not be  
22 considered to be inadmissible under  
23 any provision of this subsection based  
24 on such misrepresentation.”; and

1 (2) in section 237(a)(3) (8 U.S.C. 1227(a)(3)),  
 2 by amending subparagraph (D) to read as follows:

3 “(D) MISREPRESENTATION OF CITIZEN-  
 4 SHIP.—

5 “(i) IN GENERAL.—Any noncitizen  
 6 who willfully misrepresents, or has willfully  
 7 misrepresented, himself or herself to be a  
 8 citizen of the United States for any pur-  
 9 pose or benefit under this Act (including  
 10 section 274A) or any Federal or State law  
 11 is deportable.

12 “(ii) EXCEPTION.—In the case of a  
 13 noncitizen who was under the age of 21  
 14 years at the time of making a misrepresen-  
 15 tation described in clause (i), the noncit-  
 16 izen shall not be considered to be deport-  
 17 able under any provision of this subsection  
 18 based on such misrepresentation.”.

19 **SEC. 3105. RELIEF FOR ORPHANS, WIDOWS, AND WID-**  
 20 **OWERS.**

21 (a) PROCESSING OF IMMIGRANT VISAS AND DERIVA-  
 22 TIVE PETITIONS.—

23 (1) IN GENERAL.—Section 204(b) of the Immi-  
 24 gration and Nationality Act (8 U.S.C. 1154(b)) is  
 25 amended—



1 (A) by striking “(b) After an investiga-  
2 tion” and inserting the following:

3 “(b) APPROVAL OF PETITION.—

4 “(1) IN GENERAL.—After an investigation”;  
5 and

6 (B) by adding at the end the following:

7 “(2) DEATH OF QUALIFYING RELATIVE.—

8 “(A) IN GENERAL.—A noncitizen described  
9 in subparagraph (C) the qualifying relative of  
10 whom dies before the completion of immigrant  
11 visa processing may have an immigrant visa ap-  
12 plication adjudicated as if such death had not  
13 occurred.

14 “(B) CONTINUED VALIDITY OF VISA.—An  
15 immigrant visa issued to a noncitizen before the  
16 death of his or her qualifying relative shall re-  
17 main valid after such death.

18 “(C) NONCITIZEN DESCRIBED.—A noncit-  
19 izen described in this subparagraph is a noncit-  
20 izen who, at the time of the death of his or her  
21 qualifying relative, was—

22 “(i) an immediate relative (as de-  
23 scribed in section 201(b)(2)(A));

1           “(ii) a family-sponsored immigrant  
2           (as described in subsection (a) or (d) of  
3           section 203);

4           “(iii) a derivative beneficiary of an  
5           employment-based immigrant under section  
6           203(b) (as described in section 203(d)); or

7           “(iv) the spouse or child of a refugee  
8           (as described in section 207(c)(2)) or an  
9           asylee (as described in section  
10          208(b)(3)).”.

11           (2) TRANSITION PERIOD.—

12           (A) IN GENERAL.—Notwithstanding a de-  
13           nial or revocation of an application for an immi-  
14           grant visa for a noncitizen the qualifying rel-  
15           ative of whom dies before the date of the enact-  
16           ment of this Act, such application may be re-  
17           newed by the noncitizen by a motion to reopen,  
18           without fee.

19           (B) INAPPLICABILITY OF BARS TO  
20           ENTRY.—Notwithstanding section 212(a)(9) of  
21           the Immigration and Nationality Act (8 U.S.C.  
22           1182(a)(9)), the application for an immigrant  
23           visa of a noncitizen the qualifying relative of  
24           whom died before the date of the enactment of  
25           this Act shall be considered if the noncitizen

1           was excluded, deported, removed, or departed  
2           voluntarily before the date of the enactment of  
3           this Act.

4           (b) ELIGIBILITY FOR PAROLE.—If a noncitizen de-  
5           scribed in section 204(l) of the Immigration and Nation-  
6           ality Act (8 U.S.C. 1154(l)), was excluded, deported, re-  
7           moved, or departed voluntarily before the date of the en-  
8           actment of this Act—

9           (1) such noncitizen shall be eligible for parole  
10          into the United States pursuant to the Secretary’s  
11          discretionary authority under section 212(d)(5) of  
12          such Act (8 U.S.C. 1182(d)(5)); and

13          (2) such noncitizen’s application for adjustment  
14          of status shall be considered notwithstanding section  
15          212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

16          (c) NATURALIZATION.—Section 319(a) of the Immi-  
17          gration and Nationality Act (8 U.S.C. 1430(a)) is amend-  
18          ed by inserting “(or, if the spouse is deceased, the spouse  
19          was a citizen of the United States)” after “citizen of the  
20          United States”.

21          (d) FAMILY-SPONSORED IMMIGRANTS.—Section  
22          212(a)(4)(C)(i) of the Immigration and Nationality Act  
23          (8 U.S.C. 1182(a)(4)(C)(i)), as amended by section 3102,  
24          is further amended—

1 (1) in subclause (I), by striking “, or” and in-  
 2 serting a semicolon; and

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

4 “(III) status as a surviving rel-  
 5 ative under section 204(l); or”.

6 **SEC. 3106. EXEMPTION FROM IMMIGRANT VISA LIMIT FOR**  
 7 **CERTAIN VETERANS WHO ARE NATIVES OF**  
 8 **THE PHILIPPINES.**

9 (a) **SHORT TITLE.**—This section may be cited as the  
 10 “Filipino Veterans Family Reunification Act”.

11 (b) **NONCITIZENS NOT SUBJECT TO DIRECT NUMER-**  
 12 **ICAL LIMITATIONS.**—Section 201(b)(1) of the Immigra-  
 13 tion and Nationality Act (8 U.S.C. 1151(b)(1)) is amend-  
 14 ed by adding at the end the following:

15 “(F) Noncitizens who are eligible for an immi-  
 16 grant visa under paragraph (1) or (3) of section  
 17 203(a) and who have a parent who was naturalized  
 18 pursuant to section 405 of the Immigration Act of  
 19 1990 (8 U.S.C. 1440 note).”.

20 **SEC. 3107. FIANCÉE OR FIANCÉ CHILD STATUS PROTEC-**  
 21 **TION.**

22 (a) **IN GENERAL.**—Section 101(a)(15)(K) of the Im-  
 23 migration and Nationality Act (8 U.S.C. 1101(a)(15)(K))  
 24 is amended—

1           (1) in clause (ii), by striking “section  
2           201(b)(2)(A)(i)” and inserting “section  
3           201(b)(2)(A)(i)(I)”; and

4           (2) by amending clause (iii) to read as follows:

5                   “(iii) is the minor child of a noncit-  
6                   izen described in clause (i) or (ii) and is  
7                   accompanying or following to join the non-  
8                   citizen, the age of such child to be deter-  
9                   mined as of the date on which the petition  
10                  is submitted to the Secretary of Homeland  
11                  Security to classify the noncitizen’s parent  
12                  as the fiancée or fiancé of a United States  
13                  citizen (in the case of a noncitizen parent  
14                  described in clause (i)) or as the spouse of  
15                  a United States citizen under section  
16                  201(b)(2)(A)(i)(I) (in the case of a noncit-  
17                  izen parent described in clause (ii));”.

18           (b) ADJUSTMENT OF STATUS AUTHORIZED.—Section  
19           214(d) of the Immigration and Nationality Act (8 U.S.C.  
20           1184(d)) is amended—

21                   (1) by redesignating paragraphs (2) and (3) as  
22                   paragraphs (3) and (4), respectively;

23                   (2) in paragraph (1)—

24                           (A) in the third sentence—

1 (i) by striking “paragraph (3)(B)”  
2 and inserting “paragraph (4)(B)”; and

3 (ii) by striking “paragraph (3)(B)(i)”  
4 and inserting “paragraph (4)(B)(i)”; and  
5 (B) by striking the last sentence; and

6 (3) by inserting after paragraph (1) the fol-  
7 lowing:

8 “(2)(A) If a noncitizen does not marry the petitioner  
9 under paragraph (1) within 90 days after the noncitizen  
10 and the noncitizen’s minor children are admitted into the  
11 United States, such noncitizen and children shall be re-  
12 quired to depart from the United States. If such nonciti-  
13 zens fail to depart from the United States, they shall be  
14 removed in accordance with sections 240 and 241.

15 “(B) Subject to subparagraphs (C) and (D), if a non-  
16 citizen marries the petitioner described in section  
17 101(a)(15)(K)(i) within 90 days after the noncitizen and  
18 the noncitizen’s minor children are admitted into the  
19 United States, the Secretary of Homeland Security or the  
20 Attorney General, subject to the provisions of section  
21 245(d), may adjust the status of the noncitizen, and any  
22 minor children accompanying or following to join the non-  
23 citizen, to that of a lawful permanent resident on a condi-  
24 tional basis under section 216 if the noncitizen and any

1 such minor children apply for such adjustment and are  
2 not determined to be inadmissible to the United States.

3 “(C) Paragraphs (5) and (7)(A) of section 212(a)  
4 shall not apply to a noncitizen who is eligible to apply for  
5 adjustment of status to that of a lawful permanent resi-  
6 dent under this section.

7 “(D) A noncitizen eligible for a waiver of inadmis-  
8 sibility as otherwise authorized under this Act shall be per-  
9 mitted to apply for adjustment of status to that of a lawful  
10 permanent resident under this section.”.

11 (c) AGE DETERMINATION.—Section 245(d) of the  
12 Immigration and Nationality Act (8 U.S.C. 1255(d)) is  
13 amended—

14 (1) by inserting “(1)” before “The Attorney  
15 General”; and

16 (2) by adding at the end the following:

17 “(2) A determination of the age of a noncitizen ad-  
18 mitted to the United States under section  
19 101(a)(15)(K)(iii) shall be made, for purposes of adjust-  
20 ment of status to lawful permanent resident on a condi-  
21 tional basis under section 216, using the age of the noncit-  
22 izen on the date on which the petition is submitted to the  
23 Secretary of Homeland Security to classify the nonciti-  
24 zen’s parent as the fiancée or fiancé of a United States  
25 citizen (in the case of a noncitizen parent admitted to the

1 United States under section 101(a)(15)(K)(i)) or as the  
2 spouse of a United States citizen under section  
3 201(b)(2)(A)(i)(I) (in the case of a noncitizen parent ad-  
4 mitted to the United States under section  
5 101(a)(15)(K)(ii)).”.

6 (d) EFFECTIVE DATE.—

7 (1) IN GENERAL.—The amendments made by  
8 this section shall be effective as if included in the  
9 Immigration Marriage Fraud Amendments of 1986  
10 (Public Law 99–639; 100 Stat. 3537).

11 (2) APPLICABILITY.—The amendments made  
12 by this section shall apply to all petitions or applica-  
13 tions described in such amendments that—

14 (A) are pending as of the date of the en-  
15 actment of this Act; or

16 (B) have been denied, but would have been  
17 approved if such amendments had been in effect  
18 at the time of adjudication of the petition or  
19 application.

20 (3) MOTION TO REOPEN OR RECONSIDER.—A  
21 motion to reopen or reconsider a petition or an ap-  
22 plication described in paragraph (2)(B) shall be  
23 granted if such motion is submitted to the Secretary  
24 or the Attorney General not later than 2 years after  
25 the date of the enactment of this Act.



1 **SEC. 3108. RETENTION OF PRIORITY DATES.**

2 Section 203 of the Immigration and Nationality Act  
3 (8 U.S.C. 1153) is amended—

4 (1) in subsection (h), by amending paragraph  
5 (3) to read as follows:

6 “(3) RETENTION OF PRIORITY DATE.—If the  
7 age of a noncitizen is determined under paragraph  
8 (1) to be 21 years or older for purposes of sub-  
9 section (d), and a parent of the noncitizen files a  
10 family-based petition for such noncitizen, the pri-  
11 ority date for such petition shall be the original pri-  
12 ority date issued upon receipt of the original family-  
13 based or employment-based petition for which either  
14 parent was a beneficiary.”; and

15 (2) by adding at the end the following:

16 “(i) PERMANENT PRIORITY DATES.—

17 “(1) IN GENERAL.—The priority date for any  
18 family-based or employment-based petition shall be  
19 the date of filing of the petition with the Secretary  
20 of Homeland Security (or the Secretary of State, if  
21 applicable), unless the filing of the petition was pre-  
22 ceded by the filing of a labor certification with the  
23 Secretary of Labor, in which case that date shall  
24 constitute the priority date.

25 “(2) RETENTION OF EARLIEST PRIORITY  
26 DATE.—The beneficiary of any petition shall retain

1 his or her earliest priority date based on any petition  
2 filed on his or her behalf that was approvable on the  
3 date on which it was filed, regardless of the category  
4 of subsequent petitions.”.

5 **SEC. 3109. INCLUSION OF PERMANENT PARTNERS.**

6 (a) IMMIGRATION AND NATIONALITY ACT.—Section  
7 101(a) of the Immigration and Nationality Act (8 U.S.C.  
8 1101(a)), as amended by section 1102, is further amended  
9 by adding at the end:

10 “(55) PERMANENT PARTNER.—

11 “(A) The term ‘permanent partner’ means an  
12 individual 18 years of age or older who—

13 “(i) is in a committed, intimate relation-  
14 ship with another individual 18 years of age or  
15 older in which both parties intend a lifelong  
16 commitment;

17 “(ii) is financially interdependent with  
18 such other individual, except that the Secretary  
19 of Homeland Security or the Secretary of State  
20 shall have the discretion to waive this require-  
21 ment on a case-by-case basis for good cause;

22 “(iii) is not married to or in a permanent  
23 partnership with anyone other than such other  
24 individual;

1           “(iv) is unable, in the jurisdiction of his or  
2           her domicile or the domicile of such other indi-  
3           vidual, to contract with such other individual a  
4           marriage cognizable under this Act; and

5           “(v) is not a first-degree, second-degree, or  
6           third-degree blood relation of such other indi-  
7           vidual.

8           “(B) Any reference to ‘spouse’, ‘husband’, or  
9           ‘wife’, or to the plurals of such terms, shall be equal-  
10          ly applicable to a permanent partner.

11          “(C) Any reference to ‘marriage’, ‘marital  
12          union’, ‘married’, ‘unmarried’, ‘wedlock’, or any  
13          similar term shall be equally applicable to the union  
14          of permanent partners.”.

15          (b) OTHER IMMIGRATION LEGISLATION.—The defini-  
16          tion of permanent partner under section 101(a)(55) of the  
17          Immigration and Nationality Act (8 U.S.C. 1101(a)(55)),  
18          as added by subsection (a), and the meanings of the ref-  
19          erences described in that section shall apply to—

20                 (1) the LIFE Act (division B of the Miscella-  
21                 neous Appropriations Act, 2001, as enacted into law  
22                 by section 1(a)(4) of Public Law 106–554);

23                 (2) the Cuban Adjustment Act (8 U.S.C. 1255  
24                 note); and

1           (3) the Violence Against Women Act of 2000  
2           (division B of Public Law 106–386; 114 Stat.  
3           1491).

4           (c) INAPPLICABILITY OF CEREMONY REQUIRE-  
5           MENT.—Paragraph (35) of section 101(a) of the Immigra-  
6           tion and Nationality Act (8 U.S.C. 1101(a)) is amended  
7           by striking “The term” and inserting “Subject to para-  
8           graph (55), the term”.

9           **SEC. 3110. DEFINITION OF CHILD.**

10          (a) TITLES I AND II.—Section 101(b)(1) of the Im-  
11          migration and Nationality Act (8 U.S.C. 1101(b)(1)) is  
12          amended—

13               (1) in subparagraph (B), by striking “, pro-  
14               vided the child had not reached the age of 18 years  
15               at the time the marriage creating the status of step-  
16               child occurred”; and

17               (2) by adding at the end the following:

18                       “(H)(i) a biological child of a noncitizen  
19                       permanent partner if the child was under the  
20                       age of 18 years on the date on which the per-  
21                       manent partnership was formed; or

22                       “(ii) a child adopted by a noncitizen per-  
23                       manent partner while under the age of 16 years  
24                       if the child—

1           “(I) has been in the legal custody of,  
2           and has resided with, such adoptive parent  
3           for at least 2 years; and

4           “(II) was under the age of 18 years at  
5           the time the permanent partnership was  
6           formed.”.

7           (b) TITLE III.—Section 101(c) of the Immigration  
8 and Nationality Act (8 U.S.C. 1101(c)) is amended—

9           (1) in paragraph (1), by inserting “and an indi-  
10          vidual described in subsection (b)(1)(H)” after “The  
11          term ‘child’ means an unmarried person under twen-  
12          ty-one years of age”; and

13          (2) in paragraph (2), by inserting “and the de-  
14          ceased permanent partner of a deceased parent, fa-  
15          ther, or mother,” after “deceased parent, father, and  
16          mother”.

17 **SEC. 3111. TERMINATION OF CONDITIONAL PERMANENT**  
18                                   **RESIDENT STATUS FOR CERTAIN NONCIT-**  
19                                   **IZEN PERMANENT PARTNERS AND SONS AND**  
20                                   **DAUGHTERS UPON FINDING QUALIFYING**  
21                                   **PERMANENT PARTNERSHIP IMPROPER.**

22          Section 216 of the Immigration and Nationality Act  
23 (8 U.S.C. 1186a) is amended—

24          (1) in subsection (b)(1)(A)(ii), by inserting “or  
25          has ceased to satisfy the criteria for being consid-

1       ered a permanent partnership under this Act,” after  
2       “terminated,”;

3               (2) in subsection (c)(4)(B), by striking “termi-  
4       nated (other than through the death of the spouse)”  
5       and inserting “terminated, or has ceased to satisfy  
6       the criteria for being considered a permanent part-  
7       nership under this Act, other than through the death  
8       of the spouse,”; and

9               (3) in subsection (d)(1)(A)(i)(II), by inserting  
10       “or has not ceased to satisfy the criteria for being  
11       considered a permanent partnership under this Act,”  
12       after “terminated,”.

13   **SEC. 3112. NATIONALITY AT BIRTH.**

14       Section 301 of the Immigration and Nationality Act  
15       (8 U.S.C. 1401) is amended by adding at the end the fol-  
16       lowing:

17       “(i) Any reference to ‘a person born of parents’ in  
18       this section shall include—

19               “(1) any legally recognized parent-child rela-  
20       tionship formed within the first year of a person’s  
21       life regardless of any genetic or gestational relation-  
22       ship;

23               “(2) either parent of a child born through as-  
24       sisted reproductive technology who is legally recog-

1 nized as a parent in the relevant jurisdiction regard-  
 2 less of any genetic or gestational relationship; and

3 “(3) the spouse of a parent at the time of birth,  
 4 in any case in which—

5 “(A) at least 1 parent is a legally recog-  
 6 nized parent; and

7 “(B) the marriage occurred before the  
 8 child’s birth and is recognized in the United  
 9 States, regardless of where the parents reside.”.

10 **Subtitle B—National Origin-Based**  
 11 **Antidiscrimination for Non-**  
 12 **immigrants**

13 **SEC. 3201. EXPANSION OF NONDISCRIMINATION PROVI-**  
 14 **SION.**

15 Section 202(a)(1)(A) of the Immigration and Nation-  
 16 ality Act (8 U.S.C. 1152(a)(1)(A)) is amended—

17 (1) by inserting “or a nonimmigrant visa, ad-  
 18 mission or other entry into the United States, or the  
 19 approval or revocation of any immigration benefit”  
 20 after “immigrant visa”;

21 (2) by inserting “religion,” after “sex,”; and

22 (3) by inserting “, except if expressly required  
 23 by statute, or if a statutorily authorized benefit  
 24 takes into consideration such factors” before the pe-  
 25 riod at the end.

1 **SEC. 3202. TRANSFER AND LIMITATIONS ON AUTHORITY TO**  
2 **SUSPEND OR RESTRICT THE ENTRY OF A**  
3 **CLASS OF NONCITIZENS.**

4 Section 212(f) of the Immigration and Nationality  
5 Act (8 U.S.C. 1182(f)) is amended to read as follows:

6 “(f) **AUTHORITY TO SUSPEND OR RESTRICT THE**  
7 **ENTRY OF A CLASS OF NONCITIZENS.—**

8 “(1) **IN GENERAL.—**Subject to paragraph (2),  
9 if the Secretary of State, in consultation with the  
10 Secretary of Homeland Security, determines, based  
11 on specific and credible facts, that the entry of any  
12 noncitizens or any class of noncitizens into the  
13 United States would undermine the security or pub-  
14 lic safety of the United States, or the preservation  
15 of human rights, democratic processes or institu-  
16 tions, or international stability, the President may  
17 temporarily—

18 “(A) suspend the entry of such noncitizens  
19 or class of noncitizens as immigrants or non-  
20 immigrants; or

21 “(B) impose any restriction on the entry of  
22 such noncitizens that the President considers  
23 appropriate.

24 “(2) **LIMITATIONS.—**In carrying out paragraph  
25 (1), the President, the Secretary of State, and the  
26 Secretary of Homeland Security shall—



1           “(A) issue a suspension or restriction only  
2 to the extent required to address specific acts  
3 implicating a compelling government interest in  
4 a factor identified in paragraph (1);

5           “(B) narrowly tailor the suspension or re-  
6 striction, using the least restrictive means, to  
7 achieve such compelling government interest;

8           “(C) specify the duration of the suspension  
9 or restriction and set forth evidence justifying  
10 such duration;

11           “(D) consider waivers to any class-based  
12 restriction or suspension and apply a rebuttable  
13 presumption in favor of granting family-based  
14 and humanitarian waivers; and

15           “(E) comply with all provisions of this Act,  
16 including section 202(a)(1)(A).

17           “(3) CONGRESSIONAL NOTIFICATION.—

18           “(A) IN GENERAL.—Prior to the President  
19 exercising the authority under paragraph (1),  
20 the Secretary of State and the Secretary of  
21 Homeland Security shall consult Congress and  
22 provide Congress with specific evidence sup-  
23 porting the need for the suspension or restric-  
24 tion and its proposed duration.

1           “(B) BRIEFING AND REPORT.—Not later  
2 than 48 hours after the President exercises the  
3 authority under paragraph (1), the Secretary of  
4 State and the Secretary of Homeland Security  
5 shall provide a briefing and submit a written re-  
6 port to the appropriate committees of Congress  
7 that describes—

8                   “(i) the action taken pursuant to  
9 paragraph (1) and the specified objective  
10 of such action; and

11                   “(ii) the estimated number of individ-  
12 uals who will be impacted by such action;

13                   “(I) the constitutional and legis-  
14 lative authority under which such ac-  
15 tion took place; and

16                   “(II) the circumstances necessi-  
17 tating such action, including how such  
18 action complies with paragraph (2)  
19 and any intelligence informing such  
20 action.

21           “(C) TERMINATION.—If the briefing and  
22 report described in subparagraph (B) are not  
23 provided to the appropriate committees of Con-  
24 gress during the 48-hour period after the Presi-  
25 dent exercises the authority under paragraph

1 (1), the suspension or restriction shall imme-  
2 diately terminate absent intervening congres-  
3 sional action.

4 “(D) PUBLICATION.—The Secretary of  
5 State and the Secretary of Homeland Security  
6 shall publicly announce and publish an unclassi-  
7 fied version of the report described in subpara-  
8 graph (B) in the Federal Register.

9 “(4) JUDICIAL REVIEW.—

10 “(A) IN GENERAL.—Notwithstanding any  
11 other provision of law, an individual or entity  
12 who is present in the United States and has  
13 been harmed by a violation of this subsection  
14 may file an action in an appropriate district  
15 court of the United States to seek declaratory  
16 or injunctive relief.

17 “(B) CLASS ACTION.—Nothing in this Act  
18 may be construed to preclude an action filed  
19 pursuant to subparagraph (A) from proceeding  
20 as a class action.

21 “(5) TREATMENT OF COMMERCIAL AIRLINES.—  
22 If the Secretary of Homeland Security finds that a  
23 commercial airline has failed to comply with regula-  
24 tions of the Secretary relating to requirements of  
25 airlines for the detection of fraudulent documents

1 used by passengers traveling to the United States  
2 (including the training of personnel in such detec-  
3 tion), the Secretary may suspend the entry of some  
4 or all noncitizens transported to the United States  
5 by such airline.

6 “(6) REPORTING REQUIREMENTS.—

7 “(A) IN GENERAL.—Not later than 30  
8 days after the date on which the President exer-  
9 cises the authority under this subsection, and  
10 every 30 days thereafter until the conclusion of  
11 such an exercise of authority, the Secretary of  
12 State, in coordination with the Secretary of  
13 Homeland Security and the heads of other rel-  
14 evant Federal agencies, shall submit to the ap-  
15 propriate committees of Congress a report that  
16 includes the following:

17 “(i) For each country affected by such  
18 a suspension or restriction—

19 “(I) the total number of individ-  
20 uals who applied for a visa,  
21 disaggregated by visa category;

22 “(II) the total number of such  
23 visa applicants who were approved,  
24 disaggregated by visa category;

1           “(III) the total number of such  
2           visa applicants who were refused,  
3           disaggregated by visa category, and  
4           the reasons they were refused;

5           “(IV) the total number of such  
6           visa applicants whose applications re-  
7           main pending, disaggregated by visa  
8           category;

9           “(V) the total number of such  
10          visa applicants who were granted a  
11          waiver, disaggregated by visa cat-  
12          egory;

13          “(VI) the total number of such  
14          visa applicants who were denied a  
15          waiver, disaggregated by visa cat-  
16          egory, and the reasons such waiver re-  
17          quests were denied; and

18          “(VII) the total number of refu-  
19          gees admitted.

20          “(ii) Specific evidence supporting the  
21          need for the continued exercise of presi-  
22          dential authority under this subsection, in-  
23          cluding the information described in para-  
24          graph (3)(B).

1           “(B) EFFECT OF NONCOMPLIANCE.—If a  
2 report required by subparagraph (A) is not  
3 timely submitted, the suspension or restriction  
4 shall immediately terminate absent intervening  
5 congressional action.

6           “(C) FINAL REPORT.—Not later than 30  
7 days after the conclusion of a suspension or re-  
8 striction under this subsection, the Secretary of  
9 State, in coordination with the Secretary of  
10 Homeland Security and the heads of other rel-  
11 evant Federal agencies, shall submit to the ap-  
12 propriate committees of Congress a report that  
13 includes, for the entire period of the suspension  
14 or restriction, the information described clauses  
15 (i) and (ii) of subparagraph (A).

16           “(D) FORM; AVAILABILITY.—Each report  
17 required by this paragraph shall be made pub-  
18 licly available on an internet website in unclas-  
19 sified form.

20           “(7) RULE OF CONSTRUCTION.—Nothing in  
21 this subsection may be construed to authorize the  
22 President, the Secretary of State, or the Secretary  
23 of Homeland Security to act in a manner incon-  
24 sistent with the policy decisions expressed in the im-  
25 migration laws.

1           “(8) APPROPRIATE COMMITTEES OF CONGRESS  
2           DEFINED.—In this subsection, the term ‘appropriate  
3           committees of Congress’ means—

4                   “(A) the Select Committee on Intelligence,  
5                   the Committee on Foreign Relations, the Com-  
6                   mittee on the Judiciary, and the Committee on  
7                   Homeland Security and Governmental Affairs  
8                   of the Senate; and

9                   “(B) the Permanent Select Committee on  
10                  Intelligence, the Committee on Foreign Affairs,  
11                  the Committee on the Judiciary, and the Com-  
12                  mittee on Homeland Security of the House of  
13                  Representatives.”.

## 14       **Subtitle C—Diversity Immigrants**

### 15       **SEC. 3301. INCREASING DIVERSITY VISAS.**

16       Section 201(e) of the Immigration and Nationality  
17       Act (8 U.S.C. 1151(e)) is amended by striking “55,000”  
18       and inserting “80,000”.

## 19       **Subtitle D—Reforming** 20       **Employment-Based Immigration**

### 21       **SEC. 3401. DOCTORAL STEM GRADUATES FROM ACCRED-** 22       **ITED UNITED STATES UNIVERSITIES.**

23       (a) IN GENERAL.—Section 201(b)(1) of the Immi-  
24       gration and Nationality Act (8 U.S.C. 1151(b)(1)), as

1 amended by section 3106, is further amended by adding  
2 at the end the following:

3 “(G) Noncitizens who have earned a doctoral  
4 degree in a field of science, technology, engineering,  
5 or mathematics from an accredited United States in-  
6 stitution of higher education.”.

7 (b) DEFINITIONS.—Section 204 of the Immigration  
8 and Nationality Act (8 U.S.C. 1154) is amended by add-  
9 ing at the end the following:

10 “(m) DOCTORAL STEM GRADUATES FROM ACCRED-  
11 ITED UNITED STATES UNIVERSITIES.—For purposes of  
12 section 201(b)(1)—

13 “(1) the term ‘field of science, technology, engi-  
14 neering, or mathematics’—

15 “(A) means a field included in the Depart-  
16 ment of Education’s Classification of Instruc-  
17 tional Programs taxonomy within the summary  
18 groups of computer and information sciences  
19 and support services, engineering, mathematics  
20 and statistics, physical sciences, and the sum-  
21 mary group subsets of accounting and related  
22 services and taxation; and

23 “(B) may include, at the discretion of the  
24 Secretary of Homeland Security, other fields  
25 not specifically referred to in subparagraph (A)



1 if the accredited United States institution of  
2 higher education verifies that the core cur-  
3 riculum for the specific field is primarily based  
4 in science, technology, engineering, or mathe-  
5 matics; and

6 “(2) the term ‘accredited United States institu-  
7 tion of higher education’ means an institution that—

8 “(A)(i) is described in section 101(a) of  
9 the Higher Education Act of 1965 (20 U.S.C.  
10 1001(a)); or

11 “(ii) is a proprietary institution of higher  
12 education (as defined in section 102(b) of such  
13 Act (20 U.S.C. 1002(b))); and

14 “(B) is accredited by an accrediting body  
15 that is itself accredited by—

16 “(i) the Department of Education; or

17 “(ii) the Council for Higher Edu-  
18 cation Accreditation.”.

19 **SEC. 3402. ADDRESSING VISA BACKLOGS.**

20 (a) **NONCITIZENS NOT SUBJECT TO DIRECT NUMER-**  
21 **ICAL LIMITATIONS.**—Section 201(b)(1) of the Immigra-  
22 tion and Nationality Act (8 U.S.C. 1151(b)), as amended  
23 by section 3106 and 3401, is further amended by adding  
24 at the end the following:

1           “(H) Noncitizens who are beneficiaries (includ-  
2           ing derivative beneficiaries) of an approved immi-  
3           grant petition bearing a priority date that is more  
4           than 10 years before the noncitizen’s application for  
5           admission as an immigrant or for adjustment of sta-  
6           tus.

7           “(I) Noncitizens described in section 203(d).”.

8           (b) **EFFECTIVE DATE.**—The amendments made by  
9           this section shall take effect on the date which is 60 days  
10          after the date of the enactment of this Act.

11 **SEC. 3403. ELIMINATING EMPLOYMENT-BASED PER COUN-**  
12 **TRY LEVELS.**

13          (a) **IN GENERAL.**—Section 202(a)(2) of the Immi-  
14          gration and Nationality Act (8 U.S.C. 1152(a)(2)), as  
15          amended by section 3103(a), is further amended—

16               (1) in the paragraph heading, by striking “**AND**  
17               **EMPLOYMENT-BASED**”;

18               (2) by striking “(3), (4), and (5),” and insert-  
19               ing “(3) and (4),”;

20               (3) by striking “subsections (a) and (b) of sec-  
21               tion 203” and inserting “section 203(a)”;

22               (4) by striking “such subsections” and inserting  
23               “such section”.

24          (b) **CONFORMING AMENDMENTS.**—Section 202 of the  
25          Immigration and Nationality Act (8 U.S.C. 1152), as

1 amended by sections 3103, 3201, and subsection (a), is  
2 further amended—

3 (1) in subsection (a)—

4 (A) in paragraph (3), by striking “both  
5 subsections (a) and (b) of section 203” and in-  
6 serting “section 203(a)”; and

7 (B) by striking paragraph (5); and

8 (2) by amending subsection (e) to read as fol-  
9 lows:

10 “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—

11 If the total number of immigrant visas made available  
12 under section 203(a) to natives of any single foreign state  
13 or dependent area is expected to exceed the numerical lim-  
14 itation specified in subsection (a)(2) in any fiscal year, im-  
15 migrant visas to natives of that state or area under section  
16 203(a) shall be allocated (to the extent practicable and  
17 otherwise consistent with this section and section 203) so  
18 that, except as provided in subsection (a)(4), the propor-  
19 tion of the visa numbers made available under each of  
20 paragraphs (1) through (4) of section 203(a) is equal to  
21 the ratio of the total number of visas made available under  
22 the respective paragraph to the total number of visas made  
23 available under section 203(a).”.

1 (c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the  
2 Chinese Student Protection Act of 1992 (8 U.S.C. 1255  
3 note) is amended—

4 (1) in subsection (a), by striking “subsection  
5 (e)” and inserting “subsection (d)”;

6 (2) by striking subsection (d); and

7 (3) by redesignating subsection (e) as sub-  
8 section (d).

9 (d) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to fiscal year 2022 and each subse-  
11 quent fiscal year.

12 **SEC. 3404. INCREASED IMMIGRANT VISAS FOR OTHER**  
13 **WORKERS.**

14 Section 203(b) of the Immigration and Nationality  
15 Act (8 U.S.C. 1153(b)) is amended—

16 (1) in paragraph (1) by striking “28.6” and in-  
17 serting “23.55”;

18 (2) in paragraph (2)(A) by striking “28.6” and  
19 inserting “23.55”;

20 (3) in paragraph (3)—

21 (A) in subparagraph (A), in the matter be-  
22 fore clause (i), by striking “28.6” and inserting  
23 “41.2”; and

24 (B) in subparagraph (B), by striking  
25 “10,000” and inserting “40,000”;

1 (4) in paragraph (4), by striking “7.1” and in-  
2 serting “5.85”; and

3 (5) in paragraph (5)(A), in the matter before  
4 clause (i), by striking “7.1” and inserting “5.85”.

5 **SEC. 3405. FLEXIBLE ADJUSTMENTS TO EMPLOYMENT-**  
6 **BASED IMMIGRANT VISA PROGRAM.**

7 Section 203(b) of the Immigration and Nationality  
8 Act (8 U.S.C. 1153(b)), as amended by section 3404, is  
9 further amended by adding at the end the following:

10 “(7) GEOGRAPHIC AND LABOR MARKET AD-  
11 JUSTMENTS.—The Secretary of Homeland Security,  
12 in consultation with the Secretary of Labor, may es-  
13 tablish, by regulation, a procedure for temporarily  
14 limiting the admission of immigrants described in  
15 paragraphs (2) and (3) in geographic areas or labor  
16 market sectors that are experiencing high levels of  
17 unemployment.”.

18 **SEC. 3406. REGIONAL ECONOMIC DEVELOPMENT IMMI-**  
19 **GRANT VISA PILOT PROGRAM.**

20 (a) PILOT PROGRAM FOR REGIONAL ECONOMIC DE-  
21 VELOPMENT VISAS.—Notwithstanding the numerical limi-  
22 tations in the Immigration and Nationality Act (8 U.S.C.  
23 1101 et seq.), the Secretary may establish a pilot program  
24 for the annual admission of not more than 10,000 admis-  
25 sible immigrants whose employment is essential to the eco-

1 nomic development strategies of the cities or counties in  
2 which they will live or work.

3 (b) LABOR CERTIFICATION.—The requirements of  
4 section 212(a)(5) of the Immigration and Nationality Act  
5 (8 U.S.C. 1182(a)(5)) shall apply to the pilot program au-  
6 thorized under this section.

7 (c) DURATION.—The Secretary shall determine the  
8 duration of the pilot program authorized under this sec-  
9 tion, which may not exceed 5 years.

10 (d) RULEMAKING.—The Secretary, in consultation  
11 with the Secretary of Labor, shall issue regulations to im-  
12 plement the pilot program authorized under this section.

13 **SEC. 3407. WAGE-BASED CONSIDERATION OF TEMPORARY**  
14 **WORKERS.**

15 Section 212(p) is amended by adding at the end the  
16 following:

17 “(5) In determining the order in which visas shall be  
18 made available to nonimmigrants described in section  
19 101(a)(15)(H)(i)(b), and to any other category of non-  
20 immigrants deemed appropriate by the Secretary of  
21 Homeland Security, the Secretary of Homeland Security,  
22 in consultation with the Secretary of Labor, may issue  
23 regulations to establish procedures for prioritizing such  
24 visas based on the wages offered by employers.”.

1 **SEC. 3408. CLARIFYING DUAL INTENT FOR POSTSEC-**  
2 **ONDARY STUDENTS.**

3 (a) IN GENERAL.—Section 101(a)(15)(F)(i) of the  
4 Immigration and Nationality Act (8 U.S.C.  
5 1101(a)(15)(F)(i)) is amended by striking “an alien hav-  
6 ing a residence in a foreign country which he has no inten-  
7 tion of abandoning, who is a bona fide student qualified  
8 to pursue a full course of study and who” and inserting  
9 “a noncitizen who is a bona fide student qualified to pur-  
10 sue a full course of study, who (except for a student quali-  
11 fied to pursue a full course of study at an institution of  
12 higher education) has a residence in a foreign country  
13 which the noncitizen has no intention of abandoning, and  
14 who”.

15 (b) CONFORMING AMENDMENTS.—Section 214 of the  
16 Immigration and Nationality Act (8 U.S.C. 1184) is  
17 amended—

18 (1) in subsection (b), by striking “(other than  
19 a nonimmigrant” and inserting “(other than a non-  
20 immigrant described in section 101(a)(15)(F) if the  
21 noncitizen is qualified to pursue a full course of  
22 study at an institution of higher education, other  
23 than a nonimmigrant”); and

24 (2) in subsection (h), by inserting “(F) (if the  
25 noncitizen is qualified to pursue a full course of

1 study at an institution of higher education),” before  
2 “H(i)(b)”.

3 **SEC. 3409. H-4 VISA REFORM.**

4 (a) PROTECTING CHILDREN WITH H-4 VISAS WHO  
5 AGE OUT OF STATUS.—

6 (1) IN GENERAL.—Section 214(g)(4) of the Im-  
7 migration and Nationality Act (8 U.S.C. 1184(g)(4))  
8 is amended to read as follows:

9 “(4)(A) Except as provided in subparagraphs  
10 (B) and (C), the period of authorized admission of  
11 a nonimmigrant described in section  
12 101(a)(15)(H)(i)(b) may not exceed 6 years.

13 “(B) The Secretary of Homeland Security may  
14 grant an extension of nonimmigrant status under  
15 section 101(a)(15)(H)(i)(b) to a nonimmigrant until  
16 such nonimmigrant’s application for adjustment of  
17 status has been processed if such nonimmigrant—

18 “(i) is the beneficiary of a petition filed  
19 under section 204(a) for a preference status  
20 under paragraph (1), (2), or (3) of section  
21 203(b); and

22 “(ii) is eligible to be granted such status.

23 “(C) A child of a nonimmigrant described in  
24 subparagraph (B) who accompanied or followed to  
25 join such nonimmigrant may apply for and receive



1 an extension of his or her nonimmigrant status re-  
2 gardless of age, if—

3 “(i) the nonimmigrant parent described in  
4 subparagraph (B) maintains his or her non-  
5 immigrant status; and

6 “(ii) the child was younger than 18 years  
7 of age when he or she was first granted non-  
8 immigrant status as a noncitizen accompanying  
9 or following to join such nonimmigrant par-  
10 ent.”.

11 (2) CONFORMING AMENDMENT.—Section  
12 203(h) of the Immigration and Nationality Act (8  
13 U.S.C. 1153(h)) is amended by adding at the end  
14 the following:

15 “(5) H-4 VISA HOLDERS.—Notwithstanding  
16 paragraph (1), a determination of whether a non-  
17 immigrant described in section 214(g)(4)(C) satisfies  
18 the age requirement for purposes of a derivative visa  
19 or adjustment of status application under paragraph  
20 (1), (2), or (3) of section 203(b) shall be made using  
21 the age of the nonimmigrant on the date on which  
22 the petitioner files a petition on behalf of the parent  
23 beneficiary with the Secretary of Homeland Security  
24 (or the Secretary of State, if applicable), unless the  
25 filing of the petition was preceded by the filing of a

1 labor certification with the Secretary of Labor, in  
 2 which case that date shall be used to identify the  
 3 age of such nonimmigrant.”.

4 (b) WORK AUTHORIZATION FOR H-4 NON-  
 5 IMMIGRANTS.—Section 214 of the Immigration and Na-  
 6 tionality Act (8 U.S.C. 1184), as amended by subsection  
 7 (a)(1), is further amended by adding at the end the fol-  
 8 lowing:

9 “(s) WORK AUTHORIZATION FOR H-4 NON-  
 10 IMMIGRANTS.—The Secretary of Homeland Security shall  
 11 authorize a nonimmigrant spouse or child who is accom-  
 12 panying or following to join a nonimmigrant described in  
 13 section 101(a)(15)(H)(i)(b) to engage in employment in  
 14 the United States and shall provide such nonimmigrant  
 15 spouse or child with an ‘employment authorized’ endorse-  
 16 ment or other appropriate work permit.”.

17 **SEC. 3410. EXTENSIONS RELATED TO PENDING PETITIONS.**

18 Section 214 of the Immigration and Nationality Act  
 19 (8 U.S.C. 1184), as amended by sections 1204(b),  
 20 3107(b), 3408(b), and 3409, is further amended by add-  
 21 ing at the end the following:

22 “(t) EXTENSION OF STATUS IN CASES OF LENGTHY  
 23 ADJUDICATIONS.—

24 “(1) EXEMPTION FROM LIMITATIONS.—Not-  
 25 withstanding subsections (c)(2)(D), (g)(4), and

1 (m)(1)(B)(i), the authorized stay of a noncitizen who  
2 was previously issued a visa or otherwise provided  
3 nonimmigrant status under subparagraph (F),  
4 (H)(i)(B), (L), or (O) of section 101(a)(15) may be  
5 extended pursuant to paragraph (2) if 365 days or  
6 more have elapsed since the filing of—

7 “(A) an application for labor certification  
8 under section 212(a)(5)(A) if certification is re-  
9 quired or used by a noncitizen to obtain status  
10 under section 203(b); or

11 “(B) a petition described in section 204(b)  
12 to obtain immigrant status under section  
13 203(b).

14 “(2) EXTENSION OF STATUS.—The Secretary  
15 of Homeland Security shall extend the stay of a non-  
16 citizen who qualifies for an extension under para-  
17 graph (1) in 1-year increments until a final decision  
18 is made—

19 “(A) to deny the application described in  
20 paragraph (1)(A) or, in a case in which such  
21 application is granted, to deny a petition de-  
22 scribed in paragraph (1)(B) filed on behalf of  
23 the noncitizen pursuant to such grant;

24 “(B) to deny the petition described in  
25 paragraph (1)(B); or

1           “(C) to grant or deny the noncitizen’s ap-  
2           plication for an immigrant visa or adjustment  
3           of status to that of a noncitizen lawfully admit-  
4           ted for permanent residence.

5           “(3) WORK AUTHORIZATION.—The Secretary of  
6           Homeland Security shall authorize any noncitizen  
7           whose stay is extended under this subsection to en-  
8           gage in employment in the United States and pro-  
9           vide such noncitizen with an ‘employment authorized  
10          endorsement’ or other appropriate work permit.”.

11       **Subtitle E—Promoting Immigrant**  
12       **and Refugee Integration**

13       **SEC. 3501. DEFINITION OF FOUNDATION.**

14           In this subtitle, the term “Foundation” means the  
15       United States Citizenship and Integration Foundation es-  
16       tablished under section 3502.

17       **SEC. 3502. UNITED STATES CITIZENSHIP AND INTEGRATION**  
18       **FOUNDATION.**

19           (a) ESTABLISHMENT.—The Secretary, acting  
20       through the Director of U.S. Citizenship and Immigration  
21       Services, shall establish a nonprofit corporation or a not-  
22       for-profit, public benefit, or similar entity, which shall be  
23       known as the “United States Citizenship and Integration  
24       Foundation”.

1 (b) GIFTS TO FOUNDATION.—To carry out the pur-  
2 poses set forth in subsection (c), the Foundation may—

3 (1) solicit, accept, and make gifts of money and  
4 other property in accordance with section 501(c)(3)  
5 of the Internal Revenue Code of 1986;

6 (2) engage in coordinated work with the De-  
7 partment of Homeland Security, including U.S. Citi-  
8 zenship and Immigration Services; and

9 (3) accept, hold, administer, invest, and spend  
10 any gift, devise, or bequest of real or personal prop-  
11 erty made to the Foundation.

12 (c) PURPOSES.—The purposes of the Foundation  
13 are—

14 (1) to spur innovation in the promotion and ex-  
15 pansion of citizenship preparation programs for law-  
16 ful permanent residents;

17 (2) to evaluate and identify best practices in  
18 citizenship promotion and preparation and to make  
19 recommendations to the Secretary about how to  
20 bring such best practices to scale;

21 (3) to support direct assistance for noncitizens  
22 seeking lawful permanent resident status or natu-  
23 ralization as a United States citizen; and

24 (4) to coordinate immigrant integration with  
25 State and local entities.

1 (d) ACTIVITIES.—The Foundation shall carry out the  
2 purposes described in subsection (c) by—

3 (1) making United States citizenship instruc-  
4 tion and naturalization application services acces-  
5 sible to low-income and other underserved lawful  
6 permanent resident populations;

7 (2) developing, identifying, and sharing best  
8 practices in United States citizenship promotion and  
9 preparation;

10 (3) supporting innovative and creative solutions  
11 to barriers faced by noncitizens seeking naturaliza-  
12 tion;

13 (4) increasing the use of, and access to, tech-  
14 nology in United States citizenship preparation pro-  
15 grams;

16 (5) engaging communities receiving immigrants  
17 in the United States citizenship and civic integration  
18 process;

19 (6) fostering public education and awareness;

20 (7) coordinating the immigrant integration ef-  
21 forts of the Foundation with such efforts of U.S.  
22 Citizenship and Immigration Services; and

23 (8) awarding grants to State and local govern-  
24 ments under section 3503.

25 (e) COUNCIL OF DIRECTORS.—

1           (1) MEMBERS.—To the extent consistent with  
2 section 501(c)(3) of the Internal Revenue Code of  
3 1986, the Foundation shall have a council of direc-  
4 tors (referred to in this section as the “Council”),  
5 which shall be comprised of—

6                   (A) the Director of U.S. Citizenship and  
7 Immigration Services; and

8                   (B) 10 individuals appointed by the Direc-  
9 tor of U.S. Citizenship and Immigration Serv-  
10 ices.

11           (2) QUALIFICATIONS.—In appointing individ-  
12 uals under paragraph (1)(B), the Director of U.S.  
13 Citizenship and Immigration Services shall consider  
14 individuals with experience in national private and  
15 public nonprofit organizations that promote and as-  
16 sist lawful permanent residents with naturalization.

17           (3) TERMS.—A member of the Council de-  
18 scribed in paragraph (1)(B) shall be appointed for a  
19 term of 4 years, except that, of the members first  
20 appointed, 5 members shall be appointed for a term  
21 of 2 years, which may be followed by renewable 4-  
22 year terms.

23           (f) EXECUTIVE DIRECTOR.—

24                   (1) IN GENERAL.—The Council shall, by major-  
25 ity vote, appoint for 6-year renewable terms an exec-

1       utive director of the Foundation, who shall oversee  
2       the day-to-day operations of the Foundation.

3           (2) RESPONSIBILITIES.—The executive director  
4       shall carry out the purposes described in subsection  
5       (c) on behalf of the Foundation by—

6           (A) accepting, holding, administering, in-  
7       vesting, and spending any gift, devise, or be-  
8       quest of real or personal property made to the  
9       Foundation;

10          (B) entering into contracts and other fi-  
11       nancial assistance agreements with individuals,  
12       public or private organizations, professional so-  
13       cieties, and government agencies to carry out  
14       the purposes of the Foundation;

15          (C) entering into such other contracts,  
16       leases, cooperative agreements, and other trans-  
17       actions as the executive director considers ap-  
18       propriate to carry out the activities of the  
19       Foundation; and

20          (D) charging such fees for professional  
21       services furnished by the Foundation as the ex-  
22       ecutive director considers reasonable and appro-  
23       priate.



1 (g) **TIMELINE.**—The Foundation shall be established  
2 and operational not later than 1 year after the date of  
3 the enactment of this Act.

4 **SEC. 3503. PILOT PROGRAM TO PROMOTE IMMIGRANT IN-**  
5 **TEGRATION AT STATE AND LOCAL LEVELS.**

6 (a) **GRANTS AUTHORIZED.**—The Chief of the Office  
7 of Citizenship of U.S. Citizenship and Immigration Serv-  
8 ices (referred to in this section as the “Chief”) shall estab-  
9 lish a pilot program through which the Chief may award  
10 grants, on a competitive basis, to States and local govern-  
11 ments and other qualifying entities in collaboration with  
12 States and local governments—

13 (1) to establish new immigrant councils to carry  
14 out programs to integrate new immigrants; and

15 (2) to carry out programs to integrate new im-  
16 migrants.

17 (b) **QUALIFYING ENTITIES.**—Qualifying entities  
18 under this section may include—

19 (1) an educational institution;

20 (2) a private organization;

21 (3) a community-based organization; or

22 (4) a nonprofit organization.

23 (c) **APPLICATION.**—A State or local government, or  
24 other qualifying entity in collaboration with a State or  
25 local government, seeking a grant under this section shall

1 submit an application to the Chief at such time, in such  
2 manner, and containing such information as the Chief  
3 may reasonably require, including—

4 (1) a proposal to carry out 1 or more activities  
5 described in subsection (d)(3);

6 (2) the estimated number of new immigrants  
7 residing in the geographic area of the applicant; and

8 (3) a description of the challenges in intro-  
9 ducing and integrating new immigrants into the  
10 State or local community.

11 (d) ACTIVITIES.—A grant awarded under this sub-  
12 section shall be used—

13 (1) to form a new immigrant council, which  
14 shall—

15 (A) consist of not fewer than 15 individ-  
16 uals and not more than 19 representatives of  
17 the State or local government or qualifying or-  
18 ganization, as applicable;

19 (B) include, to the extent practicable, rep-  
20 resentatives from—

21 (i) business;

22 (ii) faith-based organizations;

23 (iii) civic organizations;

24 (iv) philanthropic organizations;

1 (v) nonprofit organizations, including  
2 nonprofit organizations with legal and ad-  
3 vocacy experience working with immigrant  
4 communities;

5 (vi) key education stakeholders, such  
6 as State educational agencies, local edu-  
7 cational agencies (as defined in section  
8 8101 of the Elementary and Secondary  
9 Education Act of 1965 (20 U.S.C. 7801)),  
10 community colleges, and teachers;

11 (vii) State adult education offices;

12 (viii) State or local public libraries;

13 and

14 (ix) State or local governments; and

15 (C) meet not less frequently than quar-  
16 terly;

17 (2) to provide subgrants to local communities,  
18 city governments, municipalities, nonprofit organiza-  
19 tions (including veterans' and patriotic organiza-  
20 tions), or other qualifying entities;

21 (3) to develop, implement, expand, or enhance  
22 a comprehensive plan to introduce and integrate new  
23 immigrants into the applicable State by—

24 (A) improving English language skills;

1           (B) engaging caretakers with limited  
2 English proficiency in their child’s education  
3 through interactive parent and child literacy ac-  
4 tivities;

5           (C) improving and expanding access to  
6 workforce training programs;

7           (D) teaching United States history, civics  
8 education, and citizenship rights and respon-  
9 sibilities;

10          (E) promoting an understanding of the  
11 form of government and history of the United  
12 States and the principles of the Constitution of  
13 the United States;

14          (F) improving financial literacy; and

15          (G) focusing on other key areas of impor-  
16 tance to integration in United States society;  
17 and

18          (4) to engage communities receiving immigrants  
19 in the citizenship and civic integration process by—

20           (A) increasing local service capacity;

21           (B) building meaningful connections be-  
22 tween new immigrants and long-time residents;

23           (C) communicating the contributions of  
24 communities receiving new immigrants; and

1 (D) engaging leaders from all sectors of  
2 the community.

3 (e) REPORTING AND EVALUATION.—

4 (1) ANNUAL REPORT.—Not less frequently than  
5 annually, each recipient of a grant under this section  
6 shall submit to the Chief a report that describes, for  
7 the preceding calendar year—

8 (A) the activities undertaken by the grant  
9 recipient, including the manner in which such  
10 activities meet the goals of the Foundation and  
11 the comprehensive plan referred to in sub-  
12 section (d)(3);

13 (B) the geographic area being served;

14 (C) the estimated number of immigrants in  
15 such area; and

16 (D) the primary languages spoken in such  
17 area.

18 (2) ANNUAL EVALUATION.—Not less frequently  
19 than annually, the Chief shall conduct an evaluation  
20 of the grant program under this section—

21 (A) to assess and improve the effectiveness  
22 of the grant program;

23 (B) to assess the future needs of immi-  
24 grants and of State and local governments with  
25 respect to immigrants; and

1 (C) to ensure that grantees, recipients, and  
2 subgrantees are acting within the scope and  
3 purpose of this section.

4 **SEC. 3504. ENGLISH AS A GATEWAY TO INTEGRATION**  
5 **GRANT PROGRAM.**

6 (a) AUTHORIZATION.—The Assistant Secretary for  
7 Career, Technical, and Adult Education in the Depart-  
8 ment of Education (referred to in this section as the “As-  
9 sistant Secretary”) shall award English as a Gateway to  
10 Integration grants to eligible entities.

11 (b) ELIGIBILITY.—An entity eligible to receive a  
12 grant under this section is a State or unit of local govern-  
13 ment, a private organization, an educational institution,  
14 a community-based organization, or a nonprofit organiza-  
15 tion that—

16 (1) in the case of any applicant that has pre-  
17 viously received a grant under this section, uses  
18 matching funds from non-Federal sources, which  
19 may include in-kind contributions, equal to 25 per-  
20 cent of the amount received from the English as a  
21 Gateway to Integration program to carry out such  
22 program;

23 (2) submits to the Assistant Secretary an appli-  
24 cation at such time, in such manner, and containing

1 such information as the Assistant Secretary may  
2 reasonably require, including—

3 (A) a description of the target population  
4 to be served, including demographics, literacy  
5 levels, and English language levels of the target  
6 population; and

7 (B) the assessment and performance meas-  
8 ures that the grant recipient plans to use to  
9 evaluate the English language learning progress  
10 of students and overall success of the instruc-  
11 tion and program;

12 (3) demonstrates collaboration with public and  
13 private entities to provide the instruction and assist-  
14 ance described in subsection (c)(1);

15 (4) provides English language programs that—

16 (A) teach English language skills to limited  
17 English proficient (LEP) individuals who—

18 (i) have less than a United States  
19 high school diploma; or

20 (ii) are parents who are caretakers of  
21 young children;

22 (B) support and promote the social, eco-  
23 nomic, and civic integration of adult English  
24 language learners and their families;

1 (C) equip adult English language learners  
2 for ongoing, independent study and learning be-  
3 yond the classroom or formal instruction; and

4 (D) incorporate the use of technology to  
5 help students develop digital literacy skills; and  
6 (5) is located in—

7 (A) 1 of the 10 States with the highest  
8 rate of foreign-born residents; or

9 (B) a State that has experienced a large  
10 increase in the population of immigrants during  
11 the most recent 10-year period, based on data  
12 compiled by the Office of Immigration Statistics  
13 or the Census Bureau.

14 (c) USE OF FUNDS.—

15 (1) IN GENERAL.—Funds awarded under this  
16 section shall be used to provide English language in-  
17 struction to adult English language learners. Such  
18 instruction shall advance the integration of students  
19 to help them—

20 (A) build their knowledge of United States  
21 history and civics;

22 (B) prepare for United States citizenship  
23 and the naturalization process;

24 (C) gain digital literacy;



- 1           (D) understand and navigate the early  
2 childhood, K–12, and postsecondary education  
3 systems;  
4           (E) gain financial literacy;  
5           (F) build an understanding of the housing  
6 market and systems in the United States;  
7           (G) learn about and access the United  
8 States, State, and local health care systems;  
9           (H) prepare for a high school equivalency  
10 diploma or postsecondary training or education;  
11 and  
12           (I) prepare for and secure employment.

13           (2) DESIGN OF PROGRAM.—Funds awarded  
14 under this section shall be used to support an in-  
15 structional program that may include the following  
16 elements:

17           (A) English language instruction in a  
18 classroom setting, provided that such setting is  
19 in a geographic location accessible to the popu-  
20 lation served.

21           (B) Online English language instruction  
22 and distance learning platforms.

23           (C) Educational support and specialized  
24 instruction for English language learners with  
25 low levels of literacy in their first language.

1 (D) Other online and digital components,  
2 including the use of mobile phones.

3 (d) CERTIFICATION.—To receive a payment under  
4 this section, a participating entity shall submit to the As-  
5 sistant Secretary a certification that the proposed uses of  
6 grant funds by the entity are consistent with this section  
7 and meet all necessary criteria determined by the Assist-  
8 ant Secretary.

9 (e) ANNUAL REPORT AND EVALUATION.—Not later  
10 than 90 days after the end of each fiscal year for which  
11 an entity receives grant funds under this section, the enti-  
12 ty shall submit to the Assistant Secretary the following:

13 (1) A report that describes—

14 (A) the activities undertaken by the entity  
15 that were funded entirely or partially by the  
16 grant funds;

17 (B) the geographic area served by the  
18 grant funds;

19 (C) the number of immigrants in such  
20 area;

21 (D) the primary languages spoken in such  
22 area;

23 (E) the number of adult English language  
24 learners receiving assistance that was funded

1 entirely or partially by grant funds received by  
2 the entity; and

3 (F) a breakdown of the costs of the in-  
4 struction services provided and the average per  
5 capita cost of providing such instruction.

6 (2) An evaluation of any program of the entity  
7 using grant funds under this section, including—

8 (A) an assessment of—

9 (i) the effectiveness of such program  
10 and recommendations for improving the  
11 program; and

12 (ii) whether the English language in-  
13 struction needs of the geographic area  
14 served have been met; and

15 (B) in the case of an assessment under  
16 subparagraph (A)(ii) that such needs have not  
17 been met, a description of the additional assist-  
18 ance required to meet such needs.

19 (f) DEFINITIONS.—In this section:

20 (1) ADULT ENGLISH LANGUAGE LEARNER.—

21 The term “adult English language learner” refers to  
22 an individual age 16 years and older who is not en-  
23 rolled in secondary school and who is limited English  
24 proficient.

1           (2) ENGLISH LANGUAGE LEARNER; LIMITED  
2 ENGLISH PROFICIENT.—The terms “English lan-  
3 guage learner” and “limited English proficient” de-  
4 scribe an individual who does not speak English as  
5 their primary language and who has a limited ability  
6 to read, speak, write, or understand English.

7           (3) STATE.—The term “State” means each of  
8 the several States, the District of Columbia, the  
9 Commonwealth of Puerto Rico, the United States  
10 Virgin Islands, Guam, American Samoa, and the  
11 Commonwealth of the Northern Mariana Islands.

12       (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$100,000,000 for fiscal years 2022 through 2023.

15 **SEC. 3505. WORKFORCE DEVELOPMENT AND SHARED**  
16 **PROSPERITY GRANT PROGRAM.**

17       (a) DECLARATION OF POLICY.—It is the policy of the  
18 United States—

19           (1) that adults have adequate and equitable ac-  
20 cess to education and workforce programs that—

21                   (A) help them learn basic skills in reading,  
22 writing, mathematics, and the English lan-  
23 guage; and

24                   (B) equip them with occupational skills  
25 needed to secure or advance in employment, fill

1 employer needs, and support themselves and  
2 their families;

3 (2) that helping adults with limited skills to at-  
4 tain industry-recognized postsecondary credentials  
5 strengthens the economy; and

6 (3) that workforce programs for adults with  
7 limited skills should incorporate an integrated edu-  
8 cation and training approach that allows adults to  
9 acquire basic skills while pursuing occupational or  
10 industry-specific training.

11 (b) AUTHORIZATION.—The Assistant Secretary for  
12 Career, Technical, and Adult Education at the Depart-  
13 ment of Education (referred to in this section as the “As-  
14 sistant Secretary”) shall award Workforce Development  
15 and Shared Prosperity grants, on a competitive basis, to  
16 States or local governments, or other qualifying entities  
17 described in subsection (c) in collaboration with States  
18 and local governments.

19 (c) QUALIFYING ENTITIES.—Qualifying entities  
20 under this section may include—

- 21 (1) an educational institution;
- 22 (2) a private organization;
- 23 (3) a community-based organization; or
- 24 (4) a nonprofit organization.

1 (d) ELIGIBILITY.—A State or local government, or a  
2 qualifying entity in collaboration with a State or local gov-  
3 ernment, is eligible to receive a grant under this section  
4 provided that the State or local government or entity—

5 (1) supports and promotes the economic inte-  
6 gration of immigrants and refugees and their fami-  
7 lies;

8 (2) has expertise in workforce development and  
9 adult education for the purpose of developing and  
10 implementing State or local programs of integrated  
11 education and training;

12 (3) in carrying out the grant program, has, or  
13 collaborates with at least 1 entity that has—

14 (A) expertise in workforce development for  
15 immigrants and refugees; and

16 (B) expertise in adult education of immi-  
17 grants and refugees;

18 (4) uses matching funds from non-Federal  
19 sources, which may include in-kind contributions,  
20 equal to 25 percent of the amount received from the  
21 Workforce Development and Shared Prosperity  
22 grant program; and

23 (5) submits to the Assistant Secretary an appli-  
24 cation at such time, in such manner, and containing

1 such information as the Assistant Secretary may  
2 reasonably require, including—

3 (A) a description of the target population  
4 to be served, including demographics, English  
5 language levels, educational levels, and skill lev-  
6 els;

7 (B) the specific integrated education and  
8 training instructional model to be implemented;

9 (C) how the program will be designed and  
10 implemented by educators with expertise in  
11 adult education, English language instruction,  
12 and occupational skills training;

13 (D) how the program will prepare students  
14 to receive a high school equivalency credential;

15 (E) how the program will prepare students  
16 to receive a postsecondary credential;

17 (F) the occupations or industries for which  
18 the program will prepare students for employ-  
19 ment;

20 (G) evidence of employer demand for the  
21 skills or occupational training offered by the  
22 grant program;

23 (H) the extent to which the program re-  
24 duces the time required for students to acquire  
25 English and workforce skills;

1 (I) how the program will increase digital  
2 literacy skills;

3 (J) how the program will provide student  
4 support services, including guidance counseling,  
5 so as to promote student success; and

6 (K) the assessment and performance meas-  
7 ures that the grant recipient plans to use to  
8 evaluate—

9 (i) the progress of adult learners in  
10 acquiring basic skills such as reading, writ-  
11 ing, mathematics, and the English lan-  
12 guage; and

13 (ii) the success of the grant program  
14 in preparing students for employment and  
15 in helping them find employment or ad-  
16 vance in employment.

17 (e) CERTIFICATION.—To receive a payment under  
18 this section, a participating entity shall submit to the As-  
19 sistant Secretary a certification that the proposed uses of  
20 grant funds by the entity are consistent with this section  
21 and meet all necessary criteria determined by the Assist-  
22 ant Secretary.

23 (f) TECHNICAL ASSISTANCE.—The Assistant Sec-  
24 retary shall provide technical assistance to adult education



1 providers on how to provide integrated education and  
2 training.

3 (g) ANNUAL REPORT AND EVALUATION.—Not later  
4 than 90 days after the end of each fiscal year for which  
5 an entity receives grant funds under this section, the enti-  
6 ty shall submit to the Assistant Secretary the following:

7 (1) A report that describes—

8 (A) the activities undertaken by the entity  
9 that were funded entirely or partially by the  
10 grant funds;

11 (B) the geographic area served by the  
12 grant funds;

13 (C) the number of immigrants in such  
14 area;

15 (D) the primary languages spoken in such  
16 area; and

17 (E) a breakdown of the costs of each of  
18 the services provided and the average per capita  
19 cost of providing such services.

20 (2) An evaluation of any program of the entity  
21 using grant funds under this section, including—

22 (A) an assessment of—

23 (i) the effectiveness of such program  
24 and recommendations for improving the  
25 program; and

1 (ii) whether the adult education and  
2 workforce development needs of the geo-  
3 graphic area served have been met; and

4 (B) in the case of an assessment under  
5 subparagraph (A)(ii) that such needs have not  
6 been met, a description of the additional assist-  
7 ance required to meet such needs.

8 (h) DEFINITIONS.—In this section:

9 (1) ADULT EDUCATION.—The term “adult edu-  
10 cation” means academic instruction and education  
11 services below the postsecondary level that increase  
12 an individual’s ability to read, write, speak, and un-  
13 derstand English and perform mathematical or other  
14 activities necessary to attain a secondary school di-  
15 ploma or its recognized equivalent, to transition to  
16 postsecondary education and training, or to obtain  
17 employment.

18 (2) INTEGRATED EDUCATION AND TRAINING.—  
19 The term “integrated education and training”  
20 means instruction that provides adult education, lit-  
21 eracy, and English language activities concurrently  
22 and contextually with workforce preparation activi-  
23 ties and workforce training for a specific occupation  
24 or occupational cluster for the purpose of edu-  
25 cational and career advancement.

1           (3) STATE.—The term “State” means each of  
2           the several States, the District of Columbia, the  
3           Commonwealth of Puerto Rico, the United States  
4           Virgin Islands, Guam, American Samoa, and the  
5           Commonwealth of the Northern Mariana Islands.

6           (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
7           authorized to be appropriated to carry out this section  
8           \$100,000,000 for fiscal years 2022 through 2023.

9           **SEC. 3506. EXISTING CITIZENSHIP EDUCATION GRANTS.**

10          (a) IN GENERAL.—There is authorized to be appro-  
11          priated to the Secretary not less than \$25,000,000 for the  
12          purpose of awarding grants to public or private nonprofit  
13          entities for citizenship education and training (as de-  
14          scribed in number 97.010 of the Catalog of Federal Do-  
15          mestic Assistance), to remain available until expended.

16          (b) CONSIDERATION OF GRANT RECIPIENTS.—With  
17          respect to grants administered and awarded to public or  
18          private nonprofit organizations by the Secretary, unless  
19          otherwise required by law, in making determinations about  
20          such grants, the Secretary may not consider an entity’s  
21          enrollment in or use of the E-Verify Program described  
22          in section 403(a) of the Illegal Immigration Reform and  
23          Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a  
24          note).

1 **SEC. 3507. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
2 **CANTS.**

3 (a) **ESTABLISHMENT.**—The Secretary shall establish,  
4 within U.S. Citizenship and Immigration Services, a pro-  
5 gram to award grants, on a competitive basis, to eligible  
6 nonprofit organizations to carry out a program described  
7 in subsection (c) for the purpose of assisting applicants  
8 for status under sections 245B, 245C, 245D, 245E, and  
9 245F of the Immigration and Nationality Act.

10 (b) **ELIGIBLE NONPROFIT ORGANIZATION.**—A non-  
11 profit organization eligible to receive a grant under this  
12 section is a nonprofit tax-exempt organization, including  
13 a community, faith-based, or other immigrant-serving or-  
14 ganization, the staff of which has demonstrated qualifica-  
15 tions, experience, and expertise in providing quality serv-  
16 ices to immigrants, refugees, noncitizens granted asylum,  
17 or noncitizens applying for such statuses.

18 (c) **USE OF FUNDS.**—Grant funds awarded under  
19 this section may be used for the design and implementa-  
20 tion of programs that provide—

21 (1) information to the public relating to eligi-  
22 bility for and benefits of lawful prospective immi-  
23 grant status under section 245B of the Immigration  
24 and Nationality Act, particularly to individuals who  
25 may be eligible for such status;

1           (2) assistance, within the scope of authorized  
2 practice of immigration law, to individuals in sub-  
3 mitting applications for lawful prospective immi-  
4 grant status, including—

5                   (A) screening prospective applicants to as-  
6 sess eligibility for such status;

7                   (B) completing applications and petitions,  
8 including providing assistance in obtaining the  
9 requisite documents and supporting evidence;

10                  (C) applying for any waivers for which ap-  
11 plicants and qualifying family members may be  
12 eligible; and

13                  (D) providing any other assistance that the  
14 Secretary or grantees consider useful or nec-  
15 essary in applying for lawful prospective immi-  
16 grant status;

17           (3) assistance, within the scope of authorized  
18 practice of immigration law, to individuals seeking to  
19 adjust their status to that of a lawful permanent  
20 resident under section 245C, 245D, 245E, or 245F  
21 of the Immigration and Nationality Act;

22           (4) instruction to individuals with respect to—

23                   (A) the rights and responsibilities of  
24 United States citizenship; and

1 (B) civics and civics-based English as a  
2 second language; and

3 (5) assistance, within the scope of authorized  
4 practice of immigration law, to individuals seeking to  
5 apply for United States citizenship.

6 (d) SOURCE OF GRANT FUNDS.—To carry out this  
7 section, the Secretary may use not more than \$50,000,000  
8 from the Immigration Examinations Fee Account pursu-  
9 ant to section 286(m) of the Immigration and Nationality  
10 Act (U.S.C. 1356(m)).

11 (e) AVAILABILITY OF APPROPRIATIONS.—Any  
12 amounts appropriated to carry out this section shall re-  
13 main available until expended.

14 **SEC. 3508. STUDY ON FACTORS AFFECTING EMPLOYMENT**  
15 **OPPORTUNITIES FOR IMMIGRANTS AND REF-**  
16 **UGEES WITH PROFESSIONAL CREDENTIALS**  
17 **OBTAINED IN FOREIGN COUNTRIES.**

18 (a) IN GENERAL.—The Secretary of Labor, in coordi-  
19 nation with the Secretary of State, the Secretary of Edu-  
20 cation, the Secretary of Health and Human Services, the  
21 Secretary of Commerce, the Secretary, the Administrator  
22 of the Internal Revenue Service, and the Commissioner of  
23 the Social Security Administration, shall conduct a study  
24 on the factors affecting employment opportunities in the  
25 United States for applicable immigrants and refugees with

1 professional credentials obtained in countries other than  
2 the United States.

3 (b) ELEMENTS.—The study required by subsection  
4 (a) shall include the following:

5 (1) An analysis of the employment history of  
6 applicable immigrants and refugees admitted to the  
7 United States during the most recent 5-year period  
8 for which data are available at the time of the study,  
9 including, to the extent practicable—

10 (A) an analysis of the employment held by  
11 applicable immigrants and refugees before im-  
12 migrating to the United States as compared to  
13 the employment obtained in the United States,  
14 if any, since the arrival of such applicable immi-  
15 grants and refugees; and

16 (B) a consideration of the occupational and  
17 professional credentials and academic degrees  
18 held by applicable immigrants and refugees be-  
19 fore immigrating to the United States.

20 (2) An assessment of any barrier that prevents  
21 applicable immigrants and refugees from using occu-  
22 pational experience obtained outside the United  
23 States to obtain employment in the United States.

24 (3) An analysis of existing public and private  
25 resources available to assist applicable immigrants

1 and refugees who have professional experience and  
2 qualifications obtained outside the United States in  
3 using such professional experience and qualifications  
4 to obtain skills-appropriate employment opportuni-  
5 ties in the United States.

6 (4) Policy recommendations for better enabling  
7 applicable immigrants and refugees who have profes-  
8 sional experience and qualifications obtained outside  
9 the United States to use such professional experi-  
10 ence and qualifications to obtain skills-appropriate  
11 employment opportunities in the United States.

12 (c) COLLABORATION WITH NONPROFIT ORGANIZA-  
13 TIONS AND STATE AGENCIES.—In conducting the study  
14 required by subsection (a), the Secretary of Labor shall  
15 seek to collaborate with relevant nonprofit organizations  
16 and State agencies to use the existing data and resources  
17 of such entities.

18 (d) APPLICABLE IMMIGRANTS AND REFUGEES.—In  
19 this section, the term “applicable immigrants and refu-  
20 gees” means—

21 (1) noncitizens who are lawfully present and  
22 authorized to be employed in the United States; and

23 (2) citizens of the United States born outside  
24 the United States and its outlying possessions.



1 **SEC. 3509. IN-STATE TUITION RATES FOR REFUGEES,**  
 2 **ASYLEES, AND CERTAIN SPECIAL IMMI-**  
 3 **GRANTS.**

4 (a) IN GENERAL.—The Higher Education Act of  
 5 1965 (20 U.S.C. 1001 et seq.) is amended by inserting  
 6 after section 135 the following:

7 **“SEC. 135A. IN-STATE TUITION RATES FOR REFUGEES,**  
 8 **ASYLEES, AND CERTAIN SPECIAL IMMI-**  
 9 **GRANTS.**

10 “(a) REQUIREMENT.—In the case of a noncitizen de-  
 11 scribed in subsection (b) whose domicile is in a State that  
 12 receives assistance under this Act, such State shall not  
 13 charge such noncitizen tuition for attendance at a public  
 14 institution of higher education in the State at a rate that  
 15 is greater than the rate charged for residents of the State.

16 “(b) NONCITIZEN DESCRIBED.—A noncitizen is de-  
 17 scribed in this subsection if the noncitizen was granted—

18 “(1) refugee status and admitted to the United  
 19 States under section 207 of the Immigration and  
 20 Nationality Act (8 U.S.C. 1157);

21 “(2) asylum under section 208 of such Act (8  
 22 U.S.C. 1158); or

23 “(3) special immigrant status under section  
 24 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) pur-  
 25 suant to—



1 **SEC. 3510. WAIVER OF ENGLISH REQUIREMENT FOR SEN-**  
2 **IOR NEW AMERICANS.**

3 Section 312 (8 U.S.C. 1423) is amended by striking  
4 subsection (b) and inserting the following:

5 “(b) The requirements under subsection (a) shall not  
6 apply to any person who—

7 “(1) is unable to comply with such require-  
8 ments because of physical or mental disability, in-  
9 cluding developmental or intellectual disability; or

10 “(2) on the date on which the person’s applica-  
11 tion for naturalization is submitted under section  
12 334—

13 “(A) is older than 65 years of age; and

14 “(B) has been living in the United States  
15 for 1 or more periods totaling not less than 5  
16 years after being lawfully admitted for perma-  
17 nent residence.

18 “(c) The requirement under subsection (a)(1) shall  
19 not apply to any person who, on the date on which the  
20 person’s application for naturalization is submitted under  
21 section 334—

22 “(1) is older than 50 years of age and has been  
23 living in the United States for 1 or more periods to-  
24 taling not less than 20 years after being lawfully ad-  
25 mitted for permanent residence;

1           “(2) is older than 55 years of age and has been  
2 living in the United States for 1 or more periods to-  
3 taling not less than 15 years after being lawfully ad-  
4 mitted for permanent residence; or

5           “(3) is older than 60 years of age and has been  
6 living in the United States for 1 or more periods to-  
7 taling not less than 10 years after being lawfully ad-  
8 mitted for permanent residence.

9           “(d) The Secretary of Homeland Security may waive,  
10 on a case-by-case basis, the requirement under subsection  
11 (a)(2) for any person who, on the date on which the per-  
12 son’s application for naturalization is submitted under sec-  
13 tion 334—

14           “(1) is older than 60 years of age; and

15           “(2) has been living in the United States for 1  
16 or more periods totaling not less than 10 years after  
17 being lawfully admitted for permanent residence.”.

18 **SEC. 3511. NATURALIZATION FOR CERTAIN UNITED STATES**

19 **HIGH SCHOOL GRADUATES.**

20           (a) IN GENERAL.—Title III of the Immigration and  
21 Nationality Act (8 U.S.C. 1401 et seq.) is amended by  
22 inserting after section 320 the following:

1 **“SEC. 321. CITIZENSHIP FOR CERTAIN UNITED STATES**  
2 **HIGH SCHOOL GRADUATES.**

3 “(a) REQUIREMENTS CONSIDERED SATISFIED.—In  
4 the case of a noncitizen described in subsection (b), the  
5 noncitizen shall be considered to have satisfied the require-  
6 ments of section 312(a).

7 “(b) NONCITIZEN DESCRIBED.—A noncitizen is de-  
8 scribed in this subsection if the noncitizen submits an ap-  
9 plication for naturalization under section 334 that con-  
10 tains the following:

11 “(1) Transcripts from public or private schools  
12 in the United States that demonstrate the following:

13 “(A) The noncitizen completed grades 9  
14 through 12 in the United States and graduated  
15 with a high school diploma.

16 “(B) The noncitizen completed a cur-  
17 riculum that reflects knowledge of United  
18 States history, government, and civics.

19 “(2) A copy of the noncitizen’s high school di-  
20 ploma.”.

21 (b) CLERICAL AMENDMENT.—The table of contents  
22 for the Immigration and Nationality Act (8 U.S.C. 1101  
23 et seq.) is amended by inserting after the item relating  
24 to section 320 the following:

“Sec. 321. Citizenship for certain United States high school graduates.”.

1 (c) APPLICABILITY.—The amendments made by this  
2 section shall take effect on the date of the enactment of  
3 this Act and shall apply to applicants for naturalization  
4 who apply for naturalization on or after such date.

5 (d) REGULATIONS.—Not later than 180 days after  
6 the date of the enactment of this Act, the Secretary shall  
7 promulgate regulations to carry out this section and the  
8 amendments made by this section.

9 **SEC. 3512. NATURALIZATION CEREMONIES.**

10 (a) IN GENERAL.—The Chief of the Office of Citizen-  
11 ship of U.S. Citizenship and Immigration Services, in con-  
12 sultation with the Director of the National Park Service,  
13 the Archivist of the United States, and other appropriate  
14 Federal officials, shall develop and implement a strategy  
15 to enhance public awareness of naturalization ceremonies.

16 (b) VENUES.—In developing the strategy under sub-  
17 section (a), the Chief of the Office of Citizenship of U.S.  
18 Citizenship and Immigration Services shall consider the  
19 use of outstanding and historic locations as venues for se-  
20 lect naturalization ceremonies.

21 **SEC. 3513. NATIONAL CITIZENSHIP PROMOTION PROGRAM.**

22 (a) ESTABLISHMENT.—Not later than 1 year after  
23 the date of the enactment of this Act, the Secretary shall  
24 establish a program to promote United States citizenship.

1 (b) ACTIVITIES.—As part of the program required by  
2 subsection (a), the Secretary shall carry out outreach ac-  
3 tivities in accordance with subsection (c).

4 (c) OUTREACH.—The Secretary shall—

5 (1) develop outreach materials targeted to non-  
6 citizens who have been lawfully admitted for perma-  
7 nent residence to encourage such noncitizens to  
8 apply to become citizens of the United States;

9 (2) make such outreach materials available  
10 through—

11 (A) public service announcements;

12 (B) advertisements; and

13 (C) such other media as the Secretary con-  
14 siders appropriate; and

15 (3) conduct outreach activities targeted to non-  
16 citizens eligible to apply for naturalization, including  
17 communication by text, email, and the United States  
18 Postal Service, that provides, on paper or in elec-  
19 tronic form—

20 (A) notice that the individual is possibly el-  
21 igible to apply for naturalization;

22 (B) information about the requirements of  
23 United States citizenship;

24 (C) information about the benefits of  
25 United States citizenship;

1 (D) a pre-filled naturalization application  
2 containing the data the agency already has  
3 about the individual;

4 (E) instructions on how to complete the  
5 application; and

6 (F) resources for free or low-cost assist-  
7 ance with applying for naturalization and pre-  
8 paring for the English and civics exams.

9 **SEC. 3514. AUTHORIZATION OF APPROPRIATIONS FOR**  
10 **FOUNDATION AND PILOT PROGRAM.**

11 (a) IN GENERAL.—There are authorized to be appro-  
12 priated for the first 2 fiscal years after the date of the  
13 enactment of this Act such sums as may be necessary to  
14 establish the Foundation and carry out the pilot program  
15 under section 3502.

16 (b) USE OF FUNDS.—Amounts appropriated to es-  
17 tablish the Foundation and carry out the pilot program  
18 under section 3502 may be invested, and any amounts re-  
19 sulting from such investments shall remain available for  
20 the operations of the Foundation and the pilot program  
21 without further appropriation.



1 **TITLE** **IV—IMMIGRATION**  
2 **COURTS, FAMILY VALUES,**  
3 **AND VULNERABLE INDIVID-**  
4 **UALS**

5 **Subtitle A—Promoting Efficient**  
6 **Processing of Asylum Seekers,**  
7 **Addressing Immigration Court**  
8 **Backlogs, and Efficiently Repa-**  
9 **triating Migrants Ordered Re-**  
10 **moved**

11 **SEC. 4101. EXPANDING ALTERNATIVES TO DETENTION.**

12 (a) **FAMILY CASE MANAGEMENT PROGRAM.**—The  
13 Secretary shall—

14 (1) expand the use of the family case manage-  
15 ment program (described in section 218 of the De-  
16 partment of Homeland Security Appropriations Act,  
17 2020 (8 U.S.C. 1378a)) for apprehended noncitizens  
18 who are members of family units arriving in the  
19 United States; and

20 (2) develop additional community-based pro-  
21 grams to increase the number of enrollees in the al-  
22 ternatives to detention program.

23 (b) **NONPROFIT ENTITY CONTRACTING PARTNER.**—  
24 The Secretary shall contract with qualified nonprofit enti-  
25 ties for the operation of the alternatives to detention pro-

1 gram, including the family case management program and  
2 other community-based programs described in subsection  
3 (a).

4 (c) **LEGAL ORIENTATION.**—The Secretary shall en-  
5 sure that enrollees in the alternatives to detention pro-  
6 gram, including the family case management program and  
7 other community-based programs described in subsection  
8 (a), are provided a legal orientation consistent with the  
9 program elements described in section 4105(a)(2).

10 **SEC. 4102. ELIMINATING IMMIGRATION COURT BACKLOGS.**

11 (a) **ADDRESSING IMMIGRATION JUDGE SHORT-**  
12 **AGES.**—The Attorney General shall increase the total  
13 number of immigration judges by not fewer than 55  
14 judges during each of fiscal years 2021, 2022, 2023, and  
15 2024.

16 (b) **QUALIFICATIONS AND SELECTION.**—The Attor-  
17 ney General shall—

18 (1) ensure that all newly hired immigration  
19 judges and members of the Board of Immigration  
20 Appeals are—

21 (A) highly qualified experts on immigration  
22 law; and

23 (B) trained to conduct fair, impartial adju-  
24 dications in accordance with applicable due  
25 process requirements; and

1           (2) with respect to immigration judges and  
2           members of the Board of Immigration Appeals, to  
3           the extent practicable, strive to achieve an equal nu-  
4           merical balance in the hiring of candidates with Gov-  
5           ernment experience in immigration and candidates  
6           with sufficient knowledge or experience in immigra-  
7           tion in the private sector, including nonprofit, pri-  
8           vate bar, or academic experience.

9           (c) ADDRESSING SUPPORT STAFF SHORTAGES.—  
10          Subject to the availability of funds made available in ad-  
11          vance in appropriations Acts, the Attorney General shall  
12          ensure that each immigration judge has sufficient support  
13          staff, adequate technological and security resources, and  
14          appropriate courtroom facilities.

15          (d) ADDITIONAL BOARD OF IMMIGRATION APPEALS  
16          PERSONNEL.—The Attorney General shall increase the  
17          number of Board of Immigration Appeals staff attorneys  
18          (including necessary additional support staff) to efficiently  
19          process cases by not fewer than 23 attorneys during each  
20          of fiscal years 2021, 2022, and 2023.

21          (e) GAO REPORT.—The Comptroller General of the  
22          United States shall—

23                 (1) conduct a study of the impediments to effi-  
24                 cient hiring of immigration court judges within the  
25                 Department of Justice; and

1           (2) propose solutions to Congress for improving  
2           the efficiency of the hiring process.

3 **SEC. 4103. IMPROVED TRAINING FOR IMMIGRATION**  
4                                   **JUDGES AND MEMBERS OF THE BOARD OF**  
5                                   **IMMIGRATION APPEALS.**

6           (a) IN GENERAL.—To ensure efficient and fair pro-  
7           ceedings, the Director of the Executive Office for Immi-  
8           gration Review shall establish or expand, as applicable,  
9           training programs for immigration judges and members  
10          of the Board of Immigration Appeals.

11          (b) MANDATORY TRAINING.—Training referred to  
12          under subsection (a) shall include the following:

13                  (1) Expansion of the training program for new  
14                  immigration judges and members of the Board of  
15                  Immigration Appeals to include age sensitivity, gen-  
16                  der sensitivity, and trauma sensitivity.

17                  (2) Continuing education regarding current de-  
18                  velopments in immigration law, including through  
19                  regularly available training resources and an annual  
20                  conference.

21                  (3) Training on properly crafting and dictating  
22                  decisions and standards of review, including im-  
23                  proved on-bench reference materials and decision  
24                  templates.

1 **SEC. 4104. NEW TECHNOLOGY TO IMPROVE COURT EFFI-**  
2 **CIENCY.**

3 The Director of the Executive Office for Immigration  
4 Review shall modernize its case management, video-tele-  
5 conferencing, digital audio recording, and related elec-  
6 tronic and computer-based systems, including by allowing  
7 for electronic filing, to improve efficiency in the processing  
8 of immigration proceedings.

9 **SEC. 4105. COURT APPEARANCE COMPLIANCE AND LEGAL**  
10 **ORIENTATION.**

11 (a) **ACCESS TO LEGAL ORIENTATION PROGRAMS TO**  
12 **ENSURE COURT APPEARANCE COMPLIANCE.—**

13 (1) **IN GENERAL.—**The Secretary, in consulta-  
14 tion with the Attorney General, shall establish proce-  
15 dures to ensure that legal orientation programs are  
16 available for all noncitizens detained by the Sec-  
17 retary.

18 (2) **PROGRAM ELEMENTS.—**Programs under  
19 paragraph (1) shall provide information to nonciti-  
20 zens regarding the following:

21 (A) The basic procedures of immigration  
22 hearings.

23 (B) The rights and obligations of nonciti-  
24 zens relating to immigration hearings, including  
25 the consequences of filing frivolous legal claims  
26 and of failing to appear for proceedings.



1 PROCEEDINGS.—Section 240(b) of the Immigration and  
2 Nationality Act (8 U.S.C. 1229a(b)) is amended—

3 (1) in paragraph (4)—

4 (A) in subparagraph (A)—

5 (i) by striking “, at no expense to the  
6 Government,”; and

7 (ii) by striking the comma at the end  
8 and inserting a semicolon;

9 (B) by redesignating subparagraphs (B)  
10 and (C) as subparagraphs (D) and (E), respec-  
11 tively;

12 (C) by inserting after subparagraph (A)  
13 the following:

14 “(B) the Attorney General may appoint or  
15 provide counsel, at Government expense, to  
16 noncitizens in immigration proceedings;

17 “(C) at the beginning of the proceedings or  
18 as expeditiously as possible thereafter, a noncit-  
19 izen shall receive a complete copy of all relevant  
20 documents in the possession of the Department  
21 of Homeland Security, including all documents  
22 (other than documents protected from disclo-  
23 sure by privilege, including national security in-  
24 formation referred to in subparagraph (D), law  
25 enforcement-sensitive information, and informa-

1           tion prohibited from disclosure pursuant to any  
2           other provision of law) contained in the file  
3           maintained by the Government, including infor-  
4           mation with respect to all transactions involving  
5           the noncitizen during the immigration process  
6           (commonly referred to as an ‘A-file’) and all  
7           documents pertaining to the noncitizen that the  
8           Department of Homeland Security has obtained  
9           or received from other government agencies, un-  
10          less the noncitizen waives the right to receive  
11          such documents by executing a knowing and  
12          voluntary written waiver in a language that he  
13          or she understands;” and

14                 (D) in subparagraph (D), as redesignated,  
15                 by striking “, and” and inserting “; and”; and  
16                 (2) by adding at the end the following:

17                 “(8) FAILURE TO PROVIDE NONCITIZEN RE-  
18                 QUIRED DOCUMENTS.—In the absence of a written  
19                 waiver under paragraph (4)(C), a removal pro-  
20                 ceeding may not proceed until the noncitizen—

21                         “(A) has received the documents as re-  
22                         quired under such paragraph; and

23                         “(B) has been provided meaningful time to  
24                         review and assess such documents.”.

25                 (b) RIGHT TO COUNSEL.—



1           (1) IN GENERAL.—Section 292 of the Immigra-  
2           tion and Nationality Act (8 U.S.C. 1362) is amend-  
3           ed to read as follows:

4   **“SEC. 292. RIGHT TO COUNSEL.**

5           “(a) IN GENERAL.—In any proceeding conducted  
6           under section 235, 236, 238, 240, 241, or any other sec-  
7           tion of this Act, and in any appeal proceedings before the  
8           Attorney General from any such proceedings, the noncit-  
9           izen concerned shall have the privilege of being rep-  
10          resented by such counsel authorized to practice in such  
11          proceedings, as the noncitizen shall choose.

12          “(b) ACCESS TO COUNSEL.—

13                 “(1) IN GENERAL.—The Attorney General may  
14                 appoint or provide counsel to a noncitizen in any  
15                 proceeding conducted under section 235, 236, 238,  
16                 240, or 241 or any other section of this Act.

17                 “(2) DETENTION AND BORDER FACILITIES.—  
18                 The Secretary of Homeland Security shall ensure  
19                 that noncitizens have access to counsel inside all im-  
20                 migration detention and border facilities.

21                 “(c) CHILDREN AND VULNERABLE INDIVIDUALS.—  
22                 Notwithstanding subsection (b), at the beginning of pro-  
23                 ceedings or as expeditiously as possible, the Attorney Gen-  
24                 eral shall appoint, at the expense of the Government,  
25                 counsel to represent any noncitizen financially unable to

1 obtain adequate representation in such proceedings, in-  
2 cluding any noncitizen who has been determined by the  
3 Secretary of Homeland Security or the Attorney General  
4 to be—

5           “(1) a child;

6           “(2) a particularly vulnerable individual, includ-  
7 ing—

8                 “(A) a person with a disability;

9                 “(B) a victim of abuse, torture, or violence;

10           and

11                 “(C) a pregnant or lactating woman; or

12           “(3) the parent of a United States citizen  
13 minor.

14           “(d) EXTENSION TO CONSOLIDATED CASES.—If the  
15 Attorney General has consolidated the case of any noncit-  
16 izen for whom counsel was appointed under subsection (c)  
17 with that of any other noncitizen, and such other noncit-  
18 izen does not have counsel, the counsel appointed under  
19 subsection (c) shall be appointed to represent such other  
20 noncitizen unless there is a demonstrated conflict of inter-  
21 est.”.

22           (2) RULEMAKING.—Not later than 180 days  
23 after the date of enactment of this Act, the Attorney  
24 General shall promulgate regulations to implement

1 subsection (c) of section 292 of the Immigration and  
2 Nationality Act, as added by paragraph (1).

3 (c) IMMIGRATION COUNSEL FUND.—

4 (1) IN GENERAL.—Chapter 9 of title II of the  
5 Immigration and Nationality Act (8 U.S.C. 1351 et  
6 seq.) is amended by adding at the end the following:

7 **“SEC. 295. IMMIGRATION COUNSEL FUND.**

8 “(a) IN GENERAL.—There is established in the gen-  
9 eral fund of the Treasury a separate account to be known  
10 as the ‘Immigration Counsel Fund’.

11 “(b) DEPOSITS.—Notwithstanding any other provi-  
12 sion of this Act, there shall be deposited as offsetting re-  
13 ceipts into the Immigration Counsel Account all sur-  
14 charges collected under subsection (c) for the purpose of  
15 providing access to counsel as required or authorized  
16 under this Act, to remain available until expended.

17 “(c) SURCHARGE.—In any case in which a fee is  
18 charged pursuant to the immigration laws, a surcharge of  
19 \$25 shall be imposed and collected.

20 “(d) REPORT.—Not later than 2 years after the date  
21 of the enactment of this section, and biennially thereafter,  
22 the Secretary of Homeland Security shall submit to Con-  
23 gress a report on the status of the Immigration Counsel  
24 Account, including—

1           “(1) the balance in the Immigration Counsel  
2 Account; and

3           “(2) any recommendation with respect to modi-  
4 fications to the surcharge under subsection (c) nec-  
5 essary to ensure that the receipts collected for the  
6 subsequent 2 years equal, as closely as possible, the  
7 cost of providing access to counsel as required or au-  
8 thorized under this Act.”.

9           (2) TABLE OF CONTENTS.—The table of con-  
10 tents for the Immigration and Nationality Act (8  
11 U.S.C. 1101 et seq.) is amended by inserting after  
12 the item relating to section 294 the following:

“Sec. 295. Immigration Counsel Account.”.

13           (d) MOTIONS TO REOPEN.—Section 240(c)(7)(C) of  
14 the Immigration and Nationality Act (8 U.S.C.  
15 1229a(c)(7)(C)) is amended by adding at the end the fol-  
16 lowing:

17                           “(v) SPECIAL RULE FOR CHILDREN  
18 AND OTHER VULNERABLE NONCITIZENS.—  
19 If the Attorney General fails to appoint  
20 counsel for a noncitizen in violation of sec-  
21 tion 292(c)—

22   “(I) no limitation under this  
23 paragraph with respect to the filing of  
24 any motion to reopen shall apply to  
25 the noncitizen; and

1                   “(II) the filing of a motion to re-  
2                   open by the noncitizen shall stay the  
3                   removal of the noncitizen.”.

4 **SEC. 4107. FACILITATING SAFE AND EFFICIENT REPATRI-**  
5 **ATION.**

6           (a) UNITED STATES SUPPORT FOR REINTEGRA-  
7 TION.—The Secretary of State, in consultation with the  
8 Secretary and the Administrator of the United States  
9 Agency for International Development, shall coordinate  
10 with the governments of El Salvador, Guatemala, Hon-  
11 duras, and any other country in Central America the Sec-  
12 retary of State considers appropriate, to promote the suc-  
13 cessful reintegration of families, unaccompanied noncit-  
14 izen children, and other noncitizens repatriated to their  
15 countries of origin by assisting in the development and  
16 funding of programs in such countries that—

17           (1) provide comprehensive reintegration services  
18           at the municipal level for repatriated noncitizens, in-  
19           cluding family reunification and access to medical  
20           and psychosocial services;

21           (2) support the establishment of educational  
22           and vocational centers for repatriated noncitizens  
23           that provide skills training relevant to national and  
24           local economic needs;

1           (3) promote the hiring of repatriated nonciti-  
2           zens in the private sector, including through stra-  
3           tegic partnerships with specific industries and busi-  
4           nesses;

5           (4) support the issuance of appropriate docu-  
6           ments to repatriated noncitizens, including identi-  
7           fication documents, documents relating to edu-  
8           cational attainment, and documents certifying skill  
9           attainment; and

10          (5) monitor repatriated unaccompanied noncit-  
11          izen children to ensure their adequate screening and  
12          processing in the United States.

13          (b) ELIGIBILITY OF CITIZENS AND NATIONALS OF  
14          REPATRIATION COUNTRY.—Paragraphs (1), (2), and (3)  
15          of subsection (a) shall not necessarily exclude citizens or  
16          nationals of the countries of origin.

17          (c) CONSULTATION WITH NONGOVERNMENTAL OR-  
18          GANIZATIONS.—In assisting in the development of pro-  
19          grams under subsection (a), the Secretary of State shall  
20          consult with nongovernmental organizations in the coun-  
21          tries concerned and in the United States that have experi-  
22          ence in—

23                 (1) integrating repatriated individuals and fam-  
24                 ilies;

1           (2) protecting and ensuring the welfare of unac-  
2           companied noncitizen children; and

3           (3) promoting economic development and skills  
4           acquisition.

5       **Subtitle B—Protecting Family Val-**  
6       **ues and Monitoring and Caring**  
7       **for Unaccompanied Noncitizen**  
8       **Children After Arrival**

9       **SEC. 4201. DEFINITION OF LOCAL EDUCATIONAL AGENCY.**

10       In this subtitle, the term “local educational agency”  
11 has the meaning given the term in section 8101 of the  
12 Elementary and Secondary Education Act of 1965 (20  
13 U.S.C. 7801).

14       **SEC. 4202. RESPONSIBILITY OF SPONSOR FOR IMMIGRA-**  
15                       **TION COURT COMPLIANCE AND CHILD WELL-**  
16                       **BEING.**

17       (a) **IN GENERAL.**—The Secretary of Health and  
18 Human Services, in consultation with the Attorney Gen-  
19 eral, shall establish procedures to ensure that a legal ori-  
20 entation program is provided to each sponsor (including  
21 parents, legal guardians, and close relatives) of an unac-  
22 companied noncitizen child before the unaccompanied non-  
23 citizen child is placed with the sponsor.

1 (b) PROGRAM ELEMENTS.—A program under sub-  
2 section (a) shall provide information to sponsors regarding  
3 each of the following:

4 (1) The basic procedures of immigration hear-  
5 ings.

6 (2) The rights and obligations of the unaccom-  
7 panied noncitizen child relating to immigration hear-  
8 ings, including the consequences of filing frivolous  
9 legal claims and of failing to appear for proceedings.

10 (3) The obligation of the sponsor—

11 (A) to ensure that the unaccompanied non-  
12 citizen child appears at immigration court pro-  
13 ceedings;

14 (B) to notify the court of any change of  
15 address of the unaccompanied noncitizen child  
16 and other relevant information; and

17 (C) to address the needs of the unaccom-  
18 panied noncitizen child, including providing ac-  
19 cess to health care and enrolling the child in an  
20 educational institution.

21 (4) Legal protections available to unaccom-  
22 panied noncitizen children and the procedures for re-  
23 questing such protections.



1           (5) Legal resources available to unaccompanied  
2           noncitizen children and lists of potential legal serv-  
3           ices providers.

4           (6) The importance of reporting potential child  
5           traffickers and other persons seeking to victimize or  
6           exploit unaccompanied noncitizen children, or other-  
7           wise engage such unaccompanied noncitizen children  
8           in criminal, harmful, or dangerous activity.

9           (7) Any other subject the Secretary of Health  
10          and Human Services or the Attorney General con-  
11          siders necessary and appropriate.

12 **SEC. 4203. FUNDING TO SCHOOL DISTRICTS FOR UNACCOM-**  
13 **PANIED NONCITIZEN CHILDREN.**

14          (a) GRANTS AUTHORIZED.—The Secretary of Edu-  
15          cation shall award grants, on a competitive basis, to eligi-  
16          ble local educational agencies or consortia of neighboring  
17          local educational agencies described in subsection (b), to  
18          enable the local educational agencies or consortia to en-  
19          hance opportunities for, and provide services to, immi-  
20          grant children, including unaccompanied noncitizen chil-  
21          dren, in the area served by the local educational agencies  
22          or consortia.

23          (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

24                (1) IN GENERAL.—A local educational agency  
25          or a consortium of neighboring local educational

1 agencies is eligible for a grant under subsection (a)  
2 if, during the fiscal year for which a grant is award-  
3 ed under this section, there are 50 or more unac-  
4 companied noncitizen children enrolled in the public  
5 schools served by the local educational agency or the  
6 consortium.

7 (2) DETERMINATIONS OF NUMBER OF UNAC-  
8 COMPANIED NONCITIZEN CHILDREN.—The Secretary  
9 of Education shall determine the number of unac-  
10 companied noncitizen children for purposes of para-  
11 graph (1) based on the most accurate data available  
12 that is provided to the Secretary of Education by the  
13 Director of the Office of Refugee Resettlement or  
14 the Department of Homeland Security.

15 (c) APPLICATIONS.—A local educational agency or a  
16 consortia of neighboring local educational agencies desir-  
17 ing a grant under this section shall submit an application  
18 to the Secretary of Education at such time, in such man-  
19 ner, and containing such information as the Secretary of  
20 Education may require, including a description of how the  
21 grant will be used to enhance opportunities for, and pro-  
22 vide services to, immigrant children and youth (including  
23 unaccompanied noncitizen children) and their families.

1 **SEC. 4204. SCHOOL ENROLLMENT.**

2 To be eligible for funding under the Elementary and  
3 Secondary Education Act of 1965 (20 U.S.C. 6301 et  
4 seq.), a local educational agency shall take measures—

5 (1) to ensure that an unaccompanied noncitizen  
6 child in the area served by the local educational  
7 agency is enrolled in school not later than 7 days  
8 after the date on which a request for enrollment is  
9 made; and

10 (2) to remove barriers to enrollment and full  
11 participation in educational programs and services  
12 offered by the local educational agency for unaccom-  
13 panied noncitizen children (including barriers related  
14 to documentation, age, and language), which shall  
15 include reviewing and revising policies that may have  
16 a negative effect on unaccompanied noncitizen chil-  
17 dren.

18 **Subtitle C—Admission and Protec-**  
19 **tion of Refugees, Asylum Seek-**  
20 **ers, and Other Vulnerable Indi-**  
21 **viduals**

22 **SEC. 4301. ELIMINATION OF TIME LIMITS ON ASYLUM AP-**  
23 **PLICATIONS.**

24 Section 208(a)(2) of the Immigration and Nationality  
25 Act (8 U.S.C. 1158(a)(2)) is amended—

1           (1) in subparagraph (A), by inserting “or the  
2           Secretary” after “Attorney General” each place it  
3           appears;

4           (2) by striking subparagraphs (B) and (D);

5           (3) by redesignating subparagraph (C) as sub-  
6           paragraph (B);

7           (4) in subparagraph (B), as redesignated, by  
8           striking “subparagraph (D)” and inserting “sub-  
9           paragraphs (C) and (D)”; and

10          (5) by inserting after subparagraph (B), as re-  
11          designated, the following:

12                 “(C) CHANGED CIRCUMSTANCES.—Not-  
13                 withstanding subparagraph (B), an application  
14                 for asylum of a noncitizen may be considered if  
15                 the noncitizen demonstrates, to the satisfaction  
16                 of the Attorney General or the Secretary, the  
17                 existence of changed circumstances that materi-  
18                 ally affect the noncitizen’s eligibility for asylum.

19                 “(D) MOTION TO REOPEN CERTAIN MERI-  
20                 TORIOUS CLAIMS.—Notwithstanding subpara-  
21                 graph (B) of section 240(c)(7), during the 2-  
22                 year period beginning on the date of the enact-  
23                 ment of this Act, a noncitizen may file a motion  
24                 to reopen an asylum claim or a motion to re-

1 open removal proceedings to reapply for asylum  
2 as relief from removal if the noncitizen—

3 “(i) was denied asylum based solely  
4 on a failure to meet the 1-year application  
5 filing deadline in effect on the date on  
6 which the application was filed;

7 “(ii) was granted withholding of re-  
8 moval to the noncitizen’s country of na-  
9 tionality (or, in the case of a person having  
10 no nationality, to the country of last habit-  
11 ual residence) under section 241(b)(3);

12 “(iii) has not obtained lawful perma-  
13 nent residence in the United States pursu-  
14 ant to any other provision of law;

15 “(iv) is not subject to the safe third  
16 country exception under subparagraph (A)  
17 or to a bar to asylum under subsection  
18 (b)(2); and

19 “(v) was not denied asylum as a mat-  
20 ter of discretion.”.

21 **SEC. 4302. INCREASING ANNUAL NUMERICAL LIMITATION**  
22 **ON U VISAS.**

23 Section 214(p) of the Immigration and Nationality  
24 Act (8 U.S.C. 1184(p)) is amended in paragraph (2)(A)  
25 by striking “10,000” and inserting “30,000”.

1 **SEC. 4303. EMPLOYMENT AUTHORIZATION FOR ASYLUM**  
2 **SEEKERS AND OTHER INDIVIDUALS.**

3 (a) ASYLUM SEEKERS.—Section 208(d)(2) of the Im-  
4 migration and Nationality Act (8 U.S.C. 1158(d)(2)) is  
5 amended to read as follows:

6 “(2) EMPLOYMENT AUTHORIZATION.—

7 “(A) ELIGIBILITY.—The Secretary of  
8 Homeland Security shall authorize employment  
9 for an applicant for asylum who is not in deten-  
10 tion and whose application for asylum has not  
11 been determined to be frivolous.

12 “(B) APPLICATION.—

13 “(i) IN GENERAL.—An applicant for  
14 asylum (unless otherwise eligible for em-  
15 ployment authorization) shall not be grant-  
16 ed employment authorization under this  
17 paragraph until the end of a period of days  
18 determined by the Secretary of Homeland  
19 Security by regulation, but which shall not  
20 exceed 180 days, after the filing of the ap-  
21 plication for asylum.

22 “(ii) DATE OF FILING.—For purposes  
23 of this subparagraph, an application for  
24 asylum shall be considered to be filed on  
25 the date on which the applicant submits  
26 the application to the Secretary of Home-

1 land Security or the Attorney General, as  
2 applicable.

3 “(C) TERM.—Employment authorization  
4 for an applicant for asylum shall be valid until  
5 the date on which there is a final denial of the  
6 asylum application, including any administra-  
7 tive or judicial review.”.

8 (b) INDIVIDUALS GRANTED WITHHOLDING OF RE-  
9 MOVAL OR APPLYING FOR WITHHOLDING OF REMOVAL.—  
10 Section 241(b)(3) of the Immigration and Nationality Act  
11 (8 U.S.C. 1231(b)(3)) is amended by adding at the end  
12 the following:

13 “(D) EMPLOYMENT AUTHORIZATION.—

14 “(i) IN GENERAL.—The Secretary of  
15 Homeland Security shall authorize employ-  
16 ment for a noncitizen who is not in deten-  
17 tion and who has been granted—

18 “(I) withholding of removal  
19 under this paragraph; or

20 “(II) withholding or deferral of  
21 removal under the Convention against  
22 Torture and Other Cruel, Inhuman or  
23 Degrading Treatment or Punishment,  
24 done at New York December 10,  
25 1984.

1           “(ii) TERM.—Employment authoriza-  
2           tion for a noncitizen described in clause (i)  
3           shall be—

4                   “(I) valid for a period of 2 years;

5                   and

6                   “(II) renewable for additional 2-  
7                   year periods for the duration of such  
8                   withholding or deferral of removal sta-  
9                   tus.”.

10           “(iii) APPLICANT ELIGIBILITY.—

11                   “(I) IN GENERAL.—The Sec-  
12                   retary of Homeland Security shall au-  
13                   thorize employment for a noncitizen  
14                   who is not in detention, and whose ap-  
15                   plication for withholding of removal  
16                   under this paragraph or withholding  
17                   or deferral of removal under the Con-  
18                   vention against Torture and Other  
19                   Cruel, Inhuman or Degrading Treat-  
20                   ment or Punishment, done at New  
21                   York December 10, 1984, has not  
22                   been determined to be frivolous.

23                   “(II) APPLICATION.—

24                           “(aa) IN GENERAL.—A non-  
25                           citizen described in subclause (I)



1 shall not be granted employment  
2 authorization under this clause  
3 until the end of a period of days  
4 determined by the Secretary of  
5 Homeland Security by regulation,  
6 but which shall not exceed 180  
7 days, after the filing of an appli-  
8 cation described in such sub-  
9 clause.

10 “(bb) DATE OF FILING.—

11 For purposes of this clause, an  
12 application under subclause (I)  
13 shall be considered to be filed on  
14 the date on which the applicant  
15 submits the application to the At-  
16 torney General.

17 “(III) TERM.—Employment au-  
18 thorization for a noncitizen described  
19 in subclause (I) shall be valid until  
20 the date on which there is a final de-  
21 nial of the application under subclause  
22 (I), including any administrative or  
23 judicial review.”.

1 **SEC. 4304. ENHANCED PROTECTION FOR INDIVIDUALS**  
2 **SEEKING T VISAS, U VISAS, AND PROTECTION**  
3 **UNDER VAWA.**

4 (a) EMPLOYMENT AUTHORIZATION FOR T VISA AP-  
5 PPLICANTS.—Section 214(o) (8 U.S.C. 1184(o)) is amend-  
6 ed by adding at the end the following:

7 “(8) Notwithstanding any provision of this Act  
8 relating to eligibility for employment in the United  
9 States, the Secretary of Homeland Security shall  
10 grant employment authorization to a noncitizen who  
11 has filed a nonfrivolous application for non-  
12 immigrant status under section 101(a)(15)(T),  
13 which authorization shall begin on the date that is  
14 the earlier of—

15 “(A) the date on which the noncitizen’s ap-  
16 plication for such status is approved; or

17 “(B) a date determined by the Secretary  
18 that is not later than 180 days after the date  
19 on which the noncitizen filed the application.”.

20 (b) INCREASED ACCESSIBILITY AND EMPLOYMENT  
21 AUTHORIZATION FOR U VISA APPLICANTS.—Section  
22 214(p) of the Immigration and Nationality Act (8 U.S.C.  
23 1184(p)) is amended—

24 (1) in paragraph (6), by striking the last sen-  
25 tence; and

26 (2) by adding at the end the following:

1           “(8) EMPLOYMENT AUTHORIZATION.—Notwith-  
 2 standing any provision of this Act relating to eligi-  
 3 bility for employment in the United States, the Sec-  
 4 retary of Homeland Security shall grant employment  
 5 authorization to a noncitizen who has filed an appli-  
 6 cation for nonimmigrant status under section  
 7 101(a)(15)(U), which authorization shall begin on  
 8 the date that is the earlier of—

9           “(A) the date on which the noncitizen’s pe-  
 10 tition for such status is approved; or

11           “(B) a date determined by the Secretary  
 12 that is not later than 180 days after the date  
 13 on which the noncitizen filed the petition.”.

14           (c) PROHIBITION ON REMOVAL OF CERTAIN VICTIMS  
 15 WITH PENDING PETITIONS AND APPLICATIONS.—

16           (1) IN GENERAL.—Section 240 of the Immigra-  
 17 tion and Nationality Act (8 U.S.C. 1229a) is amend-  
 18 ed—

19           (A) by redesignating subsection (e) as sub-  
 20 section (f); and

21           (B) by inserting after subsection (d) the  
 22 following:

23           “(e) PROHIBITION ON REMOVAL OF CERTAIN VIC-  
 24 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—

1           “(1) IN GENERAL.—A noncitizen described in  
2 paragraph (2) shall not be removed from the United  
3 States under this section or any other provision of  
4 law until the date on which there is a final denial  
5 of the noncitizen’s application for status, including  
6 any administrative or judicial review.

7           “(2) NONCITIZENS DESCRIBED.—A noncitizen  
8 described in this paragraph is a noncitizen who—

9                   “(A) has a pending nonfrivolous applica-  
10 tion or petition under—

11                           “(i) subparagraph (T) or (U) of sec-  
12 tion 101(a)(15);

13                           “(ii) section 106;

14                           “(iii) section 240A(b)(2); or

15                           “(iv) section 244(a)(3) (as in effect on  
16 March 31, 1997); or

17                   “(B) is a VAWA self-petitioner, as defined  
18 in section 101(a)(51), and has a pending appli-  
19 cation for relief under a provision referred to in  
20 any of subparagraphs (A) through (G) of such  
21 section.”.

22           (2) CONFORMING AMENDMENT.—Section  
23 240(b)(7) of the Immigration and Nationality Act (8  
24 U.S.C. 1229a(b)(7)) is amended by striking “sub-  
25 section (e)(1)” and inserting “subsection (f)(1)”.

1 (d) PROHIBITION ON DETENTION OF CERTAIN VIC-  
2 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—  
3 Section 236 of the Immigration and Nationality Act (8  
4 U.S.C. 1226) is amended by adding at the end the fol-  
5 lowing:

6 “(f) DETENTION OF CERTAIN VICTIMS WITH PEND-  
7 ING PETITIONS AND APPLICATIONS.—

8 “(1) PRESUMPTION OF RELEASE.—

9 “(A) IN GENERAL.—Notwithstanding any  
10 other provision of this Act, there shall be a pre-  
11 sumption that a noncitizen described in para-  
12 graph (2) should be released from detention.

13 “(B) REBUTTAL.—The Secretary of  
14 Homeland Security may rebut the presumption  
15 of release based on clear and convincing evi-  
16 dence, including credible and individualized in-  
17 formation, that—

18 “(i) the use of alternatives to deten-  
19 tion will not reasonably ensure the appear-  
20 ance of the noncitizen at removal pro-  
21 ceedings; or

22 “(ii) the noncitizen is a threat to an-  
23 other person or the community.

24 “(C) PENDING CRIMINAL CHARGE.—A  
25 pending criminal charge against a noncitizen

1           may not be the sole factor to justify the contin-  
2           ued detention of the noncitizen.

3           “(2) NONCITIZEN DESCRIBED.—A noncitizen  
4           described in this paragraph is a noncitizen who—

5                   “(A) has a pending application, which has  
6           not been found to be frivolous, under—

7                           “(i) subparagraph (T) or (U) of sec-  
8                           tion 101(a)(15);

9                           “(ii) section 106;

10                           “(iii) section 240A(b)(2); or

11                           “(iv) section 244(a)(3) (as in effect on  
12                           March 31, 1997); or

13                           “(B) is a VAWA self-petitioner, as defined  
14                           in section 101(a)(51), has a pending petition  
15                           for relief, and can demonstrate prima facie eli-  
16                           gibility under a provision referred to in any of  
17                           subparagraphs (A) through (G) of such sec-  
18                           tion.”.

19 **SEC. 4305. ALTERNATIVES TO DETENTION.**

20           Section 236 of the Immigration and Nationality Act  
21 (8 U.S.C. 1226), as amended by section 4304, is further  
22 amended by adding at the end the following:

23           “(g) ALTERNATIVES TO DETENTION.—

24                   “(1) IN GENERAL.—The Secretary of Homeland  
25           Security shall establish programs that provide alter-

1 natives to detaining noncitizens, which shall offer a  
2 continuum of supervision mechanisms and options,  
3 including community-based supervision programs  
4 and community support.

5 “(2) CONTRACTS WITH NONGOVERNMENTAL  
6 ORGANIZATIONS.—The Secretary of Homeland Secu-  
7 rity may contract with nongovernmental community-  
8 based organizations to provide services for programs  
9 under paragraph (1), including case management  
10 services, appearance assistance services, and screen-  
11 ing of detained noncitizens.”.

12 **SEC. 4306. NOTIFICATION OF PROCEEDINGS.**

13 (a) WRITTEN RECORD OF ADDRESS.—Section 239(a)  
14 of the Immigration and Nationality Act (8 U.S.C.  
15 1229(a)) is amended—

16 (1) in paragraph (1)(F), by inserting “the Sec-  
17 retary of Homeland Security or” before “the Attor-  
18 ney General” each place such term appears; and

19 (2) in paragraph (2)(A) by striking “the noncit-  
20 izen or to the noncitizen’s counsel of record” and in-  
21 serting “the noncitizen and to the noncitizen’s coun-  
22 sel of record”.

1 **SEC. 4307. CONVERSION OF CERTAIN PETITIONS.**

2 Section 2 of Public Law 110–242 (8 U.S.C. 1101  
3 note) is amended by striking subsection (b) and inserting  
4 the following:

5 “(b) DURATION.—The authority under subsection (a)  
6 shall expire on the date on which the numerical limitation  
7 specified under section 1244(c) of the National Defense  
8 Authorization Act for Fiscal Year 2008 (Public Law 110–  
9 181; 8 U.S.C. 1157 note) is reached.”.

10 **SEC. 4308. IMPROVEMENTS TO APPLICATION PROCESS FOR**  
11 **AFGHAN SPECIAL IMMIGRANT VISAS.**

12 Subsection (b) of section 602 of the Afghan Allies  
13 Protection Act of 2009 (8 U.S.C. 1101 note) is amend-  
14 ed—

15 (1) in paragraph (2)(A)(ii), by inserting “for  
16 the first time” after “September 30, 2015”; and

17 (2) in paragraph (4)(A) by inserting “, includ-  
18 ing Chief of Mission approval,” after “so that all  
19 steps”.

20 **SEC. 4309. SPECIAL IMMIGRANT STATUS FOR CERTAIN SUR-**  
21 **VIVING SPOUSES AND CHILDREN.**

22 (a) IN GENERAL.—Section 101(a)(27)(D) of the Im-  
23 migration and Nationality Act (8 U.S.C. 1101(a)(27)(D))  
24 is amended—



1           (1) by striking “an immigrant who is an em-  
2           ployee” and inserting the following: “an immigrant  
3           who—

4                           “(i) is an employee”; and

5           (2) by striking “grant such status;” and insert-  
6           ing the following: “grant such status; or

7                           “(ii) is the surviving spouse or child  
8                           of an employee of the United States Gov-  
9                           ernment abroad: *Provided*, That the em-  
10                          ployee performed faithful service for a total  
11                          of not less than 15 years or was killed in  
12                          the line of duty;”.

13           (b) SPECIAL IMMIGRANT STATUS FOR SURVIVING  
14           SPOUSES AND CHILDREN.—

15           (1) IN GENERAL.—Section 602(b)(2)(C) of the  
16           Afghan Allies Protection Act of 2009 (8 U.S.C.  
17           1101 note) is amended—

18                           (A) in clause (ii), by redesignating sub-  
19                           clauses (I) and (II) as items (aa) and (bb), re-  
20                           spectively;

21                           (B) by redesignating clauses (i) and (ii) as  
22                           subclauses (I) and (II), respectively, and mov-  
23                           ing such subclauses 2 ems to the right;

1 (C) in the matter preceding subclause (I),  
2 as redesignated, by striking “An alien is de-  
3 scribed” and inserting the following:

4 “(i) IN GENERAL.—A noncitizen is de-  
5 scribed”;

6 (D) in clause (i)(I), as redesignated, by  
7 striking “who had a petition for classification  
8 approved” and inserting “who had submitted  
9 an application to the Chief of Mission”; and

10 (E) by adding at the end the following:

11 “(ii) EMPLOYMENT REQUIREMENTS.—  
12 An application by a surviving spouse or  
13 child of a principal noncitizen shall be sub-  
14 ject to employment requirements set forth  
15 in subparagraph (A) as of the date of the  
16 principal noncitizen’s filing of an applica-  
17 tion for the first time, or if no application  
18 has been filed, the employment require-  
19 ments as of the date of the principal non-  
20 citizen’s death.”.

21 (2) CONFORMING AMENDMENTS.—Section 602  
22 of the Afghan Allies Protection Act of 2009 (8  
23 U.S.C. 1101 note) is amended—

1 (A) in the paragraph and subparagraph  
2 headings, by striking “ALIENS” each place it  
3 appears and inserting “NONCITIZENS”;

4 (B) by striking “an alien” each place it ap-  
5 pears and inserting “a noncitizen”;

6 (C) by striking “An alien” each place it  
7 appears and inserting “A noncitizen”;

8 (D) by striking “alien” each place it ap-  
9 pears and inserting “noncitizen”;

10 (E) by striking “aliens” each place it ap-  
11 pears and inserting “noncitizens”; and

12 (F) by striking “alien’s” each place it ap-  
13 pears and inserting “noncitizen’s”.

14 (c) SPECIAL IMMIGRANT STATUS FOR CERTAIN  
15 IRAQIS.—

16 (1) IN GENERAL.—Section 1244(b)(3) of the  
17 Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157  
18 note) is amended—

19 (A) by striking “described in subsection  
20 (b)” and inserting “in this subsection”;

21 (B) in subparagraph (B), by redesignating  
22 clauses (i) and (ii) as subclauses (I) and (II),  
23 respectively, and moving such subclauses 2 ems  
24 to the right;

1 (C) by redesignating subparagraphs (A)  
2 and (B) as clauses (i) and (ii), respectively, and  
3 moving such clauses 2 ems to the right;

4 (D) in the matter preceding clause (i), as  
5 redesignated, by striking “An alien is de-  
6 scribed” and inserting the following:

7 “(A) IN GENERAL.—A noncitizen is de-  
8 scribed”;

9 (E) in subparagraph (A)(i), as redesi-  
10 gnated, by striking “who had a petition for clas-  
11 sification approved” and inserting “who sub-  
12 mitted an application to the Chief of Mission”;  
13 and

14 (F) by adding at the end the following:

15 “(B) EMPLOYMENT REQUIREMENTS.—An  
16 application by a surviving spouse or child of a  
17 principal noncitizen shall be subject to employ-  
18 ment requirements set forth in paragraph (1)  
19 as of the date of the principal noncitizen’s filing  
20 of an application for the first time, or if the  
21 principal noncitizen did not file an application,  
22 the employment requirements as of the date of  
23 the principal noncitizen’s death.”.

1           (2) CONFORMING AMENDMENTS.—The Refugee  
2 Crisis in Iraq Act of 2007 (8 U.S.C. 1157 note) is  
3 amended by—

4           (A) in the subsection headings, by striking  
5 “ALIENS” each place it appears and inserting  
6 “NONCITIZENS”;

7           (B) in the paragraph headings, by striking  
8 “ALIENS” each place it appears and inserting  
9 “NONCITIZENS”;

10          (C) by striking “an alien” each place it ap-  
11 pears and inserting “a noncitizen”;

12          (D) by striking “An alien” each place it  
13 appears and inserting “A noncitizen”;

14          (E) by striking “alien” each place it ap-  
15 pears and inserting “noncitizen”;

16          (F) by striking “aliens” each place it ap-  
17 pears and inserting “noncitizens”; and

18          (G) by striking “alien’s” each place it ap-  
19 pears and inserting “noncitizen’s”.

20       (d) EFFECTIVE DATE.—The amendments made by  
21 this section shall be effective on the date of the enactment  
22 of this Act and shall have retroactive effect.



1           (4) the noncitizen clears a background check  
2           and appropriate screening, as determined by the  
3           Secretary.

4           (b) NONCITIZENS DESCRIBED.—A noncitizen de-  
5           scribed in this subsection is a noncitizen who—

6           (1)(A) is a citizen or national of Syria or a  
7           stateless person who has habitually resided in Syria;

8           (B) was employed by or on behalf of (including  
9           under a contract, cooperative agreement or grant  
10          with) the United States Government in Syria, for a  
11          period of not less than 1 year beginning on January  
12          1, 2014; and

13          (C) obtained a favorable written recommenda-  
14          tion from a U.S. citizen supervisor who was in the  
15          chain of command of the United States Armed  
16          Forces unit or U.S. Government entity that was  
17          supported by the noncitizen; or

18          (2)(A) is the spouse or a child of a principal  
19          noncitizen described in paragraph (1); and

20          (B)(i) is following or accompanying to join the  
21          principal noncitizen in the United States; or

22          (ii) due to the death of the principal noncitizen,  
23          a petition to follow or accompany to join the prin-  
24          cipal noncitizen in the United States—

1 (I) was or would be revoked, terminated,  
2 or otherwise rendered null; and

3 (II) would have been approved if the prin-  
4 cipal noncitizen had survived.

5 (c) NUMERICAL LIMITATIONS.—

6 (1) IN GENERAL.—Except as otherwise pro-  
7 vided in this subsection, the total number of prin-  
8 cipal noncitizens who may be provided special immi-  
9 grant status under this section may not exceed  
10 5,000 in any of the first 5 fiscal years beginning  
11 after the date of the enactment of this Act.

12 (2) EXEMPTION FROM NUMERICAL LIMITA-  
13 TIONS.—Noncitizens provided special immigrant sta-  
14 tus under this section shall not be counted against  
15 any numerical limitation under section 201(d),  
16 202(a), or 203(b)(4) of the Immigration and Na-  
17 tionality Act (8 U.S.C. 1151(d), 1152(a), and  
18 1153(b)(4)).

19 (3) CARRY FORWARD.—If the numerical limita-  
20 tion set forth in paragraph (1) is not reached during  
21 a fiscal year, the numerical limitation under such  
22 paragraph for the following fiscal year shall be in-  
23 creased by a number equal to the difference be-  
24 tween—



1 (A) the number of visas authorized under  
2 paragraph (1) for such fiscal year; and

3 (B) the number of principal noncitizens  
4 provided special immigrant status under this  
5 section during such fiscal year.

6 (d) VISA FEES AND TRAVEL DOCUMENT  
7 ISSUANCE.—

8 (1) IN GENERAL.—A noncitizen described in  
9 subsection (b) may not be charged any fee in con-  
10 nection with an application for, or the issuance of,  
11 a special immigrant visa under this section.

12 (2) The Secretary of State shall ensure that a  
13 noncitizen who is issued a special immigrant visa  
14 under this section is provided with an appropriate  
15 travel document necessary for admission to the  
16 United States.

17 (e) PROTECTION OF NONCITIZENS.—The Secretary  
18 of State, in consultation with the head of any other appro-  
19 priate Federal agency, shall make a reasonable effort to  
20 provide protection to each noncitizen described in sub-  
21 section (b) who is seeking special immigrant status under  
22 this section or to immediately remove such noncitizen from  
23 Syria, if possible, if the Secretary of State determines,  
24 after consultation, that such noncitizen is in imminent  
25 danger.

1 (f) APPLICATION PROCESS.—

2 (1) REPRESENTATION.—A noncitizen applying  
3 for admission to the United States as a special im-  
4 migrant under this section may be represented dur-  
5 ing the application process, including for relevant  
6 interviews and examinations, by an attorney or other  
7 accredited representative. Such representation shall  
8 not be at the expense of the United States Govern-  
9 ment.

10 (2) COMPLETION.—

11 (A) IN GENERAL.—The Secretary of State  
12 and the Secretary, in consultation with the Sec-  
13 retary of Defense, shall ensure that applications  
14 for special immigrant visas under this section  
15 are processed in such a manner so as to ensure  
16 that all steps under the control of the respective  
17 departments incidental to the issuance of such  
18 visas, including required screenings and back-  
19 ground checks, are completed not later than  
20 270 days after the date on which an eligible  
21 noncitizen submits all required materials to  
22 apply for such visa.

23 (B) RULE OF CONSTRUCTION.—Notwith-  
24 standing subparagraph (A), the Secretary of  
25 State, the Secretary, or the Secretary of De-

1           fense may take longer than 270 days to com-  
2           plete the steps incidental to issuing a visa under  
3           this section if the Secretary of State, the Sec-  
4           retary, or the Secretary of Defense, or a des-  
5           ignee—

6                   (i) determines that the satisfaction of  
7           national security concerns requires addi-  
8           tional time; and

9                   (ii) notifies the applicant of such de-  
10          termination.

11          (3) APPEAL.—A noncitizen whose petition for  
12          status as a special immigrant is rejected or re-  
13          voked—

14                (A) shall receive a written decision that  
15          provides, to the maximum extent feasible, infor-  
16          mation describing the basis for the denial, in-  
17          cluding the facts and inferences underlying the  
18          individual determination; and

19                (B) shall be provided not more than 1  
20          written appeal per rejection or denial, which—

21                   (i) shall be submitted to the authority  
22          that issued the denial not more than 120  
23          days after the date on which the applicant  
24          receives a decision pursuant to subpara-  
25          graph (A);

1 (ii) may request the reopening of such  
2 decision; and

3 (iii) shall provide additional informa-  
4 tion, clarify existing information, or ex-  
5 plain any unfavorable information.

6 (g) ELIGIBILITY FOR OTHER IMMIGRANT CLASSI-  
7 FICATION.—A noncitizen may not be denied the oppor-  
8 tunity to apply for admission under this section solely be-  
9 cause such noncitizen—

10 (1) qualifies as an immediate relative of a cit-  
11 izen of the United States; or

12 (2) is eligible for admission to the United  
13 States under any other immigrant classification.

14 (h) PROCESSING MECHANISMS.—The Secretary of  
15 State shall use existing refugee processing mechanisms in  
16 Iraq and in other countries, as appropriate, in the region  
17 in which noncitizens described in subsection (b) may apply  
18 and interview for admission to the United States as special  
19 immigrants.

20 (i) RESETTLEMENT SUPPORT.—A noncitizen who is  
21 granted special immigrant status under this section shall  
22 be eligible for the same resettlement assistance, entitle-  
23 ment programs, and other benefits as are available to refu-  
24 gees admitted under section 207 of the Immigration and  
25 Nationality Act (8 U.S.C. 1157).

1 (j) AUTHORITY TO CARRY OUT ADMINISTRATIVE  
2 MEASURES.—The Secretary, the Secretary of State, and  
3 the Secretary of Defense shall implement any additional  
4 administrative measures they consider necessary and ap-  
5 propriate—

6 (1) to ensure the prompt processing of applica-  
7 tions under this section;

8 (2) to preserve the integrity of the program es-  
9 tablished under this section; and

10 (3) to protect the national security interests of  
11 the United States related to such program.

12 (k) REPORT TO CONGRESS.—

13 (1) IN GENERAL.—Not later than January 30  
14 each year, the Inspector General of the Department  
15 of State shall submit a report on the implementation  
16 of the Syrian special immigrant status program  
17 under this section for the preceding calendar year  
18 to—

19 (A) the Committee on the Judiciary, the  
20 Committee on Foreign Relations, and the Com-  
21 mittee on Armed Services of the Senate; and

22 (B) the Committee on the Judiciary, the  
23 Committee on Foreign Affairs, and the Com-  
24 mittee on Armed Services of the House of Rep-  
25 resentatives.

1           (2) ELEMENTS.—Each report required by para-  
2 graph (1) shall include, for the applicable calendar  
3 year, the following:

4           (A) The number of petitions filed under  
5 such program.

6           (B) The number of such petitions pending  
7 adjudication.

8           (C) The number of such petitions pending  
9 visa interview.

10          (D) The number of such petitions pending  
11 security checks.

12          (E) The number of such petitions that  
13 were denied.

14          (F) The number of cases under such pro-  
15 gram that have exceeded the mandated proc-  
16 essing time and relevant case numbers.

17          (G) A description of any obstacle discov-  
18 ered that would hinder effective implementation  
19 of such program.

20          (3) CONSULTATION.—In preparing a report  
21 under subsection (a), the Inspector General shall  
22 consult with—

23           (A) the Department of State, Bureau of  
24 Consular Affairs, Visa Office;

1 (B) the Department of State, Bureau of  
2 Near Eastern Affairs and South and Central  
3 Asian Affairs, Executive Office;

4 (C) the Department of Homeland Security,  
5 U.S. Citizenship and Immigration Services;

6 (D) the Department of Defense; and

7 (E) nongovernmental organizations pro-  
8 viding legal aid in the special immigrant visa  
9 application process.

10 (4) FORM.—Each report required by paragraph  
11 (1) shall be submitted in unclassified form, but may  
12 include a classified annex.

13 (5) PUBLICATION.—Each report submitted  
14 under this subsection shall be made available to the  
15 public on the internet website of the Department of  
16 State.

17 (l) RULEMAKING.—Not later than 90 days after the  
18 date of the enactment of this Act, the Secretary, in con-  
19 sultation with the Secretary of Defense and the Secretary  
20 of State, shall promulgate regulations to carry out this  
21 section, including establishing requirements for back-  
22 ground checks.

23 (m) SAVINGS PROVISION.—Nothing in this section  
24 may be construed to affect the authority of the Secretary  
25 under section 1059 of the National Defense Authorization

1 Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C.  
2 1101 note).

3 **SEC. 4311. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums  
5 as may be necessary to carry out this subtitle and the  
6 amendments made by this subtitle, including, in addition  
7 to annual funds derived from fee accounts of U.S. Citizen-  
8 ship and Immigration Services, such sums as may be nec-  
9 essary to reduce the backlog of asylum applications to the  
10 Refugee, Asylum and International Operations Direc-  
11 torate.

12 **TITLE V—EMPLOYMENT AU-**  
13 **THORIZATION AND PRO-**  
14 **TECTING WORKERS FROM EX-**  
15 **PLOITATION**

16 **SEC. 5101. COMMISSION ON EMPLOYMENT AUTHORIZA-**  
17 **TION.**

18 (a) ESTABLISHMENT.—Not later than the date that  
19 is 180 days after the date of the enactment of this Act,  
20 the President, in conjunction with the President pro tem-  
21 pore of the Senate and the Speaker of the House of Rep-  
22 resentatives, shall establish the Employment Authoriza-  
23 tion Commission (referred to in this section as the “Com-  
24 mission”).

25 (b) COMPOSITION.—



1           (1) IN GENERAL.—The Commission shall be  
2 composed of 10 members, of whom—

3           (A) 6 members shall be appointed by the  
4 President and shall include representatives of  
5 the employer, labor, and civil rights commu-  
6 nities;

7           (B) 2 members shall be appointed by the  
8 President pro tempore of the Senate, of  
9 whom—

10           (i) 1 shall be appointed upon the rec-  
11 ommendation of the leader in the Senate to  
12 represent the interests of employees who  
13 experience discrimination in the course of  
14 their employer or potential employer's  
15 verification of their employment authoriza-  
16 tion; and

17           (ii) 1 shall be appointed upon the rec-  
18 ommendation of the leader in the Senate to  
19 represent the interests of employers; and

20           (C) 2 members shall be appointed by the  
21 Speaker of the House of Representatives, of  
22 whom—

23           (i) 1 shall be appointed upon the rec-  
24 ommendation of the leader in the House of  
25 Representatives to represent the interests

1 of employees who experience discrimination  
2 in the course of their employer or potential  
3 employer's verification of their employment  
4 authorization; and

5 (ii) 1 shall be appointed upon the rec-  
6 ommendation of the leader in the House of  
7 Representatives to represent the interests  
8 of employers.

9 (2) QUALIFICATIONS FOR APPOINTMENT.—The  
10 members of the Commission shall be distinguished  
11 individuals who are noted for their knowledge and  
12 experience in the field of employment verification.

13 (3) TIME OF APPOINTMENT.—The appoint-  
14 ments required under paragraph (1) shall be made  
15 not later than 180 days after the date of the enact-  
16 ment of this Act.

17 (4) CHAIR.—At the first meeting of the Com-  
18 mission, a majority of the members of the Commis-  
19 sion present and voting, including at least 6 mem-  
20 bers of the Commission, shall elect the Chair of the  
21 Commission.

22 (5) VACANCIES.—Any vacancy of the Commis-  
23 sion shall not affect its powers, but shall be filled in  
24 the manner in which the original appointment was  
25 made.

1 (6) RULES AND PROCEDURES.—

2 (A) ESTABLISHMENT.—The Commission  
3 shall establish the rules and procedures of the  
4 Commission, which shall require the approval of  
5 at least 6 members of the Commission.

6 (B) RECOMMENDATIONS AND DECISIONS.—All recommendations and decisions of  
7 the Commission shall require the approval of at  
8 least 6 members of the Commission. Individual  
9 members may provide minority or dissenting  
10 opinions.  
11

12 (c) DUTIES.—

13 (1) IN GENERAL.—The Commission shall—

14 (A) make recommendations to the Presi-  
15 dent, the Secretary, and Congress regarding  
16 policies to verify the eligibility of noncitizens for  
17 employment in the United States;

18 (B) evaluate methods for verification of  
19 employment eligibility that respect—

20 (i) the rights of employment-author-  
21 ized individuals to work in the United  
22 States; and

23 (ii) the freedom from discrimination  
24 based on race or national origin of all  
25 workers; and

1 (C) review error rates for the E-Verify pro-  
2 gram, including the impact on various popu-  
3 lations by national origin, race, gender, and so-  
4 cioeconomic background.

5 (2) PUBLIC HEARINGS.—

6 (A) IN GENERAL.—The Commission shall  
7 convene at least 1 public hearing on verification  
8 for employment of foreign nationals in the  
9 United States.

10 (B) REPORT.—The Commission shall pro-  
11 vide a summary of each hearing convened pur-  
12 suant to subparagraph (A) to the President, the  
13 Secretary, and Congress.

14 (d) ACCESS TO INFORMATION.—The Immigrant and  
15 Employee Rights Section of the Department of Justice  
16 shall furnish information to the Commission regarding  
17 employee complaints, mediations, and investigations in-  
18 volving the employment eligibility verification practices of  
19 employers.

20 (e) REPORT.—Not later than 180 days after all mem-  
21 bers of the Commission have been appointed pursuant to  
22 subsection (b), the Commission shall submit a report to  
23 the President, the Secretary, and Congress that in-  
24 cludes—

1           (1) specific policy recommendations for achiev-  
2           ing and maintaining the goals specified in subsection  
3           (c);

4           (2) recommendations for improvements to exist-  
5           ing employment verification systems, such as the I-  
6           9 process and E-Verify, to ensure that workers are  
7           not denied employment on the basis of false  
8           positives.

9           (f) TRAVEL EXPENSES.—Members of the Commis-  
10          sion shall be allowed travel expenses, including per diem  
11          in lieu of subsistence at rates authorized for employees  
12          of agencies under subchapter I of chapter 57 of title 5,  
13          United States Code, while away from their homes or reg-  
14          ular places of business in the performance of services for  
15          the Commission.

16          (g) ADMINISTRATIVE SUPPORT.—The Secretary shall  
17          provide the Commission such staff and administrative  
18          services as may be necessary and appropriate for the Com-  
19          mission to perform its functions. Any employee of the ex-  
20          ecutive branch of Government may be detailed to the Com-  
21          mission without reimbursement to the agency of that em-  
22          ployee and such detail shall be without interruption or loss  
23          of civil service or status or privilege.

24          (h) COMPTROLLER GENERAL REVIEW.—The Comp-  
25          troller General of the United States shall review the rec-

1 ommendations in the report submitted pursuant to sub-  
2 section (e) to determine—

3           (1) which recommendations are most likely to  
4           improve existing employment verification systems;  
5           and

6           (2) whether such recommendations are feasible  
7           within existing budget constraints.

8           (i) TERMINATION.—The Commission shall terminate  
9           on the date that is 2 years after the date of the enactment  
10          of this Act.

11 **SEC. 5102. POWER ACT.**

12          (a) PROTECTION FOR VICTIMS OF LABOR AND EM-  
13          PLOYMENT VIOLATIONS.—Section 101(a)(15)(U) of the  
14          Immigration and Nationality Act (8 U.S.C.  
15          1101(a)(15)(U)) is amended—

16               (1) in clause (i)—

17                       (A) by amending subclause (I) to read as  
18                       follows:

19                               “(I) the noncitizen—

20                                       “(aa) has suffered substantial  
21                                       abuse or harm as a result of having  
22                                       been a victim of criminal activity de-  
23                                       scribed in clause (iii);

1           “(bb) has suffered substantial  
2           abuse or harm related to a violation  
3           described in clause (iv);

4           “(cc) is a victim of criminal ac-  
5           tivity described in clause (iii) and  
6           would suffer extreme hardship upon  
7           removal; or

8           “(dd) has suffered a violation de-  
9           scribed in clause (iv) and would suffer  
10          extreme hardship upon removal;”;

11          (B) in subclause (II), by inserting “, or a  
12          labor or employment violation resulting in a  
13          workplace claim described in clause (iv)” before  
14          the semicolon at the end;

15          (C) in subclause (III)—

16           (i) by striking “or State judge, to the  
17           Service” and inserting “, State, or local  
18           judge, to the Department of Homeland Se-  
19           curity, to the Equal Employment Oppor-  
20           tunity Commission, to the Department of  
21           Labor, to the National Labor Relations  
22           Board”; and

23           (ii) by inserting “, or investigating,  
24           prosecuting, or seeking civil remedies for a  
25           labor or employment violation related to a

1 workplace claim described in clause (iv)”

2 before the semicolon at the end; and

3 (D) in subclause (IV)—

4 (i) by inserting “(aa)” after “(IV)”;

5 (ii) by inserting “or” after the semi-  
6 colon at the end; and

7 (iii) by adding at the end the fol-  
8 lowing:

9 “(bb) a workplace claim described in clause  
10 (iv) resulted from a labor or employment viola-  
11 tion;”;

12 (2) in clause (ii)(II), by striking “and” at the  
13 end;

14 (3) in clause (iii), by striking “or” at the end  
15 and inserting “and”; and

16 (4) by adding at the end the following:

17 “(iv) if the labor or employment violation re-  
18 lated to a workplace claim, the noncitizen—

19 “(I) has filed, is a material witness in, or  
20 is likely to be helpful in the investigation of, a  
21 bona fide workplace claim (as defined in section  
22 274A(e)(10)(B)(i)(II)); and

23 “(II) reasonably fears, has been threatened  
24 with, or has been the victim of, an action in-  
25 volving force, physical restraint, retaliation, or



1 abuse of the immigration or other legal process  
2 against the noncitizen or another person by the  
3 employer in relation to acts underlying the  
4 workplace claim or related to the filing of the  
5 workplace claim; or”.

6 (b) REQUIREMENTS APPLICABLE TO U NON-  
7 IMMIGRANT VISAS.—Section 214(p) of the Immigration  
8 and Nationality Act (8 U.S.C. 1184(p)), as amended by  
9 section 4304, is further amended—

10 (1) in paragraph (1)—

11 (A) by striking “The petition” and insert-  
12 ing the following:

13 “(A) IN GENERAL.—The petition”;

14 (B) by inserting “or investigating, pros-  
15 ecuting, or seeking civil remedies for workplace  
16 claims described in section 101(a)(15)(U)(iv)”  
17 after “section 101(a)(15)(U)(iii)” each place  
18 such term appears; and

19 (C) by adding at the end the following:

20 “(B) FEES.—A noncitizen petitioning for,  
21 or having status under, section 101(a)(15)(U)  
22 may not be required to submit any fee (or re-  
23 quest any fee waiver) in connection with such  
24 petition or status, including fees associated with

1 biometric services or an application for advance  
2 permission to enter as a nonimmigrant.

3 “(C) CONFIDENTIALITY OF INFORMA-  
4 TION.—The Secretary of Homeland Security  
5 and the Attorney General may not use the in-  
6 formation furnished pursuant to a petition for  
7 status under section 101(a)(15)(U) for pur-  
8 poses of initiating or carrying out a removal  
9 proceeding.”;

10 (2) in paragraph (6)—

11 (A) by inserting “or workplace claims de-  
12 scribed in section 101(a)(15)(U)(iv)” after “de-  
13 scribed in section 101(a)(15)(U)(iii)”;

14 (B) by inserting “or workplace claim”  
15 after “prosecution of such criminal activity”;  
16 and

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

18 “(9) TEMPORARY PROTECTION FOR VICTIMS  
19 OF CRIME, LABOR, AND EMPLOYMENT VIOLA-  
20 TIONS.—Notwithstanding any other provision of law,  
21 the Secretary of Homeland Security may permit a  
22 noncitizen to temporarily remain in the United  
23 States, and grant such noncitizen employment au-  
24 thorization, if the Secretary determines that the  
25 noncitizen—

1           “(A) has filed for relief under section  
2 101(a)(15)(U); or

3           “(B)(i) has filed, or is a material witness  
4 to, a bona fide workplace claim (as defined in  
5 section 274A(e)(10)(B)(i)(II)); and

6           “(ii) has been helpful, is being helpful, or  
7 is likely to be helpful to—

8           “(I) a Federal, State, or local law en-  
9 forcement official;

10           “(II) a Federal, State, or local pros-  
11 ecutor;

12           “(III) a Federal, State, or local judge;

13           “(IV) the Department of Homeland  
14 Security;

15           “(V) the Equal Employment Oppor-  
16 tunity Commission;

17           “(VI) the Department of Labor, in-  
18 cluding the Occupational Safety and  
19 Health Administration;

20           “(VII) the National Labor Relations  
21 Board;

22           “(VIII) the head official of a State or  
23 local government department of labor,  
24 workforce commission, or human relations  
25 commission or council; or

1                   “(IX) other Federal, State, or local  
2                   authorities investigating, prosecuting, or  
3                   seeking civil remedies related to the work-  
4                   place claim.”.

5           (c) REMOVAL PROCEEDINGS.—Section 239(e) of the  
6 Immigration and Nationality Act (8 U.S.C. 1229(e)) is  
7 amended—

8           (1) in paragraph (1)—

9                   (A) by striking “In cases where” and in-  
10                  serting “If”; and

11                  (B) by inserting “or as a result of informa-  
12                  tion provided to the Department of Homeland  
13                  Security in retaliation against individuals for  
14                  exercising or attempting to exercise their em-  
15                  ployment rights or other legal rights” after  
16                  “paragraph (2)”; and

17           (2) in paragraph (2), by adding at the end the  
18           following:

19                   “(C) At a facility about which a workplace  
20                  claim has been filed or is contemporaneously  
21                  filed.”.

22           (d) ADJUSTMENT OF STATUS FOR VICTIMS OF  
23 CRIMES.—Section 245(m)(1) of the Immigration and Na-  
24 tionality Act (8 U.S.C. 1255(m)(1)) is amended—

1           (1) in the matter preceding subparagraph (A),  
2           by inserting “The” before “Secretary of Homeland  
3           Security”; and

4           (2) by inserting “or an investigation or prosecu-  
5           tion regarding a workplace claim” after “prosecu-  
6           tion”.

7           (e) UNLAWFUL EMPLOYMENT OF NONCITIZENS.—  
8           Section 274A(e) of the Immigration and Nationality Act  
9           (8 U.S.C. 1324a(e)) is amended by adding at the end the  
10          following:

11           “(10) CONDUCT IN ENFORCEMENT ACTIONS.—

12           “(A) DEFINITIONS.—In this paragraph:

13           “(i) MATERIAL WITNESS.—The term  
14           ‘material witness’ means an individual who  
15           presents a declaration from an attorney in-  
16           vestigating, prosecuting, or defending the  
17           workplace claim or from the presiding offi-  
18           cer overseeing the workplace claim attest-  
19           ing that, to the best of the declarant’s  
20           knowledge and belief, reasonable cause ex-  
21           ists to believe that the testimony of the in-  
22           dividual will be relevant to the outcome of  
23           the workplace claim.

24           “(ii) WORKPLACE CLAIM.—The term  
25           ‘workplace claim’ means any written or

1 oral claim, charge, complaint, or grievance  
2 filed with, communicated to, or submitted  
3 to the employer, a Federal, State, or local  
4 agency or court, or an employee represent-  
5 ative related to the violation of applicable  
6 Federal, State, and local labor laws, in-  
7 cluding laws concerning wages and hours,  
8 labor relations, family and medical leave,  
9 occupational health and safety, civil rights,  
10 or nondiscrimination.

11 “(B) ENFORCEMENT ACTION.—If the Sec-  
12 retary of Homeland Security conducts an en-  
13 forcement action at a facility about which a  
14 workplace claim has been filed or is contem-  
15 poraneously filed, or as a result of information  
16 provided to the Department of Homeland Secu-  
17 rity in retaliation against employees for exer-  
18 cising their rights related to a workplace claim,  
19 the Secretary shall ensure that—

20 “(i) any noncitizens arrested or de-  
21 tained who are necessary for the investiga-  
22 tion or prosecution of workplace claim vio-  
23 lations or criminal activity (as described in  
24 subparagraph (T) or (U) of section

1           101(a)(15)) are not removed from the  
2           United States until after the Secretary—

3                   “(I) notifies the appropriate law  
4                   enforcement agency with jurisdiction  
5                   over such violations or criminal activ-  
6                   ity; and

7                   “(II) provides such agency with  
8                   the opportunity to interview such non-  
9                   citizens; and

10                   “(ii) noncitizens entitled to a stay of  
11                   removal or abeyance of removal pro-  
12                   ceedings under this section are not re-  
13                   moved.

14                   “(C) PROTECTIONS FOR VICTIMS OF  
15                   CRIME, LABOR, AND EMPLOYMENT VIOLA-  
16                   TIONS.—

17                   “(i) STAY OF REMOVAL OR ABEYANCE  
18                   OF REMOVAL PROCEEDINGS.—Any noncit-  
19                   izen against whom removal proceedings  
20                   have been initiated under chapter 4 of title  
21                   II, who has filed a workplace claim, who is  
22                   a material witness in any pending or an-  
23                   ticipated proceeding involving a bona fide  
24                   workplace claim, or who has filed for relief  
25                   under section 101(a)(15)(U), shall be enti-

1 tled to a stay of removal or an abeyance of  
2 removal proceedings and to employment  
3 authorization until the later of the resolu-  
4 tion of the workplace claim or the denial of  
5 relief under section 101(a)(15)(U) after  
6 exhaustion of administrative appeals unless  
7 the Secretary establishes, by a preponder-  
8 ance of the evidence in proceedings before  
9 the immigration judge presiding over such  
10 noncitizen’s removal hearing, that—

11 “(I) the noncitizen has been con-  
12 victed of a felony or;

13 “(II) the workplace claim was  
14 filed in bad faith with the intent to  
15 delay or avoid the noncitizen’s re-  
16 moval.

17 “(ii) DURATION.—Any stay of re-  
18 moval or abeyance of removal proceedings  
19 and employment authorization issued pur-  
20 suant to clause (i)—

21 “(I) shall remain valid until the  
22 resolution of the workplace claim or  
23 the denial of relief under section  
24 101(a)(15)(U) after the exhaustion of  
25 administrative appeals; and



1                   “(II) shall be extended by the  
2                   Secretary of Homeland Security for a  
3                   period not to exceed 10 additional  
4                   years upon determining that—

5                               “(aa) such relief would en-  
6                               able the noncitizen asserting a  
7                               workplace claim to pursue the  
8                               claim to resolution;

9                               “(bb) the deterrent goals of  
10                              any statute underlying a work-  
11                              place claim would be served; or

12                             “(cc) such extension would  
13                             otherwise further the interests of  
14                             justice.”.

15           (f) CHANGE OF NONIMMIGRANT CLASSIFICATION.—  
16 Section 384(a)(1) of the Illegal Immigration Reform and  
17 Immigrant Responsibility Act of 1996 (8 U.S.C.  
18 1367(a)(1)) is amended—

19                   (1) in subparagraph (E), by striking “physical  
20                   or mental abuse and the criminal activity,” and in-  
21                   serting “abuse and the criminal activity or work-  
22                   place claim;”;

23                   (2) in subparagraph (F), by striking the comma  
24                   at the end and inserting “; or”; and

1           (3) by inserting after subparagraph (F) the fol-  
2           lowing:

3                   “(G) the noncitizen’s employer,”.

4 **SEC. 5103. ADDITIONAL CIVIL PENALTY.**

5           Section 274A of the Immigration and Nationality Act  
6 (8 U.S.C. 1324a) is amended—

7           (1) in subsection (a)—

8                   (A) by redesignating paragraph (7) as  
9                   paragraph (8); and

10                  (B) by inserting after paragraph (6) the  
11                  following:

12                   “(7) **ADDITIONAL CIVIL PENALTIES.**—An em-  
13                  ployer is subject to an additional civil penalty under  
14                  subsection (e)(12) if—

15                          “(A) the employer engages in a civil viola-  
16                          tion of Federal, State, or local labor laws, in-  
17                          cluding—

18                                  “(i) laws concerning wages and hours,  
19                                  labor relations, family and medical leave,  
20                                  occupational health and safety, civil rights,  
21                                  or nondiscrimination; and

22                                  “(ii) a finding by the agency enforcing  
23                                  such law in the course of a final settlement  
24                                  of such violation; and

1           “(B) such violation takes place with re-  
2           spect to an unauthorized worker.”;

3           (2) in subsection (e), as amended by section  
4           5102(f), by adding at the end the following:

5           “(11) **ADDITIONAL CIVIL PENALTIES.**—An  
6           order under this subsection for a violation of sub-  
7           section (a)(7) shall require the employer—

8           “(A) to cease and desist from such viola-  
9           tion; and

10           “(B) to pay a civil penalty in an amount  
11           not to exceed \$5,000 for each unauthorized  
12           noncitizen with respect to whom a violation of  
13           such subsection occurred.”; and

14           (3) in subsection (f)(2), by striking “(1)(A) or  
15           (2)” and inserting “(1)(A), (2), or (7)”.

16 **SEC. 5104. CONTINUED APPLICATION OF WORKFORCE AND**  
17 **LABOR PROTECTION REMEDIES.**

18           Section 274A(e) of the Immigration and Nationality  
19           Act, as amended by sections 5102(e) and 5103(2), is fur-  
20           ther amended by adding at the end the following:

21           “(12) **RIGHTS, REMEDIES, AND RELIEF.**—Not-  
22           withstanding an employee’s status as an unauthor-  
23           ized noncitizen during the time of relevant employ-  
24           ment or during the back pay period or the failure of  
25           the employer or employee to comply with the re-

1        requirements under this section or with any other pro-  
 2        vision of Federal law relating to the unlawful em-  
 3        ployment of noncitizens—

4                “(A) all rights, remedies, and relief pro-  
 5                vided under any Federal, State, or local law re-  
 6                lating to workplace rights, including reinstatement  
 7                and back pay, are available to such em-  
 8                ployee; and

9                “(B) a court may not prohibit such an em-  
 10                ployee from pursuing other causes of action giving  
 11                rise to liability in a civil action.”.

12 **SEC. 5105. PROHIBITION ON DISCRIMINATION BASED ON**  
 13 **NATIONAL ORIGIN OR CITIZENSHIP STATUS.**

14        (a) **IN GENERAL.**—Section 274B(a) of the Immigra-  
 15        tion and Nationality Act (8 U.S.C. 1324b(a)) is amended  
 16        to read as follows:

17                “(a) **PROHIBITION ON DISCRIMINATION BASED ON**  
 18        **NATIONAL ORIGIN OR CITIZENSHIP STATUS.**—

19                “(1) **IN GENERAL.**—Except as provided in para-  
 20                graphs (2) and (3), it is an unfair immigration-re-  
 21                lated employment practice for a person, other entity,  
 22                or employment agency to discriminate against any  
 23                individual (other than an unauthorized noncitizen  
 24                (as defined in section 274A(h)(3))) because of such

1 individual's national origin or citizenship status,  
2 with respect to—

3 “(A) the hiring of the individual for em-  
4 ployment;

5 “(B) the verification of the individual's eli-  
6 gibility to work in the United States; or

7 “(C) the discharging of the individual from  
8 employment.

9 “(2) EXCEPTIONS.—Paragraph (1) shall not  
10 apply to—

11 “(A) a person, other entity, or employer  
12 that employs 3 or fewer employees (other than  
13 an employment agency);

14 “(B) a person's or entity's discrimination  
15 based upon an individual's national origin if the  
16 discrimination with respect to that employer,  
17 person, or entity and that individual is covered  
18 under section 703 of the Civil Rights Act of  
19 1964 (42 U.S.C. 2000e-2), unless the discrimi-  
20 nation is related to an individual's verification  
21 of employment authorization; or

22 “(C) discrimination based upon an individ-  
23 ual's citizenship status if such discrimination—

1           “(i) is required in order to comply  
2           with a provision of Federal, State, or local  
3           law related to law enforcement;

4           “(ii) is required by a contract with the  
5           Federal Government; or

6           “(iii) is determined by the Secretary  
7           of Homeland Security or the Attorney  
8           General to be essential for an employer to  
9           do business with an agency or department  
10          of the Federal Government or with a  
11          State, Tribal, or local government.

12          “(3) ADDITIONAL EXCEPTION PROVIDING  
13          RIGHT TO PREFER EQUALLY QUALIFIED CITIZENS.—  
14          It is not an unfair immigration-related employment  
15          practice for an employer to prefer to hire, recruit, or  
16          refer for a fee an individual who is a citizen or na-  
17          tional of the United States over another individual  
18          who is a noncitizen if the 2 individuals are equally  
19          qualified.

20          “(4) UNFAIR IMMIGRATION-RELATED EMPLOY-  
21          MENT PRACTICES RELATING TO THE SYSTEM.—It is  
22          an unfair immigration-related employment practice  
23          for a person, other entity, or employment agency—

24                 “(A) to use the employment verification  
25                 system described in section 274A (referred to in

1 this title as the ‘System’) to deny workers’ em-  
2 ployment or post-employment benefits;

3 “(B) to misuse the System to discriminate  
4 based on national origin or citizenship status;

5 “(C) to require an employee or prospective  
6 employee to use any self-verification feature of  
7 the System or provide, as a condition of appli-  
8 cation or employment, any self-verification re-  
9 sults;

10 “(D) to use an immigration status  
11 verification system, service, or method other  
12 than those described in section 274A for pur-  
13 poses of verifying employment eligibility;

14 “(E) to grant access to document  
15 verification or System data, to any individual or  
16 entity not authorized to have such access; or

17 “(F) to fail to take reasonable safeguards  
18 to protect against unauthorized loss, use, alter-  
19 ation, or destruction of System data.

20 “(5) PROHIBITION OF INTIMIDATION OR RETAL-  
21 IATION.—It is an unfair immigration-related employ-  
22 ment practice for a person, other entity, or employ-  
23 ment agency to intimidate, threaten, coerce, or re-  
24 taliate against any individual—

1           “(A) for the purpose of interfering with  
2           any right or privilege secured under this sec-  
3           tion; or

4           “(B) because the individual intends to file,  
5           or has filed, a charge or a complaint, or testi-  
6           fied, assisted, or participated in any manner in  
7           an investigation, proceeding, or hearing under  
8           this section.

9           “(6) TREATMENT OF CERTAIN DOCUMENTARY  
10          PRACTICES AS EMPLOYMENT PRACTICES.—It is an  
11          unfair immigration-related employment practice for  
12          a person, other entity, or employment agency, for  
13          purposes of verifying employment eligibility—

14                 “(A) to request that an individual submit  
15                 specific documents, more documents, or dif-  
16                 ferent documents than are required under sec-  
17                 tion 274A; or

18                 “(B) to refuse to honor documents sub-  
19                 mitted by an individual that reasonably appear  
20                 on their face to be genuine.

21           “(7) PROHIBITION OF WITHHOLDING EMPLOY-  
22          MENT RECORDS.—It is an unfair immigration-re-  
23          lated employment practice for an employer that is  
24          required under Federal, State, or local law to main-  
25          tain records documenting employment, including



1 dates or hours of work and wages received, to fail  
2 to provide such records to any employee to whom the  
3 records pertain, upon request by such employee.

4 “(8) PROFESSIONAL, COMMERCIAL, AND BUSI-  
5 NESS LICENSES.—An individual who is authorized to  
6 be employed in the United States may not be denied  
7 a professional, commercial, or business license on  
8 the basis of his or her immigration status.

9 “(9) EMPLOYMENT AGENCY DEFINED.—In this  
10 section, the term ‘employment agency’ means any  
11 employer, person, entity, or agent of such employer,  
12 person, or entity that regularly undertakes, with or  
13 without compensation, to procure employees for em-  
14 ployers or to procure for employees opportunities to  
15 work for employers.”

16 (b) REFERRAL BY EEOC.—Section 274B(b) of the  
17 Immigration and Nationality Act (8 U.S.C. 1324b(b)) is  
18 amended by adding at the end the following:

19 “(3) REFERRAL BY EEOC.—The Equal Employ-  
20 ment Opportunity Commission shall refer all matters  
21 alleging immigration-related unfair employment  
22 practices filed with the Commission, including those  
23 alleging violations of paragraph (1), (4), (5), or (6)  
24 of subsection (a), to the Immigrant and Employment  
25 Rights Section of the Department of Justice.”

1 (c) FINES.—

2 (1) IN GENERAL.—Section 274B(g)(2)(B)(iv) of  
3 the Immigration and Nationality Act (8 U.S.C.  
4 1324b(g)(2)(B)(iv)) is amended to read as follows:

5 “(iv) to pay the civil penalties set  
6 forth in this clause, which may be adjusted  
7 periodically to account for inflation, includ-  
8 ing—

9 “(I) except as provided in sub-  
10 clauses (II) through (IV), a civil pen-  
11 alty of not less than \$2,000 and not  
12 more than \$5,000 for each individual  
13 subjected to an unfair immigration-re-  
14 lated employment practice;

15 “(II) except as provided in sub-  
16 clauses (III) and (IV), in the case of  
17 an employer, person, or entity pre-  
18 viously subject to 1 order under this  
19 paragraph, a civil penalty of not less  
20 than \$4,000 and not more than  
21 \$10,000 for each individual subjected  
22 to an unfair immigration-related em-  
23 ployment practice;

24 “(III) except as provided in sub-  
25 clause (IV), in the case of an em-

1           ployer, person, or entity previously  
2           subject to more than 1 order under  
3           this paragraph, a civil penalty of not  
4           less than \$8,000 and not more than  
5           \$25,000 for each individual subjected  
6           to an unfair immigration-related em-  
7           ployment practice; and

8                       “(IV) in the case of an unfair im-  
9                       migration-related employment practice  
10                      described in paragraphs (4) through  
11                      (7) of subsection (a), a civil penalty of  
12                      not less than \$500 and not more than  
13                      \$2,000 for each individual subjected  
14                      to an unfair immigration-related em-  
15                      ployment practice.”.

16           (2) EFFECTIVE DATE.—The amendment made  
17           by paragraph (1)—

18                       (A) shall take effect on the date that is 1  
19                       year after the date of the enactment of this Act;  
20                       and

21                       (B) shall apply to violations occurring on  
22                       or after such date of enactment.

23           (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
24           274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended to read as  
25           follows:

1           “(3) AUTHORIZATION OF APPROPRIATIONS.—

2           There are authorized to be appropriated to carry out  
3           this subsection—

4                   “(A) \$10,000,000 for each fiscal year (be-  
5                   ginning with fiscal year 1991); and

6                   “(B) an additional \$40,000,000 for each of  
7                   fiscal years 2022 through 2024.”.

8   **SEC. 5106. FAIRNESS FOR FARMWORKERS.**

9           (a) IN GENERAL.—Section 7 of the Fair Labor  
10          Standards Act of 1938 (29 U.S.C. 207) is amended—

11                   (1) in subsection (a), by adding at the end the  
12                   following:

13                   “(3)(A) Except as provided in subparagraph (C), be-  
14                   ginning on January 1, 2022, no employer shall employ any  
15                   employee employed in agriculture who in any workweek  
16                   is engaged in commerce or in the production of goods for  
17                   commerce, or is employed in an enterprise engaged in  
18                   commerce or in the production of goods for commerce for  
19                   a workweek that is longer than the hours specified under  
20                   subparagraph (B), unless such employee receives com-  
21                   pensation for employment in excess of the hours specified  
22                   in such subparagraph at a rate not less than 150 percent  
23                   of the regular rate at which the employee is employed.

24                   “(B) The hours specified in this subparagraph are,  
25                   subject to subparagraph (C), as follows:

1           “(i) Beginning on January 1, 2022, 55 hours in  
2 any workweek.

3           “(ii) Beginning on January 1, 2023, 50 hours  
4 in any workweek.

5           “(iii) Beginning on January 1, 2024, 45 hours  
6 in any workweek.

7           “(iv) Beginning on January 1, 2025, 40 hours  
8 in any workweek.

9           “(C) With respect to any employer that employs 25  
10 or fewer employees—

11           “(i) the requirement under subparagraph (A)  
12 shall begin on January 1, 2025; and

13           “(ii) the hours specified under subparagraph  
14 (B) shall be as follows:

15           “(I) The number of hours specified under  
16 subparagraph (B)(i) shall begin on January 1,  
17 2025.

18           “(II) The number of hours specified under  
19 subparagraph (B)(ii) shall begin on January 1,  
20 2026.

21           “(III) The number of hours specified  
22 under subparagraph (B)(iii) shall begin on Jan-  
23 uary 1, 2027.

1           “(IV) The number of hours specified under  
2           subparagraph (B)(iv) shall begin on January 1,  
3           2028.”; and

4           (2) by striking subsection (m).

5           (b) REMOVING CERTAIN EXEMPTIONS FOR AGRICUL-  
6           TURAL WORK.—Section 13 of the Fair Labor Standards  
7           Act of 1938 (29 U.S.C. 213) is amended—

8           (1) in subsection (a), by amending paragraph  
9           (6) to read as follows:

10           “(6) any employee employed in agriculture who  
11           is the parent, spouse, child, or other member of the  
12           employer’s immediate family;”;

13           (2) in subsection (b)—

14           (A) by striking paragraphs (12) through  
15           (16); and

16           (B) by redesignating paragraphs (17),  
17           (20), (21), (24), (27), (28), (29), and (30) as  
18           paragraphs (12), (13), (14), (15), (16), (17),  
19           (18), and (19), respectively; and

20           (3) by striking subsections (h) through (j).

21           (c) CONFORMING AMENDMENTS.—

22           (1) FAIR LABOR STANDARDS ACT OF 1938.—  
23           Section 13(e)(1)(A) of the Fair Labor Standards  
24           Act of 1938 (29 U.S.C. 213(e)(1)(A)) is amended by  
25           striking “none of the employees” and all that follows

1 through and inserting “all of the employees of which  
2 are employed in agriculture and are employed by an  
3 employer who did not, during any calendar quarter  
4 during the preceding calendar year, use more than  
5 500 man-days of agricultural labor (within the  
6 meaning of the exemption under subsection  
7 (a)(6)(A)), as in effect on the day before the date  
8 of the enactment of the U.S. Citizenship Act),”.

9 (2) MIGRANT AND SEASONAL AGRICULTURAL  
10 WORKER PROTECTION ACT.—The Migrant and Sea-  
11 sonal Agricultural Worker Protection Act (Public  
12 Law 97–470) is amended—

13 (A) in section 3 (29 U.S.C. 1802)—

14 (i) in paragraph (8), by amending  
15 subparagraph (B) to read as follows:

16 “(B) The term ‘migrant agricultural worker’  
17 does not include any immediate family member of an  
18 agricultural employer or a farm labor contractor.”;

19 and

20 (ii) in paragraph (10), by amending  
21 subparagraph (B) to read as follows:

22 “(B) The term ‘seasonal agricultural worker’  
23 does not include—

24 “(i) any migrant agricultural worker; or

1           “(ii) any immediate family member of an  
2           agricultural employer or a farm labor con-  
3           tractor.”; and

4           (B) in section 4(a) (29 U.S.C. 1803(a)),  
5           by amending paragraph (2) to read as follows:

6           “(2) SMALL BUSINESS EXEMPTION.—Any per-  
7           son, other than a farm labor contractor, who did  
8           not, during any calendar quarter during the pre-  
9           ceding calendar year, use more than 500 man-days  
10          of agricultural labor (within the meaning of the ex-  
11          emption under section 13(a)(6)(A) of the Fair Labor  
12          Standards Act of 1938 (29 U.S.C. 213(a)(6)(A)), as  
13          in effect on the day before the date of the enactment  
14          of the U.S. Citizenship Act).”.

15          (d) EFFECTIVE DATES.—

16               (1) IN GENERAL.—The amendments made by  
17               subsections (a)(2), (b)(1), (b)(3), and (c) shall take  
18               effect on—

19                       (A) January 1, 2025, with respect to an  
20                       employer that employs more than 25 employees;  
21                       and

22                       (B) January 1, 2028, with respect to an  
23                       employer that employs 25 or fewer employees.

24               (2) OTHER AMENDMENTS.—The amendments  
25               made by subsection (b)(2) shall take effect on—



1 (A) January 1, 2022, with respect to an  
2 employer that employs more than 25 employees;  
3 and

4 (B) January 1, 2025, with respect to an  
5 employer that employs 25 or fewer employees.

6 **SEC. 5107. PROTECTIONS FOR MIGRANT AND SEASONAL LA-**  
7 **BORERS.**

8 Section 501 of the Migrant and Seasonal Agricultural  
9 Worker Protection Act (29 U.S.C. 1851) is amended—

10 (1) by amending subsection (a) to read as fol-  
11 lows:

12 “(a) VIOLATIONS OF THIS ACT.—

13 “(1) IN GENERAL.—Except as otherwise pro-  
14 vided in this section, any person who willfully and  
15 knowingly violates this Act or any regulation under  
16 this Act—

17 “(A) shall be fined not more than \$1,000,  
18 sentenced to prison for a term not to exceed 1  
19 year, or both; and

20 “(B) upon conviction for any subsequent  
21 violation of this Act or any regulation under  
22 this Act, shall be fined not more than \$10,000,  
23 sentenced to prison for a term not to exceed 3  
24 years, or both.

1           “(2) IDENTIFICATION DOCUMENT OFFENSES.—

2           Any person who knowingly destroys, conceals, re-  
3           moves, confiscates, or possesses any actual or pur-  
4           ported passport or other immigration document, or  
5           any other actual or purported government identifica-  
6           tion document of another person or threatens to do  
7           so in furtherance of a violation of this Act shall be  
8           fined under title 18, United States Code, imprisoned  
9           not more than 3 years, or both.

10           “(3) TRAVEL RESTRICTIONS.—Any person who

11           knowingly restricts or attempts to prevent or re-  
12           strict, without lawful authority, a person’s liberty to  
13           move or travel, in furtherance of a violation of this  
14           Act, shall be fined under title 18, United States  
15           Code, imprisoned not more than 5 years, or both.

16           “(4) BODILY INJURY.—If bodily injury results

17           from any acts committed by any person in violation  
18           of this Act, or if such acts include sexual abuse or  
19           an attempt to commit sexual abuse (as described in  
20           section 2242 of title 18, United States Code), or if  
21           such acts include the use, attempted use, or threat-  
22           ened use of a dangerous weapon, explosives, or fire,  
23           the person shall be fined under title 18, United  
24           States Code, imprisoned not more than 10 years, or  
25           both.

1           “(5) DEATH.—If death results from any acts  
2           committed by any person in violation of this Act, or  
3           if such acts include kidnaping or an attempt to kid-  
4           nap, aggravated sexual abuse, or an attempt to com-  
5           mit aggravated sexual abuse, or an attempt to kill,  
6           the person shall be fined under title 18, United  
7           States Code, imprisoned for any term of years or for  
8           life, or both.

9           “(6) SUBSEQUENT VIOLATIONS.—Except to the  
10          extent that a greater maximum penalty is otherwise  
11          provided for in this section, a person who is con-  
12          victed for any subsequent violation of this Act or  
13          any regulation under this Act shall be fined under  
14          title 18, United States Code, imprisoned not more  
15          than 3 years, or both.”; and

16          (2) by adding at the end the following:

17          “(c) RECORDKEEPING AND WAGE REQUIRE-  
18          MENTS.—Any person who knowingly and with intent to  
19          defraud violates section 201(a), 201(f), 301(a), or 301(f),  
20          or who knowingly and willfully violates section 202 or 302,  
21          shall be fined under title 18, United States Code, impris-  
22          oned not more than 5 years, or both.

23          “(d) OBSTRUCTION OFFENSES.—Any person who ob-  
24          structs, attempts to obstruct, interferes with, or prevents  
25          the enforcement of this section, shall be subject to the

1 same fines and penalties as those prescribed for the under-  
2 lying offense involved.”.

3 **SEC. 5108. DIRECTIVE TO THE UNITED STATES SEN-**  
4 **TENCING COMMISSION.**

5 (a) IN GENERAL.—Pursuant to its authority under  
6 section 994 of title 28, United States Code, the United  
7 States Sentencing Commission, in accordance with sub-  
8 section (b), shall promulgate sentencing guidelines or  
9 amend existing sentencing guidelines to increase the pen-  
10 alties imposed on persons convicted of offenses under—

11 (1) section 274A of the Immigration and Na-  
12 tionality Act (8 U.S.C. 1324a);

13 (2) section 501 of the Migrant and Seasonal  
14 Agricultural Worker Protection Act (29 U.S.C.  
15 1851);

16 (3) section 16 of the Fair Labor Standards Act  
17 of 1938 (29 U.S.C. 216); and

18 (4) any other Federal law covering conduct  
19 similar to the conduct prohibited under the provi-  
20 sions of law referred to in paragraphs (1) through  
21 (3).

22 (b) REQUIREMENTS.—In carrying out subsection (a),  
23 the Sentencing Commission shall provide sentencing en-  
24 hancements for any person convicted of an offense re-  
25 ferred to in subsection (a) if such offense involves—

- 1 (1) the confiscation of identification documents;
- 2 (2) corruption, bribery, extortion, or robbery;
- 3 (3) sexual abuse;
- 4 (4) serious bodily injury;
- 5 (5) an intent to defraud; or
- 6 (6) a pattern of conduct involving multiple vio-
- 7 lations of law that—
  - 8 (A) creates a risk to the health or safety
  - 9 of any victim; or
  - 10 (B) denies payments due to victims for
  - 11 work completed.

12 **SEC. 5109. LABOR LAW ENFORCEMENT FUND.**

13 (a) IN GENERAL.—Section 286 of the Immigration  
14 and Nationality Act (8 U.S.C. 1356) is amended by add-  
15 ing at the end the following:

16 “(w) LABOR LAW ENFORCEMENT ACCOUNT.—

17 “(1) IN GENERAL.—There is established in the  
18 general fund of the Treasury a separate account,  
19 which shall be known as the ‘Labor Law Enforce-  
20 ment Account’ (referred to in this subsection as the  
21 ‘Account’).

22 “(2) DEPOSITS.—There shall be deposited as  
23 offsetting receipts into the Account penalties im-  
24 posed under section 274A(a)(7).

1           “(3) EXPENDITURES.—Amounts deposited into  
2           the Account shall be made available to the Secretary  
3           of Labor to ensure compliance with workplace laws,  
4           including by random audits of such employers, in in-  
5           dustries that have a history of significant employ-  
6           ment of unauthorized workers or nonimmigrant  
7           workers pursuant to subclause (a) or (b) of section  
8           101(a)(15)(H)(ii).”.

9           (b) AUTHORIZATION OF APPROPRIATIONS.—

10           (1) IN GENERAL.—There are authorized to be  
11           appropriated such sums as may be necessary to  
12           carry out this title and the amendments made by  
13           this title (other than the amendment made by sub-  
14           section (a)).

15           (2) AVAILABILITY OF FUNDS.—

16           (A) IN GENERAL.—Except as provided in  
17           subparagraph (B), amounts authorized to carry  
18           out the programs, projects, and activities rec-  
19           ommended by the Commission may not be ex-  
20           pended before—

21                   (i) the date that is 60 days after the  
22                   submission of the report required under  
23                   section 5101(e); or

1                   (ii) the date that is 2 years and 60  
2                   days after the date of the enactment of  
3                   this Act.

4                   (B) ADMINISTRATIVE EXPENSES.—Not-  
5                   withstanding subparagraph (A), amounts re-  
6                   ferred to in that subparagraph may be ex-  
7                   pended for minimal administrative expenses di-  
8                   rectly associated with—

9                   (i) convening the public hearings re-  
10                  quired under section 5101(c)(2)(A); and

11                  (ii) preparing and providing sum-  
12                  maries of such hearings in accordance with  
13                  section 5101(c)(2)(B).


○

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
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SAN FRANCISCO

2021 JUN 15 PM 2:25

BY  Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Chan, Melgar

Subject:

Supporting Our Noncitizen Residents and a Full Pathway to Citizenship

The text is listed:

Resolution acknowledging the 9th Anniversary of the DACA program, recognizing the tremendous contributions from our noncitizen residents including recipients of the Deferred Action for Childhood Arrivals (DACA) program and their families, and urging Congressional approval of legislative bills that provide relief and pathways to citizenship for our immigrant communities.

Signature of Sponsoring Supervisor:



For Clerk's Use Only



FILE NO.

RESOLUTION NO.

1 [Supporting Our Noncitizen Residents and a Full Pathway to Citizenship]  
2

3 **Resolution acknowledging the 9th Anniversary of the DACA program, recognizing the**  
4 **tremendous contributions from our noncitizen residents including recipients of the**  
5 **Deferred Action for Childhood Arrivals (DACA) program and their families, and urging**  
6 **Congressional approval of legislative bills that provide relief and pathways to**  
7 **citizenship for our immigrant communities.**  
8

9 WHEREAS, Nine years ago on June 15, 2012, after significant demonstrations and  
10 campaigns led by undocumented youth activists, President Obama initiated the immigration  
11 policy known as the Deferred Action for Childhood Arrivals (DACA), in order to allow  
12 individuals brought to the country as children to receive a renewable two-year period of  
13 deferred action from deportation and become eligible for a work permit in the U.S.; and

14 WHEREAS, On his first day in office, President Biden introduced the United States  
15 Citizenship Act, a comprehensive immigration bill to provide a pathway to citizenship for all  
16 undocumented immigrants, including DACA-eligible individuals, Temporary Protected Status  
17 (TPS) and Deferred Enforced Departure (DED) recipients and certain farmworkers, which was  
18 subsequently introduced in the House as HR. 1177 and Senate as S. 348 on February 18,  
19 2021; and

20 WHEREAS, In February of 2021 the Dream Act (S. 264) and the SECURE Act (S. 306)  
21 were reintroduced in the Senate to provide pathways to citizenship for DACA-eligible and  
22 TPC/DED recipients, respectively; and.

23 WHEREAS, In March 2121, the American Dream and Promise Act of 2021 (H.R. 6)  
24 and the Farm Workforce Modernization Act of 2021 (H.R. 1603) were introduced in the House  
25 to provide relief and a pathway to citizenship to those brought to the United States as minors,

1 including DACA recipients; TPS holders; and DED individuals; and protection from deportation  
2 and pathways to citizenship for undocumented farmworkers and their family members; and

3 WHEREAS, Nearly 11 million undocumented immigrants in the United States live  
4 under the constant fear of deportation, family separation, and discrimination while working,  
5 paying taxes, and operating their own businesses; and play an integral role in our economy,  
6 often filling jobs in agriculture, construction, and hospitality that would otherwise remain  
7 vacant; and

8 WHEREAS, Noncitizen residents and their families have spent multiple decades in  
9 their communities, with a combined spending power of \$217.7 billion and contributing \$31.9  
10 billion in federal, state, and local taxes, and \$1.9 billion in California alone; and

11 WHEREAS, DACA recipients have been on the front lines during the coronavirus  
12 pandemic, with more than 200,000 considered pandemic front-line workers, including 29,000  
13 health care workers; and

14 WHEREAS, While DACA provided some relief to recipients, it stops short of providing a  
15 pathway to full citizenship; and does not extend to the families and loved ones who remain at  
16 risk of deportation and denial of human rights; and

17 WHEREAS, The American Dream and Promise and the Farm Workforce Modernization  
18 Acts of 2021, are critical first steps in reforming our immigration system and both passed the  
19 House with bipartisan support and have been referred to the Senate; now, therefore, be it

20 RESOLVED, The Board of Supervisors of the City and County of San Francisco  
21 recognizes the tremendous contributions from our noncitizen residents on the occasion of the  
22 Ninth Anniversary of the DACA program; and be it

23 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
24 Francisco remain committed to the fight for a pathway to citizenship for all immigrants; and  
25

1 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
2 Francisco urges Senate approval of the American Dream and Promise Act, and the Farm  
3 Worker Modernization Act; and be it

4 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
5 Francisco directs the Clerk of the Board to send a copy of this resolution to our Congressional  
6 delegation.

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