

118TH CONGRESS
1ST SESSION

H. R. 3194

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2023

Ms. SÁNCHEZ (for herself, Ms. LOFGREN, Ms. CHU, Ms. VELÁZQUEZ, Ms. CLARKE of New York, Ms. BARRAGÁN, Ms. WASSERMAN SCHULTZ, Ms. BONAMICI, Ms. NORTON, Mr. POCAN, Ms. DELBENE, Ms. SCANLON, Mr. AUCHINCLOSS, Mr. PANETTA, Ms. WILLIAMS of Georgia, Ms. ROSS, Ms. GARCIA of Texas, Mr. SHERMAN, Mrs. DINGELL, Mr. CORREA, Mrs. WATSON COLEMAN, Mrs. NAPOLITANO, Mr. CARBAJAL, Mr. RUPPERSBERGER, Mr. BLUMENAUER, Mr. GOMEZ, Ms. JACOBS, Ms. PORTER, Ms. MOORE of Wisconsin, Ms. MENG, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. MCGOVERN, Mr. COSTA, Mr. CASTEN, Mr. CLEAVER, Mr. PALLONE, Mr. LARSON of Connecticut, Mr. EVANS, Mr. CARSON, Mr. VEASEY, Mr. LIEU, Mr. CASTRO of Texas, Mr. SOTO, Mrs. TRAHAN, Mr. RUIZ, Ms. ESCOBAR, Mr. GRIJALVA, Mr. PAYNE, Ms. PLASKETT, Mr. HUFFMAN, Mr. THOMPSON of California, Mr. NADLER, Ms. DEAN of Pennsylvania, Mr. SWALWELL, Ms. MATSUI, Mr. KILMER, Mr. QUIGLEY, Ms. SEWELL, Mr. BOYLE of Pennsylvania, Ms. MCCOLLUM, Ms. CASTOR of Florida, Mr. TRONE, Mr. TONKO, Mr. TORRES of New York, Ms. DEGETTE, Mr. SABLAN, Mr. THANEDAR, Mr. GARAMENDI, Mr. CARTER of Louisiana, Ms. WILSON of Florida, Ms. TLAIB, Ms. BROWNLEY, Ms. SALINAS, Ms. ADAMS, Mr. SMITH of Washington, Mr. TAKANO, Ms. UNDERWOOD, Mr. LARSEN of Washington, Mr. BEYER, Mr. GALLEGO, Ms. LOIS FRANKEL of Florida, Mr. RASKIN, Mr. MORELLE, Mrs. CHERFILUS-MCCORMICK, Ms. BLUNT ROCHESTER, Ms. TOKUDA, Ms. LEGER FERNANDEZ, Mr. DAVIS of Illinois, Mr. AGUILAR, Ms. CLARK of Massachusetts, Mr. MOULTON, Ms. JAYAPAL, Mrs. HAYES, Ms. STRICKLAND, Ms. STANSBURY, Mr. HIGGINS of New York, Mr. SCHIFF, Mr. VARGAS, Mr. CONNOLLY, and Mr. CÁRDENAS) 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 the Workforce, House Administration, Financial Services, Natural Resources, Oversight and Accountability, 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))—

1 (i) by striking paragraph (3) and in-
2 serting the following:

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

6 (ii) by adding at the end the fol-
7 lowing:

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

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

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

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

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

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

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

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

24 (A) in the title and chapter headings—

1 (i) by striking “**ALIEN**” each place
2 it appears and inserting “**NONCIT-**
3 **IZEN**”; and

4 (ii) by striking “**ALIENS**” each
5 place it appears and inserting “**NON-**
6 **CITIZENS**”;

7 (B) in the section headings—

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

10 (ii) by striking “**ALIENS**” each place
11 it appears and inserting “**NONCITIZENS**”;
12 and

13 (iii) by striking “**ALIENAGE**” each
14 place it appears and inserting “**NONCITI-**
15 **ZENSHIP**”;

16 (C) in the subsection headings—

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

19 (ii) by striking “**ALIENS**” each place it
20 appears and inserting “**NONCITIZENS**”;
21 and

22 (D) in the paragraph, subparagraph,
23 clause, subclause, item, and subitem headings—

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

1 (ii) by striking “ALIEN” each place it
2 appears and inserting “NONCITIZEN”;

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

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

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

11 (A) by striking the item relating to title V
12 and inserting the following:

“TITLE V—NONCITIZEN TERRORIST REMOVAL PROCEDURES”;

13 and

14 (B) in the items relating to the chapters
15 and sections—

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

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

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

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

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

1 (b) UNACCOMPANIED NONCITIZEN CHILDREN.—Sec-
2 tion 462 of the Homeland Security Act of 2002 (6 U.S.C.
3 279) is amended by striking “alien” each place it appears
4 and inserting “noncitizen”.

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

12 **TITLE I—EARNED PATH TO CITI-**
13 **ZENSHIP AND OTHER RE-**
14 **FORMS**

15 **Subtitle A—Earned Path to**
16 **Citizenship**

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

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

1 **“SEC. 245B. ADJUSTMENT OF STATUS OF ELIGIBLE EN-**
2 **TRANS TO THAT OF LAWFUL PROSPECTIVE**
3 **IMMIGRANT.**

4 “(a) **REQUIREMENTS.**—Notwithstanding any other
5 provision of law, the Secretary may grant lawful prospec-
6 tive immigrant status to a noncitizen who—

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; and

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

13 “(b) **SPOUSES AND CHILDREN.**—The requirement in
14 paragraph (2) subsection (a) shall not apply to a noncit-
15 izen who is the spouse or child of a noncitizen who satisfies
16 all requirements of that subsection.

17 “(c) **DURATION OF STATUS AND EXTENSION.**—The
18 initial period of authorized admission for a lawful prospec-
19 tive immigrant—

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

22 “(2) may be extended for additional 6-year
23 terms if—

24 “(A) the noncitizen remains eligible for
25 lawful prospective immigrant status;

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

4 “(C) such status was not revoked by the
5 Secretary.

6 “(d) EVIDENCE OF LAWFUL PROSPECTIVE IMMI-
7 GRANT STATUS.—

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

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

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

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

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

22 “(1) IN GENERAL.—A noncitizen granted lawful
23 prospective immigrant status under this section shall
24 be considered lawfully present in the United States

1 for all purposes while such noncitizen remains in
2 such status, except that the noncitizen—

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

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

10 “(C) shall be subject to the rules applicable
11 to individuals not lawfully present that are set
12 forth in section 1402(e) of the Patient Protec-
13 tion and Affordable Care Act (42 U.S.C.
14 18071); and

15 “(D) shall be subject to the rules applica-
16 ble to individuals not lawfully present set forth
17 in section 5000A(d)(3) of the Internal Revenue
18 Code of 1986.

19 “(2) ELIGIBILITY FOR COVERAGE UNDER A
20 QUALIFIED HEALTH PLAN.—Notwithstanding section
21 1312(f)(3) of the Patient Protection and Affordable
22 Care Act (42 U.S.C. 18032(f)(3)), a lawful prospec-
23 tive immigrant shall be treated as a qualified indi-
24 vidual under section 1312 of that Act if the lawful

1 prospective immigrant meets the requirements under
2 subsection (f)(1) of that section.

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

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

13 “(A) the lawful prospective immigrant is in
14 possession of—

15 “(i) valid, unexpired documentary evi-
16 dence of lawful prospective immigrant sta-
17 tus; or

18 “(ii) a travel document, duly approved
19 by the Secretary, that was issued to the
20 lawful prospective immigrant after the law-
21 ful prospective immigrant’s original docu-
22 mentary evidence was lost, stolen, or de-
23 stroyed;

24 “(B) the lawful prospective immigrant’s
25 absences from the United States do not exceed

1 180 days, in the aggregate, in any calendar
2 year, unless—

3 “(i) the lawful prospective immi-
4 grant’s absences were authorized by the
5 Secretary; or

6 “(ii) the lawful prospective immi-
7 grant’s failure to timely return was due to
8 circumstances beyond the noncitizen’s con-
9 trol;

10 “(C) the lawful prospective immigrant
11 meets the requirements for an extension as de-
12 scribed in subsection (c)(2); and

13 “(D) the lawful prospective immigrant es-
14 tablishes that the lawful prospective immigrant
15 is not inadmissible under subparagraph (A)(i),
16 (A)(iii), (B), or (C) of section 212(a)(3).

17 “(5) ASSIGNMENT OF SOCIAL SECURITY NUM-
18 BER.—

19 “(A) IN GENERAL.—The Commissioner of
20 Social Security (referred to in this paragraph as
21 the ‘Commissioner’), in coordination with the
22 Secretary, shall implement a system to allow for
23 the assignment of a Social Security number and
24 the issuance of a Social Security card to each
25 lawful prospective immigrant.

1 “(B) INFORMATION SHARING.—

2 “(i) IN GENERAL.—The Secretary
3 shall provide the Commissioner with infor-
4 mation from the applications submitted by
5 noncitizens granted lawful prospective im-
6 migrant status under this section and such
7 other information as the Commissioner
8 considers necessary to assign a Social Se-
9 curity account number to such noncitizens.

10 “(ii) USE OF INFORMATION.—The
11 Commissioner may use information re-
12 ceived from the Secretary under this sub-
13 paragraph—

14 “(I) to assign Social Security ac-
15 count numbers to lawful prospective
16 immigrants; and

17 “(II) to administer the programs
18 of the Social Security Administration.

19 “(iii) LIMITATION.—The Commis-
20 sioner may maintain, use, and disclose
21 such information only as permitted under
22 section 552a of title 5, United States Code
23 (commonly known as the Privacy Act of
24 1974), and other applicable Federal law.”.

1 (b) ENLISTMENT IN THE ARMED FORCES.—Section
2 504(b)(1) of title 10, United States Code, is amended by
3 adding at the end the following:

4 “(D) A noncitizen who has been granted
5 lawful prospective immigrant status under sec-
6 tion 245B of the Immigration and Nationality
7 Act.”.

8 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

9 (1) 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 245A the following:

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

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

18 “(54) LAWFUL PROSPECTIVE IMMIGRANT.—The
19 term ‘lawful prospective immigrant’ means a noncitizen
20 granted lawful prospective immigrant status under section
21 245B.”.

1 **SEC. 1102. ADJUSTMENT OF STATUS OF LAWFUL PROSPEC-**
2 **TIVE IMMIGRANTS.**

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 1101, is further amended by inserting
6 after section 245B the following:

7 **“SEC. 245C. ADJUSTMENT OF STATUS OF LAWFUL PRO-**
8 **SPECTIVE IMMIGRANTS.**

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

13 “(1) subject to subsection (b), satisfies the eli-
14 gibility requirements set forth in section 245G(b),
15 including all criminal and national security back-
16 ground checks and the payment of all applicable
17 fees;

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

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

22 “(4) remains eligible for such status;

23 “(5) establishes, to the satisfaction of the Sec-
24 retary, that the lawful prospective immigrant has
25 not been continuously absent from the United States
26 for more than 180 days in any calendar year during

1 the period of admission as a lawful prospective im-
2 migrant, unless the lawful prospective immigrant’s
3 absence was—

4 “(A) authorized by the Secretary; or

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

7 “(6) has satisfied any applicable Federal tax li-
8 ability.

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

13 “(c) DEMONSTRATION OF COMPLIANCE.—An appli-
14 cant may demonstrate compliance with subsection (a)(6)
15 by submitting appropriate documentation, in accordance
16 with regulations promulgated by the Secretary, in con-
17 sultation with the Secretary of the Treasury.

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

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) TABLE OF CONTENTS.—The table of con-
25 tents for the Immigration and Nationality Act (8

1 U.S.C. 1101 et seq.), as amended by section 1101,
2 is further amended by inserting after the item relat-
3 ing to section 245B the following:

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

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

9 “(55) LAWFUL PERMANENT RESIDENT.—The term
10 ‘lawful permanent resident’ means a noncitizen lawfully
11 admitted for permanent residence.”.

12 **SEC. 1103. THE DREAM ACT.**

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

17 **“SEC. 245D. ADJUSTMENT OF STATUS FOR CERTAIN NON-**
18 **CITIZENS WHO ENTERED THE UNITED**
19 **STATES AS CHILDREN.**

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

23 “(1) satisfies the eligibility requirements set
24 forth in section 245G(b), including all criminal and

1 national security background checks and the pay-
2 ment of all applicable fees;

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

5 “(3) was younger than 18 years of age on the
6 date on which the noncitizen initially entered the
7 United States;

8 “(4) has earned a high school diploma, a com-
9 mensurate alternative award from a public or private
10 high school or secondary school, a general education
11 development certificate recognized under State law,
12 or a high school equivalency diploma in the United
13 States;

14 “(5)(A) has obtained a degree from an institu-
15 tion of higher education, or has completed at least
16 2 years, in good standing, of a program in the
17 United States leading to a bachelor’s degree or high-
18 er degree or a recognized postsecondary credential
19 from an area career and technical education school
20 providing education at the postsecondary level;

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

24 “(C) demonstrates earned income for periods
25 totaling not less than 3 years and not less than 75

1 percent of the time that the noncitizen has had valid
2 employment authorization, except that, in the case
3 of a noncitizen who was enrolled in an institution of
4 higher education or an area career and technical
5 education school to obtain a recognized postsec-
6 ondary credential, the Secretary shall reduce such
7 total 3-year requirement by the total of such periods
8 of enrollment; and

9 “(6) establishes that the noncitizen has reg-
10 istered under the Military Selective Service Act (50
11 U.S.C. 3801 et seq.), if the noncitizen is subject to
12 registration under that Act.

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

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

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

24 “(1) have been granted Deferred Action for
25 Childhood Arrivals pursuant to the memorandum of

1 the Department of Homeland Security entitled ‘Ex-
2 ercising Prosecutorial Discretion with Respect to In-
3 dividuals Who Came to the United States as Chil-
4 dren’ issued on June 15, 2012 (referred to in this
5 section as ‘DACA’); and

6 “(2) meet the requirements for renewal of
7 DACA to apply for adjustment of status to that of
8 a lawful permanent resident.

9 “(e) TREATMENT OF INDIVIDUALS GRANTED DACA
10 AND INDIVIDUALS WHO ADJUST STATUS UNDER THIS
11 SECTION.—

12 “(1) PRE-EXISTING CONDITION INSURANCE
13 PLAN PROGRAM.—The interim final rule of the De-
14 partment of Health and Human Services entitled
15 ‘Pre-Existing Condition Insurance Plan Program’
16 (77 Fed. Reg. 52614 (August 30, 2012)) shall have
17 no force or effect.

18 “(2) APPLICABLE DEFINITION OF LAWFULLY
19 PRESENT.—In determining whether an individual is
20 lawfully present for purposes of determining whether
21 the individual is lawfully residing in the United
22 States under section 1903(v)(4) of the Social Secu-
23 rity Act (42 U.S.C. 1396b(v)(4)), the definition of
24 ‘lawfully present’ under section 152.2 of title 45,

1 Code of Federal Regulations (or any successor regu-
2 lation) shall be applied.

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

5 “(A) IN GENERAL.—Notwithstanding any
6 other provision of law, except as provided in
7 subparagraph (B), with respect to eligibility for
8 any benefit under title XIX or XXI of the So-
9 cial Security Act (42 U.S.C. 1396 et seq. or
10 1397aa et seq.), the limitation under section
11 403(a) of the Personal Responsibility and Work
12 Opportunity Reconciliation Act of 1996 (8
13 U.S.C. 1613(a)) shall not apply to an individual
14 who adjusts status under this section.

15 “(B) EXCEPTION.—The limitation de-
16 scribed in subparagraph (A) shall apply to an
17 individual who was eligible to adjust status only
18 by virtue of subsection (c).

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

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

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

7 (2) in paragraph (4), by inserting “; or (5) is
8 a person who is employed by the House of Rep-
9 resentatives or the Senate, and has been issued an
10 employment authorization document under DACA”
11 after “United States”.

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

14 (1) REPEAL.—Section 505 of the Illegal Immi-
15 gration Reform and Immigrant Responsibility Act of
16 1996 (8 U.S.C. 1623) is repealed.

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

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

1 “(i) DACA RECIPIENT ELIGIBILITY.—

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

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

12 “(A) prescribe terms that limit the eligi-
13 bility of a single family mortgage for insurance
14 under this title because of the status of the
15 mortgagor as a DACA recipient; or

16 “(B) issue any limited denial of participa-
17 tion in the program for such insurance because
18 of the status of the mortgagor as a DACA re-
19 cipient.

20 “(3) EXEMPTION.—

21 “(A) DENIAL FOR FAILURE TO SATISFY
22 VALID ELIGIBILITY REQUIREMENTS.—Nothing
23 in this title prohibits the denial of insurance
24 based on failure to satisfy valid eligibility re-
25 quirements.

1 “(B) INVALID ELIGIBILITY REQUIRE-
2 MENTS.—Valid eligibility requirements do not
3 include criteria that were adopted with the pur-
4 pose of denying eligibility for insurance because
5 of race, color, religion, sex, familial status, na-
6 tional origin, disability, or the status of a mort-
7 gagor as a DACA recipient.”.

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

11 “(k) DACA RECIPIENT ELIGIBILITY.—

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

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

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

4 “(8) DACA RECIPIENT ELIGIBILITY.—

5 “(A) DACA RECIPIENT DEFINED.—In this
6 paragraph, the term ‘DACA recipient’ means a
7 noncitizen who, at any time before, on, or after
8 the date of enactment of this paragraph, is or
9 was subject to a grant of deferred action pursu-
10 ant to the Department of Homeland Security
11 memorandum entitled ‘Exercising Prosecutorial
12 Discretion with Respect to Individuals Who
13 Came to the United States as Children’ issued
14 on June 15, 2012.

15 “(B) PROHIBITION.—The corporation may
16 not condition purchase of a single-family resi-
17 dence mortgage by the corporation under this
18 subsection on the status of the borrower as a
19 DACA recipient.”.

20 (g) FREDDIE MAC.—Section 305(a) of the Federal
21 Home Loan Mortgage Corporation Act (12 U.S.C.
22 1454(a)) is amended by adding at the end the following:

23 “(6) DACA RECIPIENT ELIGIBILITY.—

24 “(A) DACA RECIPIENT DEFINED.—In this
25 paragraph, the term ‘DACA recipient’ means a

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

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

14 (h) 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 1102,
17 is further amended by inserting after the item relating to
18 section 245C the following:

“Sec. 245D. Adjustment of status for certain noncitizens who entered the
United States as children.”.

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

20 (a) ADJUSTMENT OF STATUS FOR CERTAIN NATION-
21 ALS OF CERTAIN COUNTRIES DESIGNATED FOR TEM-
22 PORARY PROTECTED STATUS OR DEFERRED ENFORCED
23 DEPARTURE.—Chapter 5 of title II of the Immigration
24 and Nationality Act (8 U.S.C. 1255 et seq.), as amended

1 by section 1103, is further amended by inserting after sec-
2 tion 245D the following:

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

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

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

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

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

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

1 such date notwithstanding subsections (c)(1)(A)(iv)
2 and (c)(3)(C) of that section; or

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

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

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

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

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

21 (c) 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 1103,
24 is further amended by inserting after the item relating to
25 section 245D the following:

“Sec. 245E. Adjustment of status for certain nationals of certain countries designated for temporary protected status or deferred enforced departure.”.

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.

1 “(b) SPOUSES AND CHILDREN.—The requirements of
 2 paragraph (3) of subsection (a) shall not apply to a noncit-
 3 izen who is the spouse or child of a noncitizen who satisfies
 4 all the requirements of that subsection.

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

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

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

17 (b) 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 1104,
 20 is further amended by inserting after the item relating to
 21 section 245E the following:

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

22 **SEC. 1106. GENERAL PROVISIONS RELATING TO ADJUST-**
 23 **MENT OF STATUS.**

24 (a) IN GENERAL.—Chapter 5 of title II of the Immi-
 25 gration and Nationality Act (8 U.S.C. 1255 et seq.), as

1 amended by section 1105, is further amended by inserting
2 after section 245E the following:

3 **“SEC. 245G. GENERAL PROVISIONS RELATING TO ADJUST-**
4 **MENT OF STATUS.**

5 “(a) **APPLICABILITY.**—Unless otherwise specified,
6 the provisions of this section shall apply to sections 245B,
7 245C, 245D, 245E, and 245F.

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

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

18 “(2) **PAYMENT OF FEES.**—

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

23 “(B) **RECOVERY OF COSTS.**—The proc-
24 essing fee referred to in subparagraph (A) shall

1 be set at a level sufficient to recover the cost
2 of processing the application.

3 “(C) AUTHORITY TO LIMIT FEES.—The
4 Secretary may—

5 “(i) limit the maximum processing fee
6 payable under this paragraph by a family;
7 and

8 “(ii) for good cause, exempt individual
9 applicants or defined classes of applicants
10 from the requirement to pay fees under
11 this paragraph.

12 “(D) DEPOSIT.—Fees collected under this
13 paragraph shall be deposited into the Immigra-
14 tion Examinations Fee Account pursuant to
15 section 286(m).

16 “(3) PHYSICAL PRESENCE.—

17 “(A) DATE OF SUBMITTAL OF APPLICA-
18 TION.—The noncitizen shall be physically
19 present in the United States on the date on
20 which the application is submitted.

21 “(B) CONTINUOUS PHYSICAL PRESENCE.—

22 “(i) IN GENERAL.—Except as pro-
23 vided in clause (ii), the noncitizen shall
24 have been continuously physically present
25 in the United States beginning on January

1 1, 2023, and ending on the date on which
2 the application is approved.

3 “(ii) EXCEPTIONS.—

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

12 “(II) BRIEF, CASUAL, AND INNO-
13 CENT ABSENCES.—

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

1 “(bb) ABSENCES MORE
2 THAN 180 DAYS.—For purposes
3 of this clause, an absence of more
4 than 180 days, in the aggregate,
5 during a calendar year shall not
6 be considered brief, unless the
7 Secretary finds that the length of
8 the absence was due to cir-
9 cumstances beyond the nonciti-
10 zen’s control, including the seri-
11 ous illness of the noncitizen,
12 death or serious illness of a
13 spouse, parent, grandparent,
14 grandchild, sibling, son, or
15 daughter of the noncitizen, or
16 due to international travel re-
17 strictions.

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

24 “(4) WAIVER FOR NONCITIZENS PREVIOUSLY
25 REMOVED.—

1 “(A) IN GENERAL.—With respect to a non-
2 citizen who was removed from or who departed
3 the United States on or after January 20,
4 2017, and who was continuously physically
5 present in the United States for not fewer than
6 3 years immediately preceding the date on
7 which the noncitizen was removed or departed,
8 the Secretary may waive, for humanitarian pur-
9 poses, to ensure family unity, or if such a waiv-
10 er is otherwise in the public interest, the appli-
11 cation of—

12 “(i) paragraph (3)(A); and

13 “(ii) in the case of an applicant for
14 lawful prospective immigrant status under
15 section 245B, if the applicant has not re-
16 entered the United States unlawfully after
17 January 1, 2023, subsection (c)(3).

18 “(B) APPLICATION PROCEDURE.—The
19 Secretary, in consultation with the Secretary of
20 State, shall establish a procedure by which a
21 noncitizen, while outside the United States,
22 may apply for status under section 245B,
23 245C, 245D, 245E, or 245F, as applicable, if
24 the noncitizen would have been eligible for such

1 status but for the noncitizen’s removal or de-
2 parture.

3 “(c) GROUNDS FOR INELIGIBILITY.—

4 “(1) CERTAIN GROUNDS OF INADMISS-
5 SIBILITY.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), a noncitizen shall be ineligible for
8 status under sections 245B, 245C, 245D,
9 245E, and 245F if the noncitizen—

10 “(i) is inadmissible under paragraph
11 (2), (3), (6)(E), (8), (10)(C), or (10)(E) of
12 section 212(a);

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

17 “(iii) has been convicted of 3 or more
18 misdemeanor offenses (excluding simple
19 possession of cannabis or cannabis-related
20 paraphernalia, any offense involving can-
21 nabis or cannabis-related paraphernalia
22 that is no longer prosecutable in the State
23 in which the conviction was entered, any
24 offense under State law for which an es-
25 sential element is the noncitizen’s immigra-

1 tion status, any offense involving civil dis-
2 obedience without violence, and any minor
3 traffic offense) not occurring on the same
4 date, and not arising out of the same act,
5 omission, or scheme of misconduct.

6 “(B) WAIVERS.—

7 “(i) IN GENERAL.—For purposes of
8 subparagraph (A), the Secretary may, for
9 humanitarian purposes, family unity, or if
10 otherwise in the public interest—

11 “(I) waive inadmissibility
12 under—

13 “(aa) subparagraphs (A),
14 (C), and (D) of section
15 212(a)(2); and

16 “(bb) paragraphs (6)(E),
17 (8), (10)(C), and (10)(E) of such
18 section;

19 “(II) waive ineligibility under
20 subparagraph (A)(ii) (excluding of-
21 fenses described in section
22 101(a)(43)(A)) or inadmissibility
23 under subparagraph (B) of section
24 212(a)(2) if the noncitizen has not
25 been convicted of any offense during

1 the 10-year period preceding the date
2 on which the noncitizen applies for
3 status under section 245B, 245C,
4 245D, 245E, or 245F, as applicable;
5 and

6 “(III) for purposes of subpara-
7 graph (A)(iii), waive consideration
8 of—

9 “(aa) 1 misdemeanor offense
10 if, during the 5-year period pre-
11 ceding the date on which the
12 noncitizen applies for status
13 under section 245B, 245C,
14 245D, 245E, or 245F, as appli-
15 cable, the noncitizen has not been
16 convicted of any offense; or

17 “(bb) 2 misdemeanor of-
18 fenses if, during the 10-year pe-
19 riod preceding such date, the
20 noncitizen has not been convicted
21 of any offense.

22 “(ii) CONSIDERATIONS.—In making a
23 determination under subparagraph (B),
24 the Secretary of Homeland Security or the
25 Attorney General shall consider all miti-

1 gating and aggravating factors, includ-
2 ing—

3 “(I) the severity of the under-
4 lying circumstances, conduct, or viola-
5 tion;

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

8 “(III) evidence of rehabilitation,
9 if applicable; and

10 “(IV) the extent to which the
11 noncitizen’s removal, or the denial of
12 the noncitizen’s application, would ad-
13 versely affect the noncitizen or the
14 noncitizen’s United States citizen or
15 lawful permanent resident family
16 members.

17 “(2) NONCITIZENS IN CERTAIN IMMIGRATION
18 STATUSES.—

19 “(A) IN GENERAL.—A noncitizen shall be
20 ineligible for status under sections 245B, 245C,
21 245D, 245E, and 245F if on January 1, 2023,
22 the noncitizen was any of the following:

23 “(i) A lawful permanent resident.

1 “(ii) A noncitizen admitted as a ref-
2 ugee under section 207 or granted asylum
3 under section 208.

4 “(iii) A noncitizen who, according to
5 the records of the Secretary or the Sec-
6 retary of State, is in a period of authorized
7 stay in a nonimmigrant status described in
8 section 101(a)(15)(A), other than—

9 “(I) a spouse or a child of a non-
10 citizen eligible for status under section
11 245B, 245C, 245D, 245E, or 245F;

12 “(II) a noncitizen considered to
13 be in a nonimmigrant status solely by
14 reason of section 702 of the Consoli-
15 dated Natural Resources Act of 2008
16 (Public Law 110–229; 122 Stat. 854)
17 or section 244(f)(4) of this Act;

18 “(III) a nonimmigrant described
19 in section 101(a)(15)(H)(ii)(a); and

20 “(IV) a noncitizen who has en-
21 gaged in ‘essential critical infrastruc-
22 ture labor or services’, as described in
23 the ‘Advisory Memorandum on Identifi-
24 cation of Essential Critical Infra-
25 structure Workers During COVID–19

1 Response’ (as revised by the Depart-
2 ment of Homeland Security) during
3 the period described in subparagraph
4 (B).

5 “(iv) A noncitizen paroled into the
6 Commonwealth of the Northern Mariana
7 Islands or Guam who did not reside in the
8 Commonwealth or Guam on November 28,
9 2009.

10 “(B) PERIOD DESCRIBED.—The period de-
11 scribed in this subparagraph is the period
12 that—

13 “(i) begins on the first day of the
14 public health emergency declared by the
15 Secretary of Health and Human Services
16 under section 319 of the Public Health
17 Service Act (42 U.S.C. 247d) with respect
18 to COVID–19; and

19 “(ii) ends on the date that is 90 days
20 after the date on which such public health
21 emergency terminates.

22 “(3) CERTAIN NONCITIZENS OUTSIDE THE
23 UNITED STATES AND UNLAWFUL REENTRANTS.—A
24 noncitizen shall be ineligible for status under sec-

1 tions 245B, 245C, 245D, 245E, and 245F if the
2 noncitizen—

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

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

8 “(ii) reentered the United States unlaw-
9 fully after January 1, 2023.

10 “(d) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC
11 DATA; BACKGROUND CHECKS.—

12 “(1) IN GENERAL.—The Secretary may not
13 grant a noncitizen status under section 245B, 245C,
14 245D, 245E, or 245F unless the noncitizen submits
15 biometric and biographic data, in accordance with
16 procedures established by the Secretary.

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

21 “(3) BACKGROUND CHECKS.—

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

24 “(i) to conduct security and law en-
25 forcement background checks; and

1 “(ii) to determine whether there is
2 any criminal, national security, or other
3 factor that would render the noncitizen in-
4 eligible for status under section 245B,
5 245C, 245D, 245E, or 245F, as applica-
6 ble.

7 “(B) COMPLETION REQUIRED.—A noncit-
8 izen may not be granted status under section
9 245B, 245C, 245D, 245E, or 245F unless se-
10 curity and law enforcement background checks
11 are completed to the satisfaction of the Sec-
12 retary.

13 “(e) ELIGIBILITY FOR OTHER STATUSES.—

14 “(1) IN GENERAL.—A noncitizen’s eligibility for
15 status under section 245B, 245C, 245D, 245E, or
16 245F shall not preclude the noncitizen from seeking
17 any status under any other provision of law for
18 which the noncitizen may otherwise be eligible.

19 “(2) INAPPLICABILITY OF OTHER PROVI-
20 SIONS.—Section 208(d)(6) shall not apply to any
21 noncitizen who submits an application under section
22 245B, 245C, 245D, 245E, or 245F.

23 “(f) EXEMPTION FROM NUMERICAL LIMITATION.—
24 Nothing in this section or section 245B, 245C, 245D,
25 245E, or 245F or in any other law may be construed—

1 “(1) to limit the number of noncitizens who
2 may be granted status under sections 245B, 245C,
3 245D, 245E, and 245F; or

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

6 “(g) PROCEDURES.—

7 “(1) OPPORTUNITY TO APPLY AND LIMITATION
8 ON REMOVAL.—A noncitizen who appears to be
9 prima facie eligible for status under section 245B,
10 245C, 245D, 245E, or 245F shall be given a reason-
11 able opportunity to apply for such adjustment of sta-
12 tus and, if the noncitizen applies within a reasonable
13 period, the noncitizen shall not be removed before—

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

16 “(B) a final order of removal has been
17 issued; and

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

25 “(2) SPOUSES AND CHILDREN.—

1 “(A) FAMILY APPLICATION.—The Sec-
2 retary shall establish a process by which a prin-
3 cipal applicant and his or her spouse and chil-
4 dren may file a single combined application
5 under section 245B, 245C, 245D, 245E, or
6 245F, including a petition to classify the spouse
7 and children as the spouse and children of the
8 principal applicant.

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

24 “(C) EFFECT OF DENIAL OF APPLICATION
25 OR REVOCATION OF STATUS.—If the application

1 of a noncitizen for status under section 245B,
2 245C, 245D, 245E, or 245F is denied, or his
3 or her status is revoked, the spouse or child of
4 such noncitizen shall remain eligible to apply
5 independently for status under the applicable
6 section.

7 “(3) ADJUDICATION.—

8 “(A) IN GENERAL.—The Secretary shall
9 evaluate each application submitted under sec-
10 tion 245B, 245C, 245D, 245E, or 245F to de-
11 termine whether the applicant meets the appli-
12 cable requirements.

13 “(B) ADJUSTMENT OF STATUS IF FAVOR-
14 ABLE DETERMINATION.—If the Secretary deter-
15 mines that a noncitizen meets the requirements
16 of section 245B, 245C, 245D, 245E, or 245F,
17 as applicable, the Secretary shall—

18 “(i) notify the noncitizen of such de-
19 termination; and

20 “(ii) adjust the status of the noncit-
21 izen to that of lawful prospective immi-
22 grant or lawful permanent resident, as ap-
23 plicable, effective as of the date of such de-
24 termination.

1 “(C) DOCUMENTARY EVIDENCE OF STA-
2 TUS.—

3 “(i) IN GENERAL.—The Secretary
4 shall issue documentary evidence of lawful
5 prospective immigrant status or lawful per-
6 manent resident status, as applicable, to
7 each noncitizen whose application for such
8 status has been approved.

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

11 “(I) be machine readable and
12 tamper resistant;

13 “(II) contain a digitized photo-
14 graph of the noncitizen;

15 “(III) during the noncitizen’s au-
16 thorized period of admission, serve as
17 a valid travel and entry document;
18 and

19 “(IV) include such other features
20 and information as the Secretary may
21 prescribe.

22 “(iii) EMPLOYMENT AUTHORIZA-
23 TION.—Documentary evidence issued
24 under clause (i) shall be accepted during
25 the period of its validity by an employer as

1 evidence of employment authorization and
2 identity under section 274A(b)(1)(B); and

3 “(D) ADVERSE DETERMINATION.—If the
4 Secretary determines that the noncitizen does
5 not meet the requirements for the status for
6 which the noncitizen applied, the Secretary
7 shall notify the noncitizen of such determina-
8 tion.

9 “(E) WITHDRAWAL OF APPLICATION.—

10 “(i) IN GENERAL.—On receipt of a re-
11 quest to withdraw an application under
12 section 245B, 245C, 245D, 245E, or
13 245F, the Secretary shall cease processing
14 of the application and close the case.

15 “(ii) EFFECT OF WITHDRAWAL.—

16 Withdrawal of such an application shall
17 not prejudice any future application filed
18 by the applicant for any immigration ben-
19 efit under this Act.

20 “(F) DOCUMENT REQUIREMENTS.—

21 “(i) ESTABLISHING IDENTITY.—A
22 noncitizen’s application for status under
23 section 245B, 245C, 245D, 245E, or 245F
24 may include, as evidence of identity, the
25 following:

1 “(I) A passport or national iden-
2 tity document from the noncitizen’s
3 country of origin that includes the
4 noncitizen’s name and the noncitizen’s
5 photograph or fingerprint.

6 “(II) The noncitizen’s birth cer-
7 tificate and an identity card that in-
8 cludes the noncitizen’s name and pho-
9 tograph.

10 “(III) A school identification
11 card that includes the noncitizen’s
12 name and photograph, and school
13 records showing the noncitizen’s name
14 and that the noncitizen is or was en-
15 rolled at the school.

16 “(IV) A uniformed services iden-
17 tification card issued by the Depart-
18 ment of Defense.

19 “(V) Any immigration or other
20 document issued by the United States
21 Government bearing the noncitizen’s
22 name and photograph.

23 “(VI) A State-issued identifica-
24 tion card bearing the noncitizen’s
25 name and photograph.

1 “(VII) Any other evidence that
2 the Secretary determines to be cred-
3 ible.

4 “(ii) DOCUMENTS ESTABLISHING CON-
5 TINUOUS PHYSICAL PRESENCE.—Evidence
6 that the noncitizen has been continuously
7 physically present in the United States
8 may include the following:

9 “(I) Passport entries, including
10 admission stamps on the noncitizen’s
11 passport.

12 “(II) Any document from the De-
13 partment of Justice or the Depart-
14 ment of Homeland Security noting the
15 noncitizen’s date of entry into the
16 United States.

17 “(III) Records from any edu-
18 cational institution the noncitizen has
19 attended in the United States.

20 “(IV) Employment records of the
21 noncitizen that include the employer’s
22 name and contact information.

23 “(V) Records of service from the
24 uniformed services.

1 “(VI) Official records from a reli-
2 gious entity confirming the nonciti-
3 zen’s participation in a religious cere-
4 mony.

5 “(VII) A birth certificate for a
6 child who was born in the United
7 States.

8 “(VIII) Hospital or medical
9 records showing medical treatment or
10 hospitalization, the name of the med-
11 ical facility or physician, and the date
12 of the treatment or hospitalization.

13 “(IX) Automobile license receipts
14 or registration.

15 “(X) Deeds, mortgages, or rental
16 agreement contracts.

17 “(XI) Rent receipts or utility
18 bills bearing the noncitizen’s name or
19 the name of an immediate family
20 member of the noncitizen, and the
21 noncitizen’s address.

22 “(XII) Tax receipts.

23 “(XIII) Insurance policies.

1 “(XIV) Remittance records, in-
2 cluding copies of money order receipts
3 sent in or out of the country.

4 “(XV) Travel records, including
5 online or hardcopy airplane, bus and
6 train tickets, itineraries, and hotel or
7 hostel receipts.

8 “(XVI) Dated bank transactions.

9 “(XVII) Sworn affidavits from at
10 least two individuals who are not re-
11 lated to the noncitizen who have di-
12 rect knowledge of the noncitizen’s con-
13 tinuous physical presence in the
14 United States, that contain—

15 “(aa) the name, address,
16 and telephone number of the affi-
17 ant; and

18 “(bb) the nature and dura-
19 tion of the relationship between
20 the affiant and the noncitizen.

21 “(XVIII) Any other evidence de-
22 termined to be credible.

23 “(iii) DOCUMENTS ESTABLISHING EX-
24 EMPTION FROM APPLICATION FEES.—The
25 Secretary shall set forth, by regulation, the

1 documents that may be used as evidence
2 that a noncitizen’s application for status
3 under section 245B, 245C, 245D, 245E,
4 or 245F is exempt from an application fee
5 under subsection (b)(2).

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

19 “(G) SUFFICIENCY OF THE EVIDENCE.—

20 “(i) FAILURE TO SUBMIT SUFFICIENT
21 EVIDENCE.—The Secretary may deny an
22 application under section 245B, 245C,
23 245D, 245E, or 245F submitted by a non-
24 citizen who fails to submit requested initial
25 evidence, including requested biometric

1 data, or any requested additional evidence,
2 by the date required by the Secretary.

3 “(ii) AMENDED APPLICATION.—A
4 noncitizen whose application is denied
5 under clause (i) may, without an additional
6 fee, submit to the Secretary an amended
7 application or supplement the existing ap-
8 plication if the amended or supplemented
9 application contains the required informa-
10 tion and any fee that was missing from the
11 initial application.

12 “(iii) FULFILLMENT OF ELIGIBILITY
13 REQUIREMENTS.—Except as provided in
14 clause (i), an application—

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

17 “(II) may only be denied on evi-
18 dentiary grounds if the evidence sub-
19 mitted is not credible or otherwise
20 fails to establish eligibility.

21 “(iv) AUTHORITY TO DETERMINE
22 PROBITY OF EVIDENCE.—The Secretary
23 may determine—

24 “(I) whether evidence is credible;
25 and

1 “(II) the weight to be given the
2 evidence.

3 “(4) REVOCATION.—

4 “(A) IN GENERAL.—If the Secretary deter-
5 mines that a noncitizen fraudulently obtained
6 status under section 245B, 245C, 245D, 245E,
7 or 245F, the Secretary may revoke such status
8 at any time after—

9 “(i) providing appropriate notice to
10 the noncitizen;

11 “(ii) providing the noncitizen an op-
12 portunity to respond; and

13 “(iii) the exhaustion or waiver of all
14 applicable administrative review procedures
15 under paragraph (6).

16 “(B) ADDITIONAL EVIDENCE.—In deter-
17 mining whether to revoke a noncitizen’s status
18 under subparagraph (A), the Secretary may re-
19 quire the noncitizen—

20 “(i) to submit additional evidence; or

21 “(ii) to appear for an interview.

22 “(C) INVALIDATION OF DOCUMENTA-
23 TION.—If a noncitizen’s status is revoked under
24 subparagraph (A), any documentation issued by
25 the Secretary to the noncitizen under paragraph

1 (3)(C) shall automatically be rendered invalid
2 for any purpose except for departure from the
3 United States.

4 “(5) ADMINISTRATIVE REVIEW.—

5 “(A) EXCLUSIVE ADMINISTRATIVE RE-
6 VIEW.—Administrative review of a determina-
7 tion with respect to an application for status
8 under section 245B, 245C, 245D, 245E, or
9 245F shall be conducted solely in accordance
10 with this paragraph.

11 “(B) ADMINISTRATIVE APPELLATE RE-
12 VIEW.—

13 “(i) ESTABLISHMENT OF ADMINIS-
14 TRATIVE APPELLATE AUTHORITY.—The
15 Secretary shall establish or designate an
16 appellate authority to provide for a single
17 level of administrative appellate review of
18 denials of applications or petitions sub-
19 mitted, and revocations of status, under
20 sections 245B, 245C, 245D, 245E, and
21 245F.

22 “(ii) SINGLE APPEAL FOR EACH AD-
23 MINISTRATIVE DECISION.—A noncitizen in
24 the United States whose application for
25 status under section 245B, 245C, 245D,

1 245E, or 245F has been denied or whose
2 status under any such section has been re-
3 voked may submit to the Secretary not
4 more than 1 appeal of each such decision.

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

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

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

23 “(C) STAY OF REMOVAL.—Noncitizens
24 seeking administrative review of a denial, or
25 revocation of approval, of an application for sta-

1 tus under section 245B, 245C, 245D, 245E, or
2 245F shall not be removed from the United
3 States before a final decision is rendered estab-
4 lishing ineligibility for such status.

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

8 “(i) the administrative record estab-
9 lished at the time of the determination on
10 the application; and

11 “(ii) any additional newly discovered
12 or previously unavailable evidence.

13 “(6) JUDICIAL REVIEW.—Judicial review of de-
14 cisions denying, or revoking approval of, applications
15 or petitions under sections 245B, 245C, 245D,
16 245E, and 245F shall be governed by section 242.

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

23 “(A) notwithstanding section 212(d)(5)(A),
24 the Secretary shall have the discretion to grant
25 advance parole to the noncitizen;

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

4 “(8) EMPLOYMENT.—

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

11 “(B) EMPLOYMENT AUTHORIZATION.—A
12 document issued under subparagraph (A)
13 shall—

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

17 “(ii) be accepted by an employer as
18 evidence of employment authorization
19 under section 274A(b)(1)(C) pending a
20 final decision on the application.

21 “(C) EMPLOYER PROTECTION.—An em-
22 ployer who knows that a noncitizen employee is
23 an applicant for status under section 245B,
24 245C, 245D, 245E, or 245F or intends to
25 apply for any such status, and who continues to

1 employ the noncitizen pending a final decision
2 on the noncitizen employee's application, shall
3 not be considered to be in violation of section
4 274A(a)(2) for hiring, employment, or contin-
5 ued employment of the noncitizen.

6 “(9) INFORMATION PRIVACY.—

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

10 “(i) use the information provided by a
11 noncitizen pursuant to an application sub-
12 mitted under section 245B, 245C, 245D,
13 245E, or 245F to initiate removal pro-
14 ceedings against any person identified in
15 the application;

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

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

24 “(B) REQUIRED DISCLOSURE.—Notwith-
25 standing subparagraph (A), the Attorney Gen-

1 eral or the Secretary shall provide the informa-
2 tion provided in an application under section
3 245B, 245C, 245D, 245E, or 245F, and any
4 other information derived from such informa-
5 tion, to—

6 “(i) a duly recognized law enforce-
7 ment entity in connection with an inves-
8 tigation or prosecution of an offense de-
9 scribed in paragraph (2) or (3) of section
10 212(a), if such information is requested in
11 writing by such entity; or

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

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

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

24 “(E) ANNUAL ASSESSMENT.—Not less fre-
25 quently than annually, the Secretary shall con-

1 duct an assessment that, for the preceding cal-
2 endar year—

3 “(i) analyzes the effectiveness of the
4 safeguards under subparagraph (D);

5 “(ii) determines the number of au-
6 thorized disclosures made; and

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

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

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

22 “(h) DEFINITIONS.—In this section and sections
23 245B, 245C, 245D, 245E, and 245F:

24 “(1) FINAL DECISION.—The term ‘final deci-
25 sion’ means a decision or an order issued by the Sec-

1 retary under this section after the period for re-
2 requesting administrative review under subsection
3 (g)(5) has expired or the challenged decision was af-
4 firmed after such administrative review.

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

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

10 (b) RULEMAKING.—

11 (1) RULES IMPLEMENTING SECTIONS 245B,
12 245D, 245E, 245F, AND 245G.—

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

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

1 revision after public notice and opportunity for
2 a period of public comment.

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

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

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

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

23 (d) TECHNICAL AND CONFORMING AMENDMENT.—
24 The table of contents for the Immigration and Nationality
25 Act (8 U.S.C. 1101 et seq.), as amended by section 1105,

1 is further amended by inserting after the item relating to
2 section 245F the following:

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

3 **Subtitle B—Other Reforms**

4 **SEC. 1201. V NONIMMIGRANT VISAS.**

5 (a) NONIMMIGRANT ELIGIBILITY.—Section
6 101(a)(15)(V) of the Immigration and Nationality Act (8
7 U.S.C. 1101(a)(15)(V)) is amended to read as follows:

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

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

16 “(q) NONIMMIGRANTS DESCRIBED IN SECTION
17 101(a)(15)(V).—

18 “(1) CERTAIN SONS AND DAUGHTERS.—

19 “(A) EMPLOYMENT AUTHORIZATION.—The
20 Secretary shall—

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

1 “(ii) provide the nonimmigrant with
2 an ‘employment authorized’ endorsement
3 or other appropriate document signifying
4 authorization of employment.

5 “(B) TERMINATION OF ADMISSION.—The
6 period of authorized admission for a non-
7 immigrant admitted pursuant to section
8 101(a)(15)(V) shall terminate 30 days after the
9 date on which—

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

14 “(ii) the nonimmigrant’s application
15 for adjustment of status under section
16 245, 245B, or 245C pursuant to the ap-
17 proval of such a petition is denied.

18 “(C) PUBLIC BENEFITS.—

19 “(i) IN GENERAL.—A noncitizen who
20 is lawfully present in the United States
21 pursuant to section 101(a)(15)(V) is not
22 eligible for any means-tested public bene-
23 fits (as such term is defined and imple-
24 mented in section 403 of the Personal Re-

1 sponsibility and Work Opportunity Rec-
2 onciliation Act of 1996 (8 U.S.C. 1613)).

3 “(ii) HEALTH CARE COVERAGE.—A
4 noncitizen admitted under section
5 101(a)(15)(V)—

6 “(iii) is not entitled to the premium
7 assistance tax credit authorized under sec-
8 tion 36B of the Internal Revenue Code of
9 1986 for his or her health insurance cov-
10 erage;

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

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

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

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on the first day of the first

1 fiscal year beginning after the date of the enactment of
2 this Act.

3 **SEC. 1202. EXPUNGEMENT AND SENTENCING.**

4 (a) DEFINITION OF CONVICTION.—Section
5 101(a)(48) of the Immigration and Nationality Act (8
6 U.S.C. 1101(a)(48)) is amended to read as follows:

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

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

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

15 “(ii) Any adjudication in which the court has
16 issued—

17 “(I) a judicial recommendation against re-
18 moval;

19 “(II) an order of probation without entry
20 of judgment; or

21 “(III) any similar disposition.

22 “(iii) A judgment that is on appeal or is within
23 the time to file direct appeal.

24 “(C)(i) Unless otherwise provided, with respect to an
25 offense, any reference to a term of imprisonment or a sen-

1 tence is considered to include only the period of incarcer-
2 ation ordered by a court.

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

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

18 **SEC. 1203. PETTY OFFENSES.**

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

21 (1) in the matter preceding subclause (I), by
22 striking “to an alien who committed only one
23 crime”;

1 (2) in subclause (I), by inserting “the noncitizen committed only one crime,” before “the crime was committed when”; and

2
3
4 (3) by amending subclause (II) to read as follows:

5
6 “(II) the noncitizen committed
7 not more than 2 crimes, the maximum
8 penalty possible for each crime of
9 which the noncitizen was convicted (or
10 which the noncitizen admits having
11 committed or of which the acts that
12 the noncitizen admits having committed constituted the essential elements) did not exceed imprisonment for 1 year and, if the noncitizen was convicted of either crime, the noncitizen was not sentenced to terms of imprisonment with respective sentences imposed in excess of 180 days (regardless of the extent to which either sentence was ultimately executed).”.

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

23 (a) **WAIVER OF GROUNDS OF INADMISSIBILITY.**—
24 Section 212 of the Immigration and Nationality Act (8

1 U.S.C. 1182) is amended by inserting after subsection (b)
2 the following:

3 “(c) HUMANITARIAN, FAMILY UNITY, AND PUBLIC
4 INTEREST WAIVER.—

5 “(1) IN GENERAL.—Notwithstanding any other
6 provision of law, except section 245G(c)(1)(B), the
7 Secretary of Homeland Security or the Attorney
8 General may waive the operation of any 1 or more
9 grounds of inadmissibility under this section (exclud-
10 ing inadmissibility under subsection (a)(3)) for any
11 purpose, including eligibility for relief from re-
12 moval—

13 “(A) for humanitarian purposes;

14 “(B) to ensure family unity; or

15 “(C) if a waiver is otherwise in the public
16 interest.

17 “(2) CONSIDERATIONS.—In making a deter-
18 mination under paragraph (1), the Secretary of
19 Homeland Security or the Attorney General shall
20 consider all mitigating and aggravating factors, in-
21 cluding—

22 “(A) the severity of the underlying cir-
23 cumstances, conduct, or violation;

24 “(B) the duration of the noncitizen’s resi-
25 dence in the United States;

1 “(C) evidence of rehabilitation, if applica-
2 ble; and

3 “(D) the extent to which the noncitizen’s
4 removal, or the denial of the noncitizen’s appli-
5 cation, would adversely affect the noncitizen or
6 the noncitizen’s United States citizen or lawful
7 permanent resident family members.”.

8 (b) WAIVER OF GROUNDS OF DEPORTABILITY.—Sec-
9 tion 237(a) of the Immigration and Nationality Act (8
10 U.S.C. 1227(a)) is amended by adding at the end the fol-
11 lowing:

12 “(8) HUMANITARIAN, FAMILY UNITY, AND PUB-
13 LIC INTEREST WAIVER.—

14 “(A) IN GENERAL.—Notwithstanding any
15 other provision of law, except section
16 245G(c)(1)(B), the Secretary of Homeland Se-
17 curity or the Attorney General may waive the
18 operation of any 1 or more grounds of deport-
19 ability under this subsection (excluding deport-
20 ability under paragraph (2)(A)(iii) based on a
21 conviction described in section 101(a)(43)(A)
22 and deportability under paragraph (4)) for any
23 purpose, including eligibility for relief from re-
24 moval—

25 “(i) for humanitarian purposes;

1 “(ii) to ensure family unity; or

2 “(iii) if a waiver is otherwise in the
3 public interest.

4 “(B) CONSIDERATIONS.—In making a de-
5 termination under subparagraph (A), the Sec-
6 retary of Homeland Security or the Attorney
7 General shall consider all mitigating and aggra-
8 vating factors, including—

9 “(i) the severity of the underlying cir-
10 cumstances, conduct, or violation;

11 “(ii) the duration of the noncitizen’s
12 residence in the United States;

13 “(iii) evidence of rehabilitation, if ap-
14 plicable; and

15 “(iv) the extent to which the nonciti-
16 zen’s removal, or the denial of the nonciti-
17 zen’s application, would adversely affect
18 the noncitizen or the noncitizen’s United
19 States citizen or lawful permanent resident
20 family members.”.

21 **SEC. 1205. JUDICIAL REVIEW.**

22 Section 242 of the Immigration and Nationality Act
23 (8 U.S.C. 1252) is amended—

24 (1) in subsection (a)(2)—

1 (A) in subparagraph (B), by inserting “the
2 exercise of discretion arising under” after “no
3 court shall have jurisdiction to review”;

4 (B) in subparagraph (C), by inserting
5 “and subsection (h)” after “subparagraph
6 (D)”; and

7 (C) by amending subparagraph (D) to read
8 as follows:

9 “(D) JUDICIAL REVIEW OF CERTAIN
10 LEGAL CLAIMS.—Nothing in subparagraph (B)
11 or (C), or in any other provision of this Act
12 that limits or eliminates judicial review, shall be
13 construed as precluding review of constitutional
14 claims or questions of law.”;

15 (2) in subsection (b)—

16 (A) in paragraph (2), in the first sentence,
17 by inserting “or, in the case of a decision gov-
18 erned by section 245G(g)(6), in the judicial cir-
19 cuit in which the petitioner resides” after “pro-
20 ceedings”; and

21 (B) in paragraph (9), by striking the first
22 sentence and inserting the following: “Except as
23 otherwise provided in this section, judicial re-
24 view of a determination respecting a removal

1 order shall be available only in judicial review
2 of a final order under this section.”;

3 (3) in subsection (f)—

4 (A) in paragraph (1), by striking “or re-
5 strain the operation of”; and

6 (B) in paragraph (2), by adding “after all
7 administrative and judicial review available to
8 the noncitizen is complete” before “unless”; and

9 (4) by adding at the end the following:

10 “(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINA-
11 TIONS RELATING TO STATUS UNDER CHAPTER 5.—

12 “(1) DIRECT REVIEW.—If a noncitizen’s appli-
13 cation under section 245B, 245C, 245D, 245E, or
14 245F is denied, or the approval of such application
15 is revoked, after the exhaustion of administrative ap-
16 pellate review under section 245G(g)(5), the noncit-
17 izen may seek review of such decision, in accordance
18 with chapter 7 of title 5, United States Code, in the
19 district court of the United States in which the non-
20 citizen resides.

21 “(2) STATUS DURING REVIEW.—During the pe-
22 riod in which a review described in paragraph (1) is
23 pending—

24 “(A) any unexpired grant of voluntary de-
25 parture under section 240B shall be tolled; and

1 “(B) any order of exclusion, deportation,
2 or removal shall automatically be stayed unless
3 the court, in its discretion, orders otherwise.

4 “(3) REVIEW AFTER REMOVAL PRO-
5 CEEDINGS.—A noncitizen may seek judicial review of
6 a denial or revocation of approval of the noncitizen’s
7 application under section 245B, 245C, 245D, 245E,
8 or 245F in the appropriate court of appeals of the
9 United States in conjunction with the judicial review
10 of an order of removal, deportation, or exclusion if
11 the validity of the denial or revocation has not been
12 upheld in a prior judicial proceeding under para-
13 graph (1).

14 “(4) STANDARD FOR JUDICIAL REVIEW.—

15 “(A) BASIS.—Judicial review of a denial or
16 revocation of approval of an application under
17 section 245B, 245C, 245D, 245E, or 245F
18 shall be based upon the administrative record
19 established at the time of the review.

20 “(B) AUTHORITY TO REMAND.—The re-
21 viewing court may remand a case under this
22 subsection to the Secretary of Homeland Secu-
23 rity (referred to in this subsection as the ‘Sec-
24 retary’) for consideration of additional evidence
25 if the court finds that—

1 “(i) the additional evidence is mate-
2 rial; and

3 “(ii) there were reasonable grounds
4 for failure to adduce the additional evi-
5 dence before the Secretary.

6 “(C) SCOPE OF REVIEW.—Notwithstanding
7 any other provision of law, judicial review of all
8 questions arising from a denial or revocation of
9 approval of an application under section 245B,
10 245C, 245D, 245E, or 245F shall be governed
11 by the standard of review set forth in section
12 706 of title 5, United States Code.

13 “(5) REMEDIAL POWERS.—

14 “(A) JURISDICTION.—Notwithstanding any
15 other provision of law, the district courts of the
16 United States shall have jurisdiction over any
17 cause or claim arising from a pattern or prac-
18 tice of the Secretary in the operation or imple-
19 mentation of section 245B, 245C, 245D, 245E,
20 245F, or 245G that is arbitrary, capricious, or
21 otherwise contrary to law.

22 “(B) SCOPE OF RELIEF.—The district
23 courts of the United States may order any ap-
24 propriate relief in a cause or claim described in
25 subparagraph (A) without regard to exhaustion,

1 ripeness, or other standing requirements (other
2 than constitutionally mandated requirements),
3 if the court determines that—

4 “(i) the resolution of such cause or
5 claim will serve judicial and administrative
6 efficiency; or

7 “(ii) a remedy would otherwise not be
8 reasonably available or practicable.

9 “(6) CHALLENGES TO THE VALIDITY OF THE
10 SYSTEM.—

11 “(A) IN GENERAL.—Except as provided in
12 paragraph (5), any claim that section 245B,
13 245C, 245D, 245E, 245F, or 245G, or any reg-
14 ulation, written policy, written directive, or
15 issued or unwritten policy or practice initiated
16 by or under the authority of the Secretary to
17 implement such sections, violates the Constitu-
18 tion of the United States or is otherwise in vio-
19 lation of law is available in an action instituted
20 in a district court of the United States in ac-
21 cordance with the procedures prescribed in this
22 paragraph.

23 “(B) SAVINGS PROVISION.—Except as pro-
24 vided in subparagraph (C), nothing in subpara-
25 graph (A) may be construed to preclude an ap-

1 plicant under section 245B, 245C, 245D, 245E,
2 or 245F from asserting that an action taken or
3 a decision made by the Secretary with respect
4 to the applicant’s status was contrary to law.

5 “(C) CLASS ACTIONS.—Any claim de-
6 scribed in subparagraph (A) that is brought as
7 a class action shall be brought in conformity
8 with—

9 “(i) the Class Action Fairness Act of
10 2005 (Public Law 109–2; 119 Stat. 4);
11 and

12 “(ii) the Federal Rules of Civil Proce-
13 dure.

14 “(D) PRECLUSIVE EFFECT.—The final dis-
15 position of any claim brought under subpara-
16 graph (A) shall be preclusive of any such claim
17 asserted by the same individual in a subsequent
18 proceeding under this subsection.

19 “(E) EXHAUSTION AND STAY OF PRO-
20 CEEDINGS.—

21 “(i) IN GENERAL.—No claim brought
22 under this paragraph shall require the
23 plaintiff to exhaust administrative rem-
24 edies under section 245G(g)(5).

1 “(ii) STAY AUTHORIZED.—Nothing in
2 this paragraph may be construed to pre-
3 vent the court from staying proceedings
4 under this paragraph to permit the Sec-
5 retary to evaluate an allegation of an un-
6 written policy or practice or to take correc-
7 tive action. In determining whether to
8 issue such a stay, the court shall take into
9 account any harm the stay may cause to
10 the claimant.”.

11 **SEC. 1206. MODIFICATIONS TO NATURALIZATION PROVI-**
12 **SIONS.**

13 The Immigration and Nationality Act (8 U.S.C. 1101
14 et seq.) is amended—

15 (1) in section 316 (8 U.S.C. 1427), by adding
16 at the end the following:

17 “(g) For purposes of this chapter, the phrases ‘law-
18 fully admitted for permanent residence’, ‘lawfully admitted
19 to the United States for permanent residence’, and ‘lawful
20 admission for permanent residence’ shall refer to a noncit-
21 izen who—

22 “(1) was granted the status of lawful perma-
23 nent resident;

24 “(2) did not obtain such status through fraudu-
25 lent misrepresentation or fraudulent concealment of

1 a material fact, provided that the Secretary shall
2 have the discretion to waive the application of this
3 paragraph; and

4 “(3) for good cause shown.”; and

5 (2) in section 319 (8 U.S.C. 1430)—

6 (A) in the section heading, by striking
7 **“AND EMPLOYEES OF CERTAIN NON-**
8 **PROFIT ORGANIZATIONS”** and inserting **“,**
9 **EMPLOYEES OF CERTAIN NONPROFIT OR-**
10 **GANIZATIONS, AND OTHER LAWFUL RESI-**
11 **DENTS”**; and

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

13 “(f) Notwithstanding section 316(a)(1), any lawful
14 permanent resident who was lawfully present in the
15 United States and eligible for employment authorization
16 for not less than 3 years before becoming a lawful perma-
17 nent resident may be naturalized upon compliance with
18 all other requirements under this chapter.”.

19 **SEC. 1207. RELIEF FOR LONG-TERM LEGAL RESIDENTS OF**
20 **THE COMMONWEALTH OF THE NORTHERN**
21 **MARIANA ISLANDS.**

22 The Joint Resolution entitled “A Joint Resolution to
23 approve the ‘Covenant to Establish a Commonwealth of
24 the Northern Mariana Islands in Political Union with the

1 United States of America’, and for other purposes”, ap-
2 proved March 24, 1976 (48 U.S.C. 1806), is amended—

3 (1) in subsection (b)(1)—

4 (A) by amending subparagraph (A) to read
5 as follows:

6 “(A) NONIMMIGRANT WORKERS GEN-
7 ERALLY.—A noncitizen, if otherwise qualified,
8 may seek admission to Guam or to the Com-
9 monwealth during the transition program as a
10 nonimmigrant worker under section
11 101(a)(15)(H) of the Immigration and Nation-
12 ality Act (8 U.S.C. 1101(a)(15)(H) without
13 counting against the numerical limitations set
14 forth in section 214(g) of such Act (8 U.S.C.
15 1184(g)).”; and

16 (B) in subparagraph (B)(i), by striking
17 “contact” and inserting “contract”;

18 (2) in subsection (e)—

19 (A) in paragraph (4), in the paragraph
20 heading, by striking “ALIENS” and inserting
21 “NONCITIZENS”; and

22 (B) by amending paragraph (6) to read as
23 follows:

24 “(6) SPECIAL PROVISION REGARDING LONG-
25 TERM RESIDENTS OF THE COMMONWEALTH.—

1 “(A) CNMI RESIDENT STATUS.—A noncit-
2 izen described in subparagraph (B) may, upon
3 the application of the noncitizen, be admitted in
4 CNMI Resident status to the Commonwealth
5 subject to the following rules:

6 “(i) The noncitizen shall be treated as
7 a noncitizen lawfully admitted to the Com-
8 monwealth only, including permitting entry
9 to and exit from the Commonwealth, until
10 the earlier of the date on which—

11 “(I) the noncitizen ceases to re-
12 side in the Commonwealth; or

13 “(II) the noncitizen’s status is
14 adjusted under section 245 of the Im-
15 migration and Nationality Act (8
16 U.S.C. 1255) to that of a noncitizen
17 lawfully admitted for permanent resi-
18 dence in accordance with all applica-
19 ble eligibility requirements.

20 “(ii) The Secretary of Homeland Se-
21 curity—

22 “(I) shall establish a process for
23 such noncitizen to apply for CNMI
24 Resident status during the 180-day
25 period beginning on the date that is

1 90 days after the date of the enact-
2 ment of the U.S. Citizenship Act;

3 “(II) may, in the Secretary’s dis-
4 cretion, authorize deferred action or
5 parole, as appropriate, with work au-
6 thorization, for such noncitizen until
7 the date of adjudication of the nonciti-
8 zen’s application for CNMI Resident
9 status; and

10 “(III) in the case of a noncitizen
11 who has nonimmigrant status on the
12 date on which the noncitizen applies
13 for CNMI Resident status, the Sec-
14 retary shall extend such non-
15 immigrant status and work authoriza-
16 tion through the end of the 180-day
17 period described in subclause (I) or
18 the date of adjudication of the nonciti-
19 zen’s application for CNMI Resident
20 status, whichever is later.

21 “(iii) Nothing in this subparagraph
22 may be construed to provide any noncitizen
23 granted status under this subparagraph
24 with public assistance to which the noncit-
25 izen is not otherwise entitled.

1 “(iv) A noncitizen granted status
2 under this paragraph shall be deemed a
3 qualified noncitizen under section 431 of
4 the Personal Responsibility and Work Op-
5 portunity Reconciliation Act of 1996 (8
6 U.S.C. 1641) for purposes of receiving re-
7 lief during—

8 “(I) a major disaster declared by
9 the President under section 401 of the
10 Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act (42
12 U.S.C. 5170);

13 “(II) an emergency declared by
14 the President under section 501 of the
15 Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (42
17 U.S.C. 5191); or

18 “(III) a national emergency de-
19 clared by the President under the Na-
20 tional Emergencies Act (50 U.S.C.
21 1601 et seq.).

22 “(v) A noncitizen granted status
23 under this paragraph—

24 “(I) subject to section 237(a)(8),
25 is subject to all grounds of deport-

1 ability under section 237 of the Immi-
2 gration and Nationality Act (8 U.S.C.
3 1227);

4 “(II) subject to section 212(c), is
5 subject to all grounds of inadmis-
6 sibility under section 212 of the Im-
7 migration and Nationality Act (8
8 U.S.C. 1182) if seeking admission to
9 the United States at a port of entry
10 in the Commonwealth;

11 “(III) is inadmissible to the
12 United States at any port of entry
13 outside the Commonwealth, except
14 that the Secretary of Homeland Secu-
15 rity may in the Secretary’s discretion
16 authorize admission of such noncitizen
17 at a port of entry in Guam for the
18 purpose of direct transit to the Com-
19 monwealth, which admission shall be
20 considered an admission to the Com-
21 monwealth;

22 “(IV) automatically shall lose
23 such status if the noncitizen travels
24 from the Commonwealth to any other
25 place in the United States, except that

1 the Secretary of Homeland Security
2 may in the Secretary’s discretion es-
3 tablish procedures for the advance ap-
4 proval on a case-by-case basis of such
5 travel for a temporary and legitimate
6 purpose, and the Secretary may in the
7 Secretary’s discretion authorize the
8 direct transit of noncitizens with
9 CNMI Resident status through Guam
10 to a foreign place;

11 “(V) shall be authorized to work
12 in the Commonwealth incident to sta-
13 tus; and

14 “(VI) shall be issued appropriate
15 travel documentation and evidence of
16 work authorization by the Secretary.

17 “(B) NONCITIZENS DESCRIBED.—A non-
18 citizen is described in this subparagraph if the
19 noncitizen—

20 “(i) was lawfully present on June 25,
21 2019, or on December 31, 2018, in the
22 Commonwealth under the immigration
23 laws of the United States, including pursu-
24 ant to a grant of parole under section
25 212(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 lim-
9 ited, or part-time employees under this para-
10 graph.

11 (b) AUTHORITY TO ACQUIRE LEASEHOLDS.—Not-
12 withstanding any other provision of law, the Secretary
13 may acquire a leasehold interest in real property, and may
14 provide in a lease entered into under this subsection for
15 the construction or modification of any facility on the
16 leased property, if the Secretary determines that the ac-
17 quisition of such interest, and such construction or modi-
18 fication, are necessary in order to facilitate the implemen-
19 tation of this title and the amendments made by this title.

20 **SEC. 1209. CONFORMING AMENDMENTS TO THE SOCIAL SE-**
21 **CURITY ACT.**

22 (a) IN GENERAL.—Section 208(e)(1) of the Social
23 Security Act (42 U.S.C. 408(e)(1)) is amended—

24 (1) in subparagraph (B)(ii), by striking “, or”
25 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) 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 2024
14 through 2027 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.—The remaining 50 per-
24 cent of the amounts appropriated pursuant to subsection
25 (a) (after the obligations authorized under subsection (b))

1 may only be made available for assistance to the Govern-
2 ment of El Salvador, of Guatemala, or of Honduras after
3 the Secretary of State consults with, and subsequently cer-
4 tifies and reports to, the Committee on Foreign Relations
5 of the Senate, the Committee on Appropriations of the
6 Senate, the Committee on Foreign Affairs of the House
7 of Representatives, and the Committee on Appropriations
8 of the House of Representatives that the respective gov-
9 ernment is taking effective steps (in addition to steps
10 taken during the previous calendar year)—

11 (1) to combat corruption and impunity, includ-
12 ing investigating and prosecuting government offi-
13 cials, military personnel, and civilian police officers
14 credibly alleged to be corrupt;

15 (2) to implement reforms, policies, and pro-
16 grams to strengthen the rule of law, including in-
17 creasing the transparency of public institutions and
18 the independence of the judiciary and electoral insti-
19 tutions;

20 (3) to protect the rights of civil society, opposi-
21 tion political parties, trade unionists, human rights
22 defenders, and the independence of the media;

23 (4) to provide effective and accountable civilian
24 law enforcement and security for its citizens, and

1 curtailing the role of the military in internal policie-
2 ing;

3 (5) to implement policies to reduce poverty and
4 promote equitable economic growth and opportunity;

5 (6) to increase government revenues, including
6 by enhancing tax collection, strengthening customs
7 agencies, and reforming procurement processes;

8 (7) to improve border security and countering
9 human smuggling, criminal gangs, drug traffickers,
10 and transnational criminal organizations;

11 (8) to counter and prevent sexual and gender-
12 based violence;

13 (9) to inform its citizens of the dangers of the
14 journey to the southwest border of the United
15 States;

16 (10) to resolve disputes involving the confisca-
17 tion of real property of United States entities; and

18 (11) to implement reforms to strengthen edu-
19 cational systems, vocational training programs, and
20 programs for at-risk youth.

1 **Subtitle B—Addressing Migration**
2 **Needs by Strengthening Re-**
3 **gional Humanitarian Responses**
4 **for Refugees and Asylum Seek-**
5 **ers in the Western Hemisphere**
6 **and Strengthening Repatriation**
7 **Initiatives**

8 **SEC. 2201. EXPANDING REFUGEE AND ASYLUM PROC-**
9 **ESSING IN THE WESTERN HEMISPHERE.**

10 (a) REFUGEE PROCESSING.—The Secretary of State,
11 in coordination with the Secretary, shall work with inter-
12 national partners, including the United Nations High
13 Commissioner for Refugees and international nongovern-
14 mental organizations, to support and strengthen the do-
15 mestic capacity of countries in the Western Hemisphere
16 to process and accept refugees for resettlement and adju-
17 dicate asylum claims by—

18 (1) providing support and technical assistance
19 to expand and improve the capacity to identify, proc-
20 ess, and adjudicate refugee claims, adjudicate appli-
21 cations for asylum, or otherwise accept refugees re-
22 ferred for resettlement by the United Nations High
23 Commissioner for Refugees or host nations, includ-
24 ing by increasing the number of refugee and asylum

1 officers who are trained in the relevant legal stand-
2 ards for adjudicating claims for protection;

3 (2) establishing and expanding safe and secure
4 locations to facilitate the safe and orderly movement
5 of individuals and families seeking international pro-
6 tection;

7 (3) improving national refugee and asylum reg-
8 istration systems to ensure that any person seeking
9 refugee status, asylum, or other humanitarian pro-
10 tections—

11 (A) receives due process and meaningful
12 access to existing humanitarian protections;

13 (B) is provided with adequate information
14 about his or her rights, including the right to
15 seek protection;

16 (C) is properly screened for security, in-
17 cluding biographic and biometric capture; and

18 (D) receives appropriate documents to pre-
19 vent fraud and ensure freedom of movement
20 and access to basic social services; and

21 (4) developing the capacity to conduct best in-
22 terest determinations for unaccompanied children
23 with international protection needs to ensure that
24 such children are properly registered and that their
25 claims are appropriately considered.

1 (b) DIPLOMATIC ENGAGEMENT AND COORDINA-
2 TION.—The Secretary of State, in coordination with the
3 Secretary, as appropriate, shall—

4 (1) carry out diplomatic engagement to secure
5 commitments from governments to resettle refugees
6 from Central America; and

7 (2) take all necessary steps to ensure effective
8 cooperation among governments resettling refugees
9 from Central America.

10 **SEC. 2202. FURTHER STRENGTHENING REGIONAL HUMANI-**
11 **TARIAN RESPONSES IN THE WESTERN HEMI-**
12 **SPHERE.**

13 The Secretary of State, in coordination with inter-
14 national partners, including the United Nations High
15 Commissioner for Refugees, shall support and coordinate
16 with the government of each country hosting a significant
17 population of refugees and asylum seekers from El Sal-
18 vador, Guatemala, and Honduras—

19 (1) to establish and expand temporary shelter
20 and shelter network capacity to meet the immediate
21 protection and humanitarian needs of refugees and
22 asylum seekers, including shelters for families,
23 women, unaccompanied children, and other vulner-
24 able populations;

1 (2) to deliver gender-, trauma-, and age-sen-
2 sitive humanitarian assistance to refugees and asy-
3 lum seekers, including access to accurate informa-
4 tion, legal representation, education, livelihood op-
5 portunities, cash assistance, and health care;

6 (3) to establish and expand sexual, gender-
7 based, and domestic violence prevention, recovery,
8 and humanitarian programming;

9 (4) to fund national- and community-led hu-
10 manitarian organizations in humanitarian response;

11 (5) to support local integration initiatives to
12 help refugees and asylum seekers rebuild their lives
13 and contribute in a meaningful way to the local
14 economy in their host country; and

15 (6) to support technical assistance for refugee
16 relocation and resettlement.

17 **SEC. 2203. INFORMATION CAMPAIGN ON DANGERS OF IR-**
18 **REGULAR MIGRATION.**

19 (a) IN GENERAL.—The Secretary of State, in coordi-
20 nation with the Secretary, shall design and implement
21 public information campaigns in El Salvador, Guatemala,
22 Honduras, and other appropriate Central American coun-
23 tries—

24 (1) to disseminate information about the poten-
25 tial dangers of travel to the United States;

1 (2) to provide accurate information about
2 United States immigration law and policy; and

3 (3) to provide accurate information about the
4 availability of asylum, other humanitarian protec-
5 tions in countries in the Western Hemisphere, and
6 other legal means for migration.

7 (b) ELEMENTS.—The information campaigns imple-
8 mented pursuant to subsection (a), to the greatest extent
9 possible—

10 (1) shall be targeted at regions with high levels
11 of outbound migration or significant populations of
12 internally displaced persons;

13 (2) shall be conducted in local languages;

14 (3) shall employ a variety of communications
15 media, including social media; and

16 (4) shall be developed in coordination with pro-
17 gram officials at the Department of Homeland Secu-
18 rity, the Department of State, and other govern-
19 ment, nonprofit, or academic entities in close contact
20 with migrant populations from El Salvador, Guate-
21 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 center 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 airports 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 cannot be
3 implemented at other ports of entry, including—

4 (A) infrastructure constraints that would
5 impact the ability to deploy detection equipment
6 to improve the ability of such officers to iden-
7 tify such drugs and other dangers that are
8 being illegally transported into the United
9 States; and

10 (B) mitigation measures that could be im-
11 plemented at these ports of entry; and

12 (3) includes other improvements to infrastruc-
13 ture and safety equipment that are needed to protect
14 officers from inclement weather, surveillance by
15 smugglers, and accidental exposure to narcotics or
16 other dangers associated with the inspection of po-
17 tential drug traffickers.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated such funds as may be
20 necessary to implement the plans required under this sec-
21 tion.

22 **SEC. 2302. DEPLOYING SMART TECHNOLOGY AT THE**
23 **SOUTHERN BORDER.**

24 (a) IN GENERAL.—The Secretary is authorized to de-
25 velop and implement a strategy to manage and secure the

1 southern border of the United States by deploying smart
2 technology—

3 (1) to enhance situational awareness along the
4 border; and

5 (2) to counter transnational criminal networks.

6 (b) CONTENTS.—The smart technology strategy de-
7 scribed in subsection (a) shall include—

8 (1) a comprehensive assessment of the physical
9 barriers, levees, technologies, tools, and other devices
10 that are currently in use along the southern border
11 of the United States;

12 (2) the deployment of technology between ports
13 of entry that focuses on flexible solutions that can
14 expand the ability to detect illicit activity, evaluate
15 the effectiveness of border security operations, and
16 be easily relocated, broken out by U.S. Border Pa-
17 trol sector;

18 (3) the specific steps that may be taken in each
19 U.S. Border Patrol sector during the next 5 years
20 to identify technology systems and tools that can
21 help provide situational awareness of the southern
22 border;

23 (4) an explanation for why each technology,
24 tool, or other device was recommended to achieve

1 and maintain situational awareness of the southern
2 border, including—

3 (A) the methodology used to determine
4 which type of technology, tool, or other device
5 was recommended;

6 (B) a specific description of how each tech-
7 nology will contribute to the goal of evaluating
8 the performance and identifying the effective-
9 ness rate of U.S. Border Patrol agents and op-
10 erations; and

11 (C) a privacy evaluation of each tech-
12 nology, tool, or other device that examines their
13 potential impact on border communities;

14 (5) cost-effectiveness calculations for each tech-
15 nology, tool, or other device that will be deployed, in-
16 cluding an analysis of the cost per mile of border
17 surveillance;

18 (6) a cost justification for each instance a more
19 expensive technology, tool, or other device is rec-
20 ommended over a less expensive option in a given
21 U.S. Border Patrol sector; and

22 (7) performance measures that can be used to
23 evaluate the effectiveness of each technology de-
24 ployed and of U.S. Border Patrol operations in each
25 sector.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to implement this section.

4 **SEC. 2303. INDEPENDENT OVERSIGHT ON PRIVACY RIGHTS.**

5 The Office of the Inspector General for the Depart-
6 ment of Homeland Security shall conduct oversight to en-
7 sure that—

8 (1) the technology used by U.S. Customs and
9 Border Protection is—

10 (A) effective in serving a legitimate agency
11 purpose;

12 (B) the least intrusive means of serving
13 such purpose; and

14 (C) cost effective;

15 (2) guidelines are developed for using such
16 technology to ensure appropriate limits on data col-
17 lection, processing, sharing, and retention; and

18 (3) the Department of Homeland Security has
19 consulted with stakeholders, including affected bor-
20 der communities, in the development of any plans to
21 expand technology.

22 **SEC. 2304. TRAINING AND CONTINUING EDUCATION.**

23 (a) MANDATORY TRAINING AND CONTINUING EDU-
24 CATION TO PROMOTE AGENT AND OFFICER SAFETY AND
25 PROFESSIONALISM.—The Secretary is authorized to es-

1 tablish policies and guidelines to ensure that every agent
2 and officer of U.S. Customs and Border Protection and
3 U.S. Immigration and Customs Enforcement receives
4 training upon onboarding regarding accountability, stand-
5 ards for professional and ethical conduct, and oversight.

6 (b) CURRICULUM.—The training required under sub-
7 section (a) shall include—

8 (1) best practices in community policing, cul-
9 tural awareness, and carrying out enforcement ac-
10 tions near sensitive locations, responding to griev-
11 ances, and how to refer complaints to the Immigra-
12 tion Detention Ombudsman;

13 (2) interaction with vulnerable populations; and

14 (3) standards of professional and ethical con-
15 duct.

16 (c) CONTINUING EDUCATION.—

17 (1) IN GENERAL.—The Secretary shall require
18 all agents and officers of U.S. Customs and Border
19 Protection and U.S. Immigration and Customs En-
20 forcement who are required to undergo training
21 under subsection (a) to participate in continuing
22 education.

23 (2) CONSTITUTIONAL AUTHORITY SUBJECT
24 MATTER.—Continuing education required under
25 paragraph (1) shall include training regarding—

1 (A) the protection of the civil, constitu-
2 tional, human, and privacy rights of individuals;
3 and

4 (B) use of force policies applicable to
5 agents and officers.

6 (3) ADMINISTRATION.—Courses offered as part
7 of continuing education under this subsection shall
8 be administered in coordination with the Federal
9 Law Enforcement Training Centers.

10 (d) MEDICAL TRAINING FOR U.S. BORDER PATROL
11 AGENTS.—

12 (1) IN GENERAL.—Section 411 of the Home-
13 land Security Act of 2002 (6 U.S.C. 211) is amend-
14 ed—

15 (A) in subsection (l)—

16 (i) by striking “The Commissioner”
17 and inserting the following:

18 “(1) CONTINUING EDUCATION.—The Commis-
19 sioner”; and

20 (ii) by adding at the end the fol-
21 lowing:

22 “(2) MEDICAL TRAINING FOR U.S. BORDER PA-
23 TROL AGENTS.—

24 “(A) IN GENERAL.—

1 “(i) AVAILABILITY.—Beginning not
2 later than 6 months after the date of the
3 enactment of the U.S. Citizenship Act, the
4 Commissioner shall make available, in each
5 U.S. Border Patrol sector, at no cost to
6 U.S. Border Patrol agents selected for
7 such training, emergency medical techni-
8 cian (referred to in this paragraph as
9 ‘EMT’) and paramedic training, including
10 pediatric medical training, which shall uti-
11 lize nationally recognized pediatric training
12 curricula that includes emergency pediatric
13 care.

14 “(ii) USE OF OFFICIAL DUTY TIME.—
15 A U.S. Border Patrol agent shall be cred-
16 ited with work time for any EMT or para-
17 medic training provided to such agent
18 under clause (i) in order to achieve or
19 maintain an EMT or paramedic certifi-
20 cation.

21 “(iii) OBLIGATED OVERTIME.—A U.S.
22 Border Patrol agent shall not accrue any
23 debt of obligated overtime hours that the
24 agent may have incurred, pursuant to sec-
25 tion 5550(b) of title 5, United States

1 Code, in order to achieve or maintain a
2 paramedic certification.

3 “(iv) LODGING AND PER DIEM.—

4 Lodging and per diem shall be made avail-
5 able to U.S. Border Patrol agents attend-
6 ing training described in clause (i) if such
7 training is not available at a location with-
8 in commuting distance of the agent’s resi-
9 dence or worksite.

10 “(v) SERVICE COMMITMENT.—Any

11 U.S. Border Patrol agent who completes a
12 certification preparation program pursuant
13 to clause (i) shall—

14 “(I) complete 1 year of service as
15 a U.S. Border Patrol agent following
16 the completion of EMT training;

17 “(II) complete 3 years of service
18 as a U.S. Border Patrol agent fol-
19 lowing the completion of paramedic
20 training; or

21 “(III) reimburse U.S. Customs
22 and Border Protection in an amount
23 equal to the product of—

1 “(aa) the cost of providing
2 such training to such agent; mul-
3 tiplied by

4 “(bb) the percentage of the
5 service required under subclauses
6 (I) and (II) that the agent failed
7 to complete.

8 “(B) INCREASE IN RATE OF PAY FOR BOR-
9 DER PATROL MEDICAL CERTIFICATION.—

10 “(i) EMT CERTIFICATION.—A U.S.
11 Border Patrol agent who has completed
12 EMT training pursuant to subparagraph
13 (A)(i) and has a current, State-issued or
14 State-recognized certification as an EMT
15 shall receive, in addition to the pay to
16 which the agent is otherwise entitled under
17 this section, an amount equal to 5 percent
18 of such pay.

19 “(ii) PARAMEDIC CERTIFICATION.—A
20 U.S. Border Patrol agent who has com-
21 pleted paramedic training pursuant to sub-
22 paragraph (A)(i) and has a current, State-
23 issued or State-recognized certification as
24 a paramedic shall receive, in addition to
25 the pay to which the agent is otherwise en-

1 titled under this section (except for sub-
2 paragraph (A)), an amount equal to 10
3 percent of such pay.

4 “(iii) EXISTING CERTIFICATIONS.—A
5 U.S. Border Patrol agent who did not par-
6 ticipate in the training made available pur-
7 suant to subparagraph (A)(i), but, as of
8 the date of the enactment of the U.S. Citi-
9 zenship Act, has a current State-issued or
10 State-recognized EMT or paramedic cer-
11 tification, shall receive, in addition to the
12 pay to which the agent is otherwise enti-
13 tled under this section (excluding the ap-
14 plication of clause (i) and (ii)), an amount
15 equal to—

16 “(I) 5 percent of such pay for an
17 EMT certification; and

18 “(II) 10 percent of such pay for
19 a paramedic certification.

20 “(C) AVAILABILITY OF MEDICALLY
21 TRAINED BORDER PATROL AGENTS.—Not later
22 than 6 months after the date of the enactment
23 of the U.S. Citizenship Act, the Commissioner
24 of U.S. Customs and Border Protection shall—

25 “(i) ensure that—

1 “(I) U.S. Border Patrol agents
2 with current EMT or paramedic cer-
3 tifications are stationed at each U.S.
4 Border Patrol sector and remote sta-
5 tion along the southern border to the
6 greatest extent possible;

7 “(II) not fewer than 10 percent
8 of all U.S. Border Patrol agents as-
9 signed to each U.S. Border Patrol
10 sector have EMT certifications; and

11 “(III) not fewer than 1 percent
12 of all U.S. Border Patrol agents as-
13 signed to each U.S. Border Patrol
14 sector have paramedic certifications;
15 and

16 “(ii) in determining the assigned posts
17 of U.S. Border Patrol agents who have re-
18 ceived training under subparagraph (A)(i),
19 give priority to remote stations and for-
20 ward operating bases.

21 “(D) MEDICAL SUPPLIES.—

22 “(i) MINIMUM LIST.—The Commis-
23 sioner of U.S. Customs and Border Protec-
24 tion shall provide minimum medical sup-
25 plies to each U.S. Border Patrol agent

1 with an EMT or paramedic certification
2 and to each U.S. Border Patrol sector, in-
3 cluding all remote stations and forward op-
4 erating bases, for use while on patrol, in-
5 cluding—

6 “(I) supplies designed for chil-
7 dren;

8 “(II) first aid kits; and

9 “(III) oral hydration, such as
10 water.

11 “(ii) CONSULTATION.—In developing
12 the minimum list of medical supplies re-
13 quired under clause (i), the Commissioner
14 shall consult national organizations with
15 expertise in emergency medical care, in-
16 cluding emergency medical care of chil-
17 dren.

18 “(E) MOTOR VEHICLES.—The Commis-
19 sioner of U.S. Customs and Border Protection
20 shall make available appropriate motor vehicles
21 to U.S. Border Patrol agents with current EMT
22 or paramedic certifications to enable them to
23 provide necessary emergency medical assistance.

24 “(F) GAO REPORT.—Not later than 3
25 years after the date of the enactment of the

1 U.S. Citizenship Act, the Comptroller General
2 of the United States shall—

3 “(i) review the progress of the U.S.
4 Customs and Border Protection’s pro-
5 motion in reaching the goal of up to 10
6 percent of all U.S. Border Patrol agents
7 having EMT or paramedic certifications;
8 and

9 “(ii) provide a recommendation to
10 Congress as to whether—

11 “(I) the Commissioner of U.S.
12 Customs and Border Protection has
13 effectively and vigorously undertaken
14 an agency-wide effort to encourage
15 and promote the mandate for medical
16 training for U.S. Border Patrol
17 agents under this paragraph;

18 “(II) additional incentive modi-
19 fications are needed to achieve or
20 maintain the goal, including pay dif-
21 ferentials; and

22 “(III) the 10 percent goal is
23 properly scoped to materially con-
24 tribute to the preservation of life and
25 the effectiveness and efficiency of U.S.

1 Border Patrol operations, including
2 whether the number is too high or too
3 low.”; and

4 (B) in subsection (r), by striking “section,
5 the terms” and inserting the following: “sec-
6 tion—

7 “(1) the term ‘child’ means any individual who
8 has not reached 18 years of age; and

9 “(2) the terms”.

10 (2) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated such sums
12 as may be necessary to carry out section 411(l)(2)
13 of the Homeland Security Act of 2002, as added by
14 paragraph (1).

15 (e) IDENTIFYING AND TREATING INDIVIDUALS EX-
16 PERIENCING MEDICAL DISTRESS.—

17 (1) ONLINE TRAINING.—

18 (A) IN GENERAL.—Beginning on the date
19 that is 90 days after the date of the enactment
20 of this Act, the Commissioner of U.S. Customs
21 and Border Protection shall require all U.S.
22 Border Patrol agents, including agents with
23 EMT or paramedic certification, to complete an
24 online training program that meets nationally

1 recognized standards for the medical care of
2 children to enable U.S. Border Patrol agents—

3 (i) to identify common signs of med-
4 ical distress in children; and

5 (ii) to ensure the timely transport of
6 sick or injured children to an appropriate
7 medical provider.

8 (B) CONTRACT.—In developing or selecting
9 an online training program under subparagraph
10 (A), the Commissioner may enter into a con-
11 tract with a national professional medical asso-
12 ciation of pediatric medical providers.

13 (2) VOICE ACCESS TO MEDICAL PROFES-
14 SIONALS.—

15 (A) IN GENERAL.—The Commissioner of
16 U.S. Customs and Border Protection shall en-
17 sure that all remote U.S. Border Patrol sta-
18 tions, forward operating bases, and remote
19 ports of entry along the southern border of the
20 United States have 24-hour voice access to a
21 medical command physician whose board certifi-
22 cation includes the ability to perform this role
23 or a mid-level health care provider with pedi-
24 atric training for consultations regarding the
25 medical needs of individuals, including children,

1 taken into custody near the United States bor-
2 der.

3 (B) ACCEPTABLE MEANS OF ACCESS.—Ac-
4 cess under subparagraph (A) may be accom-
5 plished through mobile phones, satellite mobile
6 radios, or other means prescribed by the Com-
7 missioner.

8 (f) COMMERCIAL DRIVER PROGRAM.—

9 (1) ESTABLISHMENT.—The Commissioner of
10 U.S. Customs and Border Protection shall establish
11 a program to expedite detainee transport to border
12 patrol processing facilities by ensuring, beginning
13 not later than 1 year after the date of the enactment
14 of this Act, that—

15 (A) not fewer than 300 U.S. Border Patrol
16 agents assigned to remote U.S. Border Patrol
17 stations have a commercial driver's license with
18 a passenger endorsement for detainee transport;

19 (B) in each of the El Paso, Laredo, Rio
20 Grande Valley, San Diego, Yuma, and Tucson
21 U.S. Border Patrol Sectors—

22 (i) not fewer than 5 U.S. Border Pa-
23 trol agents with a commercial driver's li-
24 cense are available during every shift; and

1 (ii) not fewer than 3 buses are as-
2 signed to the sector; and

3 (C) in each of the Big Bend, Del Rio, and
4 El Centro U.S. Border Patrol Sectors—

5 (i) not fewer than 2 U.S. Border Pa-
6 trol agents with a commercial driver's li-
7 cense are available during every shift; and

8 (ii) not fewer than 1 bus is assigned
9 to the sector.

10 (2) RELOCATION.—Buses assigned to specific
11 U.S. Border Patrol sectors pursuant to paragraph
12 (1) may be relocated to other sectors in response to
13 changing patterns.

14 (3) REDUCING WAIT TIMES AT REMOTE U.S.
15 BORDER PATROL STATIONS.—The Commissioner of
16 U.S. Customs and Border Protection shall ensure
17 that sufficient buses are available in each U.S. Bor-
18 der Patrol sector to avoid subjecting detainees to
19 long wait times at remote border patrol stations.

20 (4) USE OF OFFICIAL DUTY TIME.—A U.S.
21 Border Patrol agent shall be credited with work time
22 for the process of obtaining and maintaining a com-
23 mercial driver's license under paragraph (1).

24 (5) REPORTS TO CONGRESS.—The Secretary
25 shall submit quarterly reports regarding the average

1 length of detainees’ stay at U.S. Border Patrol sta-
2 tions to—

3 (A) the Committee on Homeland Security
4 and Governmental Affairs of the Senate; and

5 (B) the Committee on Homeland Security
6 of the House of Representatives.

7 **SEC. 2305. GAO STUDY OF WAIVER OF ENVIRONMENTAL**
8 **AND OTHER LAWS.**

9 The Comptroller General of the United States shall
10 study the impact of the authority of the Secretary, under
11 section 102(c) of the Illegal Immigration Reform and Im-
12 migrant Responsibility Act of 1996 (division C of Public
13 Law 104–208; 8 U.S.C. 1103 note), to waive otherwise
14 applicable legal requirements to expedite the construction
15 of barriers and roads near United States borders, includ-
16 ing the impact of such waiver on the environment, Indian
17 lands, and border communities.

18 **SEC. 2306. ESTABLISHMENT OF BORDER COMMUNITY**
19 **STAKEHOLDER ADVISORY COMMITTEE.**

20 (a) IN GENERAL.—Subtitle B of title IV of the
21 Homeland Security Act of 2002 (6 U.S.C. 211 et seq.)
22 is amended by inserting after section 415 the following:

23 **“SEC. 416. BORDER COMMUNITY STAKEHOLDER ADVISORY**
24 **COMMITTEE.**

25 “(a) DEFINITIONS.—In this section:

1 “(1) ADVISORY COMMITTEE.—The term ‘Advi-
2 sory Committee’ means the Border Community
3 Stakeholder Advisory committee established pursu-
4 ant to subsection (b).

5 “(2) BORDER COMMUNITY STAKEHOLDER.—
6 The term ‘border community stakeholder’ means an
7 individual who has ownership interests or resides
8 near an international land border of the United
9 States, including—

10 “(A) an individual who owns land within
11 10 miles of an international land border of the
12 United States;

13 “(B) a business leader of a company oper-
14 ating within 100 miles of a land border of the
15 United States;

16 “(C) a local official from a community on
17 a land border of the United States;

18 “(D) a representative of an Indian Tribe
19 possessing Tribal lands on a land border of the
20 United States; and

21 “(E) a representative of a human rights or
22 civil rights organization operating near a land
23 border of the United States.

1 “(b) ESTABLISHMENT.—The Secretary shall estab-
2 lish, within the Department, the Border Community
3 Stakeholder Advisory Committee.

4 “(c) DUTIES.—

5 “(1) IN GENERAL.—The Secretary shall consult
6 with the Advisory Committee, as appropriate, re-
7 garding border security and immigration enforce-
8 ment matters, including on the development, refine-
9 ment, and implementation of policies, protocols, pro-
10 grams, and rulemaking pertaining to border security
11 and immigration enforcement that may impact bor-
12 der communities.

13 “(2) RECOMMENDATIONS.—The Advisory Com-
14 mittee shall develop, at the request of the Secretary,
15 recommendations regarding policies, protocols, pro-
16 grams, and rulemaking pertaining to border security
17 and immigration enforcement that may impact bor-
18 der communities.

19 “(d) MEMBERSHIP.—

20 “(1) APPOINTMENT.—

21 “(A) IN GENERAL.—The Secretary shall
22 appoint the members of the Advisory Com-
23 mittee.

24 “(B) COMPOSITION.—The Advisory Com-
25 mittee shall be composed of—

1 “(i) 1 border community stakeholder
2 from each of the 9 U.S. Border Patrol sec-
3 tors; and

4 “(ii) 3 individuals with significant ex-
5 pertise and experience in immigration law,
6 civil rights, and civil liberties, particularly
7 relating to the interests of residents of bor-
8 der communities.

9 “(2) TERM OF OFFICE.—

10 “(A) TERMS.—The term of each member
11 of the Advisory Committee shall be 2 years.
12 The Secretary may reappoint members for addi-
13 tional terms.

14 “(B) REMOVAL.—The Secretary may re-
15 view the participation of a member of the Advi-
16 sory Committee and remove such member for
17 cause at any time.

18 “(3) PROHIBITION ON COMPENSATION.—The
19 members of the Advisory Committee may not receive
20 pay, allowances, or benefits from the Federal Gov-
21 ernment by reason of their service on the Advisory
22 Committee.

23 “(4) MEETINGS.—

24 “(A) IN GENERAL.—The Secretary shall
25 require the Advisory Committee to meet at least

1 semiannually and may convene additional meet-
2 ings as necessary.

3 “(B) PUBLIC MEETINGS.—At least 1 of
4 the meetings described in subparagraph (A)
5 shall be open to the public.

6 “(C) ATTENDANCE.—The Advisory Com-
7 mittee shall maintain a record of the persons
8 present at each meeting.

9 “(5) MEMBER ACCESS TO SENSITIVE SECURITY
10 INFORMATION.—

11 “(A) ACCESS.—If the Secretary determines
12 that there is no cause to restrict a member of
13 the Advisory Committee from possessing sen-
14 sitive security information, the member may be
15 granted access to such information that is rel-
16 evant to the member’s advisory duties after vol-
17 untarily signing a nondisclosure agreement.

18 “(B) RESTRICTIONS ON USE.—The mem-
19 ber shall protect the sensitive security informa-
20 tion referred to in subparagraph (A) in accord-
21 ance with part 1520 of title 49, Code of Fed-
22 eral Regulations.

23 “(6) CHAIRPERSON.—A stakeholder representa-
24 tive on the Advisory Committee who is elected by the

1 appointed membership of the Advisory Committee
2 shall chair the Advisory Committee.

3 “(e) NONAPPLICABILITY OF FACA.—The Federal
4 Advisory Committee Act (5 U.S.C. App.) shall not apply
5 to the Advisory Committee or any of its subcommittees.”.

6 (b) APPROPRIATIONS.—There are authorized to be
7 appropriated such sums as may be necessary to implement
8 this section.

9 (c) CLERICAL AMENDMENT.—The table of contents
10 in section 1(b) of the Homeland Security Act of 2002
11 (Public Law 107–296) is amended by inserting after the
12 item relating to section 415 the following:

“Sec. 416. Border Community Stakeholder Advisory Committee.”.

13 **SEC. 2307. RESCUE BEACONS.**

14 Section 411(o) of the Homeland Security Act of 2002
15 (6 U.S.C. 211(o)) is amended by adding at the end the
16 following:

17 “(3) RESCUE BEACONS.—Beginning on October
18 1, 2023, in carrying out subsection (c)(8), the Com-
19 missioner shall purchase, deploy, and maintain addi-
20 tional self-powering, 9–1–1 cellular relay rescue bea-
21 cons along the southern border of the United States
22 at appropriate locations, as determined by the Com-
23 missioner, to effectively mitigate migrant deaths.”.

1 **SEC. 2308. USE OF FORCE.**

2 (a) DEPARTMENT OF HOMELAND SECURITY POLI-
3 CIES.—

4 (1) ISSUANCE.—The Secretary, in coordination
5 with the Assistant Attorney General for the Civil
6 Rights, shall issue policies governing the use of force
7 by all Department of Homeland Security personnel.

8 (2) CONSULTATION REQUIREMENT.—In devel-
9 oping policies pursuant to paragraph (1), the Sec-
10 retary shall consult with law enforcement and civil
11 rights organizations to ensure that such policies—

12 (A) focus law enforcement efforts and tac-
13 tics on protecting public safety and national se-
14 curity that are consistent with our Nation's val-
15 ues; and

16 (B) leverage best practices and technology
17 to provide such protection.

18 (b) PUBLIC REPORTING.—Not later than 24 hours
19 after any use-of-force incident that results in serious in-
20 jury to, or the death of, an officer, agent, or member of
21 the public, the Secretary shall—

22 (1) make the facts of such incident public; and

23 (2) comply fully with the requirements set forth
24 in section 3 of the Death in Custody Reporting Act
25 of 2013 (42 U.S.C. 13727a).

1 **SEC. 2309. OFFICE OF PROFESSIONAL RESPONSIBILITY.**

2 (a) IN GENERAL.—The Commissioner of U.S. Cus-
3 toms and Border Protection shall hire, train, and assign
4 sufficient Office of Professional Responsibility special
5 agents to ensure that there is 1 such special agent for
6 every 30 officers to investigate criminal and administrative
7 matters and misconduct by officers and other employees
8 of U.S. Customs and Border Protection.

9 (b) CONTRACTS.—The Commissioner is authorized to
10 enter into such contracts as may be necessary to carry
11 out this section.

12 **Subtitle D—Improving Border In-**
13 **frastructure for Families and**
14 **Children; Cracking Down on**
15 **Criminal Organizations**

16 **SEC. 2401. HUMANITARIAN AND MEDICAL STANDARDS FOR**
17 **INDIVIDUALS IN U.S. CUSTOMS AND BORDER**
18 **PROTECTION CUSTODY.**

19 (a) IN GENERAL.—The Secretary, in coordination
20 with the Secretary of Health and Human Services, and
21 in consultation with nongovernmental experts in the deliv-
22 ery of humanitarian response and health care, shall de-
23 velop guidelines and protocols for basic minimum stand-
24 ards of care for individuals in the custody of U.S. Customs
25 and Border Protection.

1 (b) ISSUES ADDRESSED.—The guidelines and proto-
2 cols described in subsection (a) shall ensure that the staff-
3 ing, physical facilities, furnishings, and supplies are ade-
4 quate to provide each detainee with appropriate—

5 (1) medical care, including initial health
6 screenings and medical assessments;

7 (2) water, sanitation, and hygiene;

8 (3) food and nutrition;

9 (4) clothing and shelter;

10 (5) quiet, dimly illuminated sleeping quarters if
11 he or she is detained overnight;

12 (6) information about available services and
13 legal rights, in the common language spoken by the
14 detainee, and access to a telephone; and

15 (7) freedom to practice the detainee’s religion.

16 **SEC. 2402. CHILD WELFARE AT THE BORDER.**

17 (a) GUIDELINES.—The Secretary, in consultation
18 with appropriate Federal, State, and local government of-
19 ficials, pediatricians, and child welfare experts and private
20 sector agencies, shall develop additional guidelines for the
21 treatment of children in the custody of U.S. Customs and
22 Border Protection.

23 (b) GUIDING PRINCIPLE.—The guiding principle of
24 the guidelines developed pursuant to subsection (a) shall
25 be “the best interest of the child” and shall include—

1 (1) appropriate training for all Department of
2 Homeland Security personnel and cooperating entity
3 personnel who have contact with children relating to
4 the care and custody of children;

5 (2) ensuring the availability of qualified child
6 welfare professionals and licensed medical profes-
7 sionals, as appropriate;

8 (3) a reliable system for identifying and report-
9 ing allegations of child abuse or neglect;

10 (4) prohibiting the removal of a child from a
11 parent or legal guardian for the purpose of deterring
12 individuals from migrating to the United States or
13 promoting compliance with the United States immi-
14 gration laws;

15 (5) reasonable arrangements for unannounced
16 visits and inspections by the Office of Inspector Gen-
17 eral of the Department of Homeland Security, non-
18 governmental organizations, and State and local
19 child welfare agencies; and

20 (6) the preservation of all records associated
21 with children in the custody of the Department of
22 Homeland Security, including records of—

23 (A) the identities of the children;

24 (B) any known family members of the chil-

25 dren; and

1 (C) reported incidents of abuse of the chil-
2 dren while in custody.

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. 2403. OFFICE OF INSPECTOR GENERAL OVERSIGHT.**

7 Not later than 6 months after the date of the enact-
8 ment of this Act and every 6 months thereafter, the In-
9 spector General of the Department of Homeland Security,
10 in coordination with the Secretary of Health and Human
11 Services, shall submit a report to the appropriate congres-
12 sional committees regarding—

13 (1) the status of the implementation of sections
14 2401 and 2402; and

15 (2) findings made after announced and unan-
16 nounced inspections to Department of Homeland Se-
17 curity facilities.

18 **SEC. 2404. ENHANCED INVESTIGATION AND PROSECUTION**
19 **OF HUMAN SMUGGLING NETWORKS AND**
20 **TRAFFICKING ORGANIZATIONS.**

21 The Attorney General and the Secretary shall expand
22 collaboration on the investigation and prosecution of
23 human smuggling networks and trafficking organizations
24 targeting migrants, asylum seekers, and unaccompanied
25 children and operating at the southwestern border of the

1 United States, including the continuation and expansion
2 of anti-trafficking coordination teams.

3 **SEC. 2405. ENHANCED PENALTIES FOR ORGANIZED SMUG-**
4 **GLING SCHEMES.**

5 (a) IN GENERAL.—Section 274(a)(1)(B) of the Im-
6 migration and Nationality Act (8 U.S.C. 1324(a)(1)(B))
7 is amended—

8 (1) by redesignating clauses (iii) and (iv) as
9 clauses (iv) and (v), respectively;

10 (2) by inserting after clause (ii) the following:

11 “(iii) in the case of a violation of subparagraph
12 (A)(i) during and in relation to which the person,
13 while acting for profit or other financial gain, know-
14 ingly directs or participates in a scheme to cause 10
15 or more persons (other than a parent, spouse, sib-
16 ling, son or daughter, grandparent, or grandchild of
17 the offender) to enter or to attempt to enter the
18 United States at the same time at a place other
19 than a designated port of entry or place other than
20 designated by the Secretary, be fined under title 18,
21 United States Code, imprisoned not more than 15
22 years, or both;” and

23 (3) in clause (iv), as redesignated, by inserting
24 “commits or attempts to commit sexual assault of,”

1 after “section 1365 of title 18, United States Code)
2 to,”.

3 (b) BULK CASH SMUGGLING.—Section 5332(b)(1) of
4 title 31, United States Code, is amended—

5 (1) in the paragraph heading, by striking
6 “TERM OF IMPRISONMENT.—” and inserting “IN
7 GENERAL.—”; and

8 (2) by inserting “, fined under title 18, or
9 both” after “5 years”.

10 **SEC. 2406. EXPANDING FINANCIAL SANCTIONS ON NAR-**
11 **COTICS TRAFFICKING AND MONEY LAUN-**
12 **DERING.**

13 (a) FINANCIAL SANCTIONS EXPANSION.—The Sec-
14 retary of the Treasury, the Attorney General, the Sec-
15 retary of State, the Secretary of Defense, and the Director
16 of Central Intelligence shall expand investigations, intel-
17 ligence collection, and analysis pursuant to the Foreign
18 Narcotics Kingpin Designation Act (21 U.S.C. 1901 et
19 seq.) to increase the identification and application of sanc-
20 tions against—

21 (1) significant foreign narcotics traffickers and
22 their organizations and networks; and

23 (2) foreign persons, including government offi-
24 cials, who provide material, financial, or techno-

1 logical support to such traffickers, organizations, or
2 networks.

3 (b) SPECIFIC TARGETS.—The activities described in
4 subsection (a) shall specifically target foreign narcotics
5 traffickers, their organizations and networks, and the for-
6 eign persons, including government officials, who provide
7 material, financial, or technological support to such traf-
8 fickers, organizations, and networks that are present and
9 operating in Central America.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated such sums as may be
12 necessary to carry out subsection (a).

13 **SEC. 2407. SUPPORT FOR TRANSNATIONAL ANTI-GANG**
14 **TASK FORCES FOR COUNTERING CRIMINAL**
15 **GANGS.**

16 The Director of the Federal Bureau of Investigation,
17 the Director of the Drug Enforcement Administration,
18 and the Secretary, in coordination with the Secretary of
19 State, shall expand the use of transnational task forces
20 that seek to address transnational crime perpetrated by
21 gangs in El Salvador, Guatemala, Honduras, and any
22 other identified country by—

23 (1) expanding transnational criminal investiga-
24 tions focused on criminal gangs in identified coun-
25 tries, such as MS-13 and 18th Street;

1 (2) expanding training and partnership efforts
2 with law enforcement entities in identified countries
3 to disrupt and dismantle criminal gangs, both inter-
4 nationally and in their respective countries;

5 (3) establishing or expanding gang-related in-
6 vestigative units;

7 (4) collecting and disseminating intelligence to
8 support related United States-based investigations;
9 and

10 (5) expanding programming related to gang
11 intervention and prevention for at-risk youth.

12 **SEC. 2408. HINDERING IMMIGRATION, BORDER, AND CUS-**
13 **TOMS CONTROLS.**

14 (a) **PERSONNEL AND STRUCTURES.**—Title II of the
15 Immigration and Nationality Act (8 U.S.C. 1151 et seq.)
16 is amended by inserting after section 274D the following:

17 **“SEC. 274E. HINDERING IMMIGRATION, BORDER, AND CUS-**
18 **TOMS CONTROLS.**

19 “(a) **ILLICIT SPOTTING.**—

20 “(1) **IN GENERAL.**—It shall be unlawful to
21 knowingly surveil, track, monitor, or transmit the lo-
22 cation, movement, or activities of any officer or em-
23 ployee of a Federal, State, or Tribal law enforce-
24 ment agency with the intent—

25 “(A) to gain financially; and

1 “(B) to violate—

2 “(i) the immigration laws;

3 “(ii) the customs and trade laws of
4 the United States (as defined in section
5 2(4) of the Trade Facilitation and Trade
6 Enforcement Act of 2015 (Public Law
7 114–125));

8 “(iii) any other Federal law relating
9 to transporting controlled substances, agri-
10 culture, or monetary instruments into the
11 United States; or

12 “(iv) any Federal law relating to bor-
13 der controls measures of the United
14 States.

15 “(2) PENALTY.—Any person who violates para-
16 graph (1) shall be fined under title 18, United
17 States Code, imprisoned for not more than 5 years,
18 or both.

19 “(b) DESTRUCTION OF UNITED STATES BORDER
20 CONTROLS.—

21 “(1) IN GENERAL.—It shall be unlawful to
22 knowingly and without lawful authorization—

23 “(A) destroy or significantly damage any
24 fence, barrier, sensor, camera, or other physical
25 or electronic device deployed by the Federal

1 Government to control an international border
2 of, or a port of entry to, the United States; or

3 “(B) otherwise construct, excavate, or
4 make any structure intended to defeat, cir-
5 cumvent or evade such a fence, barrier, sensor
6 camera, or other physical or electronic device
7 deployed by the Federal Government to control
8 an international border of, or a port of entry to,
9 the United States.

10 “(2) PENALTY.—Any person who violates para-
11 graph (1) shall be fined under title 18, United
12 States Code, imprisoned for not more than 5 years,
13 or both.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 of the Immigration and Nationality Act (8 U.S.C. 1101
16 et seq.) is amended by inserting after the item relating
17 to section 274D the following:

“Sec. 274E. Hindering immigration, border, and customs controls.”.

18 **TITLE III—REFORM OF THE**
19 **IMMIGRANT VISA SYSTEM**
20 **Subtitle A—Promoting Family**
21 **Reunification**

22 **SEC. 3101. RECAPTURE OF IMMIGRANT VISAS LOST TO BU-**
23 **REAUCRATIC DELAY.**

24 (a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-
25 MIGRANTS.—Section 201(c) of the Immigration and Na-

1 tionality Act (8 U.S.C. 1151(c)) is amended to read as
2 follows:

3 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
4 IMMIGRANTS.—

5 “(1) IN GENERAL.—The worldwide level of fam-
6 ily-sponsored immigrants under this subsection for a
7 fiscal year is equal to the sum of—

8 “(A) 480,000;

9 “(B) the number computed under para-
10 graph (2); and

11 “(C) the number computed under para-
12 graph (3).

13 “(2) UNUSED VISA NUMBERS FROM PREVIOUS
14 FISCAL YEAR.—The number computed under this
15 paragraph for a fiscal year is the difference, if any,
16 between—

17 “(A) the worldwide level of employment-
18 based immigrant visas established for the pre-
19 vious fiscal year; and

20 “(B) the number of visas issued under sec-
21 tion 203(b) during the previous fiscal year.

22 “(3) UNUSED VISA NUMBERS FROM FISCAL
23 YEARS 1992 THROUGH 2022.—The number computed
24 under this paragraph is the difference, if any, be-
25 tween—

1 “(A) the difference, if any, between—
2 “(i) the sum of the worldwide levels of
3 family-sponsored immigrant visas estab-
4 lished for fiscal years 1992 through 2022;
5 and
6 “(ii) the number of visas issued under
7 section 203(a) during such fiscal years;
8 and
9 “(B) the number of visas resulting from
10 the calculation under subparagraph (A) that
11 were issued after fiscal year 2022 under section
12 203(a).”.

13 (b) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
14 IMMIGRANTS.—Section 201(d) of the Immigration and
15 Nationality Act (8 U.S.C. 1151(d)) is amended to read
16 as follows:

17 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
18 IMMIGRANTS.—

19 “(1) IN GENERAL.—The worldwide level of em-
20 ployment-based immigrants under this subsection for
21 a fiscal year is equal to the sum of—

22 “(A) 170,000;

23 “(B) the number computed under para-
24 graph (2); and

1 “(C) the number computed under para-
2 graph (3).

3 “(2) UNUSED VISA NUMBERS FROM PREVIOUS
4 FISCAL YEAR.—The number computed under this
5 paragraph for a fiscal year is the difference, if any,
6 between—

7 “(A) the worldwide level of family-spon-
8 sored immigrant visas established for the pre-
9 vious fiscal year; and

10 “(B) the number of visas issued under sec-
11 tion 203(a) during the previous fiscal year.

12 “(3) UNUSED VISA NUMBERS FROM FISCAL
13 YEARS 1992 THROUGH 2022.—The number computed
14 under this paragraph is the difference, if any, be-
15 tween—

16 “(A) the difference, if any, between—

17 “(i) the sum of the worldwide levels of
18 employment-based immigrant visas estab-
19 lished for each of fiscal years 1992
20 through 2022; and

21 “(ii) the number of visas issued under
22 section 203(b) during such fiscal years;
23 and

24 “(B) the number of visas resulting from
25 the calculation under subparagraph (A) that

1 were issued after fiscal year 2022 under section
2 203(b).”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to each fiscal year beginning with
5 fiscal year 2024.

6 **SEC. 3102. RECLASSIFICATION OF SPOUSES AND MINOR**
7 **CHILDREN OF LAWFUL PERMANENT RESI-**
8 **DENTS AS IMMEDIATE RELATIVES.**

9 (a) IN GENERAL.—Section 201(b)(2) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1151(b)(2)) is
11 amended to read as follows:

12 “(2) IMMEDIATE RELATIVES.—

13 “(A) IN GENERAL.—

14 “(i) IMMEDIATE RELATIVE DE-
15 FINED.—In this Act, the term ‘immediate
16 relative’ includes—

17 “(I) a child, spouse, and parent
18 of a citizen of the United States, ex-
19 cept that, in the case of parents, such
20 citizen of the United States shall be
21 at least 21 years of age;

22 “(II) a child or spouse of a law-
23 ful permanent resident; and

24 “(III) for each family member of
25 a citizen of the United States or law-

1 ful permanent resident described in
2 subclauses (I) and (II), the family
3 member's spouse or child who is ac-
4 companying or following to join the
5 family member.

6 “(ii) PREVIOUSLY ISSUED VISA.—A
7 noncitizen admitted under section 211(a)
8 on the basis of a prior issuance of a visa
9 under section 203(a) to his or her imme-
10 diate relative accompanying parent is an
11 immediate relative.

12 “(iii) PARENTS AND CHILDREN.—A
13 noncitizen who was the child or parent of
14 a citizen of the United States or a child of
15 a lawful permanent resident on the date of
16 the death of the United States citizen or
17 lawful permanent resident is an immediate
18 relative if the noncitizen files a petition
19 under section 204(a)(1)(A)(ii) not later
20 than 2 years after such date or before at-
21 taining 21 years of age.

22 “(iv) SPOUSES.—A noncitizen who
23 was the spouse of a citizen of the United
24 States or lawful permanent resident for
25 not less than 2 years on the date of death

1 of the United States citizen or lawful per-
2 manent resident (or, if married for less
3 than 2 years on such date, proves by a pre-
4 ponderance of the evidence that the mar-
5 riage was entered into in good faith and
6 not solely for the purpose of obtaining an
7 immigration benefit and the noncitizen was
8 not legally separated from the citizen of
9 the United States or lawful permanent
10 resident on such date) and each child of
11 such noncitizen shall be considered, for
12 purposes of this subsection, an immediate
13 relative after such date if the spouse files
14 a petition under section 204(a)(1)(A)(ii)
15 before the date on which the spouse remar-
16 ries.

17 “(v) SPECIAL RULE.—For purposes of
18 this subparagraph, a noncitizen who has
19 filed a petition under clause (iii) or (iv) of
20 section 204(a)(1)(A) remains an immediate
21 relative if the United States citizen or law-
22 ful permanent resident spouse or parent
23 loses United States citizenship or lawful
24 permanent residence on account of the
25 abuse.

1 “(B) BIRTH DURING TEMPORARY VISIT
2 ABROAD.—A noncitizen born to a lawful perma-
3 nent resident during a temporary visit abroad is
4 an immediate relative.”.

5 (b) ALLOCATION OF IMMIGRANT VISAS.—Section
6 203(a) of the Immigration and Nationality Act (8 U.S.C.
7 1153(a)) is amended—

8 (1) in paragraph (1), by striking “23,400” and
9 inserting “26.5 percent of such worldwide level”;

10 (2) by striking paragraph (2) and inserting the
11 following:

12 “(2) UNMARRIED SONS AND UNMARRIED
13 DAUGHTERS OF LAWFUL PERMANENT RESIDENTS.—
14 Qualified immigrants who are the unmarried sons or
15 unmarried daughters (but are not the children) of
16 lawful permanent residents shall be allocated visas in
17 a number not to exceed 16.8 percent of such world-
18 wide level, plus any visas not required for the class
19 specified in paragraph (1).”;

20 (3) in paragraph (3), by striking “23,400” and
21 inserting “16.8 percent of such worldwide level”;
22 and

23 (4) in paragraph (4), by striking “65,000” and
24 inserting “39.9 percent of such worldwide level”.

25 (c) CONFORMING AMENDMENTS.—

1 (1) RULES FOR DETERMINING WHETHER CER-
2 TAIN NONCITIZENS ARE IMMEDIATE RELATIVES.—
3 Section 201(f) of the Immigration and Nationality
4 Act (8 U.S.C. 1151(f)) is amended—

5 (A) in paragraph (1), by striking “para-
6 graphs (2) and (3),” and inserting “paragraph
7 (2),”;

8 (B) by striking paragraph (2);

9 (C) by redesignating paragraphs (3) and
10 (4) as paragraphs (2) and (3), respectively; and

11 (D) in paragraph (3), as redesignated by
12 subparagraph (C), by striking “through (3)”
13 and inserting “and (2)”.

14 (2) ALLOCATION OF IMMIGRATION VISAS.—Sec-
15 tion 203(h) of the Immigration and Nationality Act
16 (8 U.S.C. 1153(h)) is amended—

17 (A) in paragraph (1)—

18 (i) in the matter preceding subpara-
19 graph (A), by striking “subsections
20 (a)(2)(A) and (d)” and inserting “sub-
21 section (d)”;

22 (ii) in subparagraph (A), by striking
23 “becomes available for such noncitizen (or,
24 in the case of subsection (d), the date on
25 which an immigrant visa number became

1 available for the noncitizen’s parent),” and
2 inserting “became available for the nonciti-
3 zen’s parent,”; and

4 (iii) in subparagraph (B), by striking
5 “applicable”;

6 (B) by amending paragraph (2) to read as
7 follows:

8 “(2) PETITION DESCRIBED.—The petition de-
9 scribed in this paragraph is a petition filed under
10 section 204 for classification of a noncitizen’s parent
11 under subsection (a), (b), or (c).”; and

12 (C) in paragraph (3), by striking “sub-
13 sections (a)(2)(A) and (d)” and inserting “sub-
14 section (d)”.

15 (3) PROCEDURE FOR GRANTING IMMIGRANT
16 STATUS.—Section 204 of the Immigration and Na-
17 tionality Act (8 U.S.C. 1154) is amended—

18 (A) in subsection (a)(1)—

19 (i) in subparagraph (A)—

20 (I) in clause (i), by inserting “or
21 lawful permanent resident” after “cit-
22 izen of the United States”;

23 (II) in clause (ii), by striking
24 “described in the second sentence of
25 section 201(b)(2)(A)(i) also” and in-

1 serting “, noncitizen child, or noncit-
2 izen parent described in section
3 201(b)(2)(A)”;

4 (III) in clause (iii)—

5 (aa) in subclause (I)(aa), by
6 inserting “or lawful permanent
7 resident” after “citizen”; and

8 (bb) in subclause (II)(aa)—

9 (AA) in subitems (AA)
10 and (BB), by inserting “or
11 lawful permanent resident;”
12 after “citizen of the United
13 States” each place it ap-
14 pears; and

15 (BB) in subitem (CC),
16 by inserting “or lawful per-
17 manent resident” after
18 “United States citizen” each
19 place it appears and by in-
20 serting “or lawful perma-
21 nent resident” after “citi-
22 zenship”;

23 (IV) in clause (iv)—

24 (aa) by striking “citizen of
25 the United States” and inserting

1 “United States citizen or lawful
2 permanent resident parent”;

3 (bb) by inserting “or lawful
4 permanent resident” after
5 “United States citizen”;

6 (cc) by inserting “or lawful
7 permanent resident” after “citi-
8 zenship”;

9 (dd) by striking “citizen
10 parent may” and inserting
11 “United States citizen or lawful
12 permanent resident parent may”;

13 (ee) by striking “citizen par-
14 ent.” and inserting “United
15 States citizen or lawful perma-
16 nent resident parent.”; and

17 (ff) by striking “residence
18 includes” and inserting “resi-
19 dence with a parent includes”;

20 (V) in clause (v)(I), by inserting
21 “or lawful permanent resident” after
22 “citizen”;

23 (VI) in clause (vi)—

24 (aa) by inserting “or lawful
25 permanent resident status” after

1 “renunciation of citizenship”;

2 and

3 (bb) by inserting “or lawful
4 permanent resident” after “abus-
5 er’s citizenship”; and

6 (VII) in clause (viii)(I)—

7 (aa) by striking “citizen of
8 the United States” and inserting
9 “United States citizen or lawful
10 permanent resident”; and

11 (bb) by inserting “or lawful
12 permanent resident” after “the
13 citizen”;

14 (ii) by striking subparagraph (B);

15 (iii) in subparagraph (C), by striking
16 “subparagraph (A)(iii), (A)(iv), (B)(ii), or
17 (B)(iii)” and inserting “clause (iii) or (iv)
18 of subparagraph (A)”;

19 (iv) in subparagraph (D)—

20 (I) in clause (i)(I), by striking
21 “clause (iv) of section 204(a)(1)(A) or
22 section 204(a)(1)(B)(iii)” each place
23 it appears and inserting “subpara-
24 graph (A)(iv)”;

1 (II) in clause (ii), by striking
2 “subparagraph (A)(iii), (A)(iv), (B)(ii)
3 or (B)(iii)” and inserting “clause (iii)
4 or (iv) of subparagraph (A)”;

5 (III) in clause (iv), by striking
6 “subparagraph (A)(iii), (A)(iv),
7 (B)(ii), or (B)(iii)” and inserting
8 “clause (iii) or (iv) of subparagraph
9 (A)”; and

10 (IV) in clause (v), by striking “or
11 (B)(iii)”;
12 (v) in subparagraph (J)—

13 (I) by striking “or clause (ii) or
14 (iii) of subparagraph (B)”;

15 (II) by striking “subparagraphs
16 (C) and (D)” and inserting “subpara-
17 graphs (B) and (C)”;

18 (vi) by redesignating subparagraphs
19 (C) through (L) as subparagraphs (B)
20 through (K), respectively;

21 (B) in subsection (a), by striking para-
22 graph (2);

23 (C) in subsection (h)—

24 (i) in the first sentence, by striking
25 “or a petition filed under subsection

1 (a)(1)(B)(ii) pursuant to conditions de-
2 scribed in subsection (a)(1)(A)(iii)(1)”;
3 and

4 (ii) in the second sentence—

5 (I) by striking “section
6 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii)”
7 and inserting “subsection
8 (a)(1)(A)(iii)”; and

9 (II) by striking “section
10 204(a)(1)(A) or in section
11 204(a)(1)(B)(iii)” and inserting “sub-
12 section (a)(1)(A)”; and

13 (D) in subsection (i)(1), by striking “sub-
14 section (a)(4)(D)” and inserting “subsection
15 (a)(1)(D)”; and

16 (E) in subsection (j), by striking “sub-
17 section (a)(1)(D)” and inserting “subsection
18 (a)(1)(E)”; and

19 (F) in subsection l(1)—

20 (i) by striking “who resided in the
21 United States at the time of the death of
22 the qualifying relative and who continues
23 to reside in the United States”; and

1 (ii) by striking “any related applica-
2 tions,” and inserting “any related applica-
3 tions (including affidavits of support),”.

4 (4) ADDITIONAL CONFORMING AMENDMENTS.—

5 (A) Section 101(a) of the Immigration and
6 Nationality Act (8 U.S.C. 1101(a)) is amend-
7 ed—

8 (i) in paragraph (50), by striking “,
9 204(a)(1)(B)(ii)(II)(aa)(BB),”; and

10 (ii) in paragraph (51)—

11 (I) by striking subparagraph (B);

12 and

13 (II) by redesignating subpara-
14 graphs (C) through (G) as subpara-
15 graphs (B) through (F), respectively.

16 (B) Section 212(a)(4)(C)(i) of the Immi-
17 gration and Nationality Act (8 U.S.C.
18 1182(a)(4)(C)(i)) is amended—

19 (i) by striking subclause (II); and

20 (ii) by redesignating subclause (III) as
21 subclause (II).

22 (C) Section 240(c)(7)(C)(iv)(I) of the Im-
23 migration and Nationality Act (8 U.S.C.
24 1229a(c)(7)(C)(iv)(I)) is amended by striking “,
25 clause (ii) or (iii) of section 204(a)(1)(B),”.

1 **SEC. 3103. ADJUSTMENT OF FAMILY-SPONSORED PER-**
2 **COUNTRY LIMITS.**

3 Section 202(a) of the Immigration and Nationality
4 Act (8 U.S.C. 1152(a)) is amended—

5 (1) in paragraph (2), by striking “7 percent (in
6 the case of a single foreign state) or 2 percent” and
7 inserting “20 percent (in the case of a single foreign
8 state) or 5 percent”; and

9 (2) by amending paragraph (4) to read as fol-
10 lows:

11 “(4) LIMITING PASS DOWN FOR CERTAIN COUN-
12 TRIES SUBJECT TO SUBSECTION (e).—In the case of
13 a foreign state or dependent area to which sub-
14 section (e) applies, if the total number of visas
15 issued under section 203(a)(2) exceeds the max-
16 imum number of visas that may be made available
17 to immigrants of the state or area under section
18 203(a)(2) consistent with subsection (e) (determined
19 without regard to this paragraph), in applying para-
20 graphs (3) and (4) of section 203(a) under sub-
21 section (e)(2) all visas shall be deemed to have been
22 required for the classes specified in paragraphs (1)
23 and (2) of such section.”.

24 **SEC. 3104. PROMOTING FAMILY UNITY.**

25 (a) REPEAL OF 3-YEAR, 10-YEAR, AND PERMANENT
26 BARS.—Section 212(a)(9) of the Immigration and Nation-

1 ality Act (8 U.S.C. 1182(a)(9)) is amended to read as fol-
2 lows:

3 “(9) NONCITIZENS PREVIOUSLY REMOVED.—

4 “(A) ARRIVING NONCITIZEN.—Any noncit-
5 izen who has been ordered removed under sec-
6 tion 235(b)(1) or at the end of proceedings
7 under section 240 initiated upon the nonciti-
8 zen’s arrival in the United States and who
9 again seeks admission within 5 years of the
10 date of such removal (or within 20 years in the
11 case of a second or subsequent removal or at
12 any time in the case of a noncitizen convicted
13 of an aggravated felony) is inadmissible.

14 “(B) OTHER NONCITIZENS.—Any noncit-
15 izen not described in subparagraph (A) who
16 seeks admission within 10 years of the date of
17 such noncitizen’s departure or removal (or with-
18 in 20 years of such date in the case of a second
19 or subsequent removal or at any time in the
20 case of a noncitizen convicted of an aggravated
21 felony) is inadmissible if the noncitizen—

22 “(i) has been ordered removed under
23 section 240 or any other provision of law;
24 or

1 “(ii) departed the United States while
2 an order of removal was outstanding.

3 “(C) EXCEPTION.—Subparagraphs (A)
4 and (B) shall not apply to a noncitizen seeking
5 admission within a period if, prior to the date
6 of the noncitizen’s reembarkation at a place
7 outside the United States or attempt to be ad-
8 mitted from foreign contiguous territory, the
9 Secretary of Homeland Security has consented
10 to the noncitizen’s reapplying for admission.”.

11 (b) MISREPRESENTATION OF CITIZENSHIP.—The
12 Immigration and Nationality Act (8 U.S.C. 1101 et seq.)
13 is amended—

14 (1) in section 212(a)(6)(C) (8 U.S.C.
15 1182(a)(6)(C)), by amending clause (ii) to read as
16 follows:

17 “(ii) MISREPRESENTATION OF CITI-
18 ZENSHIP.—

19 “(I) IN GENERAL.—Any noncit-
20 izen who willfully misrepresents, or
21 has willfully misrepresented, himself
22 or herself to be a citizen of the United
23 States for any purpose or benefit
24 under this Act (including section

1 274A) or any Federal or State law is
2 inadmissible.

3 “(II) EXCEPTION.—In the case
4 of a noncitizen who was under the age
5 of 21 years at the time of making a
6 misrepresentation described in sub-
7 clause (I), the noncitizen shall not be
8 considered to be inadmissible under
9 any provision of this subsection based
10 on such misrepresentation.”; and

11 (2) in section 237(a)(3) (8 U.S.C. 1227(a)(3)),
12 by amending subparagraph (D) to read as follows:

13 “(D) MISREPRESENTATION OF CITIZEN-
14 SHIP.—

15 “(i) IN GENERAL.—Any noncitizen
16 who willfully misrepresents, or has willfully
17 misrepresented, himself or herself to be a
18 citizen of the United States for any pur-
19 pose or benefit under this Act (including
20 section 274A) or any Federal or State law
21 is deportable.

22 “(ii) EXCEPTION.—In the case of a
23 noncitizen who was under the age of 21
24 years at the time of making a misrepresen-
25 tation described in clause (i), the noncit-

1 izen shall not be considered to be deport-
2 able under any provision of this subsection
3 based on such misrepresentation.”.

4 **SEC. 3105. RELIEF FOR ORPHANS, WIDOWS, AND WID-**
5 **OWERS.**

6 (a) PROCESSING OF IMMIGRANT VISAS AND DERIVA-
7 TIVE PETITIONS.—

8 (1) IN GENERAL.—Section 204(b) of the Immi-
9 gration and Nationality Act (8 U.S.C. 1154(b)) is
10 amended—

11 (A) by striking “(b) After an investiga-
12 tion” and inserting the following:

13 “(b) APPROVAL OF PETITION.—

14 “(1) IN GENERAL.—After an investigation”;
15 and

16 (B) by adding at the end the following:

17 “(2) DEATH OF QUALIFYING RELATIVE.—

18 “(A) IN GENERAL.—A noncitizen described
19 in subparagraph (C) the qualifying relative of
20 whom dies before the completion of immigrant
21 visa processing may have an immigrant visa ap-
22 plication adjudicated as if such death had not
23 occurred.

24 “(B) CONTINUED VALIDITY OF VISA.—An
25 immigrant visa issued to a noncitizen before the

1 death of his or her qualifying relative shall re-
2 main valid after such death.

3 “(C) NONCITIZEN DESCRIBED.—A noncit-
4 izen described in this subparagraph is a noncit-
5 izen who, at the time of the death of his or her
6 qualifying relative, was—

7 “(i) an immediate relative (as de-
8 scribed in section 201(b)(2)(A));

9 “(ii) a family-sponsored immigrant
10 (as described in subsection (a) or (d) of
11 section 203);

12 “(iii) a derivative beneficiary of an
13 employment-based immigrant under section
14 203(b) (as described in section 203(d)); or

15 “(iv) the spouse or child of a refugee
16 (as described in section 207(c)(2)) or an
17 asylee (as described in section
18 208(b)(3)).”.

19 (2) TRANSITION PERIOD.—

20 (A) IN GENERAL.—Notwithstanding a de-
21 nial or revocation of an application for an immi-
22 grant visa for a noncitizen the qualifying rel-
23 ative of whom dies before the date of the enact-
24 ment of this Act, such application may be re-

1 newed by the noncitizen by a motion to reopen,
2 without fee.

3 (B) INAPPLICABILITY OF BARS TO
4 ENTRY.—Notwithstanding section 212(a)(9) of
5 the Immigration and Nationality Act (8 U.S.C.
6 1182(a)(9)), the application for an immigrant
7 visa of a noncitizen the qualifying relative of
8 whom died before the date of the enactment of
9 this Act shall be considered if the noncitizen
10 was excluded, deported, removed, or departed
11 voluntarily before the date of the enactment of
12 this Act.

13 (b) ELIGIBILITY FOR PAROLE.—If a noncitizen de-
14 scribed in section 204(l) of the Immigration and Nation-
15 ality Act (8 U.S.C. 1154(l)), was excluded, deported, re-
16 moved, or departed voluntarily before the date of the en-
17 actment of this Act—

18 (1) such noncitizen shall be eligible for parole
19 into the United States pursuant to the Secretary's
20 discretionary authority under section 212(d)(5) of
21 such Act (8 U.S.C. 1182(d)(5)); and

22 (2) such noncitizen's application for adjustment
23 of status shall be considered notwithstanding section
24 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

1 (c) NATURALIZATION.—Section 319(a) of the Immi-
 2 gration and Nationality Act (8 U.S.C. 1430(a)) is amend-
 3 ed by inserting “(or, if the spouse is deceased, the spouse
 4 was a citizen of the United States)” after “citizen of the
 5 United States”.

6 (d) FAMILY-SPONSORED IMMIGRANTS.—Section
 7 212(a)(4)(C)(i) of the Immigration and Nationality Act
 8 (8 U.S.C. 1182(a)(4)(C)(i)), as amended by section 3102,
 9 is further amended—

10 (1) in subclause (I), by striking “, or” and in-
 11 serting a semicolon; and

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

13 “(III) status as a surviving rel-
 14 ative under section 204(l); or”.

15 **SEC. 3106. EXEMPTION FROM IMMIGRANT VISA LIMIT FOR**
 16 **CERTAIN VETERANS WHO ARE NATIVES OF**
 17 **THE PHILIPPINES.**

18 (a) SHORT TITLE.—This section may be cited as the
 19 “Filipino Veterans Family Reunification Act”.

20 (b) 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)(1)) is amend-
 23 ed by adding at the end the following:

24 “(F) Noncitizens who are eligible for an immi-
 25 grant visa under paragraph (1) or (3) of section

1 203(a) and who have a parent who was naturalized
2 pursuant to section 405 of the Immigration Act of
3 1990 (8 U.S.C. 1440 note).”.

4 **SEC. 3107. FIANCÉE OR FIANCÉ CHILD STATUS PROTEC-**
5 **TION.**

6 (a) IN GENERAL.—Section 101(a)(15)(K) of the Im-
7 migration and Nationality Act (8 U.S.C. 1101(a)(15)(K))
8 is amended—

9 (1) in clause (ii), by striking “section
10 201(b)(2)(A)(i)” and inserting “section
11 201(b)(2)(A)(i)(I)”; and

12 (2) by amending clause (iii) to read as follows:

13 “(iii) is the minor child of a noncit-
14 izen described in clause (i) or (ii) and is
15 accompanying or following to join the non-
16 citizen, the age of such child to be deter-
17 mined as of the date on which the petition
18 is submitted to the Secretary of Homeland
19 Security to classify the noncitizen’s parent
20 as the fiancée or fiancé of a United States
21 citizen (in the case of a noncitizen parent
22 described in clause (i)) or as the spouse of
23 a United States citizen under section
24 201(b)(2)(A)(i)(I) (in the case of a noncit-
25 izen parent described in clause (ii));”.

1 (b) ADJUSTMENT OF STATUS AUTHORIZED.—Section
2 214(d) of the Immigration and Nationality Act (8 U.S.C.
3 1184(d)) is amended—

4 (1) by redesignating paragraphs (2) and (3) as
5 paragraphs (3) and (4), respectively;

6 (2) in paragraph (1)—

7 (A) in the third sentence—

8 (i) by striking “paragraph (3)(B)”
9 and inserting “paragraph (4)(B)”; and

10 (ii) by striking “paragraph (3)(B)(i)”
11 and inserting “paragraph (4)(B)(i)”; and
12 (B) by striking the last sentence; and

13 (3) by inserting after paragraph (1) the fol-
14 lowing:

15 “(2)(A) If a noncitizen does not marry the petitioner
16 under paragraph (1) within 90 days after the noncitizen
17 and the noncitizen’s minor children are admitted into the
18 United States, such noncitizen and children shall be re-
19 quired to depart from the United States. If such nonciti-
20 zens fail to depart from the United States, they shall be
21 removed in accordance with sections 240 and 241.

22 “(B) Subject to subparagraphs (C) and (D), if a non-
23 citizen marries the petitioner described in section
24 101(a)(15)(K)(i) within 90 days after the noncitizen and
25 the noncitizen’s minor children are admitted into the

1 United States, the Secretary of Homeland Security or the
2 Attorney General, subject to the provisions of section
3 245(d), may adjust the status of the noncitizen, and any
4 minor children accompanying or following to join the non-
5 citizen, to that of a lawful permanent resident on a condi-
6 tional basis under section 216 if the noncitizen and any
7 such minor children apply for such adjustment and are
8 not determined to be inadmissible to the United States.

9 “(C) Paragraphs (5) and (7)(A) of section 212(a)
10 shall not apply to a noncitizen who is eligible to apply for
11 adjustment of status to that of a lawful permanent resi-
12 dent under this section.

13 “(D) A noncitizen eligible for a waiver of inadmis-
14 sibility as otherwise authorized under this Act shall be per-
15 mitted to apply for adjustment of status to that of a lawful
16 permanent resident under this section.”.

17 (c) AGE DETERMINATION.—Section 245(d) of the
18 Immigration and Nationality Act (8 U.S.C. 1255(d)) is
19 amended—

20 (1) by inserting “(1)” before “The Attorney
21 General”; and

22 (2) by adding at the end the following:

23 “(2) A determination of the age of a noncitizen ad-
24 mitted to the United States under section
25 101(a)(15)(K)(iii) shall be made, for purposes of adjust-

1 ment of status to lawful permanent resident on a condi-
2 tional basis under section 216, using the age of the noncit-
3 izen on the date on which the petition is submitted to the
4 Secretary of Homeland Security to classify the nonciti-
5 zen's parent as the fiancée or fiancé of a United States
6 citizen (in the case of a noncitizen parent admitted to the
7 United States under section 101(a)(15)(K)(i)) or as the
8 spouse of a United States citizen under section
9 201(b)(2)(A)(i)(I) (in the case of a noncitizen parent ad-
10 mitted to the United States under section
11 101(a)(15)(K)(ii)).”.

12 (d) EFFECTIVE DATE.—

13 (1) IN GENERAL.—The amendments made by
14 this section shall be effective as if included in the
15 Immigration Marriage Fraud Amendments of 1986
16 (Public Law 99–639; 100 Stat. 3537).

17 (2) APPLICABILITY.—The amendments made
18 by this section shall apply to all petitions or applica-
19 tions described in such amendments that—

20 (A) are pending as of the date of the en-
21 actment of this Act; or

22 (B) have been denied, but would have been
23 approved if such amendments had been in effect
24 at the time of adjudication of the petition or
25 application.

1 (3) MOTION TO REOPEN OR RECONSIDER.—A
2 motion to reopen or reconsider a petition or an ap-
3 plication described in paragraph (2)(B) shall be
4 granted if such motion is submitted to the Secretary
5 or the Attorney General not later than 2 years after
6 the date of the enactment of this Act.

7 **SEC. 3108. RETENTION OF PRIORITY DATES.**

8 Section 203 of the Immigration and Nationality Act
9 (8 U.S.C. 1153) is amended—

10 (1) in subsection (h), by amending paragraph
11 (3) to read as follows:

12 “(3) RETENTION OF PRIORITY DATE.—If the
13 age of a noncitizen is determined under paragraph
14 (1) to be 21 years or older for purposes of sub-
15 section (d), and a parent of the noncitizen files a
16 family-based petition for such noncitizen, the pri-
17 ority date for such petition shall be the original pri-
18 ority date issued upon receipt of the original family-
19 based or employment-based petition for which either
20 parent was a beneficiary.”; and

21 (2) by adding at the end the following:

22 “(i) PERMANENT PRIORITY DATES.—

23 “(1) IN GENERAL.—The priority date for any
24 family-based or employment-based petition shall be
25 the date of filing of the petition with the Secretary

1 of Homeland Security (or the Secretary of State, if
2 applicable), unless the filing of the petition was pre-
3 ceded by the filing of a labor certification with the
4 Secretary of Labor, in which case that date shall
5 constitute the priority date.

6 “(2) RETENTION OF EARLIEST PRIORITY
7 DATE.—The beneficiary of any petition shall retain
8 his or her earliest priority date based on any petition
9 filed on his or her behalf that was approvable on the
10 date on which it was filed, regardless of the category
11 of subsequent petitions.”.

12 **SEC. 3109. INCLUSION OF PERMANENT PARTNERS.**

13 (a) IMMIGRATION AND NATIONALITY ACT.—Section
14 101(a) of the Immigration and Nationality Act (8 U.S.C.
15 1101(a)), as amended by section 1102, is further amended
16 by adding at the end:

17 “(55) PERMANENT PARTNER.—

18 “(A) The term ‘permanent partner’ means an
19 individual 18 years of age or older who—

20 “(i) is in a committed, intimate relation-
21 ship with another individual 18 years of age or
22 older in which both parties intend a lifelong
23 commitment;

24 “(ii) is financially interdependent with
25 such other individual, except that the Secretary

1 of Homeland Security or the Secretary of State
2 shall have the discretion to waive this require-
3 ment on a case-by-case basis for good cause;

4 “(iii) is not married to or in a permanent
5 partnership with anyone other than such other
6 individual;

7 “(iv) is unable, in the jurisdiction of his or
8 her domicile or the domicile of such other indi-
9 vidual, to contract with such other individual a
10 marriage cognizable under this Act; and

11 “(v) is not a first-degree, second-degree, or
12 third-degree blood relation of such other indi-
13 vidual.

14 “(B) Any reference to ‘spouse’, ‘husband’, or
15 ‘wife’, or to the plurals of such terms, shall be equal-
16 ly applicable to a permanent partner.

17 “(C) Any reference to ‘marriage’, ‘marital
18 union’, ‘married’, ‘unmarried’, ‘wedlock’, or any
19 similar term shall be equally applicable to the union
20 of permanent partners.”.

21 (b) OTHER IMMIGRATION LEGISLATION.—The defini-
22 tion of permanent partner under section 101(a)(55) of the
23 Immigration and Nationality Act (8 U.S.C. 1101(a)(55)),
24 as added by subsection (a), and the meanings of the ref-
25 erences described in that section shall apply to—

1 (1) the LIFE Act (division B of the Miscella-
2 neous Appropriations Act, 2001, as enacted into law
3 by section 1(a)(4) of Public Law 106–554);

4 (2) the Cuban Adjustment Act (8 U.S.C. 1255
5 note); and

6 (3) the Violence Against Women Act of 2000
7 (division B of Public Law 106–386; 114 Stat.
8 1491).

9 (c) INAPPLICABILITY OF CEREMONY REQUIRE-
10 MENT.—Paragraph (35) of section 101(a) of the Immigra-
11 tion and Nationality Act (8 U.S.C. 1101(a)) is amended
12 by striking “The term” and inserting “Subject to para-
13 graph (55), the term”.

14 **SEC. 3110. DEFINITION OF CHILD.**

15 (a) TITLES I AND II.—Section 101(b)(1) of the Im-
16 migration and Nationality Act (8 U.S.C. 1101(b)(1)) is
17 amended—

18 (1) in subparagraph (B), by striking “, pro-
19 vided the child had not reached the age of eighteen
20 years at the time the marriage creating the status
21 of stepchild occurred”; and

22 (2) by adding at the end the following:

23 “(H)(i) a biological child of a noncitizen
24 permanent partner if the child was under the

1 age of 18 years on the date on which the per-
2 manent partnership was formed; or

3 “(ii) a child adopted by a noncitizen per-
4 manent partner while under the age of 16 years
5 if the child—

6 “(I) has been in the legal custody of,
7 and has resided with, such adoptive parent
8 for at least 2 years; and

9 “(II) was under the age of 18 years at
10 the time the permanent partnership was
11 formed.”.

12 (b) TITLE III.—Section 101(c) of the Immigration
13 and Nationality Act (8 U.S.C. 1101(c)) is amended—

14 (1) in paragraph (1), by inserting “and an indi-
15 vidual described in subsection (b)(1)(H)” after “The
16 term ‘child’ means an unmarried person under twen-
17 ty-one years of age”; and

18 (2) in paragraph (2), by inserting “and the de-
19 ceased permanent partner of a deceased parent, fa-
20 ther, or mother,” after “deceased parent, father, and
21 mother”.

1 **SEC. 3111. TERMINATION OF CONDITIONAL PERMANENT**
2 **RESIDENT STATUS FOR CERTAIN NONCIT-**
3 **IZEN PERMANENT PARTNERS AND SONS AND**
4 **DAUGHTERS UPON FINDING QUALIFYING**
5 **PERMANENT PARTNERSHIP IMPROPER.**

6 Section 216 of the Immigration and Nationality Act
7 (8 U.S.C. 1186a) is amended—

8 (1) in subsection (b)(1)(A)(ii), by inserting “or
9 has ceased to satisfy the criteria for being consid-
10 ered a permanent partnership under this Act,” after
11 “terminated,”;

12 (2) in subsection (c)(4)(B), by striking “termi-
13 nated (other than through the death of the spouse)”
14 and inserting “terminated, or has ceased to satisfy
15 the criteria for being considered a permanent part-
16 nership under this Act, other than through the death
17 of the spouse,”; and

18 (3) in subsection (d)(1)(A)(i)(II), by inserting
19 “or has not ceased to satisfy the criteria for being
20 considered a permanent partnership under this Act,”
21 after “terminated,”.

22 **SEC. 3112. NATIONALITY AT BIRTH.**

23 Section 301 of the Immigration and Nationality Act
24 (8 U.S.C. 1401) is amended by adding at the end the fol-
25 lowing:

1 “(i) Any reference to ‘a person born of parents’ in
2 this section shall include—

3 “(1) any legally recognized parent-child rela-
4 tionship formed within the first year of a person’s
5 life regardless of any genetic or gestational relation-
6 ship;

7 “(2) either parent of a child born through as-
8 sisted reproductive technology who is legally recog-
9 nized as a parent in the relevant jurisdiction regard-
10 less of any genetic or gestational relationship; and

11 “(3) the spouse of a parent at the time of birth,
12 in any case in which—

13 “(A) at least 1 parent is a legally recog-
14 nized parent; and

15 “(B) the marriage occurred before the
16 child’s birth and is recognized in the United
17 States, regardless of where the parents reside.”.

18 **Subtitle B—National Origin-Based**
19 **Antidiscrimination for Non-**
20 **immigrants**

21 **SEC. 3201. EXPANSION OF NONDISCRIMINATION PROVI-**
22 **SION.**

23 Section 202(a)(1)(A) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1152(a)(1)(A)) is amended—

1 (1) by inserting “or a nonimmigrant visa, ad-
2 mission or other entry into the United States, or the
3 approval or revocation of any immigration benefit”
4 after “immigrant visa”;

5 (2) by inserting “religion,” after “sex,”; and

6 (3) by inserting “, except if expressly required
7 by statute, or if a statutorily authorized benefit
8 takes into consideration such factors” before the pe-
9 riod at the end.

10 **SEC. 3202. TRANSFER AND LIMITATIONS ON AUTHORITY TO**
11 **SUSPEND OR RESTRICT THE ENTRY OF A**
12 **CLASS OF NONCITIZENS.**

13 Section 212(f) of the Immigration and Nationality
14 Act (8 U.S.C. 1182(f)) is amended to read as follows:

15 “(f) **AUTHORITY TO SUSPEND OR RESTRICT THE**
16 **ENTRY OF A CLASS OF NONCITIZENS.—**

17 “(1) **IN GENERAL.—**Subject to paragraph (2),
18 if the Secretary of State, in consultation with the
19 Secretary of Homeland Security, determines, based
20 on specific and credible facts, that the entry of any
21 noncitizens or any class of noncitizens into the
22 United States would undermine the security or pub-
23 lic safety of the United States, or the preservation
24 of human rights, democratic processes or institu-

1 tions, or international stability, the President may
2 temporarily—

3 “(A) suspend the entry of such noncitizens
4 or class of noncitizens as immigrants or non-
5 immigrants; or

6 “(B) impose any restriction on the entry of
7 such noncitizens that the President considers
8 appropriate.

9 “(2) LIMITATIONS.—In carrying out paragraph
10 (1), the President, the Secretary of State, and the
11 Secretary of Homeland Security shall—

12 “(A) issue a suspension or restriction only
13 to the extent required to address specific acts
14 implicating a compelling government interest in
15 a factor identified in paragraph (1);

16 “(B) narrowly tailor the suspension or re-
17 striction, using the least restrictive means, to
18 achieve such compelling government interest;

19 “(C) specify the duration of the suspension
20 or restriction and set forth evidence justifying
21 such duration;

22 “(D) consider waivers to any class-based
23 restriction or suspension and apply a rebuttable
24 presumption in favor of granting family-based
25 and humanitarian waivers; and

1 “(E) comply with all provisions of this Act,
2 including section 202(a)(1)(A).

3 “(3) CONGRESSIONAL NOTIFICATION.—

4 “(A) IN GENERAL.—Prior to the President
5 exercising the authority under paragraph (1),
6 the Secretary of State and the Secretary of
7 Homeland Security shall consult Congress and
8 provide Congress with specific evidence sup-
9 porting the need for the suspension or restric-
10 tion and its proposed duration.

11 “(B) BRIEFING AND REPORT.—Not later
12 than 48 hours after the President exercises the
13 authority under paragraph (1), the Secretary of
14 State and the Secretary of Homeland Security
15 shall provide a briefing and submit a written re-
16 port to the appropriate committees of Congress
17 that describes—

18 “(i) the action taken pursuant to
19 paragraph (1) and the specified objective
20 of such action; and

21 “(ii) the estimated number of individ-
22 uals who will be impacted by such action;

23 “(I) the constitutional and legis-
24 lative authority under which such ac-
25 tion took place; and

1 “(II) the circumstances necessi-
2 tating such action, including how such
3 action complies with paragraph (2)
4 and any intelligence informing such
5 action.

6 “(C) TERMINATION.—If the briefing and
7 report described in subparagraph (B) are not
8 provided to the appropriate committees of Con-
9 gress during the 48-hour period after the Presi-
10 dent exercises the authority under paragraph
11 (1), the suspension or restriction shall imme-
12 diately terminate absent intervening congress-
13 sional action.

14 “(D) PUBLICATION.—The Secretary of
15 State and the Secretary of Homeland Security
16 shall publicly announce and publish an unclassi-
17 fied version of the report described in subpara-
18 graph (B) in the Federal Register.

19 “(4) JUDICIAL REVIEW.—

20 “(A) IN GENERAL.—Notwithstanding any
21 other provision of law, an individual or entity
22 who is present in the United States and has
23 been harmed by a violation of this subsection
24 may file an action in an appropriate district

1 court of the United States to seek declaratory
2 or injunctive relief.

3 “(B) CLASS ACTION.—Nothing in this Act
4 may be construed to preclude an action filed
5 pursuant to subparagraph (A) from proceeding
6 as a class action.

7 “(5) TREATMENT OF COMMERCIAL AIRLINES.—
8 If the Secretary of Homeland Security finds that a
9 commercial airline has failed to comply with regula-
10 tions of the Secretary relating to requirements of
11 airlines for the detection of fraudulent documents
12 used by passengers traveling to the United States
13 (including the training of personnel in such detec-
14 tion), the Secretary may suspend the entry of some
15 or all noncitizens transported to the United States
16 by such airline.

17 “(6) REPORTING REQUIREMENTS.—

18 “(A) IN GENERAL.—Not later than 30
19 days after the date on which the President exer-
20 cises the authority under this subsection, and
21 every 30 days thereafter until the conclusion of
22 such an exercise of authority, the Secretary of
23 State, in coordination with the Secretary of
24 Homeland Security and the heads of other rel-
25 evant Federal agencies, shall submit to the ap-

1 appropriate committees of Congress a report that
2 includes the following:

3 “(i) For each country affected by such
4 a suspension or restriction—

5 “(I) the total number of individ-
6 uals who applied for a visa,
7 disaggregated by visa category;

8 “(II) the total number of such
9 visa applicants who were approved,
10 disaggregated by visa category;

11 “(III) the total number of such
12 visa applicants who were refused,
13 disaggregated by visa category, and
14 the reasons they were refused;

15 “(IV) the total number of such
16 visa applicants whose applications re-
17 main pending, disaggregated by visa
18 category;

19 “(V) the total number of such
20 visa applicants who were granted a
21 waiver, disaggregated by visa cat-
22 egory;

23 “(VI) the total number of such
24 visa applicants who were denied a
25 waiver, disaggregated by visa cat-

1 egory, and the reasons such waiver re-
2 quests were denied; and

3 “(VII) the total number of refu-
4 gees admitted.

5 “(ii) Specific evidence supporting the
6 need for the continued exercise of presi-
7 dential authority under this subsection, in-
8 cluding the information described in para-
9 graph (3)(B).

10 “(B) EFFECT OF NONCOMPLIANCE.—If a
11 report required by subparagraph (A) is not
12 timely submitted, the suspension or restriction
13 shall immediately terminate absent intervening
14 congressional action.

15 “(C) FINAL REPORT.—Not later than 30
16 days after the conclusion of a suspension or re-
17 striction under this subsection, the Secretary of
18 State, in coordination with the Secretary of
19 Homeland Security and the heads of other rel-
20 evant Federal agencies, shall submit to the ap-
21 propriate committees of Congress a report that
22 includes, for the entire period of the suspension
23 or restriction, the information described clauses
24 (i) and (ii) of subparagraph (A).

1 “(D) FORM; AVAILABILITY.—Each report
2 required by this paragraph shall be made pub-
3 licly available on an internet website in unclas-
4 sified form.

5 “(7) RULE OF CONSTRUCTION.—Nothing in
6 this subsection may be construed to authorize the
7 President, the Secretary of State, or the Secretary
8 of Homeland Security to act in a manner incon-
9 sistent with the policy decisions expressed in the im-
10 migration laws.

11 “(8) APPROPRIATE COMMITTEES OF CONGRESS
12 DEFINED.—In this subsection, the term ‘appropriate
13 committees of Congress’ means—

14 “(A) the Select Committee on Intelligence,
15 the Committee on Foreign Relations, the Com-
16 mittee on the Judiciary, and the Committee on
17 Homeland Security and Governmental Affairs
18 of the Senate; and

19 “(B) the Permanent Select Committee on
20 Intelligence, the Committee on Foreign Affairs,
21 the Committee on the Judiciary, and the Com-
22 mittee on Homeland Security of the House of
23 Representatives.”.

1 **Subtitle C—Diversity Immigrants**

2 **SEC. 3301. INCREASING DIVERSITY VISAS.**

3 Section 201(e) of the Immigration and Nationality
4 Act (8 U.S.C. 1151(e)) is amended by striking “55,000”
5 and inserting “80,000”.

6 **Subtitle D—Reforming** 7 **Employment-Based Immigration**

8 **SEC. 3401. DOCTORAL STEM GRADUATES FROM ACCRED-** 9 **ITED UNITED STATES UNIVERSITIES.**

10 (a) IN GENERAL.—Section 201(b)(1) of the Immi-
11 gration and Nationality Act (8 U.S.C. 1151(b)(1)), as
12 amended by section 3106, is further amended by adding
13 at the end the following:

14 “(G) Noncitizens who have earned a doctoral
15 degree in a field of science, technology, engineering,
16 or mathematics from an accredited United States in-
17 stitution of higher education.”.

18 (b) DEFINITIONS.—Section 204 of the Immigration
19 and Nationality Act (8 U.S.C. 1154) is amended by add-
20 ing at the end the following:

21 “(m) DOCTORAL STEM GRADUATES FROM ACCRED-
22 ITED UNITED STATES UNIVERSITIES.—For purposes of
23 section 201(b)(1)—

24 “(1) the term ‘field of science, technology, engi-
25 neering, or mathematics’—

1 “(A) means a field included in the Depart-
2 ment of Education’s Classification of Instruc-
3 tional Programs taxonomy within the summary
4 groups of computer and information sciences
5 and support services, engineering, mathematics
6 and statistics, physical sciences, and the sum-
7 mary group subsets of accounting and related
8 services and taxation; and

9 “(B) may include, at the discretion of the
10 Secretary of Homeland Security, other fields
11 not specifically referred to in subparagraph (A)
12 if the accredited United States institution of
13 higher education verifies that the core cur-
14 riculum for the specific field is primarily based
15 in science, technology, engineering, or mathe-
16 matics; and

17 “(2) the term ‘accredited United States institu-
18 tion of higher education’ means an institution that—

19 “(A)(i) is described in section 101(a) of
20 the Higher Education Act of 1965 (20 U.S.C.
21 1001(a)); or

22 “(ii) is a proprietary institution of higher
23 education (as defined in section 102(b) of such
24 Act (20 U.S.C. 1002(b))); and

1 “(B) is accredited by an accrediting body
2 that is itself accredited by—

3 “(i) the Department of Education; or

4 “(ii) the Council for Higher Edu-
5 cation Accreditation.”.

6 **SEC. 3402. ADDRESSING VISA BACKLOGS.**

7 (a) **NONCITIZENS NOT SUBJECT TO DIRECT NUMER-**
8 **ICAL LIMITATIONS.**—Section 201(b)(1) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1151(b)), as amended
10 by section 3106 and 3401, is further amended by adding
11 at the end the following:

12 “(H) Noncitizens who are beneficiaries (includ-
13 ing derivative beneficiaries) of an approved immi-
14 grant petition bearing a priority date that is more
15 than 10 years before the noncitizen’s application for
16 admission as an immigrant or for adjustment of sta-
17 tus.

18 “(I) Noncitizens described in section 203(d).”.

19 (b) **EFFECTIVE DATE.**—The amendments made by
20 this section shall take effect on the date which is 60 days
21 after the date of the enactment of this Act.

1 **SEC. 3403. ELIMINATING EMPLOYMENT-BASED PER COUN-**
2 **TRY LEVELS.**

3 (a) IN GENERAL.—Section 202(a)(2) of the Immi-
4 gration and Nationality Act (8 U.S.C. 1152(a)(2)), as
5 amended by section 3103(a), is further amended—

6 (1) in the paragraph heading, by striking “AND
7 EMPLOYMENT-BASED”;

8 (2) by striking “(3), (4), and (5),” and insert-
9 ing “(3) and (4),”;

10 (3) by striking “subsections (a) and (b) of sec-
11 tion 203” and inserting “section 203(a)”; and

12 (4) by striking “such subsections” and inserting
13 “such section”.

14 (b) CONFORMING AMENDMENTS.—Section 202 of the
15 Immigration and Nationality Act (8 U.S.C. 1152), as
16 amended by sections 3103, 3201, and subsection (a), is
17 further amended—

18 (1) in subsection (a)—

19 (A) in paragraph (3), by striking “both
20 subsections (a) and (b) of section 203” and in-
21 serting “section 203(a)”; and

22 (B) by striking paragraph (5); and

23 (2) by amending subsection (e) to read as fol-
24 lows:

25 “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—

26 If the total number of immigrant visas made available

1 under section 203(a) to natives of any single foreign state
2 or dependent area is expected to exceed the numerical lim-
3 itation specified in subsection (a)(2) in any fiscal year, im-
4 migrant visas to natives of that state or area under section
5 203(a) shall be allocated (to the extent practicable and
6 otherwise consistent with this section and section 203) so
7 that, except as provided in subsection (a)(4), the propor-
8 tion of the visa numbers made available under each of
9 paragraphs (1) through (4) of section 203(a) is equal to
10 the ratio of the total number of visas made available under
11 the respective paragraph to the total number of visas made
12 available under section 203(a).”.

13 (c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the
14 Chinese Student Protection Act of 1992 (8 U.S.C. 1255
15 note) is amended—

16 (1) in subsection (a), by striking “subsection
17 (e)” and inserting “subsection (d)”;

18 (2) by striking subsection (d); and

19 (3) by redesignating subsection (e) as sub-
20 section (d).

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to fiscal year 2024 and each subse-
23 quent fiscal year.

1 **SEC. 3404. INCREASED IMMIGRANT VISAS FOR OTHER**
2 **WORKERS.**

3 Section 203(b) of the Immigration and Nationality
4 Act (8 U.S.C. 1153(b)) is amended—

5 (1) in paragraph (1) by striking “28.6” and in-
6 serting “23.55”;

7 (2) in paragraph (2)(A) by striking “28.6” and
8 inserting “23.55”;

9 (3) in paragraph (3)—

10 (A) in subparagraph (A), in the matter be-
11 fore clause (i), by striking “28.6” and inserting
12 “41.2”; and

13 (B) in subparagraph (B), by striking
14 “10,000” and inserting “40,000”;

15 (4) in paragraph (4), by striking “7.1” and in-
16 serting “5.85”; and

17 (5) in paragraph (5)(A), in the matter before
18 clause (i), by striking “7.1” and inserting “5.85”.

19 **SEC. 3405. FLEXIBLE ADJUSTMENTS TO EMPLOYMENT-**
20 **BASED IMMIGRANT VISA PROGRAM.**

21 Section 203(b) of the Immigration and Nationality
22 Act (8 U.S.C. 1153(b)), as amended by section 3404, is
23 further amended by adding at the end the following:

24 “(7) GEOGRAPHIC AND LABOR MARKET AD-
25 JUSTMENTS.—The Secretary of Homeland Security,
26 in consultation with the Secretary of Labor, may es-

1 tablish, by regulation, a procedure for temporarily
2 limiting the admission of immigrants described in
3 paragraphs (2) and (3) in geographic areas or labor
4 market sectors that are experiencing high levels of
5 unemployment.”.

6 **SEC. 3406. REGIONAL ECONOMIC DEVELOPMENT IMMI-**
7 **GRANT VISA PILOT PROGRAM.**

8 (a) **PILOT PROGRAM FOR REGIONAL ECONOMIC DE-**
9 **VELOPMENT VISAS.**—Notwithstanding the numerical limi-
10 tations in the Immigration and Nationality Act (8 U.S.C.
11 1101 et seq.), the Secretary may establish a pilot program
12 for the annual admission of not more than 10,000 admis-
13 sible immigrants whose employment is essential to the eco-
14 nomic development strategies of the cities or counties in
15 which they will live or work.

16 (b) **LABOR CERTIFICATION.**—The requirements of
17 section 212(a)(5) of the Immigration and Nationality Act
18 (8 U.S.C. 1182(a)(5)) shall apply to the pilot program au-
19 thorized under this section.

20 (c) **DURATION.**—The Secretary shall determine the
21 duration of the pilot program authorized under this sec-
22 tion, which may not exceed 5 years.

23 (d) **RULEMAKING.**—The Secretary, in consultation
24 with the Secretary of Labor, shall issue regulations to im-
25 plement the pilot program authorized under this section.

1 **SEC. 3407. WAGE-BASED CONSIDERATION OF TEMPORARY**
2 **WORKERS.**

3 Section 212(p) is amended by adding at the end the
4 following:

5 “(5) In determining the order in which visas shall be
6 made available to nonimmigrants described in section
7 101(a)(15)(H)(i)(b), and to any other category of non-
8 immigrants deemed appropriate by the Secretary of
9 Homeland Security, the Secretary of Homeland Security,
10 in consultation with the Secretary of Labor, may issue
11 regulations to establish procedures for prioritizing such
12 visas based on the wages offered by employers.”.

13 **SEC. 3408. CLARIFYING DUAL INTENT FOR POSTSEC-**
14 **ONDARY STUDENTS.**

15 (a) IN GENERAL.—Section 101(a)(15)(F)(i) of the
16 Immigration and Nationality Act (8 U.S.C.
17 1101(a)(15)(F)(i)) is amended by striking “an alien hav-
18 ing a residence in a foreign country which he has no inten-
19 tion of abandoning, who is a bona fide student qualified
20 to pursue a full course of study and who” and inserting
21 “a noncitizen who is a bona fide student qualified to pur-
22 sue a full course of study, who (except for a student quali-
23 fied to pursue a full course of study at an institution of
24 higher education) has a residence in a foreign country
25 which the noncitizen has no intention of abandoning, and
26 who”.

1 (b) CONFORMING AMENDMENTS.—Section 214 of the
2 Immigration and Nationality Act (8 U.S.C. 1184) is
3 amended—

4 (1) in subsection (b), by striking “(other than
5 a nonimmigrant” and inserting “(other than a non-
6 immigrant described in section 101(a)(15)(F) if the
7 noncitizen is qualified to pursue a full course of
8 study at an institution of higher education, other
9 than a nonimmigrant”); and

10 (2) in subsection (h), by inserting “(F) (if the
11 noncitizen is qualified to pursue a full course of
12 study at an institution of higher education),” before
13 “H(i)(b)”.

14 **SEC. 3409. H-4 VISA REFORM.**

15 (a) PROTECTING CHILDREN WITH H-4 VISAS WHO
16 AGE OUT OF STATUS.—

17 (1) IN GENERAL.—Section 214(g)(4) of the Im-
18 migration and Nationality Act (8 U.S.C. 1184(g)(4))
19 is amended to read as follows:

20 “(4)(A) Except as provided in subparagraphs
21 (B) and (C), the period of authorized admission of
22 a nonimmigrant described in section
23 101(a)(15)(H)(i)(b) may not exceed 6 years.

24 “(B) The Secretary of Homeland Security may
25 grant an extension of nonimmigrant status under

1 section 101(a)(15)(H)(i)(b) to a nonimmigrant until
2 such nonimmigrant's application for adjustment of
3 status has been processed if such nonimmigrant—

4 “(i) is the beneficiary of a petition filed
5 under section 204(a) for a preference status
6 under paragraph (1), (2), or (3) of section
7 203(b); and

8 “(ii) is eligible to be granted such status.

9 “(C) A child of a nonimmigrant described in
10 subparagraph (B) who accompanied or followed to
11 join such nonimmigrant may apply for and receive
12 an extension of his or her nonimmigrant status re-
13 gardless of age, if—

14 “(i) the nonimmigrant parent described in
15 subparagraph (B) maintains his or her non-
16 immigrant status; and

17 “(ii) the child was younger than 18 years
18 of age when he or she was first granted non-
19 immigrant status as a noncitizen accompanying
20 or following to join such nonimmigrant par-
21 ent.”.

22 (2) CONFORMING AMENDMENT.—Section
23 203(h) of the Immigration and Nationality Act (8
24 U.S.C. 1153(h)) is amended by adding at the end
25 the following:

1 “(5) H-4 VISA HOLDERS.—Notwithstanding
2 paragraph (1), a determination of whether a non-
3 immigrant described in section 214(g)(4)(C) satisfies
4 the age requirement for purposes of a derivative visa
5 or adjustment of status application under paragraph
6 (1), (2), or (3) of section 203(b) shall be made using
7 the age of the nonimmigrant on the date on which
8 the petitioner files a petition on behalf of the parent
9 beneficiary with the Secretary of Homeland Security
10 (or the Secretary of State, if applicable), unless the
11 filing of the petition was preceded by the filing of a
12 labor certification with the Secretary of Labor, in
13 which case that date shall be used to identify the
14 age of such nonimmigrant.”.

15 (b) WORK AUTHORIZATION FOR H-4 NON-
16 IMMIGRANTS.—Section 214 of the Immigration and Na-
17 tionality Act (8 U.S.C. 1184), as amended by subsection
18 (a)(1), is further amended by adding at the end the fol-
19 lowing:

20 “(s) WORK AUTHORIZATION FOR H-4 NON-
21 IMMIGRANTS.—The Secretary of Homeland Security shall
22 authorize a nonimmigrant spouse or child who is accom-
23 panying or following to join a nonimmigrant described in
24 section 101(a)(15)(H)(i)(b) to engage in employment in
25 the United States and shall provide such nonimmigrant

1 spouse or child with an ‘employment authorized’ endorse-
2 ment or other appropriate work permit.”.

3 **SEC. 3410. EXTENSIONS RELATED TO PENDING PETITIONS.**

4 Section 214 of the Immigration and Nationality Act
5 (8 U.S.C. 1184), as amended by sections 1204(b),
6 3107(b), 3408(b), and 3409, is further amended by add-
7 ing at the end the following:

8 “(t) EXTENSION OF STATUS IN CASES OF LENGTHY
9 ADJUDICATIONS.—

10 “(1) EXEMPTION FROM LIMITATIONS.—Not-
11 withstanding subsections (c)(2)(D), (g)(4), and
12 (m)(1)(B)(i), the authorized stay of a noncitizen who
13 was previously issued a visa or otherwise provided
14 nonimmigrant status under subparagraph (F),
15 (H)(i)(B), (L), or (O) of section 101(a)(15) may be
16 extended pursuant to paragraph (2) if 365 days or
17 more have elapsed since the filing of—

18 “(A) an application for labor certification
19 under section 212(a)(5)(A) if certification is re-
20 quired or used by a noncitizen to obtain status
21 under section 203(b); or

22 “(B) a petition described in section 204(b)
23 to obtain immigrant status under section
24 203(b).

1 “(2) EXTENSION OF STATUS.—The Secretary
2 of Homeland Security shall extend the stay of a non-
3 citizen who qualifies for an extension under para-
4 graph (1) in 1-year increments until a final decision
5 is made—

6 “(A) to deny the application described in
7 paragraph (1)(A) or, in a case in which such
8 application is granted, to deny a petition de-
9 scribed in paragraph (1)(B) filed on behalf of
10 the noncitizen pursuant to such grant;

11 “(B) to deny the petition described in
12 paragraph (1)(B); or

13 “(C) to grant or deny the noncitizen’s ap-
14 plication for an immigrant visa or adjustment
15 of status to that of a noncitizen lawfully admit-
16 ted for permanent residence.

17 “(3) WORK AUTHORIZATION.—The Secretary of
18 Homeland Security shall authorize any noncitizen
19 whose stay is extended under this subsection to en-
20 gage in employment in the United States and pro-
21 vide such noncitizen with an ‘employment authorized
22 endorsement’ or other appropriate work permit.”.

1 **Subtitle E—Promoting Immigrant**
2 **and Refugee Integration**

3 **SEC. 3501. DEFINITION OF FOUNDATION.**

4 In this subtitle, the term “Foundation” means the
5 United States Citizenship and Integration Foundation es-
6 tablished under section 3502.

7 **SEC. 3502. UNITED STATES CITIZENSHIP AND INTEGRATION**
8 **FOUNDATION.**

9 (a) **ESTABLISHMENT.**—The Secretary, acting
10 through the Director of U.S. Citizenship and Immigration
11 Services, shall establish a nonprofit corporation or a not-
12 for-profit, public benefit, or similar entity, which shall be
13 known as the “United States Citizenship and Integration
14 Foundation”.

15 (b) **GIFTS TO FOUNDATION.**—To carry out the pur-
16 poses set forth in subsection (c), the Foundation may—

17 (1) solicit, accept, and make gifts of money and
18 other property in accordance with section 501(c)(3)
19 of the Internal Revenue Code of 1986;

20 (2) engage in coordinated work with the De-
21 partment of Homeland Security, including U.S. Citi-
22 zenship and Immigration Services; and

23 (3) accept, hold, administer, invest, and spend
24 any gift, devise, or bequest of real or personal prop-
25 erty made to the Foundation.

1 (c) PURPOSES.—The purposes of the Foundation
2 are—

3 (1) to spur innovation in the promotion and ex-
4 pansion of citizenship preparation programs for law-
5 ful permanent residents;

6 (2) to evaluate and identify best practices in
7 citizenship promotion and preparation and to make
8 recommendations to the Secretary about how to
9 bring such best practices to scale;

10 (3) to support direct assistance for noncitizens
11 seeking lawful permanent resident status or natu-
12 ralization as a United States citizen; and

13 (4) to coordinate immigrant integration with
14 State and local entities.

15 (d) ACTIVITIES.—The Foundation shall carry out the
16 purposes described in subsection (c) by—

17 (1) making United States citizenship instruc-
18 tion and naturalization application services acces-
19 sible to low-income and other underserved lawful
20 permanent resident populations;

21 (2) developing, identifying, and sharing best
22 practices in United States citizenship promotion and
23 preparation;

1 (3) supporting innovative and creative solutions
2 to barriers faced by noncitizens seeking naturaliza-
3 tion;

4 (4) increasing the use of, and access to, tech-
5 nology in United States citizenship preparation pro-
6 grams;

7 (5) engaging communities receiving immigrants
8 in the United States citizenship and civic integration
9 process;

10 (6) fostering public education and awareness;

11 (7) coordinating the immigrant integration ef-
12 forts of the Foundation with such efforts of U.S.
13 Citizenship and Immigration Services; and

14 (8) awarding grants to State and local govern-
15 ments under section 3503.

16 (e) COUNCIL OF DIRECTORS.—

17 (1) MEMBERS.—To the extent consistent with
18 section 501(c)(3) of the Internal Revenue Code of
19 1986, the Foundation shall have a council of direc-
20 tors (referred to in this section as the “Council”),
21 which shall be composed of—

22 (A) the Director of U.S. Citizenship and
23 Immigration Services; and

1 (B) 10 individuals appointed by the Direc-
2 tor of U.S. Citizenship and Immigration Serv-
3 ices.

4 (2) QUALIFICATIONS.—In appointing individ-
5 uals under paragraph (1)(B), the Director of U.S.
6 Citizenship and Immigration Services shall consider
7 individuals with experience in national private and
8 public nonprofit organizations that promote and as-
9 sist lawful permanent residents with naturalization.

10 (3) TERMS.—A member of the Council de-
11 scribed in paragraph (1)(B) shall be appointed for a
12 term of 4 years, except that, of the members first
13 appointed, 5 members shall be appointed for a term
14 of 2 years, which may be followed by renewable 4-
15 year terms.

16 (f) EXECUTIVE DIRECTOR.—

17 (1) IN GENERAL.—The Council shall, by major-
18 ity vote, appoint for 6-year renewable terms an exec-
19 utive director of the Foundation, who shall oversee
20 the day-to-day operations of the Foundation.

21 (2) RESPONSIBILITIES.—The executive director
22 shall carry out the purposes described in subsection
23 (c) on behalf of the Foundation by—

24 (A) accepting, holding, administering, in-
25 vesting, and spending any gift, devise, or be-

1 quest of real or personal property made to the
2 Foundation;

3 (B) entering into contracts and other fi-
4 nancial assistance agreements with individuals,
5 public or private organizations, professional so-
6 cieties, and government agencies to carry out
7 the purposes of the Foundation;

8 (C) entering into such other contracts,
9 leases, cooperative agreements, and other trans-
10 actions as the executive director considers ap-
11 propriate to carry out the activities of the
12 Foundation; and

13 (D) charging such fees for professional
14 services furnished by the Foundation as the ex-
15 ecutive director considers reasonable and appro-
16 priate.

17 (g) **TIMELINE.**—The Foundation shall be established
18 and operational not later than 1 year after the date of
19 the enactment of this Act.

20 **SEC. 3503. PILOT PROGRAM TO PROMOTE IMMIGRANT IN-**
21 **TEGRATION AT STATE AND LOCAL LEVELS.**

22 (a) **GRANTS AUTHORIZED.**—The Chief of the Office
23 of Citizenship of U.S. Citizenship and Immigration Serv-
24 ices (referred to in this section as the “Chief”) shall estab-
25 lish a pilot program through which the Chief may award

1 grants, on a competitive basis, to States and local govern-
2 ments and other qualifying entities in collaboration with
3 States and local governments—

4 (1) to establish new immigrant councils to carry
5 out programs to integrate new immigrants; and

6 (2) to carry out programs to integrate new im-
7 migrants.

8 (b) QUALIFYING ENTITIES.—Qualifying entities
9 under this section may include—

10 (1) an educational institution;

11 (2) a private organization;

12 (3) a community-based organization; or

13 (4) a nonprofit organization.

14 (c) APPLICATION.—A State or local government, or
15 other qualifying entity in collaboration with a State or
16 local government, seeking a grant under this section shall
17 submit an application to the Chief at such time, in such
18 manner, and containing such information as the Chief
19 may reasonably require, including—

20 (1) a proposal to carry out 1 or more activities
21 described in subsection (d)(3);

22 (2) the estimated number of new immigrants
23 residing in the geographic area of the applicant; and

1 (3) a description of the challenges in intro-
2 ducing and integrating new immigrants into the
3 State or local community.

4 (d) ACTIVITIES.—A grant awarded under this sub-
5 section shall be used—

6 (1) to form a new immigrant council, which
7 shall—

8 (A) consist of not fewer than 15 individ-
9 uals and not more than 19 representatives of
10 the State or local government or qualifying or-
11 ganization, as applicable;

12 (B) include, to the extent practicable, rep-
13 resentatives from—

14 (i) business;

15 (ii) faith-based organizations;

16 (iii) civic organizations;

17 (iv) philanthropic organizations;

18 (v) nonprofit organizations, including
19 nonprofit organizations with legal and ad-
20 vocacy experience working with immigrant
21 communities;

22 (vi) key education stakeholders, such
23 as State educational agencies, local edu-
24 cational agencies (as defined in section
25 8101 of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 7801)),
2 community colleges, and teachers;

3 (vii) State adult education offices;

4 (viii) State or local public libraries;

5 and

6 (ix) State or local governments; and

7 (C) meet not less frequently than quar-
8 terly;

9 (2) to provide subgrants to local communities,
10 city governments, municipalities, nonprofit organiza-
11 tions (including veterans' and patriotic organiza-
12 tions), or other qualifying entities;

13 (3) to develop, implement, expand, or enhance
14 a comprehensive plan to introduce and integrate new
15 immigrants into the applicable State by—

16 (A) improving English language skills;

17 (B) engaging caretakers with limited
18 English proficiency in their child's education
19 through interactive parent and child literacy ac-
20 tivities;

21 (C) improving and expanding access to
22 workforce training programs;

23 (D) teaching United States history, civics
24 education, and citizenship rights and respon-
25 sibilities;

1 (E) promoting an understanding of the
2 form of government and history of the United
3 States and the principles of the Constitution of
4 the United States;

5 (F) improving financial literacy; and

6 (G) focusing on other key areas of impor-
7 tance to integration in United States society;
8 and

9 (4) to engage communities receiving immigrants
10 in the citizenship and civic integration process by—

11 (A) increasing local service capacity;

12 (B) building meaningful connections be-
13 tween new immigrants and long-time residents;

14 (C) communicating the contributions of
15 communities receiving new immigrants; and

16 (D) engaging leaders from all sectors of
17 the community.

18 (e) REPORTING AND EVALUATION.—

19 (1) ANNUAL REPORT.—Not less frequently than
20 annually, each recipient of a grant under this section
21 shall submit to the Chief a report that describes, for
22 the preceding calendar year—

23 (A) the activities undertaken by the grant
24 recipient, including the manner in which such
25 activities meet the goals of the Foundation and

1 the comprehensive plan referred to in sub-
2 section (d)(3);

3 (B) the geographic area being served;

4 (C) the estimated number of immigrants in
5 such area; and

6 (D) the primary languages spoken in such
7 area.

8 (2) ANNUAL EVALUATION.—Not less frequently
9 than annually, the Chief shall conduct an evaluation
10 of the grant program under this section—

11 (A) to assess and improve the effectiveness
12 of the grant program;

13 (B) to assess the future needs of immi-
14 grants and of State and local governments with
15 respect to immigrants; and

16 (C) to ensure that grantees, recipients, and
17 subgrantees are acting within the scope and
18 purpose of this section.

19 **SEC. 3504. ENGLISH AS A GATEWAY TO INTEGRATION**
20 **GRANT PROGRAM.**

21 (a) AUTHORIZATION.—The Assistant Secretary for
22 Career, Technical, and Adult Education in the Depart-
23 ment of Education (referred to in this section as the “As-
24 sistant Secretary”) shall award English as a Gateway to
25 Integration grants to eligible entities.

1 (b) ELIGIBILITY.—An entity eligible to receive a
2 grant under this section is a State or unit of local govern-
3 ment, a private organization, an educational institution,
4 a community-based organization, or a nonprofit organiza-
5 tion that—

6 (1) in the case of any applicant that has pre-
7 viously received a grant under this section, uses
8 matching funds from non-Federal sources, which
9 may include in-kind contributions, equal to 25 per-
10 cent of the amount received from the English as a
11 Gateway to Integration program to carry out such
12 program;

13 (2) submits to the Assistant Secretary an appli-
14 cation at such time, in such manner, and containing
15 such information as the Assistant Secretary may
16 reasonably require, including—

17 (A) a description of the target population
18 to be served, including demographics, literacy
19 levels, and English language levels of the target
20 population; and

21 (B) the assessment and performance meas-
22 ures that the grant recipient plans to use to
23 evaluate the English language learning progress
24 of students and overall success of the instruc-
25 tion and program;

1 (3) demonstrates collaboration with public and
2 private entities to provide the instruction and assist-
3 ance described in subsection (c)(1);

4 (4) provides English language programs that—

5 (A) teach English language skills to limited
6 English proficient (LEP) individuals who—

7 (i) have less than a United States
8 high school diploma; or

9 (ii) are parents who are caretakers of
10 young children;

11 (B) support and promote the social, eco-
12 nomic, and civic integration of adult English
13 language learners and their families;

14 (C) equip adult English language learners
15 for ongoing, independent study and learning be-
16 yond the classroom or formal instruction; and

17 (D) incorporate the use of technology to
18 help students develop digital literacy skills; and

19 (5) is located in—

20 (A) 1 of the 10 States with the highest
21 rate of foreign-born residents; or

22 (B) a State that has experienced a large
23 increase in the population of immigrants during
24 the most recent 10-year period, based on data

1 compiled by the Office of Immigration Statistics
2 or the Census Bureau.

3 (c) USE OF FUNDS.—

4 (1) IN GENERAL.—Funds awarded under this
5 section shall be used to provide English language in-
6 struction to adult English language learners. Such
7 instruction shall advance the integration of students
8 to help them—

9 (A) build their knowledge of United States
10 history and civics;

11 (B) prepare for United States citizenship
12 and the naturalization process;

13 (C) gain digital literacy;

14 (D) understand and navigate the early
15 childhood, K–12, and postsecondary education
16 systems;

17 (E) gain financial literacy;

18 (F) build an understanding of the housing
19 market and systems in the United States;

20 (G) learn about and access the United
21 States, State, and local health care systems;

22 (H) prepare for a high school equivalency
23 diploma or postsecondary training or education;

24 and

25 (I) prepare for and secure employment.

1 (2) DESIGN OF PROGRAM.—Funds awarded
2 under this section shall be used to support an in-
3 structional program that may include the following
4 elements:

5 (A) English language instruction in a
6 classroom setting, provided that such setting is
7 in a geographic location accessible to the popu-
8 lation served.

9 (B) Online English language instruction
10 and distance learning platforms.

11 (C) Educational support and specialized
12 instruction for English language learners with
13 low levels of literacy in their first language.

14 (D) Other online and digital components,
15 including the use of mobile phones.

16 (d) CERTIFICATION.—To receive a payment under
17 this section, a participating entity shall submit to the As-
18 sistant Secretary a certification that the proposed uses of
19 grant funds by the entity are consistent with this section
20 and meet all necessary criteria determined by the Assist-
21 ant Secretary.

22 (e) ANNUAL REPORT AND EVALUATION.—Not later
23 than 90 days after the end of each fiscal year for which
24 an entity receives grant funds under this section, the enti-
25 ty shall submit to the Assistant Secretary the following:

1 (1) A report that describes—

2 (A) the activities undertaken by the entity
3 that were funded entirely or partially by the
4 grant funds;

5 (B) the geographic area served by the
6 grant funds;

7 (C) the number of immigrants in such
8 area;

9 (D) the primary languages spoken in such
10 area;

11 (E) the number of adult English language
12 learners receiving assistance that was funded
13 entirely or partially by grant funds received by
14 the entity; and

15 (F) a breakdown of the costs of the in-
16 struction services provided and the average per
17 capita cost of providing such instruction.

18 (2) An evaluation of any program of the entity
19 using grant funds under this section, including—

20 (A) an assessment of—

21 (i) the effectiveness of such program
22 and recommendations for improving the
23 program; and

1 (ii) whether the English language in-
2 struction needs of the geographic area
3 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 (f) DEFINITIONS.—In this section:

9 (1) ADULT ENGLISH LANGUAGE LEARNER.—
10 The term “adult English language learner” refers to
11 an individual age 16 years and older who is not en-
12 rolled in secondary school and who is limited English
13 proficient.

14 (2) ENGLISH LANGUAGE LEARNER; LIMITED
15 ENGLISH PROFICIENT.—The terms “English lan-
16 guage learner” and “limited English proficient” de-
17 scribe an individual who does not speak English as
18 their primary language and who has a limited ability
19 to read, speak, write, or understand English.

20 (3) STATE.—The term “State” means each of
21 the several States, the District of Columbia, the
22 Commonwealth of Puerto Rico, the United States
23 Virgin Islands, Guam, American Samoa, and the
24 Commonwealth of the Northern Mariana Islands.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$100,000,000 for fiscal years 2024 through 2025.

4 **SEC. 3505. WORKFORCE DEVELOPMENT AND SHARED**
5 **PROSPERITY GRANT PROGRAM.**

6 (a) DECLARATION OF POLICY.—It is the policy of the
7 United States—

8 (1) that adults have adequate and equitable ac-
9 cess to education and workforce programs that—

10 (A) help them learn basic skills in reading,
11 writing, mathematics, and the English lan-
12 guage; and

13 (B) equip them with occupational skills
14 needed to secure or advance in employment, fill
15 employer needs, and support themselves and
16 their families;

17 (2) that helping adults with limited skills to at-
18 tain industry-recognized postsecondary credentials
19 strengthens the economy; and

20 (3) that workforce programs for adults with
21 limited skills should incorporate an integrated edu-
22 cation and training approach that allows adults to
23 acquire basic skills while pursuing occupational or
24 industry-specific training.

1 (b) AUTHORIZATION.—The Assistant Secretary for
2 Career, Technical, and Adult Education at the Depart-
3 ment of Education (referred to in this section as the “As-
4 sistant Secretary”) shall award Workforce Development
5 and Shared Prosperity grants, on a competitive basis, to
6 States or local governments, or other qualifying entities
7 described in subsection (c) in collaboration with States
8 and local governments.

9 (c) QUALIFYING ENTITIES.—Qualifying entities
10 under this section may include—

- 11 (1) an educational institution;
- 12 (2) a private organization;
- 13 (3) a community-based organization; or
- 14 (4) a nonprofit organization.

15 (d) ELIGIBILITY.—A State or local government, or a
16 qualifying entity in collaboration with a State or local gov-
17 ernment, is eligible to receive a grant under this section
18 provided that the State or local government or entity—

- 19 (1) supports and promotes the economic inte-
20 gration of immigrants and refugees and their fami-
21 lies;
- 22 (2) has expertise in workforce development and
23 adult education for the purpose of developing and
24 implementing State or local programs of integrated
25 education and training;

1 (3) in carrying out the grant program, has, or
2 collaborates with at least 1 entity that has—

3 (A) expertise in workforce development for
4 immigrants and refugees; and

5 (B) expertise in adult education of immi-
6 grants and refugees;

7 (4) uses matching funds from non-Federal
8 sources, which may include in-kind contributions,
9 equal to 25 percent of the amount received from the
10 Workforce Development and Shared Prosperity
11 grant program; and

12 (5) submits to the Assistant Secretary an appli-
13 cation at such time, in such manner, and containing
14 such information as the Assistant Secretary may
15 reasonably require, including—

16 (A) a description of the target population
17 to be served, including demographics, English
18 language levels, educational levels, and skill lev-
19 els;

20 (B) the specific integrated education and
21 training instructional model to be implemented;

22 (C) how the program will be designed and
23 implemented by educators with expertise in
24 adult education, English language instruction,
25 and occupational skills training;

1 (D) how the program will prepare students
2 to receive a high school equivalency credential;

3 (E) how the program will prepare students
4 to receive a postsecondary credential;

5 (F) the occupations or industries for which
6 the program will prepare students for employ-
7 ment;

8 (G) evidence of employer demand for the
9 skills or occupational training offered by the
10 grant program;

11 (H) the extent to which the program re-
12 duces the time required for students to acquire
13 English and workforce skills;

14 (I) how the program will increase digital
15 literacy skills;

16 (J) how the program will provide student
17 support services, including guidance counseling,
18 so as to promote student success; and

19 (K) the assessment and performance meas-
20 ures that the grant recipient plans to use to
21 evaluate—

22 (i) the progress of adult learners in
23 acquiring basic skills such as reading, writ-
24 ing, mathematics, and the English lan-
25 guage; and

1 (ii) the success of the grant program
2 in preparing students for employment and
3 in helping them find employment or ad-
4 vance in employment.

5 (e) CERTIFICATION.—To receive a payment under
6 this section, a participating entity shall submit to the As-
7 sistant Secretary a certification that the proposed uses of
8 grant funds by the entity are consistent with this section
9 and meet all necessary criteria determined by the Assist-
10 ant Secretary.

11 (f) TECHNICAL ASSISTANCE.—The Assistant Sec-
12 retary shall provide technical assistance to adult education
13 providers on how to provide integrated education and
14 training.

15 (g) ANNUAL REPORT AND EVALUATION.—Not later
16 than 90 days after the end of each fiscal year for which
17 an entity receives grant funds under this section, the enti-
18 ty shall submit to the Assistant Secretary the following:

19 (1) A report that describes—

20 (A) the activities undertaken by the entity
21 that were funded entirely or partially by the
22 grant funds;

23 (B) the geographic area served by the
24 grant funds;

1 (C) the number of immigrants in such
2 area;

3 (D) the primary languages spoken in such
4 area; and

5 (E) a breakdown of the costs of each of
6 the services provided and the average per capita
7 cost of providing such services.

8 (2) An evaluation of any program of the entity
9 using grant funds under this section, including—

10 (A) an assessment of—

11 (i) the effectiveness of such program
12 and recommendations for improving the
13 program; and

14 (ii) whether the adult education and
15 workforce development needs of the geo-
16 graphic area served have been met; and

17 (B) in the case of an assessment under
18 subparagraph (A)(ii) that such needs have not
19 been met, a description of the additional assist-
20 ance required to meet such needs.

21 (h) DEFINITIONS.—In this section:

22 (1) ADULT EDUCATION.—The term “adult edu-
23 cation” means academic instruction and education
24 services below the postsecondary level that increase
25 an individual’s ability to read, write, speak, and un-

1 derstand English and perform mathematical or other
2 activities necessary to attain a secondary school di-
3 ploma or its recognized equivalent, to transition to
4 postsecondary education and training, or to obtain
5 employment.

6 (2) INTEGRATED EDUCATION AND TRAINING.—
7 The term “integrated education and training”
8 means instruction that provides adult education, lit-
9 eracy, and English language activities concurrently
10 and contextually with workforce preparation activi-
11 ties and workforce training for a specific occupation
12 or occupational cluster for the purpose of edu-
13 cational and career advancement.

14 (3) STATE.—The term “State” means each of
15 the several States, the District of Columbia, the
16 Commonwealth of Puerto Rico, the United States
17 Virgin Islands, Guam, American Samoa, and the
18 Commonwealth of the Northern Mariana Islands.

19 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$100,000,000 for fiscal years 2024 through 2025.

22 **SEC. 3506. EXISTING CITIZENSHIP EDUCATION GRANTS.**

23 (a) IN GENERAL.—There is authorized to be appro-
24 priated to the Secretary not less than \$25,000,000 for the
25 purpose of awarding grants to public or private nonprofit

1 entities for citizenship education and training (as de-
2 scribed in number 97.010 of the Catalog of Federal Do-
3 mestic Assistance), to remain available until expended.

4 (b) CONSIDERATION OF GRANT RECIPIENTS.—With
5 respect to grants administered and awarded to public or
6 private nonprofit organizations by the Secretary, unless
7 otherwise required by law, in making determinations about
8 such grants, the Secretary may not consider an entity's
9 enrollment in or use of the E-Verify Program described
10 in section 403(a) of the Illegal Immigration Reform and
11 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
12 note).

13 **SEC. 3507. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**
14 **CANTS.**

15 (a) ESTABLISHMENT.—The Secretary shall establish,
16 within U.S. Citizenship and Immigration Services, a pro-
17 gram to award grants, on a competitive basis, to eligible
18 nonprofit organizations to carry out a program described
19 in subsection (c) for the purpose of assisting applicants
20 for status under sections 245B, 245C, 245D, 245E, and
21 245F of the Immigration and Nationality Act.

22 (b) ELIGIBLE NONPROFIT ORGANIZATION.—A non-
23 profit organization eligible to receive a grant under this
24 section is a nonprofit tax-exempt organization, including
25 a community, faith-based, or other immigrant-serving or-

1 ganization, the staff of which has demonstrated qualifica-
2 tions, experience, and expertise in providing quality serv-
3 ices to immigrants, refugees, noncitizens granted asylum,
4 or noncitizens applying for such statuses.

5 (c) USE OF FUNDS.—Grant funds awarded under
6 this section may be used for the design and implementa-
7 tion of programs that provide—

8 (1) information to the public relating to eligi-
9 bility for and benefits of lawful prospective immi-
10 grant status under section 245B of the Immigration
11 and Nationality Act, particularly to individuals who
12 may be eligible for such status;

13 (2) assistance, within the scope of authorized
14 practice of immigration law, to individuals in sub-
15 mitting applications for lawful prospective immi-
16 grant status, including—

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

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

22 (C) applying for any waivers for which ap-
23 plicants and qualifying family members may be
24 eligible; and

1 (D) providing any other assistance that the
2 Secretary or grantees consider useful or nec-
3 essary in applying for lawful prospective immi-
4 grant status;

5 (3) assistance, within the scope of authorized
6 practice of immigration law, to individuals seeking to
7 adjust their status to that of a lawful permanent
8 resident under section 245C, 245D, 245E, or 245F
9 of the Immigration and Nationality Act;

10 (4) instruction to individuals with respect to—

11 (A) the rights and responsibilities of
12 United States citizenship; and

13 (B) civics and civics-based English as a
14 second language; and

15 (5) assistance, within the scope of authorized
16 practice of immigration law, to individuals seeking to
17 apply for United States citizenship.

18 (d) SOURCE OF GRANT FUNDS.—To carry out this
19 section, the Secretary may use not more than \$50,000,000
20 from the Immigration Examinations Fee Account pursu-
21 ant to section 286(m) of the Immigration and Nationality
22 Act (U.S.C. 1356(m)).

23 (e) AVAILABILITY OF APPROPRIATIONS.—Any
24 amounts appropriated to carry out this section shall re-
25 main available until expended.

1 **SEC. 3508. STUDY ON FACTORS AFFECTING EMPLOYMENT**
2 **OPPORTUNITIES FOR IMMIGRANTS AND REF-**
3 **UGEES WITH PROFESSIONAL CREDENTIALS**
4 **OBTAINED IN FOREIGN COUNTRIES.**

5 (a) IN GENERAL.—The Secretary of Labor, in coordi-
6 nation with the Secretary of State, the Secretary of Edu-
7 cation, the Secretary of Health and Human Services, the
8 Secretary of Commerce, the Secretary, the Administrator
9 of the Internal Revenue Service, and the Commissioner of
10 the Social Security Administration, shall conduct a study
11 on the factors affecting employment opportunities in the
12 United States for applicable immigrants and refugees with
13 professional credentials obtained in countries other than
14 the United States.

15 (b) ELEMENTS.—The study required by subsection
16 (a) shall include the following:

17 (1) An analysis of the employment history of
18 applicable immigrants and refugees admitted to the
19 United States during the most recent 5-year period
20 for which data are available at the time of the study,
21 including, to the extent practicable—

22 (A) an analysis of the employment held by
23 applicable immigrants and refugees before im-
24 migrating to the United States as compared to
25 the employment obtained in the United States,

1 if any, since the arrival of such applicable immi-
2 grants and refugees; and

3 (B) a consideration of the occupational and
4 professional credentials and academic degrees
5 held by applicable immigrants and refugees be-
6 fore immigrating to the United States.

7 (2) An assessment of any barrier that prevents
8 applicable immigrants and refugees from using occu-
9 pational experience obtained outside the United
10 States to obtain employment in the United States.

11 (3) An analysis of existing public and private
12 resources available to assist applicable immigrants
13 and refugees who have professional experience and
14 qualifications obtained outside the United States in
15 using such professional experience and qualifications
16 to obtain skills-appropriate employment opportuni-
17 ties in the United States.

18 (4) Policy recommendations for better enabling
19 applicable immigrants and refugees who have profes-
20 sional experience and qualifications obtained outside
21 the United States to use such professional experi-
22 ence and qualifications to obtain skills-appropriate
23 employment opportunities in the United States.

24 (c) COLLABORATION WITH NONPROFIT ORGANIZA-
25 TIONS AND STATE AGENCIES.—In conducting the study

1 required by subsection (a), the Secretary of Labor shall
2 seek to collaborate with relevant nonprofit organizations
3 and State agencies to use the existing data and resources
4 of such entities.

5 (d) APPLICABLE IMMIGRANTS AND REFUGEES.—In
6 this section, the term “applicable immigrants and refu-
7 gees” means—

8 (1) noncitizens who are lawfully present and
9 authorized to be employed in the United States; and

10 (2) citizens of the United States born outside
11 the United States and its outlying possessions.

12 **SEC. 3509. IN-STATE TUITION RATES FOR REFUGEES,**
13 **ASYLEES, AND CERTAIN SPECIAL IMMI-**
14 **GRANTS.**

15 (a) IN GENERAL.—The Higher Education Act of
16 1965 (20 U.S.C. 1001 et seq.) is amended by inserting
17 after section 135 the following:

18 **“SEC. 135A. IN-STATE TUITION RATES FOR REFUGEES,**
19 **ASYLEES, AND CERTAIN SPECIAL IMMI-**
20 **GRANTS.**

21 “(a) REQUIREMENT.—In the case of a noncitizen de-
22 scribed in subsection (b) whose domicile is in a State that
23 receives assistance under this Act, such State shall not
24 charge such noncitizen tuition for attendance at a public

1 institution of higher education in the State at a rate that
2 is greater than the rate charged for residents of the State.

3 “(b) NONCITIZEN DESCRIBED.—A noncitizen is de-
4 scribed in this subsection if the noncitizen was granted—

5 “(1) refugee status and admitted to the United
6 States under section 207 of the Immigration and
7 Nationality Act (8 U.S.C. 1157);

8 “(2) asylum under section 208 of such Act (8
9 U.S.C. 1158); or

10 “(3) special immigrant status under section
11 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) pur-
12 suant to—

13 “(A) section 1244 of the National Defense
14 Authorization Act for Fiscal Year 2008 (8
15 U.S.C. 1157 note);

16 “(B) section 1059 of the National Defense
17 Authorization Act for Fiscal Year 2006 (8
18 U.S.C. 1101 note); or

19 “(C) section 602 of the Afghan Allies Pro-
20 tection Act of 2009 (8 U.S.C. 1101 note).

21 “(c) LIMITATIONS.—The requirement under sub-
22 section (a) shall apply with respect to a noncitizen only
23 until the noncitizen has established residency in the State,
24 and only with respect to the first State in which the non-
25 citizen was first domiciled after being admitted into the

1 United States as a refugee or special immigrant or being
2 granted asylum.

3 “(d) **EFFECTIVE DATE.**—This section shall take ef-
4 fect at each public institution of higher education in a
5 State that receives assistance under this Act for the first
6 period of enrollment at such institution that begins after
7 January 1, 2023.”.

8 (b) **CONFORMING AMENDMENT.**—The table of con-
9 tents for the Higher Education Act of 1965 (20 U.S.C.
10 1001 et seq.) is amended by inserting after the item relat-
11 ing to section 135 the following:

“Sec. 135A. In-State tuition rates for refugees, asylees, and certain special im-
migrants.”.

12 **SEC. 3510. WAIVER OF ENGLISH REQUIREMENT FOR SEN-**
13 **IOR NEW AMERICANS.**

14 Section 312 (8 U.S.C. 1423) is amended by striking
15 subsection (b) and inserting the following:

16 “(b) The requirements under subsection (a) shall not
17 apply to any person who—

18 “(1) is unable to comply with such require-
19 ments because of physical or mental disability, in-
20 cluding developmental or intellectual disability; or

21 “(2) on the date on which the person’s applica-
22 tion for naturalization is submitted under section
23 334—

24 “(A) is older than 65 years of age; and

1 “(B) has been living in the United States
2 for 1 or more periods totaling not less than 5
3 years after being lawfully admitted for perma-
4 nent residence.

5 “(c) The requirement under subsection (a)(1) shall
6 not apply to any person who, on the date on which the
7 person’s application for naturalization is submitted under
8 section 334—

9 “(1) is older than 50 years of age and has been
10 living in the United States for 1 or more periods to-
11 taling not less than 20 years after being lawfully ad-
12 mitted for permanent residence;

13 “(2) is older than 55 years of age and has been
14 living in the United States for 1 or more periods to-
15 taling not less than 15 years after being lawfully ad-
16 mitted for permanent residence; or

17 “(3) is older than 60 years of age and has been
18 living in the United States for 1 or more periods to-
19 taling not less than 10 years after being lawfully ad-
20 mitted for permanent residence.

21 “(d) The Secretary of Homeland Security may waive,
22 on a case-by-case basis, the requirement under subsection
23 (a)(2) for any person who, on the date on which the per-
24 son’s application for naturalization is submitted under sec-
25 tion 334—

1 “(1) is older than 60 years of age; and

2 “(2) has been living in the United States for 1
3 or more periods totaling not less than 10 years after
4 being lawfully admitted for permanent residence.”.

5 **SEC. 3511. NATURALIZATION FOR CERTAIN UNITED STATES**
6 **HIGH SCHOOL GRADUATES.**

7 (a) IN GENERAL.—Title III of the Immigration and
8 Nationality Act (8 U.S.C. 1401 et seq.) is amended by
9 inserting after section 320 the following:

10 **“SEC. 321. CITIZENSHIP FOR CERTAIN UNITED STATES**
11 **HIGH SCHOOL GRADUATES.**

12 “(a) REQUIREMENTS CONSIDERED SATISFIED.—In
13 the case of a noncitizen described in subsection (b), the
14 noncitizen shall be considered to have satisfied the require-
15 ments of section 312(a).

16 “(b) NONCITIZEN DESCRIBED.—A noncitizen is de-
17 scribed in this subsection if the noncitizen submits an ap-
18 plication for naturalization under section 334 that con-
19 tains the following:

20 “(1) Transcripts from public or private schools
21 in the United States that demonstrate the following:

22 “(A) The noncitizen completed grades 9
23 through 12 in the United States and graduated
24 with a high school diploma.

1 “(B) The noncitizen completed a cur-
2 riculum that reflects knowledge of United
3 States history, government, and civics.

4 “(2) A copy of the noncitizen’s high school di-
5 ploma.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 for the Immigration and Nationality Act (8 U.S.C. 1101
8 et seq.) is amended by inserting after the item relating
9 to section 320 the following:

 “Sec. 321. Citizenship for certain United States high school graduates.”.

10 (c) APPLICABILITY.—The amendments made by this
11 section shall take effect on the date of the enactment of
12 this Act and shall apply to applicants for naturalization
13 who apply for naturalization on or after such date.

14 (d) REGULATIONS.—Not later than 180 days after
15 the date of the enactment of this Act, the Secretary shall
16 promulgate regulations to carry out this section and the
17 amendments made by this section.

18 **SEC. 3512. NATURALIZATION CEREMONIES.**

19 (a) IN GENERAL.—The Chief of the Office of Citizen-
20 ship of U.S. Citizenship and Immigration Services, in con-
21 sultation with the Director of the National Park Service,
22 the Archivist of the United States, and other appropriate
23 Federal officials, shall develop and implement a strategy
24 to enhance public awareness of naturalization ceremonies.

1 (b) VENUES.—In developing the strategy under sub-
2 section (a), the Chief of the Office of Citizenship of U.S.
3 Citizenship and Immigration Services shall consider the
4 use of outstanding and historic locations as venues for se-
5 lect naturalization ceremonies.

6 **SEC. 3513. NATIONAL CITIZENSHIP PROMOTION PROGRAM.**

7 (a) ESTABLISHMENT.—Not later than 1 year after
8 the date of the enactment of this Act, the Secretary shall
9 establish a program to promote United States citizenship.

10 (b) ACTIVITIES.—As part of the program required by
11 subsection (a), the Secretary shall carry out outreach ac-
12 tivities in accordance with subsection (c).

13 (c) OUTREACH.—The Secretary shall—

14 (1) develop outreach materials targeted to non-
15 citizens who have been lawfully admitted for perma-
16 nent residence to encourage such noncitizens to
17 apply to become citizens of the United States;

18 (2) make such outreach materials available
19 through—

20 (A) public service announcements;

21 (B) advertisements; and

22 (C) such other media as the Secretary con-
23 siders appropriate; and

24 (3) conduct outreach activities targeted to non-
25 citizens eligible to apply for naturalization, including

1 communication by text, email, and the United States
2 Postal Service, that provides, on paper or in elec-
3 tronic form—

4 (A) notice that the individual is possibly el-
5 igible to apply for naturalization;

6 (B) information about the requirements of
7 United States citizenship;

8 (C) information about the benefits of
9 United States citizenship;

10 (D) a pre-filled naturalization application
11 containing the data the agency already has
12 about the individual;

13 (E) instructions on how to complete the
14 application; and

15 (F) resources for free or low-cost assist-
16 ance with applying for naturalization and pre-
17 paring for the English and civics exams.

18 **SEC. 3514. AUTHORIZATION OF APPROPRIATIONS FOR**
19 **FOUNDATION AND PILOT PROGRAM.**

20 (a) IN GENERAL.—There are authorized to be appro-
21 priated for the first 2 fiscal years after the date of the
22 enactment of this Act such sums as may be necessary to
23 establish the Foundation and carry out the pilot program
24 under section 3502.

1 (b) USE OF FUNDS.—Amounts appropriated to es-
2 tablish the Foundation and carry out the pilot program
3 under section 3502 may be invested, and any amounts re-
4 sulting from such investments shall remain available for
5 the operations of the Foundation and the pilot program
6 without further appropriation.

7 **TITLE IV—IMMIGRATION**
8 **COURTS, FAMILY VALUES,**
9 **AND VULNERABLE INDIVID-**
10 **UALS**

11 **Subtitle A—Promoting Efficient**
12 **Processing of Asylum Seekers,**
13 **Addressing Immigration Court**
14 **Backlogs, and Efficiently Repa-**
15 **triating Migrants Ordered Re-**
16 **moved**

17 **SEC. 4101. EXPANDING ALTERNATIVES TO DETENTION.**

18 (a) FAMILY CASE MANAGEMENT PROGRAM.—The
19 Secretary shall—

20 (1) expand the use of the family case manage-
21 ment program (described in section 218 of the De-
22 partment of Homeland Security Appropriations Act,
23 2020 (8 U.S.C. 1378a)) for apprehended noncitizens
24 who are members of family units arriving in the
25 United States; and

1 (2) develop additional community-based pro-
2 grams to increase the number of enrollees in the al-
3 ternatives to detention program.

4 (b) **NONPROFIT ENTITY CONTRACTING PARTNER.**—
5 The Secretary shall contract with qualified nonprofit enti-
6 ties for the operation of the alternatives to detention pro-
7 gram, including the family case management program and
8 other community-based programs described in subsection
9 (a).

10 (c) **LEGAL ORIENTATION.**—The Secretary shall en-
11 sure that enrollees in the alternatives to detention pro-
12 gram, including the family case management program and
13 other community-based programs described in subsection
14 (a), are provided a legal orientation consistent with the
15 program elements described in section 4105(a)(2).

16 **SEC. 4102. ELIMINATING IMMIGRATION COURT BACKLOGS.**

17 (a) **ADDRESSING IMMIGRATION JUDGE SHORT-**
18 **AGES.**—The Attorney General shall increase the total
19 number of immigration judges by not fewer than 55
20 judges during each of fiscal years 2025, 2026, 2027, and
21 2028.

22 (b) **QUALIFICATIONS AND SELECTION.**—The Attor-
23 ney General shall—

1 (1) ensure that all newly hired immigration
2 judges and members of the Board of Immigration
3 Appeals are—

4 (A) highly qualified experts on immigration
5 law; and

6 (B) trained to conduct fair, impartial adju-
7 dications in accordance with applicable due
8 process requirements; and

9 (2) with respect to immigration judges and
10 members of the Board of Immigration Appeals, to
11 the extent practicable, strive to achieve an equal nu-
12 merical balance in the hiring of candidates with Gov-
13 ernment experience in immigration and candidates
14 with sufficient knowledge or experience in immigra-
15 tion in the private sector, including nonprofit, pri-
16 vate bar, or academic experience.

17 (c) ADDRESSING SUPPORT STAFF SHORTAGES.—
18 Subject to the availability of funds made available in ad-
19 vance in appropriations Acts, the Attorney General shall
20 ensure that each immigration judge has sufficient support
21 staff, adequate technological and security resources, and
22 appropriate courtroom facilities.

23 (d) ADDITIONAL BOARD OF IMMIGRATION APPEALS
24 PERSONNEL.—The Attorney General shall increase the
25 number of Board of Immigration Appeals staff attorneys

1 (including necessary additional support staff) to efficiently
2 process cases by not fewer than 23 attorneys during each
3 of fiscal years 2025, 2026, and 2027.

4 (e) GAO REPORT.—The Comptroller General of the
5 United States shall—

6 (1) conduct a study of the impediments to effi-
7 cient hiring of immigration court judges within the
8 Department of Justice; and

9 (2) propose solutions to Congress for improving
10 the efficiency of the hiring process.

11 **SEC. 4103. IMPROVED TRAINING FOR IMMIGRATION**
12 **JUDGES AND MEMBERS OF THE BOARD OF**
13 **IMMIGRATION APPEALS.**

14 (a) IN GENERAL.—To ensure efficient and fair pro-
15 ceedings, the Director of the Executive Office for Immi-
16 gration Review shall establish or expand, as applicable,
17 training programs for immigration judges and members
18 of the Board of Immigration Appeals.

19 (b) MANDATORY TRAINING.—Training referred to
20 under subsection (a) shall include the following:

21 (1) Expansion of the training program for new
22 immigration judges and members of the Board of
23 Immigration Appeals to include age sensitivity, gen-
24 der sensitivity, and trauma sensitivity.

1 (2) Continuing education regarding current de-
2 velopments in immigration law, including through
3 regularly available training resources and an annual
4 conference.

5 (3) Training on properly crafting and dictating
6 decisions and standards of review, including im-
7 proved on-bench reference materials and decision
8 templates.

9 **SEC. 4104. NEW TECHNOLOGY TO IMPROVE COURT EFFI-**
10 **CIENCY.**

11 The Director of the Executive Office for Immigration
12 Review shall modernize its case management, video-tele-
13 conferencing, digital audio recording, and related elec-
14 tronic and computer-based systems, including by allowing
15 for electronic filing, to improve efficiency in the processing
16 of immigration proceedings.

17 **SEC. 4105. COURT APPEARANCE COMPLIANCE AND LEGAL**
18 **ORIENTATION.**

19 (a) **ACCESS TO LEGAL ORIENTATION PROGRAMS TO**
20 **ENSURE COURT APPEARANCE COMPLIANCE.—**

21 (1) **IN GENERAL.—**The Secretary, in consulta-
22 tion with the Attorney General, shall establish proce-
23 dures to ensure that legal orientation programs are
24 available for all noncitizens detained by the Sec-
25 retary.

1 (2) PROGRAM ELEMENTS.—Programs under
2 paragraph (1) shall provide information to nonciti-
3 zens regarding the following:

4 (A) The basic procedures of immigration
5 hearings.

6 (B) The rights and obligations of nonciti-
7 zens relating to immigration hearings, including
8 the consequences of filing frivolous legal claims
9 and of failing to appear for proceedings.

10 (C) Legal protections available to nonciti-
11 zens and the procedures for requesting such
12 protections.

13 (D) Legal resources available to nonciti-
14 zens and lists of potential legal services pro-
15 viders.

16 (E) Any other subject the Attorney Gen-
17 eral considers necessary and appropriate.

18 (3) ELIGIBILITY.—A noncitizen shall be given
19 access to legal orientation programs under this sub-
20 section regardless of the noncitizen's current immi-
21 gration status, prior immigration history, or poten-
22 tial for immigration relief.

23 (b) EXPANSION OF THE INFORMATION HELP DESK
24 PROGRAM FOR NONDETAINED NONCITIZENS IN REMOVAL
25 PROCEEDINGS.—The Attorney General shall expand the

1 information help desk program to all immigration courts
2 so as to provide noncitizens who are not detained and who
3 have pending asylum claims access to information relating
4 to their immigration status.

5 **SEC. 4106. IMPROVING COURT EFFICIENCY AND REDUCING**
6 **COSTS BY INCREASING ACCESS TO LEGAL IN-**
7 **FORMATION.**

8 (a) APPOINTMENT OF COUNSEL IN CERTAIN CASES;
9 RIGHT TO REVIEW CERTAIN DOCUMENTS IN REMOVAL
10 PROCEEDINGS.—Section 240(b) of the Immigration and
11 Nationality Act (8 U.S.C. 1229a(b)) is amended—

12 (1) in paragraph (4)—

13 (A) in subparagraph (A)—

14 (i) by striking “, at no expense to the
15 Government,”; and

16 (ii) by striking the comma at the end
17 and inserting a semicolon;

18 (B) by redesignating subparagraphs (B)
19 and (C) as subparagraphs (D) and (E), respec-
20 tively;

21 (C) by inserting after subparagraph (A)
22 the following:

23 “(B) the Attorney General may appoint or
24 provide counsel, at Government expense, to
25 noncitizens in immigration proceedings;

1 “(C) at the beginning of the proceedings or
2 as expeditiously as possible thereafter, a noncit-
3 izen shall receive a complete copy of all relevant
4 documents in the possession of the Department
5 of Homeland Security, including all documents
6 (other than documents protected from disclo-
7 sure by privilege, including national security in-
8 formation referred to in subparagraph (D), law
9 enforcement-sensitive information, and informa-
10 tion prohibited from disclosure pursuant to any
11 other provision of law) contained in the file
12 maintained by the Government, including infor-
13 mation with respect to all transactions involving
14 the noncitizen during the immigration process
15 (commonly referred to as an ‘A-file’) and all
16 documents pertaining to the noncitizen that the
17 Department of Homeland Security has obtained
18 or received from other government agencies, un-
19 less the noncitizen waives the right to receive
20 such documents by executing a knowing and
21 voluntary written waiver in a language that he
22 or she understands;” and

23 (D) in subparagraph (D), as redesignated,
24 by striking “, and” and inserting “; and”; and
25 (2) by adding at the end the following:

1 “(8) FAILURE TO PROVIDE NONCITIZEN RE-
2 QUIRED DOCUMENTS.—In the absence of a written
3 waiver under paragraph (4)(C), a removal pro-
4 ceeding may not proceed until the noncitizen—

5 “(A) has received the documents as re-
6 quired under such paragraph; and

7 “(B) has been provided meaningful time to
8 review and assess such documents.”.

9 (b) RIGHT TO COUNSEL.—

10 (1) IN GENERAL.—Section 292 of the Immigra-
11 tion and Nationality Act (8 U.S.C. 1362) is amend-
12 ed to read as follows:

13 **“SEC. 292. RIGHT TO COUNSEL.**

14 “(a) IN GENERAL.—In any proceeding conducted
15 under section 235, 236, 238, 240, 241, or any other sec-
16 tion of this Act, and in any appeal proceedings before the
17 Attorney General from any such proceedings, the noncit-
18 izen concerned shall have the privilege of being rep-
19 resented by such counsel authorized to practice in such
20 proceedings, as the noncitizen shall choose.

21 “(b) ACCESS TO COUNSEL.—

22 “(1) IN GENERAL.—The Attorney General may
23 appoint or provide counsel to a noncitizen in any
24 proceeding conducted under section 235, 236, 238,
25 240, or 241 or any other section of this Act.

1 “(2) DETENTION AND BORDER FACILITIES.—

2 The Secretary of Homeland Security shall ensure
3 that noncitizens have access to counsel inside all im-
4 migration detention and border facilities.

5 “(c) CHILDREN AND VULNERABLE INDIVIDUALS.—

6 Notwithstanding subsection (b), at the beginning of pro-
7 ceedings or as expeditiously as possible, the Attorney Gen-
8 eral shall appoint, at the expense of the Government,
9 counsel to represent any noncitizen financially unable to
10 obtain adequate representation in such proceedings, in-
11 cluding any noncitizen who has been determined by the
12 Secretary of Homeland Security or the Attorney General
13 to be—

14 “(1) a child;

15 “(2) a particularly vulnerable individual, includ-
16 ing—

17 “(A) a person with a disability;

18 “(B) a victim of abuse, torture, or violence;

19 and

20 “(C) a pregnant or lactating woman; or

21 “(3) the parent of a United States citizen
22 minor.

23 “(d) EXTENSION TO CONSOLIDATED CASES.—If the
24 Attorney General has consolidated the case of any noncit-
25 izen for whom counsel was appointed under subsection (c)

1 with that of any other noncitizen, and such other noncit-
2 izen does not have counsel, the counsel appointed under
3 subsection (c) shall be appointed to represent such other
4 noncitizen unless there is a demonstrated conflict of inter-
5 est.”.

6 (2) RULEMAKING.—Not later than 180 days
7 after the date of enactment of this Act, the Attorney
8 General shall promulgate regulations to implement
9 subsection (c) of section 292 of the Immigration and
10 Nationality Act, as added by paragraph (1).

11 (c) IMMIGRATION COUNSEL FUND.—

12 (1) IN GENERAL.—Chapter 9 of title II of the
13 Immigration and Nationality Act (8 U.S.C. 1351 et
14 seq.) is amended by adding at the end the following:

15 **“SEC. 295. IMMIGRATION COUNSEL FUND.**

16 “(a) IN GENERAL.—There is established in the gen-
17 eral fund of the Treasury a separate account to be known
18 as the ‘Immigration Counsel Fund’.

19 “(b) DEPOSITS.—Notwithstanding any other provi-
20 sion of this Act, there shall be deposited as offsetting re-
21 ceipts into the Immigration Counsel Account all sur-
22 charges collected under subsection (c) for the purpose of
23 providing access to counsel as required or authorized
24 under this Act, to remain available until expended.

1 “(c) SURCHARGE.—In any case in which a fee is
2 charged pursuant to the immigration laws, a surcharge of
3 \$25 shall be imposed and collected.

4 “(d) REPORT.—Not later than 2 years after the date
5 of the enactment of this section, and biennially thereafter,
6 the Secretary of Homeland Security shall submit to Con-
7 gress a report on the status of the Immigration Counsel
8 Account, including—

9 “(1) the balance in the Immigration Counsel
10 Account; and

11 “(2) any recommendation with respect to modi-
12 fications to the surcharge under subsection (c) nec-
13 essary to ensure that the receipts collected for the
14 subsequent 2 years equal, as closely as possible, the
15 cost of providing access to counsel as required or au-
16 thorized under this Act.”.

17 (2) 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 294 the following:

“Sec. 295. Immigration Counsel Fund.”.

21 (d) MOTIONS TO REOPEN.—Section 240(c)(7)(C) of
22 the Immigration and Nationality Act (8 U.S.C.
23 1229a(c)(7)(C)) is amended by adding at the end the fol-
24 lowing:

1 “(v) SPECIAL RULE FOR CHILDREN
2 AND OTHER VULNERABLE NONCITIZENS.—
3 If the Attorney General fails to appoint
4 counsel for a noncitizen in violation of sec-
5 tion 292(c)—

6 “(I) no limitation under this
7 paragraph with respect to the filing of
8 any motion to reopen shall apply to
9 the noncitizen; and

10 “(II) the filing of a motion to re-
11 open by the noncitizen shall stay the
12 removal of the noncitizen.”.

13 **SEC. 4107. FACILITATING SAFE AND EFFICIENT REPATRI-**
14 **ATION.**

15 (a) UNITED STATES SUPPORT FOR REINTEGRA-
16 TION.—The Secretary of State, in consultation with the
17 Secretary and the Administrator of the United States
18 Agency for International Development, shall coordinate
19 with the governments of El Salvador, Guatemala, Hon-
20 duras, and any other country in Central America the Sec-
21 retary of State considers appropriate, to promote the suc-
22 cessful reintegration of families, unaccompanied noncit-
23 izen children, and other noncitizens repatriated to their
24 countries of origin by assisting in the development and
25 funding of programs in such countries that—

1 (1) provide comprehensive reintegration services
2 at the municipal level for repatriated noncitizens, in-
3 cluding family reunification and access to medical
4 and psychosocial services;

5 (2) support the establishment of educational
6 and vocational centers for repatriated noncitizens
7 that provide skills training relevant to national and
8 local economic needs;

9 (3) promote the hiring of repatriated nonciti-
10 zens in the private sector, including through stra-
11 tegic partnerships with specific industries and busi-
12 nesses;

13 (4) support the issuance of appropriate docu-
14 ments to repatriated noncitizens, including identi-
15 fication documents, documents relating to edu-
16 cational attainment, and documents certifying skill
17 attainment; and

18 (5) monitor repatriated unaccompanied noncit-
19 izen children to ensure their adequate screening and
20 processing in the United States.

21 (b) ELIGIBILITY OF CITIZENS AND NATIONALS OF
22 REPATRIATION COUNTRY.—Paragraphs (1), (2), and (3)
23 of subsection (a) shall not necessarily exclude citizens or
24 nationals of the countries of origin.

1 (c) CONSULTATION WITH NONGOVERNMENTAL OR-
2 GANIZATIONS.—In assisting in the development of pro-
3 grams under subsection (a), the Secretary of State shall
4 consult with nongovernmental organizations in the coun-
5 tries concerned and in the United States that have experi-
6 ence in—

7 (1) integrating repatriated individuals and fam-
8 ilies;

9 (2) protecting and ensuring the welfare of unac-
10 companied noncitizen children; and

11 (3) promoting economic development and skills
12 acquisition.

13 **Subtitle B—Protecting Family Val-**
14 **ues and Monitoring and Caring**
15 **for Unaccompanied Noncitizen**
16 **Children After Arrival**

17 **SEC. 4201. DEFINITION OF LOCAL EDUCATIONAL AGENCY.**

18 In this subtitle, the term “local educational agency”
19 has the meaning given the term in section 8101 of the
20 Elementary and Secondary Education Act of 1965 (20
21 U.S.C. 7801).

1 **SEC. 4202. RESPONSIBILITY OF SPONSOR FOR IMMIGRA-**
2 **TION COURT COMPLIANCE AND CHILD WELL-**
3 **BEING.**

4 (a) IN GENERAL.—The Secretary of Health and
5 Human Services, in consultation with the Attorney Gen-
6 eral, shall establish procedures to ensure that a legal ori-
7 entation program is provided to each sponsor (including
8 parents, legal guardians, and close relatives) of an unac-
9 companied noncitizen child before the unaccompanied non-
10 citizen child is placed with the sponsor.

11 (b) PROGRAM ELEMENTS.—A program under sub-
12 section (a) shall provide information to sponsors regarding
13 each of the following:

14 (1) The basic procedures of immigration hear-
15 ings.

16 (2) The rights and obligations of the unaccom-
17 panied noncitizen child relating to immigration hear-
18 ings, including the consequences of filing frivolous
19 legal claims and of failing to appear for proceedings.

20 (3) The obligation of the sponsor—

21 (A) to ensure that the unaccompanied non-
22 citizen child appears at immigration court pro-
23 ceedings;

24 (B) to notify the court of any change of
25 address of the unaccompanied noncitizen child
26 and other relevant information; and

1 (C) to address the needs of the unaccom-
2 panied noncitizen child, including providing ac-
3 cess to health care and enrolling the child in an
4 educational institution.

5 (4) Legal protections available to unaccom-
6 panied noncitizen children and the procedures for re-
7 questing such protections.

8 (5) Legal resources available to unaccompanied
9 noncitizen children and lists of potential legal serv-
10 ices providers.

11 (6) The importance of reporting potential child
12 traffickers and other persons seeking to victimize or
13 exploit unaccompanied noncitizen children, or other-
14 wise engage such unaccompanied noncitizen children
15 in criminal, harmful, or dangerous activity.

16 (7) Any other subject the Secretary of Health
17 and Human Services or the Attorney General con-
18 siders necessary and appropriate.

19 **SEC. 4203. FUNDING TO SCHOOL DISTRICTS FOR UNACCOM-**
20 **PANIED NONCITIZEN CHILDREN.**

21 (a) GRANTS AUTHORIZED.—The Secretary of Edu-
22 cation shall award grants, on a competitive basis, to eligi-
23 ble local educational agencies or consortia of neighboring
24 local educational agencies described in subsection (b), to
25 enable the local educational agencies or consortia to en-

1 hance opportunities for, and provide services to, immi-
2 grant children, including unaccompanied noncitizen chil-
3 dren, in the area served by the local educational agencies
4 or consortia.

5 (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

6 (1) IN GENERAL.—A local educational agency
7 or a consortium of neighboring local educational
8 agencies is eligible for a grant under subsection (a)
9 if, during the fiscal year for which a grant is award-
10 ed under this section, there are 50 or more unac-
11 companied noncitizen children enrolled in the public
12 schools served by the local educational agency or the
13 consortium.

14 (2) DETERMINATIONS OF NUMBER OF UNAC-
15 COMPANIED NONCITIZEN CHILDREN.—The Secretary
16 of Education shall determine the number of unac-
17 companied noncitizen children for purposes of para-
18 graph (1) based on the most accurate data available
19 that is provided to the Secretary of Education by the
20 Director of the Office of Refugee Resettlement or
21 the Department of Homeland Security.

22 (c) APPLICATIONS.—A local educational agency or a
23 consortia of neighboring local educational agencies desir-
24 ing a grant under this section shall submit an application
25 to the Secretary of Education at such time, in such man-

1 ner, and containing such information as the Secretary of
2 Education may require, including a description of how the
3 grant will be used to enhance opportunities for, and pro-
4 vide services to, immigrant children and youth (including
5 unaccompanied noncitizen children) and their families.

6 **SEC. 4204. SCHOOL ENROLLMENT.**

7 To be eligible for funding under the Elementary and
8 Secondary Education Act of 1965 (20 U.S.C. 6301 et
9 seq.), a local educational agency shall take measures—

10 (1) to ensure that an unaccompanied noncitizen
11 child in the area served by the local educational
12 agency is enrolled in school not later than 7 days
13 after the date on which a request for enrollment is
14 made; and

15 (2) to remove barriers to enrollment and full
16 participation in educational programs and services
17 offered by the local educational agency for unaccom-
18 panied noncitizen children (including barriers related
19 to documentation, age, and language), which shall
20 include reviewing and revising policies that may have
21 a negative effect on unaccompanied noncitizen chil-
22 dren.

1 **Subtitle C—Admission and Protec-**
2 **tion of Refugees, Asylum Seek-**
3 **ers, and Other Vulnerable Indi-**
4 **viduals**

5 **SEC. 4301. ELIMINATION OF TIME LIMITS ON ASYLUM AP-**
6 **PLICATIONS.**

7 Section 208(a)(2) of the Immigration and Nationality
8 Act (8 U.S.C. 1158(a)(2)) is amended—

9 (1) in subparagraph (A), by inserting “or the
10 Secretary” after “Attorney General” each place it
11 appears;

12 (2) by striking subparagraphs (B) and (D);

13 (3) by redesignating subparagraph (C) as sub-
14 paragraph (B);

15 (4) in subparagraph (B), as redesignated, by
16 striking “subparagraph (D)” and inserting “sub-
17 paragraphs (C) and (D)”; and

18 (5) by inserting after subparagraph (B), as re-
19 designated, the following:

20 “(C) **CHANGED CIRCUMSTANCES.**—Not-
21 withstanding subparagraph (B), an application
22 for asylum of a noncitizen may be considered if
23 the noncitizen demonstrates, to the satisfaction
24 of the Attorney General or the Secretary, the

1 existence of changed circumstances that materi-
2 ally affect the noncitizen’s eligibility for asylum.

3 “(D) MOTION TO REOPEN CERTAIN MERI-
4 TORIOUS CLAIMS.—Notwithstanding subpara-
5 graph (B) of section 240(c)(7), during the 2-
6 year period beginning on the date of the enact-
7 ment of this Act, a noncitizen may file a motion
8 to reopen an asylum claim or a motion to re-
9 open removal proceedings to reapply for asylum
10 as relief from removal if the noncitizen—

11 “(i) was denied asylum based solely
12 on a failure to meet the 1-year application
13 filing deadline in effect on the date on
14 which the application was filed;

15 “(ii) was granted withholding of re-
16 moval to the noncitizen’s country of na-
17 tionality (or, in the case of a person having
18 no nationality, to the country of last habit-
19 ual residence) under section 241(b)(3);

20 “(iii) has not obtained lawful perma-
21 nent residence in the United States pursu-
22 ant to any other provision of law;

23 “(iv) is not subject to the safe third
24 country exception under subparagraph (A)

1 or to a bar to asylum under subsection
2 (b)(2); and

3 “(v) was not denied asylum as a mat-
4 ter of discretion.”.

5 **SEC. 4302. INCREASING ANNUAL NUMERICAL LIMITATION**
6 **ON U VISAS.**

7 Section 214(p) of the Immigration and Nationality
8 Act (8 U.S.C. 1184(p)) is amended in paragraph (2)(A)
9 by striking “10,000” and inserting “30,000”.

10 **SEC. 4303. EMPLOYMENT AUTHORIZATION FOR ASYLUM**
11 **SEEKERS AND OTHER INDIVIDUALS.**

12 (a) ASYLUM SEEKERS.—Section 208(d)(2) of the Im-
13 migration and Nationality Act (8 U.S.C. 1158(d)(2)) is
14 amended to read as follows:

15 “(2) EMPLOYMENT AUTHORIZATION.—

16 “(A) ELIGIBILITY.—The Secretary of
17 Homeland Security shall authorize employment
18 for an applicant for asylum who is not in deten-
19 tion and whose application for asylum has not
20 been determined to be frivolous.

21 “(B) APPLICATION.—

22 “(i) IN GENERAL.—An applicant for
23 asylum (unless otherwise eligible for em-
24 ployment authorization) shall not be grant-
25 ed employment authorization under this

1 paragraph until the end of a period of days
2 determined by the Secretary of Homeland
3 Security by regulation, but which shall not
4 exceed 180 days, after the filing of the ap-
5 plication for asylum.

6 “(ii) DATE OF FILING.—For purposes
7 of this subparagraph, an application for
8 asylum shall be considered to be filed on
9 the date on which the applicant submits
10 the application to the Secretary of Home-
11 land Security or the Attorney General, as
12 applicable.

13 “(C) TERM.—Employment authorization
14 for an applicant for asylum shall be valid until
15 the date on which there is a final denial of the
16 asylum application, including any administra-
17 tive or judicial review.”.

18 (b) INDIVIDUALS GRANTED WITHHOLDING OF RE-
19 MOVAL OR APPLYING FOR WITHHOLDING OF REMOVAL.—
20 Section 241(b)(3) of the Immigration and Nationality Act
21 (8 U.S.C. 1231(b)(3)) is amended by adding at the end
22 the following:

23 “(D) EMPLOYMENT AUTHORIZATION.—

24 “(i) IN GENERAL.—The Secretary of
25 Homeland Security shall authorize employ-

1 ment for a noncitizen who is not in deten-
2 tion and who has been granted—

3 “**(I)** withholding of removal
4 under this paragraph; or

5 “**(II)** withholding or deferral of
6 removal under the Convention against
7 Torture and Other Cruel, Inhuman or
8 Degrading Treatment or Punishment,
9 done at New York December 10,
10 1984.

11 “(ii) **TERM.**—Employment authoriza-
12 tion for a noncitizen described in clause (i)
13 shall be—

14 “(I) valid for a period of 2 years;
15 and

16 “(II) renewable for additional 2-
17 year periods for the duration of such
18 withholding or deferral of removal sta-
19 tus.”.

20 “(iii) **APPLICANT ELIGIBILITY.**—

21 “(I) **IN GENERAL.**—The Sec-
22 retary of Homeland Security shall au-
23 thorize employment for a noncitizen
24 who is not in detention, and whose ap-
25 plication for withholding of removal

1 under this paragraph or withholding
2 or deferral of removal under the Con-
3 vention against Torture and Other
4 Cruel, Inhuman or Degrading Treat-
5 ment or Punishment, done at New
6 York December 10, 1984, has not
7 been determined to be frivolous.

8 “(II) APPLICATION.—

9 “(aa) IN GENERAL.—A non-
10 citizen described in subclause (I)
11 shall not be granted employment
12 authorization under this clause
13 until the end of a period of days
14 determined by the Secretary of
15 Homeland Security by regulation,
16 but which shall not exceed 180
17 days, after the filing of an appli-
18 cation described in such sub-
19 clause.

20 “(bb) DATE OF FILING.—

21 For purposes of this clause, an
22 application under subclause (I)
23 shall be considered to be filed on
24 the date on which the applicant

1 submits the application to the At-
2 torney General.

3 “(III) TERM.—Employment au-
4 thorization for a noncitizen described
5 in subclause (I) shall be valid until
6 the date on which there is a final de-
7 nial of the application under subclause
8 (I), including any administrative or
9 judicial review.”.

10 **SEC. 4304. ENHANCED PROTECTION FOR INDIVIDUALS**
11 **SEEKING T VISAS, U VISAS, AND PROTECTION**
12 **UNDER VAWA.**

13 (a) EMPLOYMENT AUTHORIZATION FOR T VISA AP-
14 PPLICANTS.—Section 214(o) (8 U.S.C. 1184(o)) is amend-
15 ed by adding at the end the following:

16 “(8) Notwithstanding any provision of this Act
17 relating to eligibility for employment in the United
18 States, the Secretary of Homeland Security shall
19 grant employment authorization to a noncitizen who
20 has filed a nonfrivolous application for non-
21 immigrant status under section 101(a)(15)(T),
22 which authorization shall begin on the date that is
23 the earlier of—

24 “(A) the date on which the noncitizen’s ap-
25 plication for such status is approved; or

1 “(B) a date determined by the Secretary
2 that is not later than 180 days after the date
3 on which the noncitizen filed the application.”.

4 (b) INCREASED ACCESSIBILITY AND EMPLOYMENT
5 AUTHORIZATION FOR U VISA APPLICANTS.—Section
6 214(p) of the Immigration and Nationality Act (8 U.S.C.
7 1184(p)) is amended—

8 (1) in paragraph (6), by striking the last sen-
9 tence; and

10 (2) by adding at the end the following:

11 “(8) EMPLOYMENT AUTHORIZATION.—Notwith-
12 standing any provision of this Act relating to eligi-
13 bility for employment in the United States, the Sec-
14 retary of Homeland Security shall grant employment
15 authorization to a noncitizen who has filed an appli-
16 cation for nonimmigrant status under section
17 101(a)(15)(U), which authorization shall begin on
18 the date that is the earlier of—

19 “(A) the date on which the noncitizen’s pe-
20 tition for such status is approved; or

21 “(B) a date determined by the Secretary
22 that is not later than 180 days after the date
23 on which the noncitizen filed the petition.”.

24 (c) PROHIBITION ON REMOVAL OF CERTAIN VICTIMS
25 WITH PENDING PETITIONS AND APPLICATIONS.—

1 (1) IN GENERAL.—Section 240 of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1229a) is amend-
3 ed—

4 (A) by redesignating subsection (e) as sub-
5 section (f); and

6 (B) by inserting after subsection (d) the
7 following:

8 “(e) PROHIBITION ON REMOVAL OF CERTAIN VIC-
9 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—

10 “(1) IN GENERAL.—A noncitizen described in
11 paragraph (2) shall not be removed from the United
12 States under this section or any other provision of
13 law until the date on which there is a final denial
14 of the noncitizen’s application for status, including
15 any administrative or judicial review.

16 “(2) NONCITIZENS DESCRIBED.—A noncitizen
17 described in this paragraph is a noncitizen who—

18 “(A) has a pending nonfrivolous applica-
19 tion or petition under—

20 “(i) subparagraph (T) or (U) of sec-
21 tion 101(a)(15);

22 “(ii) section 106;

23 “(iii) section 240A(b)(2); or

24 “(iv) section 244(a)(3) (as in effect on
25 March 31, 1997); or

1 “(B) is a VAWA self-petitioner, as defined
2 in section 101(a)(51), and has a pending appli-
3 cation for relief under a provision referred to in
4 any of subparagraphs (A) through (G) of such
5 section.”.

6 (2) CONFORMING AMENDMENT.—Section
7 240(b)(7) of the Immigration and Nationality Act (8
8 U.S.C. 1229a(b)(7)) is amended by striking “sub-
9 section (e)(1)” and inserting “subsection (f)(1)”.

10 (d) PROHIBITION ON DETENTION OF CERTAIN VIC-
11 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—
12 Section 236 of the Immigration and Nationality Act (8
13 U.S.C. 1226) is amended by adding at the end the fol-
14 lowing:

15 “(f) DETENTION OF CERTAIN VICTIMS WITH PEND-
16 ING PETITIONS AND APPLICATIONS.—

17 “(1) PRESUMPTION OF RELEASE.—

18 “(A) IN GENERAL.—Notwithstanding any
19 other provision of this Act, there shall be a pre-
20 sumption that a noncitizen described in para-
21 graph (2) should be released from detention.

22 “(B) REBUTTAL.—The Secretary of
23 Homeland Security may rebut the presumption
24 of release based on clear and convincing evi-

1 dence, including credible and individualized in-
2 formation, that—

3 “(i) the use of alternatives to deten-
4 tion will not reasonably ensure the appear-
5 ance of the noncitizen at removal pro-
6 ceedings; or

7 “(ii) the noncitizen is a threat to an-
8 other person or the community.

9 “(C) PENDING CRIMINAL CHARGE.—A
10 pending criminal charge against a noncitizen
11 may not be the sole factor to justify the contin-
12 ued detention of the noncitizen.

13 “(2) NONCITIZEN DESCRIBED.—A noncitizen
14 described in this paragraph is a noncitizen who—

15 “(A) has a pending application, which has
16 not been found to be frivolous, under—

17 “(i) subparagraph (T) or (U) of sec-
18 tion 101(a)(15);

19 “(ii) section 106;

20 “(iii) section 240A(b)(2); or

21 “(iv) section 244(a)(3) (as in effect on
22 March 31, 1997); or

23 “(B) is a VAWA self-petitioner, as defined
24 in section 101(a)(51), has a pending petition
25 for relief, and can demonstrate prima facie eli-

1 gibility under a provision referred to in any of
2 subparagraphs (A) through (G) of such sec-
3 tion.”.

4 **SEC. 4305. ALTERNATIVES TO DETENTION.**

5 Section 236 of the Immigration and Nationality Act
6 (8 U.S.C. 1226), as amended by section 4304, is further
7 amended by adding at the end the following:

8 “(g) ALTERNATIVES TO DETENTION.—

9 “(1) IN GENERAL.—The Secretary of Homeland
10 Security shall establish programs that provide alter-
11 natives to detaining noncitizens, which shall offer a
12 continuum of supervision mechanisms and options,
13 including community-based supervision programs
14 and community support.

15 “(2) CONTRACTS WITH NONGOVERNMENTAL
16 ORGANIZATIONS.—The Secretary of Homeland Secu-
17 rity may contract with nongovernmental community-
18 based organizations to provide services for programs
19 under paragraph (1), including case management
20 services, appearance assistance services, and screen-
21 ing of detained noncitizens.”.

22 **SEC. 4306. NOTIFICATION OF PROCEEDINGS.**

23 (a) WRITTEN RECORD OF ADDRESS.—Section 239(a)
24 of the Immigration and Nationality Act (8 U.S.C.
25 1229(a)) is amended—

1 (1) in paragraph (1)(F), by inserting “the Sec-
2 retary of Homeland Security or” before “the Attor-
3 ney General” each place such term appears; and

4 (2) in paragraph (2)(A) by striking “the noncit-
5 izen or to the noncitizen’s counsel of record” and in-
6 serting “the noncitizen and to the noncitizen’s coun-
7 sel of record”.

8 **SEC. 4307. CONVERSION OF CERTAIN PETITIONS.**

9 Section 2 of Public Law 110–242 (8 U.S.C. 1101
10 note) is amended by striking subsection (b) and inserting
11 the following:

12 “(b) DURATION.—The authority under subsection (a)
13 shall expire on the date on which the numerical limitation
14 specified under section 1244(c) of the National Defense
15 Authorization Act for Fiscal Year 2008 (Public Law 110–
16 181; 8 U.S.C. 1157 note) is reached.”.

17 **SEC. 4308. IMPROVEMENTS TO APPLICATION PROCESS FOR**
18 **AFGHAN SPECIAL IMMIGRANT VISAS.**

19 Subsection (b) of section 602 of the Afghan Allies
20 Protection Act of 2009 (8 U.S.C. 1101 note) is amend-
21 ed—

22 (1) in paragraph (2)(A)(ii), by inserting “for
23 the first time” after “September 30, 2015”; and

1 (2) in paragraph (4)(A), by inserting “, includ-
2 ing Chief of Mission approval,” after “so that all
3 steps”.

4 **SEC. 4309. SPECIAL IMMIGRANT STATUS FOR CERTAIN SUR-**
5 **VIVING SPOUSES AND CHILDREN.**

6 (a) IN GENERAL.—Section 101(a)(27)(D) of the Im-
7 migration and Nationality Act (8 U.S.C. 1101(a)(27)(D))
8 is amended—

9 (1) by striking “an immigrant who is an em-
10 ployee” and inserting the following: “an immigrant
11 who—

12 “(i) is an employee”; and

13 (2) by striking “grant such status;” and insert-
14 ing the following: “grant such status; or

15 “(ii) is the surviving spouse or child
16 of an employee of the United States Gov-
17 ernment abroad: *Provided*, That the em-
18 ployee performed faithful service for a total
19 of not less than 15 years or was killed in
20 the line of duty;”.

21 (b) SPECIAL IMMIGRANT STATUS FOR SURVIVING
22 SPOUSES AND CHILDREN.—

23 (1) IN GENERAL.—Section 602(b)(2)(C) of the
24 Afghan Allies Protection Act of 2009 (8 U.S.C.
25 1101 note) is amended—

1 (A) in clause (ii), by redesignating sub-
2 clauses (I) and (II) as items (aa) and (bb), re-
3 spectively;

4 (B) by redesignating clauses (i) and (ii) as
5 subclauses (I) and (II), respectively, and mov-
6 ing such subclauses 2 ems to the right;

7 (C) in the matter preceding subclause (I),
8 as redesignated, by striking “An alien is de-
9 scribed” and inserting the following:

10 “(i) IN GENERAL.—A noncitizen is de-
11 scribed”;

12 (D) in clause (i)(I), as redesignated, by
13 striking “who had a petition for classification
14 approved” and inserting “who had submitted
15 an application to the Chief of Mission”; and

16 (E) by adding at the end the following:

17 “(ii) EMPLOYMENT REQUIREMENTS.—
18 An application by a surviving spouse or
19 child of a principal noncitizen shall be sub-
20 ject to employment requirements set forth
21 in subparagraph (A) as of the date of the
22 principal noncitizen’s filing of an applica-
23 tion for the first time, or if no application
24 has been filed, the employment require-

1 ments as of the date of the principal non-
2 citizen’s death.”.

3 (2) CONFORMING AMENDMENTS.—Section 602
4 of the Afghan Allies Protection Act of 2009 (8
5 U.S.C. 1101 note) is amended—

6 (A) in the paragraph and subparagraph
7 headings, by striking “ALIENS” each place it
8 appears and inserting “NONCITIZENS”;

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

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

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

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

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

19 (c) SPECIAL IMMIGRANT STATUS FOR CERTAIN
20 IRAQIS.—

21 (1) IN GENERAL.—Section 1244(b)(3) of the
22 Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157
23 note) is amended—

24 (A) by striking “described in subsection
25 (b)” and inserting “in this subsection”;

1 (B) in subparagraph (B), by redesignating
2 clauses (i) and (ii) as subclauses (I) and (II),
3 respectively, and moving such subclauses 2 ems
4 to the right;

5 (C) by redesignating subparagraphs (A)
6 and (B) as clauses (i) and (ii), respectively, and
7 moving such clauses 2 ems to the right;

8 (D) in the matter preceding clause (i), as
9 redesignated, by striking “An alien is de-
10 scribed” and inserting the following:

11 “(A) IN GENERAL.—A noncitizen is de-
12 scribed”;

13 (E) in subparagraph (A)(i), as redesign-
14 ated, by striking “who had a petition for clas-
15 sification approved” and inserting “who sub-
16 mitted an application to the Chief of Mission”;
17 and

18 (F) by adding at the end the following:

19 “(B) EMPLOYMENT REQUIREMENTS.—An
20 application by a surviving spouse or child of a
21 principal noncitizen shall be subject to employ-
22 ment requirements set forth in paragraph (1)
23 as of the date of the principal noncitizen’s filing
24 of an application for the first time, or if the
25 principal noncitizen did not file an application,

1 the employment requirements as of the date of
2 the principal noncitizen's death.”.

3 (2) CONFORMING AMENDMENTS.—The Refugee
4 Crisis in Iraq Act of 2007 (8 U.S.C. 1157 note) is
5 amended by—

6 (A) in the subsection headings, by striking
7 “ALIENS” each place it appears and inserting
8 “NONCITIZENS”;

9 (B) in the paragraph headings, by striking
10 “ALIENS” each place it appears and inserting
11 “NONCITIZENS”;

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

14 (D) by striking “An alien” each place it
15 appears and inserting “A noncitizen”;

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

18 (F) by striking “aliens” each place it ap-
19 pears and inserting “noncitizens”; and

20 (G) by striking “alien's” each place it ap-
21 pears and inserting “noncitizen's”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall be effective on the date of the enactment
24 of this Act and shall have retroactive effect.

1 **SEC. 4310. SPECIAL IMMIGRANT STATUS FOR CERTAIN SYR-**
2 **IANS WHO WORKED FOR THE UNITED STATES**
3 **GOVERNMENT IN SYRIA.**

4 (a) IN GENERAL.—Subject to subsection (c)(1), for
5 purposes of the Immigration and Nationality Act (8
6 U.S.C. 1101 et seq.), the Secretary may provide any non-
7 citizen described in subsection (b) with the status of a spe-
8 cial immigrant under section 101(a)(27) of that Act (8
9 U.S.C. 1101(a)(27)) if—

10 (1) the noncitizen, or an agent acting on behalf
11 of the noncitizen, submits a petition to the Secretary
12 under section 204 of that Act (8 U.S.C. 1154) for
13 classification under section 203(b)(4) of that Act (8
14 U.S.C. 1153(b)(4));

15 (2) the noncitizen is otherwise eligible to receive
16 an immigrant visa;

17 (3) the noncitizen is otherwise admissible to the
18 United States for permanent residence (excluding
19 the grounds for inadmissibility specified in section
20 212(a)(4) of that Act (8 U.S.C. 1182(a)(4))), except
21 that an applicant for admission to the United States
22 under this section may not be considered inadmis-
23 sible based solely on membership in, participation in,
24 or support provided to, the Syrian Democratic
25 Forces or other partner organizations, as determined
26 by the Secretary of Defense; and

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 2024 through 2026.”.

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, 2024, 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, 2024, 55 hours in
2 any workweek.

3 “(ii) Beginning on January 1, 2025, 50 hours
4 in any workweek.

5 “(iii) Beginning on January 1, 2026, 45 hours
6 in any workweek.

7 “(iv) Beginning on January 1, 2027, 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, 2027; 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 2027.

18 “(II) The number of hours specified under
19 subparagraph (B)(ii) shall begin on January 1,
20 2028.

21 “(III) The number of hours specified
22 under subparagraph (B)(iii) shall begin on Jan-
23 uary 1, 2029.

1 “(IV) The number of hours specified under
2 subparagraph (B)(iv) shall begin on January 1,
3 2030.”; 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, 2027, with respect to an
20 employer that employs more than 25 employees;
21 and

22 (B) January 1, 2030, 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, 2024, with respect to an
2 employer that employs more than 25 employees;
3 and

4 (B) January 1, 2027, 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).

○