

[DISCUSSION DRAFT]

119TH CONGRESS
1ST SESSION

H. R. _____

To secure the border and reform the immigration laws.

IN THE HOUSE OF REPRESENTATIVES

Ms. SALAZAR introduced the following bill; which was referred to the
Committee on _____

A BILL

To secure the border and reform the immigration laws.

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 “Dignity for Immigrants while Guarding our Nation to Ig-
6 nite and Deliver the American Dream Act of 2025” or
7 as the “DIGNIDAD (Dignity) Act of 2025”.

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

Sec. 1. Short title; table of contents.

DIVISION A—BORDER SECURITY FOR AMERICA

TITLE I—BORDER SECURITY

- Sec. 1111. Strengthening the requirements for barriers along the southern border.
- Sec. 1112. Air and Marine Operations flight hours.
- Sec. 1113. Landowner and rancher security enhancement.
- Sec. 1114. Southern border threat analysis, Border Patrol strategic plan, and Northern Border Threat Analysis.
- Sec. 1115. Agent and officer technology use.
- Sec. 1116. Report on standards and guidelines for managing ports of entry under the control of the department of homeland security.
- Sec. 1117. Stakeholder and community engagement.
- Sec. 1118. Training for officers and agents of U.S. Customs and Border Protection.
- Sec. 1119. U.S. border patrol processing coordinator positions.
- Sec. 1120. Establishment of higher minimum rates of pay for United States border patrol agents.
- Sec. 1121. Body Worn Camera Pilot Program Authorization.
- Sec. 1122. Protecting sensitive locations.

TITLE II—BORDER AND PORTS OF ENTRY INFRASTRUCTURE
FUNDING

- Sec. 1201. Ports of entry infrastructure.
- Sec. 1202. Sense of Congress on cooperation between agencies.
- Sec. 1203. Authorization of appropriations.
- Sec. 1204. Funding matters.

TITLE III—CRIMINAL ENFORCEMENT PROVISIONS

- Sec. 1301. Illicit spotting.
- Sec. 1302. Unlawfully hindering immigration, border, and customs controls.
- Sec. 1303. Report on smuggling.
- Sec. 1304. Illegal reentry.
- Sec. 1305. Mandatory minimum penalty for child sex trafficking.
- Sec. 1306. Visa ineligibility for spouses and children of drug traffickers.
- Sec. 1307. DNA testing and collection consistent with Federal law.
- Sec. 1308. Increased penalty for voting by aliens.

TITLE IV—MANDATORY E-VERIFY

- Sec. 1401. Short title.
- Sec. 1402. Employment eligibility verification process.
- Sec. 1403. Employment eligibility verification system.
- Sec. 1404. Recruitment, referral, and continuation of employment.
- Sec. 1405. Good faith defense.
- Sec. 1406. Preemption and States' Rights.
- Sec. 1407. Repeal.
- Sec. 1408. Penalties.
- Sec. 1409. Fraud and misuse of documents.
- Sec. 1410. Protection of Social Security Administration programs.
- Sec. 1411. Fraud prevention.
- Sec. 1412. Use of Employment Eligibility Verification Photo Tool.
- Sec. 1413. Identity authentication employment eligibility verification pilot programs.
- Sec. 1414. Inspector General audits.

TITLE V—ASYLUM REFORM

- Sec. 1501. Humanitarian campuses.
- Sec. 1502. Expedited Asylum Determinations.
- Sec. 1503. Screening and processing in Western hemisphere.
- Sec. 1504. Recording expedited removal and credible fear interviews.
- Sec. 1505. Renunciation of asylum status pursuant to return to home country.
- Sec. 1506. Notice concerning frivolous asylum applications.
- Sec. 1507. Anti-fraud investigative work product.
- Sec. 1508. Penalties for asylum fraud.
- Sec. 1509. Statute of limitations for asylum fraud.
- Sec. 1510. Standard operating procedures; facilities standards.
- Sec. 1511. Criminal background checks for sponsors of unaccompanied alien children.
- Sec. 1512. Fraud in connection with the transfer of custody of unaccompanied alien children.
- Sec. 1513. Hiring authority.
- Sec. 1514. Humanitarian status.
- Sec. 1515. Two strike policy.
- Sec. 1516. Loan forgiveness for legal service providers at humanitarian campuses.

DIVISION B—DIGNITY AND AMERICAN DREAM

TITLE I—DREAM ACT

- Sec. 2101. Short title.
- Sec. 2102. Permanent resident status on a conditional basis for certain long-term residents who entered the United States as children.
- Sec. 2103. Terms of permanent resident status on a conditional basis.
- Sec. 2104. Removal of conditional basis of permanent resident status.

TITLE II—GENERAL PROVISIONS

- Sec. 2201. Definitions.
- Sec. 2202. Submission of biometric and biographic data; background checks.
- Sec. 2203. Limitation on removal and other conditions on eligible individuals.
- Sec. 2204. Determination of continuous presence and residence.
- Sec. 2205. Exemption from numerical limitations.
- Sec. 2206. Availability of administrative and judicial review.
- Sec. 2207. Documentation requirements.
- Sec. 2208. Confidentiality of information.
- Sec. 2209. Provisions affecting eligibility for adjustment of status.

TITLE III—DIGNITY PROGRAM

- Sec. 2301. Establishment.
- Sec. 2302. Eligibility.
- Sec. 2303. Registration; departure.
- Sec. 2304. Program participation.
- Sec. 2305. Completion.

TITLE IV—CONTRIBUTION TO AMERICAN WORKERS

- Sec. 2401. Purpose.
- Sec. 2402. Availability of funds.
- Sec. 2403. Conforming amendments.

- Sec. 2404. Definitions.
- Sec. 2405. Allotments to States.
- Sec. 2406. Grants to partnerships.
- Sec. 2407. Use of funds.
- Sec. 2408. Performance and accountability.
- Sec. 2409. Grants for access to high-demand careers.

DIVISION C—AMERICAN PROSPERITY AND COMPETITIVENESS

- Sec. 3101. Short title.

TITLE I—AMERICAN FAMILIES UNITED

- Sec. 3111. Rule of construction.
- Sec. 3112. Discretionary authority with respect to family members of United States citizens.
- Sec. 3113. Motions to reopen or reconsider.
- Sec. 3114. Temporary family visitation.
- Sec. 3115. Military Naturalization Modernization.

TITLE II—FAIRNESS FOR LEGAL IMMIGRANTS

- Sec. 3201. Reduction of backlogs.
- Sec. 3202. Per-country caps raised.
- Sec. 3203. Protecting the status of children affected by delays in visa availability.

TITLE III—EMPLOYMENT AND STUDENT VISAS

- Sec. 3301. Spouses and minor children of workers.
- Sec. 3302. Wages received by nonresident alien individuals during optional practical training subject to social security taxes.
- Sec. 3303. Individuals with doctoral degrees in STEM fields recognized as individuals having extraordinary ability.
- Sec. 3304. Modernizing Visas for Students.
- Sec. 3305. Resources for Visa Processing.

1 DIVISION A—BORDER SECURITY

2 FOR AMERICA

3 TITLE I—BORDER SECURITY

4 SEC. 1111. STRENGTHENING THE REQUIREMENTS FOR BAR-

5 RIERS ALONG THE SOUTHERN BORDER.

6 Section 102 of the Illegal Immigration Reform and
7 Immigrant Responsibility Act of 1996 (Division C of Pub-
8 lic Law 104–208; 8 U.S.C. 1103 note) is amended—

1 (1) by amending subsection (a) to read as fol-
2 lows:

3 “(a) IN GENERAL.—The Secretary of Homeland Se-
4 curity shall take such actions as may be necessary (includ-
5 ing the removal of obstacles to detection of illegal en-
6 trants) to design, test, construct, install, deploy, integrate,
7 and operate physical barriers, tactical infrastructure, and
8 technology in the vicinity of the United States border to
9 achieve situational awareness and operational advantage
10 of the border and deter, impede, and detect illegal activity
11 in high traffic areas.”;

12 (2) in subsection (b)—

13 (A) in the subsection heading, by striking
14 “FENCING AND ROAD IMPROVEMENTS” and in-
15 serting “PHYSICAL BARRIERS”;

16 (B) in paragraph (1)—

17 (i) in subparagraph (A)—

18 (I) by striking “subsection (a)”
19 and inserting “this section”;

20 (II) by striking “roads, lighting,
21 cameras, and sensors” and inserting
22 “tactical infrastructure, and tech-
23 nology”; and

1 (III) by striking “gain” and in-
2 serting “achieve situational awareness
3 and”;

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

6 “(B) PHYSICAL BARRIERS AND TACTICAL
7 INFRASTRUCTURE.—The Secretary, in carrying
8 out this section, shall deploy along the United
9 States border the most practical and effective
10 physical barriers and tactical infrastructure
11 available for achieving situational awareness
12 and operational advantage of the border.”;

13 (iii) in subparagraph (C)—

14 (I) by amending clause (i) to
15 read as follows:

16 “(i) IN GENERAL.—In carrying out
17 this section, the Secretary shall consult
18 with appropriate Federal agency partners,
19 appropriate representatives of Federal,
20 State, Tribal, and local governments, and
21 appropriate private property owners in the
22 United States to minimize the impact on
23 the environment, culture, commerce, and
24 quality of life for the communities and
25 residents located near the sites at which

1 such physical barriers are to be con-
2 structed.”; and

3 (II) in clause (ii)—

4 (aa) in subclause (I), by
5 striking “or” after the semicolon
6 at the end;

7 (bb) by amending subclause
8 (II) to read as follows:

9 “(II) delay the transfer to the
10 United States of the possession of
11 property or affect the validity of any
12 property acquisition by the United
13 States by purchase or eminent do-
14 main, or to otherwise affect the emi-
15 nent domain laws of the United States
16 or of any State; or”; and

17 (cc) by adding at the end
18 the following new subclause:

19 “(III) create any right or liability
20 for any party.”; and

21 (iv) by striking subparagraph (D);

22 (C) in paragraph (2)—

23 (i) by striking “Attorney General”
24 and inserting “Secretary of Homeland Se-
25 curity”;

1 (ii) by striking “this subsection” and
2 inserting “this section”; and

3 (iii) by striking “construction of
4 fences” and inserting “the construction of
5 physical barriers”;

6 (D) by amending paragraph (3) to read as
7 follows:

8 “(3) AGENT SAFETY.—In carrying out this sec-
9 tion, the Secretary of Homeland Security, when de-
10 signing, constructing, and deploying physical bar-
11 riers, tactical infrastructure, or technology, shall in-
12 corporate such safety features into such design, con-
13 struction, or deployment of such physical barriers,
14 tactical infrastructure, or technology, as the case
15 may be, that the Secretary determines are necessary
16 to maximize the safety and effectiveness of officers
17 or agents of the Department of Homeland Security
18 or of any other Federal agency deployed in the vicin-
19 ity of such physical barriers, tactical infrastructure,
20 or technology.”; and

21 (E) in paragraph (4), by striking “this
22 subsection” and inserting “this section”;

23 (3) in subsection (c)—

24 (A) by amending paragraph (1) to read as
25 follows:

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of law, the Secretary of Homeland Security
3 shall have the authority to waive all legal require-
4 ments the Secretary determines necessary to ensure
5 the expeditious design, testing, construction, instal-
6 lation, deployment, and integration of the physical
7 barriers, tactical infrastructure, and technology
8 under this section. Such waiver authority shall also
9 apply with respect to any maintenance carried out
10 on such physical barriers, tactical infrastructure, or
11 technology. Any such decision by the Secretary shall
12 be effective upon publication in the Federal Reg-
13 ister.”;

14 (B) by redesignating paragraph (2) as
15 paragraph (3); and

16 (C) by inserting after paragraph (1) the
17 following new paragraph:

18 “(2) NOTIFICATION.—Not later than 7 days
19 after the date on which the Secretary of Homeland
20 Security exercises the waiver authority under para-
21 graph (1), the Secretary shall notify the Committee
22 on Homeland Security of the House of Representa-
23 tives and the Committee on Homeland Security and
24 Governmental Affairs of the Senate of such waiver.”;
25 and

1 (4) by adding at the end the following new sub-
2 sections:

3 “(e) TECHNOLOGY.—The Secretary of Homeland Se-
4 curity, in carrying out this section, shall deploy along the
5 United States border the most practical and effective tech-
6 nology available for achieving situational awareness and
7 operational advantage of the border.

8 “(f) PRIORITIZATION.—The Secretary of Homeland
9 Security, in carrying out this section, should prioritize de-
10 ploying technology along the United States border.

11 “(g) DEFINITIONS.—In this section:

12 “(1) ADVANCED UNATTENDED SURVEILLANCE
13 SENSORS.—The term ‘advanced unattended surveil-
14 lance sensors’ means sensors that utilize an onboard
15 computer to analyze detections in an effort to dis-
16 cern between vehicles, humans, and animals, and ul-
17 timately filter false positives prior to transmission.

18 “(2) HIGH TRAFFIC AREAS.—The term ‘high
19 traffic areas’ means areas in the vicinity of the
20 United States border that—

21 “(A) are within the responsibility of U.S.
22 Customs and Border Protection; and

23 “(B) have significant unlawful cross-border
24 activity, as determined by the Secretary of
25 Homeland Security.

1 “(3) OPERATIONAL ADVANTAGE.—The term
2 ‘operational advantage’ has the meaning given such
3 term in the 2022–2026 U.S. Border Patrol Strategy
4 (CBP Publication No. 1678–0222).

5 “(4) PHYSICAL BARRIERS.—The term ‘physical
6 barriers’ includes reinforced fencing, border barrier
7 system, and levees.

8 “(5) SITUATIONAL AWARENESS.—The term ‘sit-
9 uational awareness’ has the meaning given such
10 term in section 1092(a)(7) of the National Defense
11 Authorization Act for Fiscal Year 2017 (Public Law
12 114–328; 6 U.S.C. 223(a)(7)).

13 “(6) TACTICAL INFRASTRUCTURE.—The term
14 ‘tactical infrastructure’ includes boat ramps, access
15 gates, checkpoints, lighting, and roads.

16 “(7) TECHNOLOGY.—The term ‘technology’ in-
17 cludes border surveillance and detection technology,
18 including the following:

19 “(A) Tower-based surveillance technology,
20 including autonomous technologies.

21 “(B) Deployable, lighter-than-air ground
22 surveillance equipment.

23 “(C) Vehicle and Dismount Exploitation
24 Radars (VADER).

1 “(D) 3-dimensional, seismic acoustic detec-
2 tion and ranging border tunneling detection
3 technology.

4 “(E) Advanced unattended surveillance
5 sensors.

6 “(F) Mobile vehicle-mounted and man-
7 portable surveillance capabilities.

8 “(G) Unmanned aircraft systems.

9 “(H) Other border detection, communica-
10 tion, and surveillance technology.

11 “(8) UNMANNED AIRCRAFT SYSTEM.—The term
12 ‘unmanned aircraft system’ has the meaning given
13 such term in section 44801 of title 49, United
14 States Code.”.

15 **SEC. 1112. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

16 (a) AIR AND MARINE OPERATIONS FLIGHT
17 HOURS.—The Secretary shall ensure that not fewer than
18 95,000 annual flight hours are carried out by Air and Ma-
19 rine Operations of CBP.

20 (b) UNMANNED AIRCRAFT SYSTEMS.—The Sec-
21 retary, after coordination with the Administrator of the
22 Federal Aviation Administration, shall ensure that Air and
23 Marine Operations operate unmanned aircraft systems on
24 the southern border of the United States for not less than
25 24 hours per day for 7 days per week.

1 (c) PRIMARY MISSIONS.—The Commissioner shall
2 ensure that—

3 (1) the primary missions for Air and Marine
4 Operations are to directly support—

5 (A) U.S. Border Patrol activities along the
6 borders of the United States; and

7 (B) Joint Interagency Task Force South
8 operations in the transit zone; and

9 (2) the Executive Assistant Commissioner of
10 Air and Marine Operations assigns the greatest pri-
11 ority to support missions outlined under paragraph
12 (1).

13 (d) HIGH DEMAND FLIGHT HOUR REQUIRE-
14 MENTS.—The Commissioner shall ensure that U.S. Bor-
15 der Patrol Sector Chiefs—

16 (1) identify air support mission-critical hours;
17 and

18 (2) direct Air and Marine Operations to sup-
19 port requests from Sector Chiefs as their primary
20 mission.

21 (e) CONTRACT AIR SUPPORT AUTHORIZATIONS.—
22 The Commissioner shall contract for the unfulfilled air
23 support mission-critical hours, as identified pursuant to
24 subsection (d).

25 (f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

1 (1) IN GENERAL.—The Chief of the U.S. Bor-
2 der Patrol shall be the executive agent with respect
3 to the use of small unmanned aircraft systems by
4 CBP for the purpose of—

5 (A) meeting the unmet flight hour oper-
6 ational requirements of the U.S. Border Patrol;
7 and

8 (B) achieving situational awareness and
9 operational advantage.

10 (2) COORDINATION.—In carrying out para-
11 graph (1), the Chief of the U.S. Border Patrol shall
12 coordinate—

13 (A) flight operations with the Adminis-
14 trator of the Federal Aviation Administration to
15 ensure the safe and efficient operation of the
16 National Airspace System; and

17 (B) with the Executive Assistant Commis-
18 sioner for Air and Marine Operations of CBP
19 to—

20 (i) ensure the safety of other CBP
21 aircraft flying in the vicinity of small un-
22 manned aircraft systems operated by the
23 U.S. Border Patrol; and

1 (ii) establish a process to include data
2 from flight hours in the calculation of got
3 away statistics.

4 (3) CONFORMING AMENDMENT.—Paragraph (3)
5 of section 411(e) of the Homeland Security Act of
6 2002 (6 U.S.C. 211(e)) is amended—

7 (A) in subparagraph (B), by striking
8 “and” after the semicolon at the end; and

9 (B) by redesignating subparagraph (C) as
10 subparagraph (D).

11 (g) SAVINGS CLAUSE.—Nothing in this section shall
12 confer, transfer, or delegate to the Secretary, the Commis-
13 sioner, the Executive Assistant Commissioner for Air and
14 Marine Operations of CBP, or the Chief of the U.S. Bor-
15 der Patrol any authority of the Secretary of Transpor-
16 tation or the Administrator of the Federal Aviation Ad-
17 ministration relating to the use of airspace or aviation
18 safety.

19 (h) DEFINITIONS.—In this section:

20 (1) GOT AWAY.—The term “got away” has the
21 meaning given such term in section 1092(a)(3) of
22 the National Defense Authorization Act for Fiscal
23 Year 2017 (Public Law 114–328; 6 U.S.C.
24 223(a)(3)).

1 (2) TRANSIT ZONE.—The term “transit zone”
2 has the meaning given such term in section
3 1092(a)(8) of the National Defense Authorization
4 Act for Fiscal Year 2017 (Public Law 114–328; 6
5 U.S.C. 223(a)(8)).

6 **SEC. 1113. LANDOWNER AND RANCHER SECURITY EN-**
7 **HANCEMENT.**

8 (a) ESTABLISHMENT OF NATIONAL BORDER SECU-
9 RITY ADVISORY COMMITTEE.—The Secretary shall estab-
10 lish a National Border Security Advisory Committee,
11 which—

12 (1) may advise, consult with, report to, and
13 make recommendations to the Secretary on matters
14 relating to border security matters, including—

15 (A) verifying security claims and the bor-
16 der security metrics established by the Depart-
17 ment of Homeland Security under section 1092
18 of the National Defense Authorization Act for
19 Fiscal Year 2017 (Public Law 114–328; 6
20 U.S.C. 223); and

21 (B) discussing ways to improve the secu-
22 rity of high traffic areas along the northern
23 border and the southern border; and

24 (2) may provide, through the Secretary, rec-
25 ommendations to Congress.

1 (b) CONSIDERATION OF VIEWS.—The Secretary shall
2 consider the information, advice, and recommendations of
3 the National Border Security Advisory Committee in for-
4 mulating policy regarding matters affecting border secu-
5 rity.

6 (c) MEMBERSHIP.—The National Border Security
7 Advisory Committee shall consist of at least one member
8 from each State who—

9 (1) has at least five years practical experience
10 in border security operations; or

11 (2) lives and works in the United States within
12 80 miles from the southern border or the northern
13 border.

14 (d) NONAPPLICABILITY OF FEDERAL ADVISORY
15 COMMITTEE ACT.—The Federal Advisory Committee Act
16 (5 U.S.C. App.) shall not apply to the National Border
17 Security Advisory Committee.

18 **SEC. 1114. SOUTHERN BORDER THREAT ANALYSIS, BORDER**
19 **PATROL STRATEGIC PLAN, AND NORTHERN**
20 **BORDER THREAT ANALYSIS.**

21 (a) SOUTHER BORDER THREAT ANALYSIS.—

22 (1) REQUIREMENT.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary shall submit to the Committee on Homeland
25 Security of the House of Representatives and the

1 Committee on Homeland Security and Governmental
2 Affairs of the Senate a Southern border threat anal-
3 ysis.

4 (2) CONTENTS.—The analysis submitted under
5 paragraph (1) shall include an assessment of—

6 (A) current and potential terrorism and
7 criminal threats posed by individuals and orga-
8 nized groups seeking—

9 (i) to unlawfully enter the United
10 States through the Southern border; or

11 (ii) to exploit security vulnerabilities
12 along the Southern border;

13 (B) improvements needed at and between
14 ports of entry along the Southern border to pre-
15 vent terrorists and instruments of terror from
16 entering the United States;

17 (C) gaps in law, policy, and coordination
18 between State, local, or tribal law enforcement,
19 international agreements, or tribal agreements
20 that hinder effective and efficient border secu-
21 rity, counterterrorism, and anti-human smug-
22 gling and trafficking efforts;

23 (D) the current percentage of situational
24 awareness achieved by the Department along
25 the Southern border;

1 (E) the current percentage of operational
2 advantage achieved by the Department on the
3 Southern border; and

4 (F) traveler crossing times and any poten-
5 tial security vulnerability associated with pro-
6 longed wait times.

7 (3) ANALYSIS REQUIREMENTS.—In compiling
8 the Southern border threat analysis required under
9 this subsection, the Secretary shall consider and ex-
10 amine—

11 (A) the technology needs and challenges,
12 including such needs and challenges identified
13 as a result of previous investments that have
14 not fully realized the security and operational
15 benefits that were sought;

16 (B) the personnel needs and challenges, in-
17 cluding such needs and challenges associated
18 with recruitment and hiring;

19 (C) the infrastructure needs and chal-
20 lenges;

21 (D) the roles and authorities of State,
22 local, and tribal law enforcement in general bor-
23 der security activities;

1 (E) the status of coordination among Fed-
2 eral, State, local, tribal, and Mexican law en-
3 forcement entities relating to border security;

4 (F) the terrain, population density, and cli-
5 mate along the Southern border; and

6 (G) the international agreements between
7 the United States and Mexico related to border
8 security.

9 (4) CLASSIFIED FORM.—To the extent possible,
10 the Secretary shall submit the Southern border
11 threat analysis required under this subsection in un-
12 classified form, but may submit a portion of the
13 threat analysis in classified form if the Secretary de-
14 termines such action is appropriate.

15 (b) IN GENERAL.—Not later than one year after the
16 date of enactment of this section and every 2 years there-
17 after, the Secretary, acting through the Chief of the U.S.
18 Border Patrol, shall issue a Border Patrol Strategic Plan
19 (referred to in this section as the “plan”) to enhance the
20 security of the international borders of the United States.

21 (c) ELEMENTS.—The plan shall include the following:

22 (1) A consideration of Border Patrol Capability
23 Gap Analysis reporting, Border Security Improve-
24 ment Plans, and any other strategic document au-
25 thored by the U.S. Border Patrol to address security

1 gaps with respect to ports of entry, including efforts
2 to mitigate threats identified in such analyses, plans,
3 and documents.

4 (2) Information relating to the dissemination of
5 information relating to border security or border
6 threats with respect to the efforts of the Department
7 and other appropriate Federal agencies.

8 (3) Information relating to efforts by U.S. Bor-
9 der Patrol to—

10 (A) increase situational awareness, includ-
11 ing—

12 (i) surveillance capabilities, such as
13 capabilities developed or utilized by the
14 Department of Defense, and any appro-
15 priate technology determined to be excess
16 by the Department of Defense; and

17 (ii) the use of manned aircraft and
18 unmanned aircraft systems;

19 (B) detect and prevent terrorists and in-
20 struments of terrorism from entering the
21 United States;

22 (C) detect, interdict, and disrupt human
23 smuggling, human trafficking, drug trafficking
24 and other illicit cross-border activity;

1 (D) focus intelligence collection to disrupt
2 transnational criminal organizations outside of
3 the international and maritime borders of the
4 United States; and

5 (E) ensure that any new border security
6 technology can be operationally integrated with
7 existing technologies in use by the Department.

8 (4) Information relating to initiatives of the De-
9 partment with respect to operational coordination,
10 including any relevant task forces of the Depart-
11 ment.

12 (5) Information gathered from the lessons
13 learned by the deployments of the National Guard to
14 the southern border of the United States.

15 (6) A description of cooperative agreements re-
16 lating to information sharing with State, local, Trib-
17 al, territorial, and other Federal law enforcement
18 agencies that have jurisdiction on the border.

19 (7) Information relating to border security in-
20 formation received from—

21 (A) State, local, Tribal, territorial, and
22 other Federal law enforcement agencies that
23 have jurisdiction on the border or in the mari-
24 time environment; and

1 (B) border community stakeholders, in-
2 cluding representatives from—

3 (i) border agricultural and ranching
4 organizations; and

5 (ii) business and civic organizations.

6 (8) Information relating to the staffing require-
7 ments with respect to border security for the De-
8 partment.

9 (9) A prioritized list of Department research
10 and development objectives to enhance the security
11 of the southern border.

12 (10) An assessment of training programs, in-
13 cluding such programs relating to—

14 (A) identifying and detecting fraudulent
15 documents;

16 (B) understanding the scope of CBP en-
17 forcement authorities and appropriate use of
18 force policies; and

19 (C) screening, identifying, and addressing
20 vulnerable populations, such as children and
21 victims of human trafficking.

22 (d) NORTHERN BORDER THREAT ANALYSIS.—Not
23 later than 180 days after the date of the enactment of
24 this Act, the Secretary shall submit to the Committee on
25 Homeland Security of the House of Representatives and

1 the Committee on Homeland Security and Governmental
2 Affairs of the Senate an update of the Northern Border
3 Threat Analysis as required in the Northern Border Secu-
4 rity Review Act (Public Law 114–267).

5 **SEC. 1115. AGENT AND OFFICER TECHNOLOGY USE.**

6 In carrying out section 102 of the Illegal Immigration
7 Reform and Immigrant Responsibility Act of 1996 (as
8 amended by section 1111 of this division), the Secretary
9 shall ensure that technology deployed to gain situational
10 awareness and operational advantage of the border be pro-
11 vided to front-line officers and agents of the Department
12 of Homeland Security.

13 **SEC. 1116. REPORT ON STANDARDS AND GUIDELINES FOR**
14 **MANAGING PORTS OF ENTRY UNDER THE**
15 **CONTROL OF THE DEPARTMENT OF HOME-**
16 **LAND SECURITY.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary of Home-
19 land Security, in coordination with the Secretary of Com-
20 merce, shall submit to the Committee on Homeland Secu-
21 rity of the House of Representatives and the Committee
22 on Homeland Security and Governmental Affairs of the
23 Senate a report that contains an assessment of the stand-
24 ards and guidelines for managing ports of entry under the
25 control of the Department of Homeland Security. Such as-

1 sessment shall include information relating to the fol-
2 lowing:

3 (1) Staffing levels and need for additional staff-
4 ing.

5 (2) Rules governing the actions of Office of
6 Field Operations officers.

7 (3) Average delays for transit through air, land,
8 and sea ports of entry.

9 (4) Assessment of existing efforts and tech-
10 nologies used for border security, and the effect of
11 the use of such efforts and technologies on facili-
12 tating trade at ports of entry and their impact on
13 civil rights, private property rights, privacy rights,
14 and civil liberties.

15 (5) Economic impact of the policies and prac-
16 tices of CBP Agricultural Specialists and Office of
17 Field Operations personnel.

18 (6) Physical infrastructure and technological
19 needs at ports of entry.

20 (7) Data reflecting the specific needs of geo-
21 graphically separate ports of entry within the same
22 U.S. Border Patrol sector.

23 (8) A plan for increasing the number of officers
24 certified as emergency medical technicians and the
25 number of medical professionals assigned to U.S.

1 Customs and Border Protection Office of Field Op-
2 erations land ports of entry.

3 (9) A plan to increase access to land ports of
4 entry that factors in asylum seekers, victims of traf-
5 ficking, unaccompanied minors, and other vulnerable
6 populations.

7 (b) REPORT ON PORT RUNNERS.—Not later than
8 180 days after the date of the enactment of this Act, the
9 Secretary of Homeland Security shall submit a report that
10 contains an assessment of instances of “Port Running”,
11 or departing the United States before officers can con-
12 clude traveler inspections, which shall include rec-
13 ommendations for new security enhancements, including
14 traffic barricades, to slow and deter individuals from leav-
15 ing the United States without authorization.

16 **SEC. 1117. STAKEHOLDER AND COMMUNITY ENGAGEMENT.**

17 (a) DEPARTMENT OF HOMELAND SECURITY BORDER
18 OVERSIGHT COMMISSION.—

19 (1) ESTABLISHMENT.—There is established an
20 independent commission, which shall be known as
21 the “Department of Homeland Security Border
22 Oversight Commission” (referred to in this Act as
23 the “Commission”).

24 (2) ORGANIZATION.—

1 (A) LEADERSHIP.—The Commission shall
2 be led by a Chair and a Vice Chair.

3 (B) MEMBERSHIP.—

4 (i) IN GENERAL.—The Commission
5 shall be composed of 30 members, who—

6 (I) shall be appointed by the
7 Speaker and the minority leader of
8 the House of Representatives and the
9 majority and minority leaders of the
10 Senate, in consultation with the Presi-
11 dent; and

12 (II) shall have expertise in migra-
13 tion, local crime indices, civil and
14 human rights, community relations,
15 cross-border trade and commerce,
16 quality of life indicators, or other per-
17 tinent experience.

18 (ii) REGIONAL REPRESENTATION.—Of
19 the 30 members appointed pursuant to
20 clause (i)(I)—

21 (I) 13 members shall be from the
22 northern border region and shall com-
23 prise the northern border sub-
24 committee; and

1 (II) 17 members shall be from
2 the southern border region and shall
3 comprise the southern border sub-
4 committee.

5 (iii) NORTHERN BORDER SUB-
6 COMMITTEE.—Of the 13 members from
7 the northern border region—

8 (I) 2 shall be elected local gov-
9 ernment officials;

10 (II) 2 shall be local law enforce-
11 ment officials;

12 (III) 2 shall be civil rights advo-
13 cates;

14 (IV) 1 shall represent the busi-
15 ness community;

16 (V) 1 shall represent institutions
17 of higher education;

18 (VI) 1 shall represent a faith
19 community;

20 (VII) 2 shall be U.S. Border Pa-
21 trol officers or agents; and

22 (VIII) 2 shall be tribal officials.

23 (iv) SOUTHERN BORDER SUB-
24 COMMITTEE.—Of the 17 members from
25 the southern border region—

1 (I) 3 shall be elected local gov-
2 ernment officials;

3 (II) 3 shall be local law enforce-
4 ment officials;

5 (III) 3 shall be civil rights advo-
6 cates;

7 (IV) 2 shall represent the busi-
8 ness community;

9 (V) 1 shall represent institutions
10 of higher education;

11 (VI) 1 shall represent a faith
12 community;

13 (VII) 2 shall be U.S. Border Pa-
14 trol officers or agents; and

15 (VIII) 2 shall be tribal officials.

16 (v) CHAIR; VICE CHAIR.—The mem-
17 bers of the Commission shall elect a Chair
18 and a Vice Chair from among its members
19 by a majority vote of at least 16 members.

20 (vi) TERMS OF SERVICE.—The Chair
21 and the Vice Chair of the Commission
22 shall serve 4-year terms in such positions.
23 Members of the Commission shall also
24 serve 4-year terms.

1 (vii) APPOINTMENT DEADLINE.—Con-
2 gress shall make the initial appointments
3 to the Commission not later than 180 days
4 after the date of the enactment of this Act.

5 (3) MEETINGS.—

6 (A) COMMISSION.—The Commission shall
7 meet at least semiannually and may convene
8 additional meetings as necessary.

9 (B) SUBCOMMITTEES.—The northern bor-
10 der and southern border subcommittees shall
11 meet at least quarterly, and may convene addi-
12 tional meetings, as necessary.

13 (4) DUTIES.—The Commission, the northern
14 border subcommittee, and the southern border sub-
15 committee shall—

16 (A) develop recommendations for improve-
17 ments regarding border enforcement policies,
18 strategies, and programs that take into consid-
19 eration their impact on border communities;

20 (B) evaluate policies, strategies, and pro-
21 grams of Federal agencies operating along the
22 northern and southern United States borders—

23 (i) to protect—

24 (I) due process;

- 1 (II) the civil and human rights of
2 border residents and visitors; and
- 3 (III) private property rights of
4 land owners;
- 5 (ii) to reduce the number of migrant
6 deaths; and
- 7 (iii) to improve the safety of agents
8 and officers of U.S. Customs and Border
9 Protection and U.S. Immigration and Customs
10 Enforcement;
- 11 (C) develop recommendations for improve-
12 ments regarding the safety of agents and offi-
13 cers of U.S. Customs and Border Protection
14 and U.S. Immigration and Customs Enforce-
15 ment while such agents and officers are in the
16 field; and
- 17 (D) evaluate training and establish train-
18 ing courses related to—
- 19 (i) management and leadership skills
20 for supervisors in each U.S. Border Patrol
21 sector, at each port of entry on the north-
22 ern and southern United States borders,
23 and at each U.S. Immigration and Customs
24 Enforcement field office; and

1 (ii) the extent to which supervisory
2 and management personnel practices at
3 U.S. Customs and Border Protection and
4 U.S. Immigration and Customs Enforce-
5 ment—

6 (I) encourage and facilitate work-
7 force development for agents and offi-
8 cers; and

9 (II) promote agent and officer
10 field safety and post-Federal Law En-
11 forcement Training Center (referred
12 to in this Act as “FLETC”) training
13 of border enforcement personnel.

14 (5) ADDITIONAL RESPONSIBILITIES.—

15 (A) IN GENERAL.—In carrying out the du-
16 ties set forth in paragraph (4), the Commission
17 shall take into consideration any recommenda-
18 tions and evaluations agreed upon by the north-
19 ern border subcommittee and the southern bor-
20 der subcommittee.

21 (B) SUBCOMMITTEE REPORTS.—The
22 northern border subcommittee and the southern
23 border subcommittee shall each—

24 (i) submit an annual report to the
25 Chair and Vice Chair of the Commission

1 that contains the recommendations and
2 evaluations of the subcommittees referred
3 to in paragraph (4); and

4 (ii) make each such report available to
5 the public.

6 (6) PROHIBITION ON COMPENSATION.—Mem-
7 bers of the Commission may not receive pay, allow-
8 ances, or benefits from the Federal Government by
9 reason of their service on the Commission or either
10 of its subcommittees.

11 (b) HEARINGS AND EVIDENCE.—The Commission or,
12 on the authority of the Commission, any subcommittee or
13 member of the Commission, may, for the purpose of car-
14 rying out this Act, hold such hearings, and sit and act
15 at such times and places, take such testimony, receive
16 such evidence, and administer such oaths as the Commis-
17 sion or such designated subcommittee or designated mem-
18 ber determines necessary to carry out its duties under sub-
19 section (a)(4).

20 (c) SAVINGS PROVISION.—Nothing in this Act may
21 be construed as affecting the investigative and disciplinary
22 procedures of U.S. Customs and Border Protection, U.S.
23 Immigration and Customs Enforcement, or the Depart-
24 ment of Homeland Security with respect to agents and

1 officers of U.S. Customs and Border Protection or U.S.
2 Immigration and Customs Enforcement.

3 (d) REPORTS.—

4 (1) ANNUAL REPORTS.—The Commission
5 shall—

6 (A) submit an annual report to the Sec-
7 retary of Homeland Security that contains in-
8 formation regarding the activities, findings, and
9 recommendations of the Commission, including
10 the northern border subcommittee and the
11 southern border subcommittee, for the pre-
12 ceding year; and

13 (B) make each such report available to the
14 public.

15 (2) CONGRESSIONAL NOTIFICATION.—The Sec-
16 retary of Homeland Security shall brief the Com-
17 mittee on Homeland Security and Governmental Af-
18 fairs of the Senate, the Committee on the Judiciary
19 of the Senate, the Committee on Homeland Security
20 of the House of Representatives, and the Committee
21 on the Judiciary of the House of Representatives re-
22 garding each report received under paragraph (1).

1 **SEC. 1118. TRAINING FOR OFFICERS AND AGENTS OF U.S.**
2 **CUSTOMS AND BORDER PROTECTION.**

3 (a) IN GENERAL.—Subsection (l) of section 411 of
4 the Homeland Security Act of 2002 (6 U.S.C. 211) is
5 amended to read as follows:

6 “(l) TRAINING AND CONTINUING EDUCATION.—

7 “(1) MANDATORY TRAINING.—The Commis-
8 sioner shall ensure that every agent and officer of
9 U.S. Customs and Border Protection receives a min-
10 imum of 21 weeks of training that are directly re-
11 lated to the mission of the U.S. Border Patrol, Air
12 and Marine, and the Office of Field Operations be-
13 fore the initial assignment of such agents and offi-
14 cers.

15 “(2) FLETC.—The Commissioner shall work
16 in consultation with the Director of the Federal Law
17 Enforcement Training Centers to establish guide-
18 lines and curriculum for the training of agents and
19 officers of U.S. Customs and Border Protection
20 under subsection (a).

21 “(3) CONTINUING EDUCATION.—The Commis-
22 sioner shall annually require all agents and officers
23 of U.S. Customs and Border Protection who are re-
24 quired to undergo training under subsection (a) to
25 participate in not fewer than eight hours of con-
26 tinuing education annually to maintain and update

1 understanding of Federal legal rulings, court deci-
2 sions, and Department policies, procedures, and
3 guidelines related to relevant subject matters.

4 “(4) LEADERSHIP TRAINING.—Not later than
5 one year after the date of the enactment of this sub-
6 section, the Commissioner shall develop and require
7 training courses geared towards the development of
8 leadership skills for mid- and senior-level career em-
9 ployees not later than one year after such employees
10 assume duties in supervisory roles.”.

11 (b) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Commissioner shall sub-
13 mit to the Committee on Homeland Security and the Com-
14 mittee on Ways and Means of the House of Representa-
15 tives and the Committee on Homeland Security and Gov-
16 ernmental Affairs and the Committee on Finance of the
17 Senate a report identifying the guidelines and curriculum
18 established to carry out subsection (l) of section 411 of
19 the Homeland Security Act of 2002, as amended by sub-
20 section (a) of this section.

21 (c) ASSESSMENT.—Not later than four years after
22 the date of the enactment of this Act, the Comptroller
23 General of the United States shall submit to the Com-
24 mittee on Homeland Security and the Committee on Ways
25 and Means of the House of Representatives and the Com-

1 mittee on Homeland Security and Governmental Affairs
2 and the Committee on Finance of the Senate a report that
3 assesses the training and education, including continuing
4 education, required under subsection (l) of section 411 of
5 the Homeland Security Act of 2002, as amended by sub-
6 section (a) of this section.

7 **SEC. 1119. U.S. BORDER PATROL PROCESSING COORDI-**
8 **NATOR POSITIONS.**

9 (a) PROCESSING COORDINATORS.—The Commis-
10 sioner of U.S. Customs and Border Protection is author-
11 ized to hire and train U.S. Border Patrol Processing Coor-
12 dinators to operate within the U.S. Border Patrol to—

13 (1) perform administrative tasks related to the
14 intake and processing of individuals apprehended by
15 U.S. Border Patrol agents, where necessary;

16 (2) transport individuals in U.S. Border Patrol
17 custody, where necessary; and

18 (3) perform custodial watch duties of individ-
19 uals in such custody, including individuals who have
20 been admitted to a hospital.

21 (b) CLARIFIED AUTHORITIES.—A U.S. Border Pa-
22 trol Processing Coordinator hired under subsection (a)
23 may not arrest or otherwise detain any person as described
24 in section 235, 236, or 287(a), of the Immigration and
25 Nationality Act (8 U.S.C. 1225, 1226, and 1357(a)), and

1 such a Coordinator may not conduct any interview under
2 section 235(b)(1)(B) of the Immigration and Nationality
3 Act (8 U.S.C. 1225(b)(1)(B)).

4 (c) TRAINING.—The Commissioner of U.S. Customs
5 and Border Protection, in coordination with the Chief of
6 the U.S. Border Patrol and in consultation with the Direc-
7 tor of the Federal Law Enforcement Training Centers,
8 shall develop tailored training for U.S. Border Patrol
9 Processing Coordinators.

10 (d) ASSOCIATED SUPPORT STAFF.—The Commis-
11 sioner of U.S. Customs and Border Protection is author-
12 ized to hire appropriate professional support staff to facili-
13 tate the hiring, training, and other support functions re-
14 quired by U.S. Border Patrol Processing Coordinators.

15 **SEC. 1120. ESTABLISHMENT OF HIGHER MINIMUM RATES**
16 **OF PAY FOR UNITED STATES BORDER PA-**
17 **TROL AGENTS.**

18 (a) HIGHER MINIMUM RATE OF PAY.—Not later
19 than 180 days after the enactment of this Act, the Direc-
20 tor of the Office of Personnel Management—

21 (1) shall, in accordance with section 5305 of
22 title 5, United States Code—

23 (A) increase the minimum rate of pay for
24 United States Border Patrol agents at the

1 grade GS-12 of the General Schedule by not
2 less than 14 percent; and

3 (B) increase other grades or levels, occupa-
4 tional groups, series, classes, or subdivisions
5 thereof, as determined by the Secretary of
6 Homeland Security;

7 (2) take such actions as may be necessary to
8 harmonize—

9 (A) pay levels for U.S. Border Patrol
10 agents and CBP officers at each pay scale in a
11 manner so as to ensure greater or the same
12 level of pay; and

13 (B) such other pay incentives and overtime
14 scales; and

15 (3) may make increases in all rates in the pay
16 range for each such grade or level, in accordance
17 with such section 5305.

18 (b) INAPPLICABILITY.—The discretion granted to
19 agency heads under section 5305(a)(2) of title 5, United
20 States Code, shall not apply to increase in rates of pay
21 authorized under subsection (a).

22 **SEC. 1121. BODY WORN CAMERA PILOT PROGRAM AUTHOR-**
23 **IZATION.**

24 The Body Worn Camera Pilot Program referred to
25 in H. Rept. 116-458, Department of Homeland Security

1 Appropriations Act, 2021, shall be authorized for 5 fiscal
2 years after the date of enactment of this Act.

3 **SEC. 1122. PROTECTING SENSITIVE LOCATIONS.**

4 Section 287 of the Immigration and Nationality Act
5 (8 U.S.C. 1357) is amended by adding at the end the fol-
6 lowing:

7 “(i)(1) Except as otherwise provided, an officer or an
8 agent of the U.S. Immigration and Customs Enforcement
9 or the U.S. Customs and Border Protection may not take
10 an immigration enforcement action in or near a protected
11 area.

12 “(2) Paragraph (1) does not apply—

13 “(A) whenever prior approval has been ob-
14 tained; or

15 “(B) under exigent circumstances (including,
16 but not limited to, an immigration enforcement ac-
17 tion that involves a national security threat, the hot
18 pursuit of an individual who poses a public safety
19 threat, or the hot pursuit of an individual who was
20 observed crossing the border; that involves the immi-
21 nent risk of death, violence, or physical harm to a
22 person or the imminent risk that evidence material
23 to a criminal case will be destroyed; or where a safe
24 alternative location does not exist).

1 “(3) When taking an immigration enforcement action
2 in or near a protected area, an officer or an agent of U.S.
3 Immigration and Customs Enforcement or U.S. Customs
4 and Border Protection shall, to the fullest extent pos-
5 sible—

6 “(A) take the immigration enforcement action
7 in a non-public area or in a manner that minimizes
8 the effect on another person who is accessing the
9 protected area;

10 “(B) limit the time spent in or near the pro-
11 tected area; and

12 “(C) limit the immigration enforcement action
13 to the person who is the subject of such enforcement
14 action.

15 “(4) If an immigration enforcement action is taken
16 due to exigent circumstances, the officer or agent shall in-
17 form the Director of U.S. Immigration and Customs En-
18 forcement (or the Director’s designee) or the Commis-
19 sioner of U.S. Customs and Border Protection (or the
20 Commissioner’s designee) as the case may be, as soon as
21 practical thereafter.

22 “(5) In this subsection:

23 “(A) The term ‘immigration enforcement ac-
24 tion’ means an arrest, search, service of a subpoena

1 or a notice to appear in immigration court, or other
2 immigration enforcement action.

3 “(B) The term ‘prior approval’ means—

4 “(i) in the case of an immigration enforce-
5 ment action that an officer or an agent of U.S.
6 Immigration and Customs Enforcement will
7 take, prior written approval from the Director
8 (or the Director’s designee); and

9 “(ii) in the case of an immigration enforce-
10 ment action that an officer or an agent of U.S.
11 Customs and Border Protection will take, prior
12 written approval from the Commissioner (or the
13 Commissioner’s designee).

14 “(C) The term ‘protected area’ includes a struc-
15 ture or a place that provides essential services or at
16 which a person would engage in an essential activity,
17 including—

18 “(i) any school;

19 “(ii) any hospital, medical facility, mental
20 health facility, or other health care facility;

21 “(iii) any place of worship or religious
22 study, whether in a structure dedicated to ac-
23 tivities of faith or a temporary facility or loca-
24 tion where such activities are taking place;

1 “(iv) any structure or place, the purpose of
2 which is for children to gather;

3 “(v) any structure or place, the purpose of
4 which is to provide social services;

5 “(vi) any structure or place, the purpose of
6 which is to provide disaster or emergency as-
7 sistance or emergency relief;

8 “(vii) a place where a funeral, graveside
9 ceremony, rosary, wedding, or other religious or
10 civil ceremonies or observances occur;

11 “(viii) place where there is an ongoing pa-
12 rade, demonstration, or rally; or

13 “(ix) any courthouse.

14 “(6) For the purposes of this subsection, the Sec-
15 retary of Homeland Security shall promulgate guidance,
16 in the exercise of their discretion, on the physical distance
17 that constitutes in or near a protected area.”.

18 **TITLE II—BORDER AND PORTS**
19 **OF ENTRY INFRASTRUCTURE**
20 **FUNDING**

21 **SEC. 1201. PORTS OF ENTRY INFRASTRUCTURE.**

22 (a) ADDITIONAL PORTS OF ENTRY.—

23 (1) AUTHORITY.—The Administrator of Gen-
24 eral Services may, subject to section 3307 of title
25 40, United States Code, construct new ports of entry

1 along the northern border and southern border at lo-
2 cations determined by the Secretary.

3 (2) CONSULTATION.—

4 (A) REQUIREMENT TO CONSULT.—The
5 Secretary and the Administrator of General
6 Services shall consult with the Secretary of
7 State, the Secretary of the Interior, the Sec-
8 retary of Agriculture, the Secretary of Trans-
9 portation, and appropriate representatives of
10 State and local governments, and Indian tribes,
11 and property owners in the United States prior
12 to determining a location for any new port of
13 entry constructed pursuant to paragraph (1).

14 (B) CONSIDERATIONS.—The purpose of
15 the consultations required by subparagraph (A)
16 shall be to minimize any negative impacts of
17 constructing a new port of entry on the environ-
18 ment, culture, commerce, and quality of life of
19 the communities and residents located near
20 such new port.

21 (b) EXPANSION AND MODERNIZATION OF HIGH-PRI-
22 ORITY SOUTHERN BORDER PORTS OF ENTRY.—The Ad-
23 ministrator of General Services, subject to section 3307
24 of title 40, United States Code, and in coordination with
25 the Secretary, shall expand or modernize high-priority

1 ports of entry on the southern border, as determined by
2 the Secretary, for the purposes of reducing wait times and
3 enhancing security.

4 (c) PORT OF ENTRY PRIORITIZATION.—Prior to con-
5 structing any new ports of entry pursuant to subsection
6 (a), the Administrator of General Services shall complete
7 the expansion and modernization of ports of entry pursu-
8 ant to subsection (b) to the extent practicable.

9 (d) SAVINGS PROVISION.—Nothing in this section
10 may be construed to—

11 (1) create or negate any right of action for a
12 State, local government, or other person or entity af-
13 fected by this section;

14 (2) delay the transfer of the possession of prop-
15 erty to the United States or affect the validity of
16 any property acquisitions by purchase or eminent
17 domain, or to otherwise affect the eminent domain
18 laws of the United States or of any State; or

19 (3) create any right or liability for any party.

20 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion may be construed as providing the Secretary new au-
22 thority related to the construction, acquisition, or renova-
23 tion of real property.

1 **SEC. 1202. SENSE OF CONGRESS ON COOPERATION BE-**
2 **TWEEN AGENCIES.**

3 (a) FINDING.—Congress finds that personnel con-
4 straints exist at land ports of entry with regard to sanitary
5 and phytosanitary inspections for exported goods.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that, in the best interest of cross-border trade and
8 the agricultural community—

9 (1) any lack of certified personnel for inspection
10 purposes at ports of entry should be addressed by
11 seeking cooperation between agencies and depart-
12 ments of the United States, whether in the form of
13 a memorandum of understanding or through a cer-
14 tification process, whereby additional existing agents
15 are authorized for additional hours to facilitate and
16 expedite the flow of legitimate trade and commerce
17 of perishable goods in a manner consistent with
18 rules of the Department of Agriculture; and

19 (2) cross designation should be available for
20 personnel who will assist more than one agency or
21 department of the United States at land ports of
22 entry to facilitate and expedite the flow of increased
23 legitimate trade and commerce.

24 **SEC. 1203. AUTHORIZATION OF APPROPRIATIONS.**

25 In addition to any amounts otherwise authorized to
26 be appropriated for such purpose, there is appropriated

1 \$2,000,000,000 for each of fiscal years 2026 through
2 2030 to carry out this subtitle.

3 **SEC. 1204. FUNDING MATTERS.**

4 Subchapter A of chapter 98 of the Internal Revenue
5 Code of 1986 is amended by adding at the end the fol-
6 lowing new section:

7 **“SEC. 9512. IMMIGRATION INFRASTRUCTURE AND DEBT RE-**
8 **DUCTION FUND.**

9 “(a) CREATION OF TRUST FUND.—There is hereby
10 established in the Treasury of the United States a trust
11 fund to be known as the Immigration Infrastructure and
12 Debt Reduction Fund, consisting of such amounts as may
13 be appropriated or credited to such Fund as provided in
14 this section or section 9602(b).

15 “(b) TRANSFER TO TRUST FUND OF AMOUNTS
16 EQUIVALENT TO CERTAIN TAXES.—There are hereby ap-
17 propriated to the Immigration Infrastructure and Debt
18 Reduction Fund amounts equivalent to the taxes received
19 in the Treasury under section 2304 of division B of the
20 Dignity for Immigrants while Guarding our Nation to Ig-
21 nite and Deliver the American Dream Act paid or incurred
22 by taxpayers who are aliens and participants in the Dig-
23 nity Program under title III of division B of the Dignity
24 for Immigrants while Guarding our Nation to Ignite and
25 Deliver the American Dream Act.

1 “(c) EXPENDITURES FROM TRUST FUND.—Amounts
2 in the Immigration Infrastructure and Debt Reduction
3 Fund shall be available to carry out the Dignity for Immi-
4 grants while Guarding our Nation to Ignite and Deliver
5 the American Dream Act and the amendments made by
6 such Act.

7 “(d) ADDITIONAL EXPENDITURES FROM TRUST
8 FUND.—After such expenditures in this Act are com-
9 pleted, the remaining amounts from the Immigration In-
10 frastructure and Debt Reduction fund shall be returned
11 to the Treasury to pay down the national debt.

12 “(e) PREMIUM PROCESSING FEE DEPOSITS.—Fifty
13 percent of the Premium Processing fee collected under sec-
14 tion 201(b)(1) of the Immigration and Nationality Act (8
15 U.S.C. 1151(b)(1)), as amended by section 3201 of the
16 DIGNIDAD Act of 2025, shall be deposited into the Im-
17 migration Examinations Fee Account (IEFA) of the
18 Treasury to fund the costs of processing immigration ben-
19 efit requests.

20 “(f) PREMIUM PROCESSING FEE CONTRIBUTIONS.—
21 An employer or private entity may contribute a partial or
22 full amount of the Premium Processing fee collected under
23 section 201(b)(1) of the Immigration and Nationality Act
24 (8 U.S.C. 1151(b)(1)), as amended by section 3201 of the
25 DIGNIDAD Act of 2025.”.

1 **TITLE III—CRIMINAL**
2 **ENFORCEMENT PROVISIONS**

3 **SEC. 1301. ILLICIT SPOTTING.**

4 Section 1510 of title 18, United States Code, is
5 amended by adding at the end the following:

6 “(f) Any person who knowingly transmits, by any
7 means, to another person the location, movement, or ac-
8 tivities of any officer or agent of a Federal, State, local,
9 or tribal law enforcement agency with the intent to aid
10 and abet a criminal offense under the immigration laws
11 (as such term is defined in section 101 of the Immigration
12 and Nationality Act), the Controlled Substances Act, or
13 the Controlled Substances Import and Export Act, or that
14 relates to agriculture or monetary instruments shall be
15 fined under this title or imprisoned not more than 10
16 years, or both.”.

17 **SEC. 1302. UNLAWFULLY HINDERING IMMIGRATION, BOR-**
18 **DER, AND CUSTOMS CONTROLS.**

19 (a) BRINGING IN AND HARBORING OF CERTAIN
20 ALIENS.—Section 274(a) of the Immigration and Nation-
21 ality Act (8 U.S.C. 1324(a)) is amended—

22 (1) in paragraph (2), by striking “brings to or
23 attempts to” and inserting the following: “brings to
24 or knowingly attempts or conspires to”; and

25 (2) by adding at the end the following:

1 “(5) In the case of a person who has brought
2 aliens into the United States in violation of this sub-
3 section, the sentence otherwise provided for may be
4 increased by up to 10 years if that person, at the
5 time of the offense, used or carried a firearm or
6 who, in furtherance of any such crime, possessed a
7 firearm.”.

8 (b) AIDING OR ASSISTING CERTAIN ALIENS TO
9 ENTER THE UNITED STATES.—Section 277 of the Immi-
10 gration and Nationality Act (8 U.S.C. 1327) is amend-
11 ed—

12 (1) by inserting after “knowingly aids or as-
13 sists” the following: “or attempts to aid or assist”;
14 and

15 (2) by adding at the end the following: “In the
16 case of a person convicted of an offense under this
17 section, the sentence otherwise provided for may be
18 increased by up to 10 years if that person, at the
19 time of the offense, used or carried a firearm or
20 who, in furtherance of any such crime, possessed a
21 firearm.”.

22 **SEC. 1303. REPORT ON SMUGGLING.**

23 The Secretary of Homeland Security, in coordination
24 with the heads of appropriate Federal agencies, shall de-

1 develop a regularly updated intelligence driven analysis that
2 includes—

3 (1) migrant perceptions of United States law
4 and policy at the border, including human smuggling
5 organization messaging and propaganda;

6 (2) tactics, techniques, and procedures used by
7 human smuggling organizations to exploit border se-
8 curity vulnerabilities to facilitate such smuggling ac-
9 tivities across the border;

10 (3) the methods and use of technology to orga-
11 nize and encourage irregular migration and under-
12 mine border security; and

13 (4) any other information the Secretary deter-
14 mines appropriate.

15 **SEC. 1304. ILLEGAL REENTRY.**

16 Section 276 of the Immigration and Nationality Act
17 (8 U.S.C. 1326) is amended to read as follows:

18 **“SEC. 276. REENTRY OF REMOVED ALIEN.**

19 **“(a) REENTRY AFTER REMOVAL.—**

20 **“(1) IN GENERAL.—**Any alien who has been de-
21 nied admission, excluded, deported, or removed, or
22 who has departed the United States while an order
23 of exclusion, deportation, or removal is outstanding,
24 and subsequently enters, crosses the border to, or is
25 at any time found in the United States, shall be

1 fined under title 18, United States Code, imprisoned
2 not more than 10 years, or both.

3 “(2) EXCEPTION.—If an alien sought and re-
4 ceived the express consent of the Secretary to re-
5 apply for admission into the United States, or, with
6 respect to an alien previously denied admission and
7 removed, the alien was not required to obtain such
8 advance consent under the Immigration and Nation-
9 ality Act or any prior Act, the alien shall not be sub-
10 subject to the fine and imprisonment provided for in
11 paragraph (1).

12 “(b) REENTRY OF CRIMINAL OFFENDERS.—Not-
13 withstanding the penalty provided in subsection (a), if an
14 alien described in that subsection was convicted before
15 such removal or departure—

16 “(1) for 3 or more misdemeanors or for a fel-
17 ony, the alien shall be fined under title 18, United
18 States Code, imprisoned not more than 15 years, or
19 both;

20 “(2) for a felony for which the alien was sen-
21 tenced to a term of imprisonment of not less than
22 30 months, the alien shall be fined under such title,
23 imprisoned not more than 20 years, or both;

24 “(3) for a felony for which the alien was sen-
25 tenced to a term of imprisonment of not less than

1 60 months, the alien shall be fined under such title,
2 imprisoned not more than 25 years, or both; or

3 “(4) for murder, rape, kidnapping, or a felony
4 offense described in chapter 77 (relating to peonage
5 and slavery) or 113B (relating to terrorism) of such
6 title, or for 3 or more felonies of any kind, the alien
7 shall be fined under such title, imprisoned not more
8 than 30 years, or both.

9 “(c) REENTRY AFTER REPEATED REMOVAL.—Any
10 alien who has been denied admission, excluded, deported,
11 or removed 3 or more times and thereafter enters, at-
12 tempts to enter, crosses the border to, attempts to cross
13 the border to, or is at any time found in the United States,
14 shall be fined under title 18, United States Code, impris-
15 oned not more than 20 years, or both.

16 “(d) PROOF OF PRIOR CONVICTIONS.—The prior
17 convictions described in subsection (b) are elements of the
18 crimes described, and the penalties in that subsection shall
19 apply only in cases in which the conviction or convictions
20 that form the basis for the additional penalty are—

21 “(1) alleged in the indictment or information;
22 and

23 “(2) proven beyond a reasonable doubt at trial
24 or admitted by the defendant.

1 “(e) REENTRY OF ALIEN REMOVED PRIOR TO COM-
2 PLETION OF TERM OF IMPRISONMENT.—Any alien re-
3 moved pursuant to section 241(a)(4) who enters, attempts
4 to enter, crosses the border to, attempts to cross the bor-
5 der to, or is at any time found in, the United States shall
6 be incarcerated for the remainder of the sentence of im-
7 prisonment which was pending at the time of deportation
8 without any reduction for parole or supervised release un-
9 less the alien affirmatively demonstrates that the Sec-
10 retary of Homeland Security has expressly consented to
11 the alien’s reentry. Such alien shall be subject to such
12 other penalties relating to the reentry of removed aliens
13 as may be available under this section or any other provi-
14 sion of law.

15 “(f) DEFINITIONS.—For purposes of this section and
16 section 275, the following definitions shall apply:

17 “(1) CROSSES THE BORDER TO THE UNITED
18 STATES.—The term ‘crosses the border’ refers to the
19 physical act of crossing the border free from official
20 restraint.

21 “(2) OFFICIAL RESTRAINT.—The term ‘official
22 restraint’ means any restraint known to the alien
23 that serves to deprive the alien of liberty and pre-
24 vents the alien from going at large into the United

1 States. Surveillance unbeknownst to the alien shall
2 not constitute official restraint.

3 “(3) FELONY.—The term ‘felony’ means any
4 criminal offense punishable by a term of imprison-
5 ment of more than 1 year under the laws of the
6 United States, any State, or a foreign government.

7 “(4) MISDEMEANOR.—The term ‘misdemeanor’
8 means any criminal offense punishable by a term of
9 imprisonment of not more than 1 year under the ap-
10 plicable laws of the United States, any State, or a
11 foreign government.

12 “(5) REMOVAL.—The term ‘removal’ includes
13 any denial of admission, exclusion, deportation, or
14 removal, or any agreement by which an alien stipu-
15 lates or agrees to exclusion, deportation, or removal.

16 “(6) STATE.—The term ‘State’ means a State
17 of the United States, the District of Columbia, and
18 any commonwealth, territory, or possession of the
19 United States.”.

20 **SEC. 1305. MANDATORY MINIMUM PENALTY FOR CHILD SEX**
21 **TRAFFICKING.**

22 Section 1591(b) of title 18, United States Code, is
23 amended—

24 (1) in paragraph (1), by striking “15” and in-
25 serting “25”; and

1 (2) in paragraph (2), by striking “10 years”
2 and inserting “25 years”.

3 **SEC. 1306. VISA INELIGIBILITY FOR SPOUSES AND CHIL-**
4 **DREN OF DRUG TRAFFICKERS.**

5 Section 212(a)(2) of the Immigration and Nationality
6 Act (8 U.S.C. 1182(a)(2)) is amended—

7 (1) in subparagraph (C)(ii), by striking “is the
8 spouse, son, or daughter” and inserting “is or has
9 been the spouse, son, or daughter”; and

10 (2) in subparagraph (H)(ii), by striking “is the
11 spouse, son, or daughter” and inserting “is or has
12 been the spouse, son, or daughter”.

13 **SEC. 1307. DNA TESTING AND COLLECTION CONSISTENT**
14 **WITH FEDERAL LAW.**

15 (a) DNA TESTING FOR FAMILY RELATIONSHIP.—

16 Section 222(b) of the Immigration and Nationality Act (8
17 U.S.C. 1202(b)) is amended by inserting “Where consid-
18 ered necessary, by the consular officer or immigration offi-
19 cial, to establish family relationships, the immigrant shall
20 provide DNA evidence of such a relationship in accordance
21 with procedures established for submitting such evidence.
22 The Secretary and the Secretary of State may, in con-
23 sultation, issue regulations to require DNA evidence to es-
24 tablish family relationship, from applicants for certain visa
25 classifications.” after “and a certified copy of all other

1 records or documents concerning him or his case which
2 may be required by the consular officer.”.

3 (b) DNA COLLECTION CONSISTENT WITH FEDERAL
4 LAW.—Not later than 90 days after the date of the enact-
5 ment of this section, the Secretary shall ensure and certify
6 to the Committee on Homeland Security of the House of
7 Representatives and the Committee on Homeland Security
8 and Governmental Affairs of the Senate that CBP is fully
9 compliant with the DNA Fingerprint Act of 2005 (Public
10 Law 109–162; 119 Stat. 3084) at all border facilities that
11 process adults, including as part of a family unit, in the
12 custody of CBP at the border.

13 **SEC. 1308. INCREASED PENALTY FOR VOTING BY ALIENS.**

14 Section 611(b) of title 18, United States Code, is
15 amended by striking “one year” and inserting “five
16 years”.

17 **TITLE IV—MANDATORY E-**
18 **VERIFY**

19 **SEC. 1401. SHORT TITLE.**

20 This title may be cited as the “Legal Workforce Act”.

21 **SEC. 1402. EMPLOYMENT ELIGIBILITY VERIFICATION**
22 **PROCESS.**

23 (a) IN GENERAL.—Section 274A(b) of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1324a(b)) is amended
25 to read as follows:

1 “(b) EMPLOYMENT ELIGIBILITY VERIFICATION
2 PROCESS.—

3 “(1) NEW HIRES, RECRUITMENT, AND REFER-
4 RAL.—The requirements referred to in paragraphs
5 (1)(B) and (3) of subsection (a) are, in the case of
6 a person or other entity hiring, recruiting, or refer-
7 ring an individual for employment in the United
8 States, the following:

9 “(A) ATTESTATION AFTER EXAMINATION
10 OF DOCUMENTATION.—

11 “(i) ATTESTATION.—During the
12 verification period (as defined in subpara-
13 graph (E)), the person or entity shall at-
14 test, under penalty of perjury and on a
15 form, including electronic and telephonic
16 formats, designated or established by the
17 Secretary by regulation not later than 6
18 months after the date of the enactment of
19 the Legal Workforce Act, that it has
20 verified that the individual is not an unau-
21 thorized alien by—

22 “(I) obtaining from the indi-
23 vidual the individual’s social security
24 account number or United States
25 passport number and recording the

1 number on the form (if the individual
2 claims to have been issued such a
3 number), and, if the individual does
4 not attest to United States nationality
5 under subparagraph (B), obtaining
6 such identification or authorization
7 number established by the Depart-
8 ment of Homeland Security for the
9 alien as the Secretary of Homeland
10 Security may specify, and recording
11 such number on the form; and

12 “(II) examining—

13 “(aa) a document relating to
14 the individual presenting it de-
15 scribed in clause (ii); or

16 “(bb) a document relating to
17 the individual presenting it de-
18 scribed in clause (iii) and a docu-
19 ment relating to the individual
20 presenting it described in clause
21 (iv).

22 “(ii) DOCUMENTS EVIDENCING EM-
23 PLOYMENT AUTHORIZATION AND ESTAB-
24 LISHING IDENTITY.—A document de-

1 scribed in this subparagraph is an individ-
2 ual’s—

3 “(I) unexpired United States
4 passport or passport card;

5 “(II) unexpired permanent resi-
6 dent card that contains a photograph;

7 “(III) unexpired employment au-
8 thorization card that contains a pho-
9 tograph;

10 “(IV) in the case of a non-
11 immigrant alien authorized to work
12 for a specific employer incident to sta-
13 tus, a foreign passport with Form I-
14 94 or Form I-94A, or other docu-
15 mentation as designated by the Sec-
16 retary specifying the alien’s non-
17 immigrant status as long as the pe-
18 riod of status has not yet expired and
19 the proposed employment is not in
20 conflict with any restrictions or limita-
21 tions identified in the documentation;

22 “(V) passport from the Fed-
23 erated States of Micronesia (FSM) or
24 the Republic of the Marshall Islands
25 (RMI) with Form I-94 or Form I-

1 94A, or other documentation as des-
2 ignated by the Secretary, indicating
3 nonimmigrant admission under the
4 Compact of Free Association Between
5 the United States and the FSM or
6 RMI; or

7 “(VI) other document designated
8 by the Secretary of Homeland Secu-
9 rity, if the document—

10 “(aa) contains a photograph
11 of the individual and biometric
12 identification data from the indi-
13 vidual and such other personal
14 identifying information relating
15 to the individual as the Secretary
16 of Homeland Security finds, by
17 regulation, sufficient for purposes
18 of this clause;

19 “(bb) is evidence of author-
20 ization of employment in the
21 United States; and

22 “(cc) contains security fea-
23 tures to make it resistant to tam-
24 pering, counterfeiting, and fraud-
25 ulent use.

1 “(iii) DOCUMENTS EVIDENCING EM-
2 PLOYMENT AUTHORIZATION.—A document
3 described in this subparagraph is an indi-
4 vidual’s social security account number
5 card (other than such a card which speci-
6 fies on the face that the issuance of the
7 card does not authorize employment in the
8 United States).

9 “(iv) DOCUMENTS ESTABLISHING
10 IDENTITY OF INDIVIDUAL.—A document
11 described in this subparagraph is—

12 “(I) an individual’s unexpired
13 State issued driver’s license or identi-
14 fication card if it contains a photo-
15 graph and information such as name,
16 date of birth, gender, height, eye
17 color, and address;

18 “(II) an individual’s unexpired
19 U.S. military identification card;

20 “(III) an individual’s unexpired
21 Native American tribal identification
22 document issued by a tribal entity rec-
23 ognized by the Bureau of Indian Af-
24 fairs; or

1 “(IV) in the case of an individual
2 under 18 years of age, a parent or
3 legal guardian’s attestation under
4 penalty of law as to the identity and
5 age of the individual.

6 “(v) AUTHORITY TO PROHIBIT USE OF
7 CERTAIN DOCUMENTS.—If the Secretary of
8 Homeland Security finds, by regulation,
9 that any document described in clause (i),
10 (ii), or (iii) as establishing employment au-
11 thorization or identity does not reliably es-
12 tablish such authorization or identity or is
13 being used fraudulently to an unacceptable
14 degree, the Secretary may prohibit or place
15 conditions on its use for purposes of this
16 paragraph.

17 “(vi) SIGNATURE.—Such attestation
18 may be manifested by either a handwritten
19 or electronic signature.

20 “(B) INDIVIDUAL ATTESTATION OF EM-
21 PLOYMENT AUTHORIZATION.—During the veri-
22 fication period (as defined in subparagraph
23 (E)), the individual shall attest, under penalty
24 of perjury on the form designated or established
25 for purposes of subparagraph (A), that the indi-

1 vidual is a citizen or national of the United
2 States, an alien lawfully admitted for perma-
3 nent residence, or an alien who is authorized
4 under this Act or by the Secretary of Homeland
5 Security to be hired, recruited, or referred for
6 such employment. Such attestation may be
7 manifested by either a handwritten or electronic
8 signature. The individual shall also provide that
9 individual's social security account number or
10 United States passport number (if the indi-
11 vidual claims to have been issued such a num-
12 ber), and, if the individual does not attest to
13 United States nationality under this subpara-
14 graph, such identification or authorization num-
15 ber established by the Department of Homeland
16 Security for the alien as the Secretary may
17 specify.

18 “(C) RETENTION OF VERIFICATION FORM
19 AND VERIFICATION.—

20 “(i) IN GENERAL.—After completion
21 of such form in accordance with subpara-
22 graphs (A) and (B), the person or entity
23 shall—

24 “(I) retain a paper, microfiche,
25 microfilm, or electronic version of the

1 form and make it available for inspec-
2 tion by officers of the Department of
3 Homeland Security, the Department
4 of Justice, or the Department of
5 Labor during a period beginning on
6 the date of the recruiting or referral
7 of the individual, or, in the case of the
8 hiring of an individual, the date on
9 which the verification is completed,
10 and ending—

11 “(aa) in the case of the re-
12 cruiting or referral of an indi-
13 vidual, 3 years after the date of
14 the recruiting or referral; and

15 “(bb) in the case of the hir-
16 ing of an individual, the later of
17 3 years after the date the verifi-
18 cation is completed or one year
19 after the date the individual’s
20 employment is terminated; and

21 “(II) during the verification pe-
22 riod (as defined in subparagraph (E)),
23 make an inquiry, as provided in sub-
24 section (d), using the verification sys-
25 tem to seek verification of the identity

1 and employment eligibility of an indi-
2 vidual.

3 “(ii) CONFIRMATION.—

4 “(I) CONFIRMATION RE-
5 CEIVED.—If the person or other entity
6 receives an appropriate confirmation
7 of an individual’s identity and work
8 eligibility under the verification sys-
9 tem within the time period specified,
10 the person or entity shall record on
11 the form an appropriate code that is
12 provided under the system and that
13 indicates a final confirmation of such
14 identity and work eligibility of the in-
15 dividual.

16 “(II) TENTATIVE NONCONFIRMA-
17 TION RECEIVED.—If the person or
18 other entity receives a tentative non-
19 confirmation of an individual’s iden-
20 tity or work eligibility under the
21 verification system within the time pe-
22 riod specified, the person or entity
23 shall so inform the individual for
24 whom the verification is sought. If the
25 individual does not contest the non-

1 confirmation within the time period
2 specified, the nonconfirmation shall be
3 considered final. The person or entity
4 shall then record on the form an ap-
5 propriate code which has been pro-
6 vided under the system to indicate a
7 final nonconfirmation. If the indi-
8 vidual does contest the nonconfirma-
9 tion, the individual shall utilize the
10 process for secondary verification pro-
11 vided under subsection (d). The non-
12 confirmation will remain tentative
13 until a final confirmation or noncon-
14 firmation is provided by the verifica-
15 tion system within the time period
16 specified. In no case shall an employer
17 terminate employment of an individual
18 because of a failure of the individual
19 to have identity and work eligibility
20 confirmed under this section until a
21 nonconfirmation becomes final. Noth-
22 ing in this clause shall apply to a ter-
23 mination of employment for any rea-
24 son other than because of such a fail-
25 ure. In no case shall an employer re-

1 scind the offer of employment to an
2 individual because of a failure of the
3 individual to have identity and work
4 eligibility confirmed under this sub-
5 section until a nonconfirmation be-
6 comes final. Nothing in this subclause
7 shall apply to a rescission of the offer
8 of employment for any reason other
9 than because of such a failure.

10 “(III) FINAL CONFIRMATION OR
11 NONCONFIRMATION RECEIVED.—If a
12 final confirmation or nonconfirmation
13 is provided by the verification system
14 regarding an individual, the person or
15 entity shall record on the form an ap-
16 propriate code that is provided under
17 the system and that indicates a con-
18 firmation or nonconfirmation of iden-
19 tity and work eligibility of the indi-
20 vidual.

21 “(IV) EXTENSION OF TIME.—If
22 the person or other entity in good
23 faith attempts to make an inquiry
24 during the time period specified and
25 the verification system has registered

1 that not all inquiries were received
2 during such time, the person or entity
3 may make an inquiry in the first sub-
4 sequent working day in which the
5 verification system registers that it
6 has received all inquiries. If the
7 verification system cannot receive in-
8 quiries at all times during a day, the
9 person or entity merely has to assert
10 that the entity attempted to make the
11 inquiry on that day for the previous
12 sentence to apply to such an inquiry,
13 and does not have to provide any ad-
14 ditional proof concerning such inquiry.

15 “(V) CONSEQUENCES OF NON-
16 CONFIRMATION.—

17 “(aa) TERMINATION OR NO-
18 TIFICATION OF CONTINUED EM-
19 PLOYMENT.—If the person or
20 other entity has received a final
21 nonconfirmation regarding an in-
22 dividual, the person or entity
23 may terminate employment of the
24 individual (or decline to recruit
25 or refer the individual). If the

1 person or entity does not termi-
2 nate employment of the indi-
3 vidual or proceeds to recruit or
4 refer the individual, the person or
5 entity shall notify the Secretary
6 of Homeland Security of such
7 fact through the verification sys-
8 tem or in such other manner as
9 the Secretary may specify.

10 “(bb) FAILURE TO NO-
11 TIFY.—If the person or entity
12 fails to provide notice with re-
13 spect to an individual as required
14 under item (aa), the failure is
15 deemed to constitute a violation
16 of subsection (a)(1)(A) with re-
17 spect to that individual.

18 “(VI) CONTINUED EMPLOYMENT
19 AFTER FINAL NONCONFIRMATION.—If
20 the person or other entity continues to
21 employ (or to recruit or refer) an indi-
22 vidual after receiving final noncon-
23 firmation, a rebuttable presumption is
24 created that the person or entity has
25 violated subsection (a)(1)(A).

1 “(D) EFFECTIVE DATES OF NEW PROCE-
2 DURES.—

3 “(i) HIRING.—Except as provided in
4 clause (iii), the provisions of this para-
5 graph shall apply to a person or other enti-
6 ty hiring an individual for employment in
7 the United States as follows:

8 “(I) With respect to employers
9 having 10,000 or more employees in
10 the United States on the date of the
11 enactment of the Legal Workforce
12 Act, on the date that is 6 months
13 after the date of the enactment of
14 such Act.

15 “(II) With respect to employers
16 having 500 or more employees in the
17 United States, but less than 10,000
18 employees in the United States, on
19 the date of the enactment of the
20 Legal Workforce Act, on the date that
21 is 12 months after the date of the en-
22 actment of such Act.

23 “(III) With respect to employers
24 having 20 or more employees in the
25 United States, but less than 500 em-

1 ployees in the United States, on the
2 date of the enactment of the Legal
3 Workforce Act, on the date that is 18
4 months after the date of the enact-
5 ment of such Act.

6 “(IV) With respect to employers
7 having one or more employees in the
8 United States, but less than 20 em-
9 ployees in the United States, on the
10 date of the enactment of the Legal
11 Workforce Act, on the date that is 24
12 months after the date of the enact-
13 ment of such Act.

14 “(ii) RECRUITING AND REFERRING.—
15 Except as provided in clause (iii), the pro-
16 visions of this paragraph shall apply to a
17 person or other entity recruiting or refer-
18 ring an individual for employment in the
19 United States on the date that is 12
20 months after the date of the enactment of
21 the Legal Workforce Act.

22 “(iii) AGRICULTURAL LABOR OR SERV-
23 ICES.—With respect to an employee per-
24 forming agricultural labor or services, this
25 paragraph shall not apply with respect to

1 the verification of the employee until the
2 date that is 30 months after the date of
3 the enactment of the Legal Workforce Act.
4 For purposes of the preceding sentence,
5 the term ‘agricultural labor or services’ has
6 the meaning given such term by the Sec-
7 retary of Agriculture in regulations and in-
8 cludes agricultural labor as defined in sec-
9 tion 3121(g) of the Internal Revenue Code
10 of 1986, agriculture as defined in section
11 3(f) of the Fair Labor Standards Act of
12 1938 (29 U.S.C. 203(f)), the handling,
13 planting, drying, packing, packaging, proc-
14 essing, freezing, or grading prior to deliv-
15 ery for storage of any agricultural or horti-
16 cultural commodity in its unmanufactured
17 state, all activities required for the prepa-
18 ration, processing or manufacturing of a
19 product of agriculture (as such term is de-
20 fined in such section 3(f)) for further dis-
21 tribution, and activities similar to all the
22 foregoing as they relate to fish or shellfish
23 facilities. An employee described in this
24 clause shall not be counted for purposes of
25 clause (i).

1 “(iv) EXTENSIONS.—Upon request by
2 an employer having 50 or fewer employees,
3 the Secretary shall allow a one-time 6-
4 month extension of the effective date set
5 out in this subparagraph applicable to such
6 employer. Such request shall be made to
7 the Secretary and shall be made prior to
8 such effective date.

9 “(v) TRANSITION RULE.—Subject to
10 paragraph (4), the following shall apply to
11 a person or other entity hiring, recruiting,
12 or referring an individual for employment
13 in the United States until the effective
14 date or dates applicable under clauses (i)
15 through (iii):

16 “(I) This subsection, as in effect
17 before the enactment of the Legal
18 Workforce Act.

19 “(II) Subtitle A of title IV of the
20 Illegal Immigration Reform and Im-
21 migrant Responsibility Act of 1996 (8
22 U.S.C. 1324a note), as in effect be-
23 fore the effective date in section
24 6107(c) of the Legal Workforce Act.

1 “(III) Any other provision of
2 Federal law requiring the person or
3 entity to participate in the E-Verify
4 Program described in section 403(a)
5 of the Illegal Immigration Reform and
6 Immigrant Responsibility Act of 1996
7 (8 U.S.C. 1324a note), as in effect be-
8 fore the effective date in section
9 6107(c) of the Legal Workforce Act,
10 including Executive Order 13465 (8
11 U.S.C. 1324a note; relating to Gov-
12 ernment procurement).

13 “(E) VERIFICATION PERIOD DEFINED.—

14 “(i) IN GENERAL.—For purposes of
15 this paragraph:

16 “(I) In the case of recruitment or
17 referral, the term ‘verification period’
18 means the period ending on the date
19 recruiting or referring commences.

20 “(II) In the case of hiring, the
21 term ‘verification period’ means the
22 period beginning on the date on which
23 an offer of employment is extended
24 and ending on the date that is three
25 business days after the date of hire,

1 except as provided in clause (iii). The
2 offer of employment may be condi-
3 tioned in accordance with clause (ii).

4 “(ii) JOB OFFER MAY BE CONDI-
5 TIONAL.—A person or other entity may
6 offer a prospective employee an employ-
7 ment position that is conditioned on final
8 verification of the identity and employment
9 eligibility of the employee using the proce-
10 dures established under this paragraph.

11 “(iii) SPECIAL RULE.—Notwithstand-
12 ing clause (i)(II), in the case of an alien
13 who is authorized for employment and who
14 provides evidence from the Social Security
15 Administration that the alien has applied
16 for a social security account number, the
17 verification period ends three business days
18 after the alien receives the social security
19 account number.

20 “(2) REVERIFICATION FOR INDIVIDUALS WITH
21 LIMITED WORK AUTHORIZATION.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), a person or entity shall
24 make an inquiry, as provided in subsection (d),
25 using the verification system to seek reverifica-

1 tion of the identity and employment eligibility
2 of all individuals with a limited period of work
3 authorization employed by the person or entity
4 during the three business days after the date on
5 which the employee's work authorization expires
6 as follows:

7 “(i) With respect to employers having
8 10,000 or more employees in the United
9 States on the date of the enactment of the
10 Legal Workforce Act, beginning on the
11 date that is 6 months after the date of the
12 enactment of such Act.

13 “(ii) With respect to employers having
14 500 or more employees in the United
15 States, but less than 10,000 employees in
16 the United States, on the date of the en-
17 actment of the Legal Workforce Act, be-
18 ginning on the date that is 12 months
19 after the date of the enactment of such
20 Act.

21 “(iii) With respect to employers hav-
22 ing 20 or more employees in the United
23 States, but less than 500 employees in the
24 United States, on the date of the enact-
25 ment of the Legal Workforce Act, begin-

1 ning on the date that is 18 months after
2 the date of the enactment of such Act.

3 “(iv) With respect to employers hav-
4 ing one or more employees in the United
5 States, but less than 20 employees in the
6 United States, on the date of the enact-
7 ment of the Legal Workforce Act, begin-
8 ning on the date that is 24 months after
9 the date of the enactment of such Act.

10 “(B) AGRICULTURAL LABOR OR SERV-
11 ICES.—With respect to an employee performing
12 agricultural labor or services, or an employee
13 recruited or referred by a farm labor contractor
14 (as defined in section 3 of the Migrant and Sea-
15 sonal Agricultural Worker Protection Act (29
16 U.S.C. 1801)), subparagraph (A) shall not
17 apply with respect to the reverification of the
18 employee until the date that is 30 months after
19 the date of the enactment of the Legal Work-
20 force Act. For purposes of the preceding sen-
21 tence, the term ‘agricultural labor or services’
22 has the meaning given such term by the Sec-
23 retary of Agriculture in regulations and in-
24 cludes agricultural labor as defined in section
25 3121(g) of the Internal Revenue Code of 1986,

1 agriculture as defined in section 3(f) of the
2 Fair Labor Standards Act of 1938 (29 U.S.C.
3 203(f)), the handling, planting, drying, packing,
4 packaging, processing, freezing, or grading
5 prior to delivery for storage of any agricultural
6 or horticultural commodity in its unmanufac-
7 tured state, all activities required for the prepa-
8 ration, processing, or manufacturing of a prod-
9 uct of agriculture (as such term is defined in
10 such section 3(f)) for further distribution, and
11 activities similar to all the foregoing as they re-
12 late to fish or shellfish facilities. An employee
13 described in this subparagraph shall not be
14 counted for purposes of subparagraph (A).

15 “(C) REVERIFICATION.—Paragraph
16 (1)(C)(ii) shall apply to reverifications pursuant
17 to this paragraph on the same basis as it ap-
18 plies to verifications pursuant to paragraph (1),
19 except that employers shall—

20 “(i) use a form designated or estab-
21 lished by the Secretary by regulation for
22 purposes of this paragraph; and

23 “(ii) retain a paper, microfiche, micro-
24 film, or electronic version of the form and
25 make it available for inspection by officers

1 of the Department of Homeland Security,
2 the Department of Justice, or the Depart-
3 ment of Labor during the period beginning
4 on the date the reverification commences
5 and ending on the date that is the later of
6 3 years after the date of such reverification
7 or 1 year after the date the individual's
8 employment is terminated.

9 “(3) PREVIOUSLY HIRED INDIVIDUALS.—

10 “(A) ON A MANDATORY BASIS FOR CER-
11 TAIN EMPLOYEES.—

12 “(i) IN GENERAL.—Not later than the
13 date that is 6 months after the date of the
14 enactment of the Legal Workforce Act, an
15 employer shall make an inquiry, as pro-
16 vided in subsection (d), using the
17 verification system to seek verification of
18 the identity and employment eligibility of
19 any individual described in clause (ii) em-
20 ployed by the employer whose employment
21 eligibility has not been verified under the
22 E-Verify Program described in section
23 403(a) of the Illegal Immigration Reform
24 and Immigrant Responsibility Act of 1996
25 (8 U.S.C. 1324a note).

1 “(ii) INDIVIDUALS DESCRIBED.—An
2 individual described in this clause is any of
3 the following:

4 “(I) An employee of any unit of
5 a Federal, State, or local government.

6 “(II) An employee who requires a
7 Federal security clearance working in
8 a Federal, State, or local government
9 building, a military base, a nuclear
10 energy site, a weapons site, or an air-
11 port or other facility that requires
12 workers to carry a Transportation
13 Worker Identification Credential
14 (TWIC).

15 “(III) An employee assigned to
16 perform work in the United States
17 under a Federal contract, except that
18 this subclause—

19 “(aa) is not applicable to in-
20 dividuals who have a clearance
21 under Homeland Security Presi-
22 dential Directive 12 (HSPD 12
23 clearance), are administrative or
24 overhead personnel, or are work-
25 ing solely on contracts that pro-

1 vide Commercial Off The Shelf
2 goods or services as set forth by
3 the Federal Acquisition Regu-
4 latory Council, unless they are
5 subject to verification under sub-
6 clause (II); and

7 “(bb) only applies to con-
8 tracts over the simple acquisition
9 threshold as defined in section
10 2.101 of title 48, Code of Federal
11 Regulations.

12 “(B) ON A MANDATORY BASIS FOR MUL-
13 TIPLE USERS OF SAME SOCIAL SECURITY AC-
14 COUNT NUMBER.—In the case of an employer
15 who is required by this subsection to use the
16 verification system described in subsection (d),
17 or has elected voluntarily to use such system,
18 the employer shall make inquiries to the system
19 in accordance with the following:

20 “(i) The Commissioner of Social Secu-
21 rity shall notify annually employees (at the
22 employee address listed on the Wage and
23 Tax Statement) who submit a social secu-
24 rity account number to which more than
25 one employer reports income and for which

1 there is a pattern of unusual multiple use.
2 The notification letter shall identify the
3 number of employers to which income is
4 being reported as well as sufficient infor-
5 mation notifying the employee of the proc-
6 ess to contact the Social Security Adminis-
7 tration Fraud Hotline if the employee be-
8 lieves the employee's identity may have
9 been stolen. The notice shall not share in-
10 formation protected as private, in order to
11 avoid any recipient of the notice from
12 being in the position to further commit or
13 begin committing identity theft.

14 “(ii) If the person to whom the social
15 security account number was issued by the
16 Social Security Administration has been
17 identified and confirmed by the Commis-
18 sioner, and indicates that the social secu-
19 rity account number was used without
20 their knowledge, the Secretary and the
21 Commissioner shall lock the social security
22 account number for employment eligibility
23 verification purposes and shall notify the
24 employers of the individuals who wrong-
25 fully submitted the social security account

1 number that the employee may not be
2 work eligible.

3 “(iii) Each employer receiving such
4 notification of an incorrect social security
5 account number under clause (ii) shall use
6 the verification system described in sub-
7 section (d) to check the work eligibility sta-
8 tus of the applicable employee within 10
9 business days of receipt of the notification.

10 “(C) ON A VOLUNTARY BASIS.—Subject to
11 paragraph (2), and subparagraphs (A) through
12 (C) of this paragraph, beginning on the date
13 that is 30 days after the date of the enactment
14 of the Legal Workforce Act, an employer may
15 make an inquiry, as provided in subsection (d),
16 using the verification system to seek verification
17 of the identity and employment eligibility of any
18 individual employed by the employer. If an em-
19 ployer chooses voluntarily to seek verification of
20 any individual employed by the employer, the
21 employer shall seek verification of all individ-
22 uals employed at the same geographic location
23 or, at the option of the employer, all individuals
24 employed within the same job category, as the
25 employee with respect to whom the employer

1 seeks voluntarily to use the verification system.
2 An employer's decision about whether or not
3 voluntarily to seek verification of its current
4 workforce under this subparagraph may not be
5 considered by any government agency in any
6 proceeding, investigation, or review provided for
7 in this Act.

8 “(D) VERIFICATION.—Paragraph
9 (1)(C)(ii) shall apply to verifications pursuant
10 to this paragraph on the same basis as it ap-
11 plies to verifications pursuant to paragraph (1),
12 except that employers shall—

13 “(i) use a form designated or estab-
14 lished by the Secretary by regulation for
15 purposes of this paragraph; and

16 “(ii) retain a paper, microfiche, micro-
17 film, or electronic version of the form and
18 make it available for inspection by officers
19 of the Department of Homeland Security,
20 the Department of Justice, or the Depart-
21 ment of Labor during the period beginning
22 on the date the verification commences and
23 ending on the date that is the later of 3
24 years after the date of such verification or

1 1 year after the date the individual's em-
2 ployment is terminated.

3 “(4) EARLY COMPLIANCE.—

4 “(A) FORMER E-VERIFY REQUIRED USERS,
5 INCLUDING FEDERAL CONTRACTORS.—Notwith-
6 standing the deadlines in paragraphs (1) and
7 (2), beginning on the date of the enactment of
8 the Legal Workforce Act, the Secretary is au-
9 thorized to commence requiring employers re-
10 quired to participate in the E-Verify Program
11 described in section 403(a) of the Illegal Immi-
12 gration Reform and Immigrant Responsibility
13 Act of 1996 (8 U.S.C. 1324a note), including
14 employers required to participate in such pro-
15 gram by reason of Federal acquisition laws
16 (and regulations promulgated under those laws,
17 including the Federal Acquisition Regulation),
18 to commence compliance with the requirements
19 of this subsection (and any additional require-
20 ments of such Federal acquisition laws and reg-
21 ulation) in lieu of any requirement to partici-
22 pate in the E-Verify Program.

23 “(B) FORMER E-VERIFY VOLUNTARY
24 USERS AND OTHERS DESIRING EARLY COMPLI-
25 ANCE.—Notwithstanding the deadlines in para-

1 graphs (1) and (2), beginning on the date of
2 the enactment of the Legal Workforce Act, the
3 Secretary shall provide for the voluntary com-
4 pliance with the requirements of this subsection
5 by employers voluntarily electing to participate
6 in the E-Verify Program described in section
7 403(a) of the Illegal Immigration Reform and
8 Immigrant Responsibility Act of 1996 (8 U.S.C.
9 1324a note) before such date, as well as by
10 other employers seeking voluntary early compli-
11 ance.

12 “(5) COPYING OF DOCUMENTATION PER-
13 MITTED.—Notwithstanding any other provision of
14 law, the person or entity may copy a document pre-
15 sented by an individual pursuant to this subsection
16 and may retain the copy, but only (except as other-
17 wise permitted under law) for the purpose of com-
18 plying with the requirements of this subsection.

19 “(6) LIMITATION ON USE OF FORMS.—A form
20 designated or established by the Secretary of Home-
21 land Security under this subsection and any infor-
22 mation contained in or appended to such form, may
23 not be used for purposes other than for enforcement
24 of this Act and any other provision of Federal crimi-
25 nal law.

1 “(7) GOOD FAITH COMPLIANCE.—

2 “(A) IN GENERAL.—Except as otherwise
3 provided in this subsection, a person or entity
4 is considered to have complied with a require-
5 ment of this subsection notwithstanding a tech-
6 nical or procedural failure to meet such require-
7 ment if there was a good faith attempt to com-
8 ply with the requirement.

9 “(B) EXCEPTION IF FAILURE TO CORRECT
10 AFTER NOTICE.—Subparagraph (A) shall not
11 apply if—

12 “(i) the failure is not de minimis;

13 “(ii) the Secretary of Homeland Secu-
14 rity has explained to the person or entity
15 the basis for the failure and why it is not
16 de minimis;

17 “(iii) the person or entity has been
18 provided a period of not less than 30 cal-
19 endar days (beginning after the date of the
20 explanation) within which to correct the
21 failure; and

22 “(iv) the person or entity has not cor-
23 rected the failure voluntarily within such
24 period.

1 “(C) EXCEPTION FOR PATTERN OR PRAC-
2 TICE VIOLATORS.—Subparagraph (A) shall not
3 apply to a person or entity that has or is engag-
4 ing in a pattern or practice of violations of sub-
5 section (a)(1)(A) or (a)(2).

6 “(8) SINGLE EXTENSION OF DEADLINES UPON
7 CERTIFICATION.—In a case in which the Secretary
8 of Homeland Security has certified to the Congress
9 that the employment eligibility verification system
10 required under subsection (d) will not be fully oper-
11 ational by the date that is 6 months after the date
12 of the enactment of the Legal Workforce Act, each
13 deadline established under this section for an em-
14 ployer to make an inquiry using such system shall
15 be extended by 6 months. No other extension of such
16 a deadline shall be made except as authorized under
17 paragraph (1)(D)(iv).”.

18 (b) DATE OF HIRE.—Section 274A(h) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1324a(h)) is
20 amended by adding at the end the following:

21 “(4) DEFINITION OF DATE OF HIRE.—As used
22 in this section, the term ‘date of hire’ means the
23 date of actual commencement of employment for
24 wages or other remuneration, unless otherwise speci-
25 fied.”.

1 **SEC. 1403. EMPLOYMENT ELIGIBILITY VERIFICATION SYS-**
2 **TEM.**

3 Section 274A(d) of the Immigration and Nationality
4 Act (8 U.S.C. 1324a(d)) is amended to read as follows:

5 “(d) EMPLOYMENT ELIGIBILITY VERIFICATION SYS-
6 TEM.—

7 “(1) IN GENERAL.—Patterned on the employ-
8 ment eligibility confirmation system established
9 under section 404 of the Illegal Immigration Reform
10 and Immigrant Responsibility Act of 1996 (8 U.S.C.
11 1324a note), the Secretary of Homeland Security
12 shall establish and administer a verification system
13 through which the Secretary (or a designee of the
14 Secretary, which may be a nongovernmental enti-
15 ty)—

16 “(A) responds to inquiries made by per-
17 sons at any time through a toll-free telephone
18 line and other toll-free electronic media con-
19 cerning an individual’s identity and whether the
20 individual is authorized to be employed; and

21 “(B) maintains records of the inquiries
22 that were made, of verifications provided (or
23 not provided), and of the codes provided to in-
24 quirers as evidence of their compliance with
25 their obligations under this section.

1 “(2) INITIAL RESPONSE.—The verification sys-
2 tem shall provide confirmation or a tentative non-
3 confirmation of an individual’s identity and employ-
4 ment eligibility within 3 working days of the initial
5 inquiry. If providing confirmation or tentative non-
6 confirmation, the verification system shall provide an
7 appropriate code indicating such confirmation or
8 such nonconfirmation.

9 “(3) SECONDARY CONFIRMATION PROCESS IN
10 CASE OF TENTATIVE NONCONFIRMATION.—In cases
11 of tentative nonconfirmation, the Secretary shall
12 specify, in consultation with the Commissioner of
13 Social Security, an available secondary verification
14 process to confirm the validity of information pro-
15 vided and to provide a final confirmation or noncon-
16 firmation not later than 10 working days after the
17 date on which the notice of the tentative noncon-
18 firmation is received by the employee. The Secretary,
19 in consultation with the Commissioner, may extend
20 this deadline once on a case-by-case basis for a pe-
21 riod of 10 working days, and if the time is extended,
22 shall document such extension within the verification
23 system. The Secretary, in consultation with the
24 Commissioner, shall notify the employee and em-
25 ployer of such extension. The Secretary, in consulta-

1 tion with the Commissioner, shall create a standard
2 process of such extension and notification and shall
3 make a description of such process available to the
4 public. When final confirmation or nonconfirmation
5 is provided, the verification system shall provide an
6 appropriate code indicating such confirmation or
7 nonconfirmation.

8 “(4) DESIGN AND OPERATION OF SYSTEM.—

9 The verification system shall be designed and oper-
10 ated—

11 “(A) to maximize its reliability and ease of
12 use by persons and other entities consistent
13 with insulating and protecting the privacy and
14 security of the underlying information;

15 “(B) to respond to all inquiries made by
16 such persons and entities on whether individ-
17 uals are authorized to be employed and to reg-
18 ister all times when such inquiries are not re-
19 ceived;

20 “(C) with appropriate administrative, tech-
21 nical, and physical safeguards to prevent unau-
22 thorized disclosure of personal information;

23 “(D) to have reasonable safeguards against
24 the system’s resulting in unlawful discrimina-

1 tory practices based on national origin or citi-
2 zenship status, including—

3 “(i) the selective or unauthorized use
4 of the system to verify eligibility; or

5 “(ii) the exclusion of certain individ-
6 uals from consideration for employment as
7 a result of a perceived likelihood that addi-
8 tional verification will be required, beyond
9 what is required for most job applicants;

10 “(E) to maximize the prevention of iden-
11 tity theft use in the system; and

12 “(F) to limit the subjects of verification to
13 the following individuals:

14 “(i) Individuals hired, referred, or re-
15 cruited, in accordance with paragraph (1)
16 or (4) of subsection (b).

17 “(ii) Employees and prospective em-
18 ployees, in accordance with paragraph (1),
19 (2), (3), or (4) of subsection (b).

20 “(iii) Individuals seeking to confirm
21 their own employment eligibility on a vol-
22 untary basis.

23 “(5) RESPONSIBILITIES OF COMMISSIONER OF
24 SOCIAL SECURITY.—As part of the verification sys-
25 tem, the Commissioner of Social Security, in con-

1 sultation with the Secretary of Homeland Security
2 (and any designee of the Secretary selected to estab-
3 lish and administer the verification system), shall es-
4 tablish a reliable, secure method, which, within the
5 time periods specified under paragraphs (2) and (3),
6 compares the name and social security account num-
7 ber provided in an inquiry against such information
8 maintained by the Commissioner in order to validate
9 (or not validate) the information provided regarding
10 an individual whose identity and employment eligi-
11 bility must be confirmed, the correspondence of the
12 name and number, and whether the individual has
13 presented a social security account number that is
14 not valid for employment. The Commissioner shall
15 not disclose or release social security information
16 (other than such confirmation or nonconfirmation)
17 under the verification system except as provided for
18 in this section or section 205(c)(2)(I) of the Social
19 Security Act.

20 “(6) RESPONSIBILITIES OF SECRETARY OF
21 HOMELAND SECURITY.—As part of the verification
22 system, the Secretary of Homeland Security (in con-
23 sultation with any designee of the Secretary selected
24 to establish and administer the verification system),
25 shall establish a reliable, secure method, which, with-

1 in the time periods specified under paragraphs (2)
2 and (3), compares the name and alien identification
3 or authorization number (or any other information
4 as determined relevant by the Secretary) which are
5 provided in an inquiry against such information
6 maintained or accessed by the Secretary in order to
7 validate (or not validate) the information provided,
8 the correspondence of the name and number, wheth-
9 er the alien is authorized to be employed in the
10 United States, or to the extent that the Secretary
11 determines to be feasible and appropriate, whether
12 the records available to the Secretary verify the
13 identity or status of a national of the United States.

14 “(7) UPDATING INFORMATION.—The Commis-
15 sioner of Social Security and the Secretary of Home-
16 land Security shall update their information in a
17 manner that promotes the maximum accuracy and
18 shall provide a process for the prompt correction of
19 erroneous information, including instances in which
20 it is brought to their attention in the secondary
21 verification process described in paragraph (3).

22 “(8) LIMITATION ON USE OF THE
23 VERIFICATION SYSTEM AND ANY RELATED SYS-
24 TEMS.—

1 “(A) NO NATIONAL IDENTIFICATION
2 CARD.—Nothing in this section shall be con-
3 strued to authorize, directly or indirectly, the
4 issuance or use of national identification cards
5 or the establishment of a national identification
6 card.

7 “(B) CRITICAL INFRASTRUCTURE.—The
8 Secretary may authorize or direct any person or
9 entity responsible for granting access to, pro-
10 tecting, securing, operating, administering, or
11 regulating part of the critical infrastructure (as
12 defined in section 1016(e) of the Critical Infra-
13 structure Protection Act of 2001 (42 U.S.C.
14 5195c(e))) to use the verification system to the
15 extent the Secretary determines that such use
16 will assist in the protection of the critical infra-
17 structure.

18 “(9) REMEDIES.—If an individual alleges that
19 the individual would not have been dismissed from
20 a job but for an error of the verification mechanism,
21 the individual may seek compensation only through
22 the mechanism of the Federal Tort Claims Act, and
23 injunctive relief to correct such error. No class ac-
24 tion may be brought under this paragraph.”.

1 **SEC. 1404. RECRUITMENT, REFERRAL, AND CONTINUATION**
2 **OF EMPLOYMENT.**

3 (a) ADDITIONAL CHANGES TO RULES FOR RECRUIT-
4 MENT, REFERRAL, AND CONTINUATION OF EMPLOY-
5 MENT.—Section 274A(a) of the Immigration and Nation-
6 ality Act (8 U.S.C. 1324a(a)) is amended—

7 (1) in paragraph (1)(A), by striking “for a fee”;

8 (2) in paragraph (1), by amending subpara-
9 graph (B) to read as follows:

10 “(B) to hire, continue to employ, or to re-
11 cruit or refer for employment in the United
12 States an individual without complying with the
13 requirements of subsection (b).”; and

14 (3) in paragraph (2), by striking “after hiring
15 an alien for employment in accordance with para-
16 graph (1),” and inserting “after complying with
17 paragraph (1),”.

18 (b) DEFINITION.—Section 274A(h) of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1324a(h)), as amended
20 by section 1402(b) of this Act, is further amended by add-
21 ing at the end the following:

22 “(5) DEFINITION OF RECRUIT OR REFER.—As
23 used in this section, the term ‘refer’ means the act
24 of sending or directing a person who is in the United
25 States or transmitting documentation or information
26 to another, directly or indirectly, with the intent of

1 obtaining employment in the United States for such
2 person. Only persons or entities referring for remuneration (whether on a retainer or contingency
3 basis) are included in the definition, except that
4 union hiring halls that refer union members or non-
5 union individuals who pay union membership dues
6 are included in the definition whether or not they receive remuneration, as are labor service entities or
7 labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise
8 facilitate the hiring of laborers for any period
9 of time by a third party. As used in this section, the
10 term ‘recruit’ means the act of soliciting a person
11 who is in the United States, directly or indirectly,
12 and referring the person to another with the intent
13 of obtaining employment for that person. Only persons or entities referring for remuneration (whether
14 on a retainer or contingency basis) are included in
15 the definition, except that union hiring halls that
16 refer union members or nonunion individuals who
17 pay union membership dues are included in this definition whether or not they receive remuneration, as
18 are labor service entities or labor service agencies,
19 whether public, private, for-profit, or nonprofit that

1 recruit, dispatch, or otherwise facilitate the hiring of
2 laborers for any period of time by a third party.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date that is 1 year
5 after the date of the enactment of this Act, except that
6 the amendments made by subsection (a) shall take effect
7 6 months after the date of the enactment of this Act inso-
8 far as such amendments relate to continuation of employ-
9 ment.

10 **SEC. 1405. GOOD FAITH DEFENSE.**

11 Section 274A(a)(3) of the Immigration and Nation-
12 ality Act (8 U.S.C. 1324a(a)(3)) is amended to read as
13 follows:

14 “(3) GOOD FAITH DEFENSE.—

15 “(A) DEFENSE.—An employer (or person
16 or entity that hires, employs, recruits, or refers
17 (as defined in subsection (h)(5)), or is otherwise
18 obligated to comply with this section) who es-
19 tablishes that it has complied in good faith with
20 the requirements of subsection (b)—

21 “(i) shall not be liable to a job appli-
22 cant, an employee, the Federal Govern-
23 ment, or a State or local government,
24 under Federal, State, or local criminal or
25 civil law for any employment-related action

1 taken with respect to a job applicant or
2 employee in good-faith reliance on informa-
3 tion provided through the system estab-
4 lished under subsection (d); and

5 “(ii) has established compliance with
6 its obligations under subparagraphs (A)
7 and (B) of paragraph (1) and subsection
8 (b) absent a showing by the Secretary of
9 Homeland Security, by clear and con-
10 vincing evidence, that the employer had
11 knowledge that an employee is an unau-
12 thorized alien.

13 “(B) MITIGATION ELEMENT.—For pur-
14 poses of subparagraph (A)(i), if an employer
15 proves by a preponderance of the evidence that
16 the employer uses a reasonable, secure, and es-
17 tablished technology to authenticate the identity
18 of the new employee, that fact shall be taken
19 into account for purposes of determining good
20 faith use of the system established under sub-
21 section (d).

22 “(C) FAILURE TO SEEK AND OBTAIN
23 VERIFICATION.—Subject to the effective dates
24 and other deadlines applicable under subsection
25 (b), in the case of a person or entity in the

1 United States that hires, or continues to em-
2 ploy, an individual, or recruits or refers an indi-
3 vidual for employment, the following require-
4 ments apply:

5 “(i) FAILURE TO SEEK
6 VERIFICATION.—

7 “(I) IN GENERAL.—If the person
8 or entity has not made an inquiry,
9 under the mechanism established
10 under subsection (d) and in accord-
11 ance with the timeframes established
12 under subsection (b), seeking
13 verification of the identity and work
14 eligibility of the individual, the de-
15 fense under subparagraph (A) shall
16 not be considered to apply with re-
17 spect to any employment, except as
18 provided in subclause (II).

19 “(II) SPECIAL RULE FOR FAIL-
20 URE OF VERIFICATION MECHANISM.—
21 If such a person or entity in good
22 faith attempts to make an inquiry in
23 order to qualify for the defense under
24 subparagraph (A) and the verification
25 mechanism has registered that not all

1 inquiries were responded to during the
2 relevant time, the person or entity can
3 make an inquiry until the end of the
4 first subsequent working day in which
5 the verification mechanism registers
6 no nonresponses and qualify for such
7 defense.

8 “(ii) FAILURE TO OBTAIN
9 VERIFICATION.—If the person or entity
10 has made the inquiry described in clause
11 (i)(I) but has not received an appropriate
12 verification of such identity and work eligi-
13 bility under such mechanism within the
14 time period specified under subsection
15 (d)(2) after the time the verification in-
16 quiry was received, the defense under sub-
17 paragraph (A) shall not be considered to
18 apply with respect to any employment after
19 the end of such time period.”.

20 **SEC. 1406. PREEMPTION AND STATES’ RIGHTS.**

21 Section 274A(h)(2) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1324a(h)(2)) is amended to read as
23 follows:

24 “(2) PREEMPTION.—

1 “(A) SINGLE, NATIONAL POLICY.—The
2 provisions of this section preempt any State or
3 local law, ordinance, policy, or rule, including
4 any criminal or civil fine or penalty structure,
5 insofar as they may now or hereafter relate to
6 the hiring, continued employment, or status
7 verification for employment eligibility purposes,
8 of unauthorized aliens.

9 “(B) STATE ENFORCEMENT OF FEDERAL
10 LAW.—

11 “(i) BUSINESS LICENSING.—A State,
12 locality, municipality, or political subdivi-
13 sion may exercise its authority over busi-
14 ness licensing and similar laws as a pen-
15 alty for failure to use the verification sys-
16 tem described in subsection (d) to verify
17 employment eligibility when and as re-
18 quired under subsection (b).

19 “(ii) GENERAL RULES.—A State, at
20 its own cost, may enforce the provisions of
21 this section, but only insofar as such State
22 follows the Federal regulations imple-
23 menting this section, applies the Federal
24 penalty structure set out in this section,
25 and complies with all Federal rules and

1 guidance concerning implementation of this
2 section. Such State may collect any fines
3 assessed under this section. An employer
4 may not be subject to enforcement, includ-
5 ing audit and investigation, by both a Fed-
6 eral agency and a State for the same viola-
7 tion under this section. Whichever entity,
8 the Federal agency or the State, is first to
9 initiate the enforcement action, has the
10 right of first refusal to proceed with the
11 enforcement action. The Secretary must
12 provide copies of all guidance, training,
13 and field instructions provided to Federal
14 officials implementing the provisions of
15 this section to each State.”.

16 **SEC. 1407. REPEAL.**

17 (a) IN GENERAL.—Subtitle A of title IV of the Illegal
18 Immigration Reform and Immigrant Responsibility Act of
19 1996 (8 U.S.C. 1324a note) is repealed.

20 (b) REFERENCES.—Any reference in any Federal
21 law, Executive order, rule, regulation, or delegation of au-
22 thority, or any document of, or pertaining to, the Depart-
23 ment of Homeland Security, Department of Justice, or the
24 Social Security Administration, to the employment eligi-
25 bility confirmation system established under section 404

1 of the Illegal Immigration Reform and Immigrant Respon-
2 sibility Act of 1996 (8 U.S.C. 1324a note) is deemed to
3 refer to the employment eligibility confirmation system es-
4 tablished under section 274A(d) of the Immigration and
5 Nationality Act, as amended by section 1403 of this Act.

6 (c) **EFFECTIVE DATE.**—This section shall take effect
7 on the date that is 30 months after the date of the enact-
8 ment of this Act.

9 (d) **CLERICAL AMENDMENT.**—The table of sections,
10 in section 1(d) of the Illegal Immigration Reform and Im-
11 migrant Responsibility Act of 1996, is amended by strik-
12 ing the items relating to subtitle A of title IV.

13 **SEC. 1408. PENALTIES.**

14 Section 274A of the Immigration and Nationality Act
15 (8 U.S.C. 1324a) is amended—

16 (1) in subsection (e)(1)—

17 (A) by striking “Attorney General” each
18 place such term appears and inserting “Sec-
19 retary of Homeland Security”; and

20 (B) in subparagraph (D), by striking
21 “Service” and inserting “Department of Home-
22 land Security”;

23 (2) in subsection (e)(4)—

1 (A) in subparagraph (A), in the matter be-
2 fore clause (i), by inserting “, subject to para-
3 graph (10),” after “in an amount”;

4 (B) in subparagraph (A)(i), by striking
5 “not less than \$250 and not more than
6 \$2,000” and inserting “not less than \$2,500
7 and not more than \$5,000”;

8 (C) in subparagraph (A)(ii), by striking
9 “not less than \$2,000 and not more than
10 \$5,000” and inserting “not less than \$5,000
11 and not more than \$10,000”;

12 (D) in subparagraph (A)(iii), by striking
13 “not less than \$3,000 and not more than
14 \$10,000” and inserting “not less than \$10,000
15 and not more than \$25,000”; and

16 (E) by moving the margin of the continu-
17 ation text following subparagraph (B) two ems
18 to the left and by amending subparagraph (B)
19 to read as follows:

20 “(B) may require the person or entity to
21 take such other remedial action as is appro-
22 priate.”;

23 (3) in subsection (e)(5)—

24 (A) in the paragraph heading, strike “PA-
25 PERWORK”;

1 (B) by inserting “, subject to paragraphs
2 (10) through (12),” after “in an amount”;

3 (C) by striking “\$100” and inserting
4 “\$1,000”;

5 (D) by striking “\$1,000” and inserting
6 “\$25,000”; and

7 (E) by adding at the end the following:
8 “Failure by a person or entity to utilize the em-
9 ployment eligibility verification system as re-
10 quired by law, or providing information to the
11 system that the person or entity knows or rea-
12 sonably believes to be false, shall be treated as
13 a violation of subsection (a)(1)(A).”;

14 (4) by adding at the end of subsection (e) the
15 following:

16 “(10) EXEMPTION FROM PENALTY FOR GOOD
17 FAITH VIOLATION.—In the case of imposition of a
18 civil penalty under paragraph (4)(A) with respect to
19 a violation of subsection (a)(1)(A) or (a)(2) for hir-
20 ing or continuation of employment or recruitment or
21 referral by person or entity and in the case of im-
22 position of a civil penalty under paragraph (5) for a
23 violation of subsection (a)(1)(B) for hiring or re-
24 cruitment or referral by a person or entity, the pen-
25 alty otherwise imposed may be waived or reduced if

1 the violator establishes that the violator acted in
2 good faith.

3 “(11) MITIGATION ELEMENT.—For purposes of
4 paragraph (4), the size of the business shall be
5 taken into account when assessing the level of civil
6 money penalty.

7 “(12) AUTHORITY TO DEBAR EMPLOYERS FOR
8 CERTAIN VIOLATIONS.—

9 “(A) IN GENERAL.—If a person or entity
10 is determined by the Secretary of Homeland Se-
11 curity to be a repeat violator of paragraph
12 (1)(A) or (2) of subsection (a), or is convicted
13 of a crime under this section, such person or
14 entity may be considered for debarment from
15 the receipt of Federal contracts, grants, or co-
16 operative agreements in accordance with the de-
17 barment standards and pursuant to the debar-
18 ment procedures set forth in the Federal Acqui-
19 sition Regulation.

20 “(B) DOES NOT HAVE CONTRACT, GRANT,
21 AGREEMENT.—If the Secretary of Homeland
22 Security or the Attorney General wishes to have
23 a person or entity considered for debarment in
24 accordance with this paragraph, and such a
25 person or entity does not hold a Federal con-

1 tract, grant, or cooperative agreement, the Sec-
2 retary or Attorney General shall refer the mat-
3 ter to the Administrator of General Services to
4 determine whether to list the person or entity
5 on the List of Parties Excluded from Federal
6 Procurement, and if so, for what duration and
7 under what scope.

8 “(C) HAS CONTRACT, GRANT, AGREE-
9 MENT.—If the Secretary of Homeland Security
10 or the Attorney General wishes to have a per-
11 son or entity considered for debarment in ac-
12 cordance with this paragraph, and such person
13 or entity holds a Federal contract, grant, or co-
14 operative agreement, the Secretary or Attorney
15 General shall advise all agencies or departments
16 holding a contract, grant, or cooperative agree-
17 ment with the person or entity of the Govern-
18 ment’s interest in having the person or entity
19 considered for debarment, and after soliciting
20 and considering the views of all such agencies
21 and departments, the Secretary or Attorney
22 General may refer the matter to any appro-
23 priate lead agency to determine whether to list
24 the person or entity on the List of Parties Ex-

1 cluded from Federal Procurement, and if so, for
2 what duration and under what scope.

3 “(D) REVIEW.—Any decision to debar a
4 person or entity in accordance with this para-
5 graph shall be reviewable pursuant to part 9.4
6 of the Federal Acquisition Regulation.

7 “(13) OFFICE FOR STATE AND LOCAL GOVERN-
8 MENT COMPLAINTS.—The Secretary of Homeland
9 Security shall establish an office—

10 “(A) to which State and local government
11 agencies may submit information indicating po-
12 tential violations of subsection (a), (b), or
13 (g)(1) that were generated in the normal course
14 of law enforcement or the normal course of
15 other official activities in the State or locality;

16 “(B) that is required to indicate to the
17 complaining State or local agency within five
18 business days of the filing of such a complaint
19 by identifying whether the Secretary will fur-
20 ther investigate the information provided;

21 “(C) that is required to investigate those
22 complaints filed by State or local government
23 agencies that, on their face, have a substantial
24 probability of validity;

1 “(D) that is required to notify the com-
2 plaining State or local agency of the results of
3 any such investigation conducted; and

4 “(E) that is required to report to the Con-
5 gress annually the number of complaints re-
6 ceived under this paragraph, the States and lo-
7 calities that filed such complaints, and the reso-
8 lution of the complaints investigated by the Sec-
9 retary.”; and

10 (5) by amending paragraph (1) of subsection (f)
11 to read as follows:

12 “(1) CRIMINAL PENALTY.—Any person or enti-
13 ty which engages in a pattern or practice of viola-
14 tions of subsection (a) (1) or (2) shall be fined not
15 more than \$5,000 for each unauthorized alien with
16 respect to which such a violation occurs, imprisoned
17 for not more than 18 months, or both, notwith-
18 standing the provisions of any other Federal law re-
19 lating to fine levels.”.

20 **SEC. 1409. FRAUD AND MISUSE OF DOCUMENTS.**

21 Section 1546(b) of title 18, United States Code, is
22 amended—

23 (1) in paragraph (1), by striking “identification
24 document,” and inserting “identification document
25 or document meant to establish work authorization

1 (including the documents described in section
2 274A(b) of the Immigration and Nationality Act),”;
3 and

4 (2) in paragraph (2), by striking “identification
5 document” and inserting “identification document or
6 document meant to establish work authorization (in-
7 cluding the documents described in section 274A(b)
8 of the Immigration and Nationality Act),”.

9 **SEC. 1410. PROTECTION OF SOCIAL SECURITY ADMINIS-**
10 **TRATION PROGRAMS.**

11 (a) **FUNDING UNDER AGREEMENT.**—Effective for
12 not later than two years after the date of enactment of
13 this Act, the Commissioner of Social Security and the Sec-
14 retary of Homeland Security shall enter into and maintain
15 an agreement which shall—

16 (1) provide funds to the Commissioner for the
17 full costs of the responsibilities of the Commissioner
18 under section 274A(d) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1324a(d)), as amended by
20 section 1403 of this Act, including (but not limited
21 to)—

22 (A) acquiring, installing, and maintaining
23 technological equipment and systems necessary
24 for the fulfillment of the responsibilities of the
25 Commissioner under such section 274A(d), but

1 only that portion of such costs that are attrib-
2 utable exclusively to such responsibilities; and

3 (B) responding to individuals who contest
4 a tentative nonconfirmation provided by the em-
5 ployment eligibility verification system estab-
6 lished under such section;

7 (2) provide such funds annually in advance of
8 the applicable quarter based on estimating method-
9 ology agreed to by the Commissioner and the Sec-
10 retary (except in such instances where the delayed
11 enactment of an annual appropriation may preclude
12 such quarterly payments); and

13 (3) require an annual accounting and reconcili-
14 ation of the actual costs incurred and the funds pro-
15 vided under the agreement, which shall be reviewed
16 by the Inspectors General of the Social Security Ad-
17 ministration and the Department of Homeland Secu-
18 rity.

19 (b) CONTINUATION OF EMPLOYMENT VERIFICATION
20 IN ABSENCE OF TIMELY AGREEMENT.—In any case in
21 which the agreement required under subsection (a) for any
22 fiscal year beginning not later than two years after the
23 date of enactment of this Act, has not been reached as
24 of October 1 of such fiscal year, the latest agreement be-
25 tween the Commissioner and the Secretary of Homeland

1 Security providing for funding to cover the costs of the
2 responsibilities of the Commissioner under section
3 274A(d) of the Immigration and Nationality Act (8 U.S.C.
4 1324a(d)) shall be deemed in effect on an interim basis
5 for such fiscal year until such time as an agreement re-
6 quired under subsection (a) is subsequently reached, ex-
7 cept that the terms of such interim agreement shall be
8 modified by the Director of the Office of Management and
9 Budget to adjust for inflation and any increase or decrease
10 in the volume of requests under the employment eligibility
11 verification system. In any case in which an interim agree-
12 ment applies for any fiscal year under this subsection, the
13 Commissioner and the Secretary shall, not later than Oc-
14 tober 1 of such fiscal year, notify the Committee on Ways
15 and Means, the Committee on the Judiciary, and the Com-
16 mittee on Appropriations of the House of Representatives
17 and the Committee on Finance, the Committee on the Ju-
18 diciary, and the Committee on Appropriations of the Sen-
19 ate of the failure to reach the agreement required under
20 subsection (a) for such fiscal year. Until such time as the
21 agreement required under subsection (a) has been reached
22 for such fiscal year, the Commissioner and the Secretary
23 shall, not later than the end of each 90-day period after
24 October 1 of such fiscal year, notify such Committees of

1 the status of negotiations between the Commissioner and
2 the Secretary in order to reach such an agreement.

3 **SEC. 1411. FRAUD PREVENTION.**

4 (a) BLOCKING MISUSED SOCIAL SECURITY ACCOUNT
5 NUMBERS.—The Secretary of Homeland Security, in con-
6 sultation with the Commissioner of Social Security, shall
7 establish a program in which social security account num-
8 bers that have been identified to be subject to unusual
9 multiple use in the employment eligibility verification sys-
10 tem established under section 274A(d) of the Immigration
11 and Nationality Act (8 U.S.C. 1324a(d)), as amended by
12 section 1403 of this Act, or that are otherwise suspected
13 or determined to have been compromised by identity fraud
14 or other misuse, shall be blocked from use for such system
15 purposes unless the individual using such number is able
16 to establish, through secure and fair additional security
17 procedures, that the individual is the legitimate holder of
18 the number.

19 (b) ALLOWING SUSPENSION OF USE OF CERTAIN SO-
20 CIAL SECURITY ACCOUNT NUMBERS.—The Secretary of
21 Homeland Security, in consultation with the Commis-
22 sioner of Social Security, shall establish a program which
23 shall provide a reliable, secure method by which victims
24 of identity fraud and other individuals may suspend or
25 limit the use of their social security account number or

1 other identifying information for purposes of the employ-
2 ment eligibility verification system established under sec-
3 tion 274A(d) of the Immigration and Nationality Act (8
4 U.S.C. 1324a(d)), as amended by section 1403 of this Act.
5 The Secretary may implement the program on a limited
6 pilot program basis before making it fully available to all
7 individuals.

8 (c) ALLOWING PARENTS TO PREVENT THEFT OF
9 THEIR CHILD'S IDENTITY.—The Secretary of Homeland
10 Security, in consultation with the Commissioner of Social
11 Security, shall establish a program which shall provide a
12 reliable, secure method by which parents or legal guard-
13 ians may suspend or limit the use of the social security
14 account number or other identifying information of a
15 minor under their care for the purposes of the employment
16 eligibility verification system established under 274A(d) of
17 the Immigration and Nationality Act (8 U.S.C. 1324a(d)),
18 as amended by section 1403 of this Act. The Secretary
19 may implement the program on a limited pilot program
20 basis before making it fully available to all individuals.

21 **SEC. 1412. USE OF EMPLOYMENT ELIGIBILITY**
22 **VERIFICATION PHOTO TOOL.**

23 An employer who uses the photo matching tool used
24 as part of the E-Verify System shall match the photo tool
25 photograph to both the photograph on the identity or em-

1 ployment eligibility document provided by the employee
2 and to the face of the employee submitting the document
3 for employment verification purposes.

4 **SEC. 1413. IDENTITY AUTHENTICATION EMPLOYMENT ELI-**
5 **GIBILITY VERIFICATION PILOT PROGRAMS.**

6 Not later than 24 months after the date of the enact-
7 ment of this Act, the Secretary of Homeland Security,
8 after consultation with the Commissioner of Social Secu-
9 rity and the Director of the National Institute of Stand-
10 ards and Technology, shall establish by regulation not less
11 than 2 Identity Authentication Employment Eligibility
12 Verification pilot programs, each using a separate and dis-
13 tinct technology (the “Authentication Pilots”). The pur-
14 pose of the Authentication Pilots shall be to provide for
15 identity authentication and employment eligibility verifica-
16 tion with respect to enrolled new employees which shall
17 be available to any employer that elects to participate in
18 either of the Authentication Pilots. Any participating em-
19 ployer may cancel the employer’s participation in the Au-
20 thentication Pilot after one year after electing to partici-
21 pate without prejudice to future participation. The Sec-
22 retary shall report to the Committee on the Judiciary of
23 the House of Representatives and the Committee on the
24 Judiciary of the Senate the Secretary’s findings on the
25 Authentication Pilots, including the authentication tech-

1 nologies chosen, not later than 12 months after com-
2 mencement of the Authentication Pilots.

3 **SEC. 1414. INSPECTOR GENERAL AUDITS.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of the enactment of this Act, the Inspector General
6 of the Social Security Administration shall complete audits
7 of the following categories in order to uncover evidence
8 of individuals who are not authorized to work in the
9 United States:

10 (1) Workers who dispute wages reported on
11 their social security account number when they be-
12 lieve someone else has used such number and name
13 to report wages.

14 (2) Children's social security account numbers
15 used for work purposes.

16 (3) Employers whose workers present signifi-
17 cant numbers of mismatched social security account
18 numbers or names for wage reporting.

19 (b) SUBMISSION.—The Inspector General of the So-
20 cial Security Administration shall submit the audits com-
21 pleted under subsection (a) to the Committee on Ways and
22 Means of the House of Representatives and the Committee
23 on Finance of the Senate for review of the evidence of
24 individuals who are not authorized to work in the United
25 States. The Chairmen of those Committees shall then de-

1 termine information to be shared with the Secretary of
2 Homeland Security so that such Secretary can investigate
3 the unauthorized employment demonstrated by such evi-
4 dence.

5 **TITLE V—ASYLUM REFORM**

6 **SEC. 1501. HUMANITARIAN CAMPUSES.**

7 Subtitle C of title IV of the Homeland Security Act
8 of 2002 (6 U.S.C. 231 et seq.) is amended by adding at
9 the end the following:

10 **“SEC. 437. HUMANITARIAN CAMPUSES.**

11 “(a) IN GENERAL.—Not later than 12 months after
12 the effective date of this section, the Secretary shall estab-
13 lish not fewer than 3 humanitarian campuses located in
14 high traffic sectors of U.S. Border Patrol, as determined
15 by the Secretary, along the southern border land border
16 of the United States (referred to in this section as a ‘hu-
17 manitarian campus’).

18 “(b) PURPOSE.—

19 “(1) PROCESSING AND MANAGEMENT.—The hu-
20 manitarian campuses shall carry out processing and
21 management activities for asylum seekers appre-
22 hended at the border, including—

23 “(A) criminal history checks;

24 “(B) identity verification;

25 “(C) biometrics collection and analysis;

1 “(D) medical screenings;

2 “(E) asylum interviews and credible fear
3 determinations under section 235 of the Immi-
4 gration and Nationality Act (8 U.S.C. 1225)
5 and reasonable fear determinations under sec-
6 tion 241(b)(3)(B) of that Act (8 U.S.C.
7 1231(b)(3)(B));

8 “(F) facilitating coordination and commu-
9 nication between Federal entities and non-
10 governmental organizations that are directly in-
11 volved in providing assistance to aliens;

12 “(G) legal orientation programming and
13 communication between aliens and outside legal
14 counsel;

15 “(H) issuance of legal documents relating
16 to immigration court proceedings of aliens; and

17 “(I) any other activity the Secretary con-
18 siderers appropriate.

19 “(2) CONSIDERATION OF ELIGIBILITY FOR AD-
20 DITIONAL FORMS OF RELIEF.—In conducting asy-
21 lum interviews and credible fear determinations
22 under section 235 of the Immigration and Nation-
23 ality Act (8 U.S.C. 1225) and reasonable fear deter-
24 minations under section 241(b)(3)(B) of that Act (8
25 U.S.C. 1231(b)(3)(B)), the officer shall consider, in

1 addition to whether the alien has a credible fear of
2 persecution, whether the alien may be prima facie el-
3 igible for any other form of relief from removal, in-
4 cluding—

5 “(A) withholding of removal under section
6 241(b)(3) or any cause or claim under the
7 United Nations Convention Against Torture
8 and Other Forms of Cruel, Inhuman, or De-
9 grading Treatment or Punishment;

10 “(B) status under subparagraph (T) or
11 (U) of section 101(a)(15);

12 “(C) special immigrant juvenile status;

13 “(D) family reunification pursuant to an
14 approved I-130 petition; and

15 “(E) any other basis for relief from re-
16 moval under the immigration laws.

17 “(c) PERSONNEL AND LIVING CONDITIONS.—The
18 humanitarian campuses shall include—

19 “(1) personnel assigned from—

20 “(A) U.S. Customs and Border Protection;

21 “(B) U.S. Immigration and Customs En-
22 forcement;

23 “(C) the Federal Emergency Management
24 Agency;

1 “(D) U.S. Citizenship and Immigration
2 Services; and

3 “(E) the Office of Refugee Resettlement;

4 “(2) upon agreement with an applicable Federal
5 agency, personnel from such Federal agency who are
6 assigned to the humanitarian campus;

7 “(3) sufficient medical staff, including physi-
8 cians specializing in pediatric or family medicine,
9 nurse practitioners, and physician assistants;

10 “(4) licensed social workers;

11 “(5) mental health professionals;

12 “(6) child advocates appointed by the Secretary
13 of Health and Human Services under section
14 235(c)(6)(B) of the William Wilberforce Trafficking
15 Victims Protection Reauthorization Act of 2008 (8
16 U.S.C. 1232(c)(6)(B));

17 “(7) sufficient space to carry out the proc-
18 essing, management, and legal orientation activities
19 described in subsection (b);

20 “(8) sufficient consumables, including tooth-
21 brushes, toothpaste, feminine hygiene products,
22 other personal hygiene supplies, clothing, and baby
23 products;

24 “(9) sufficient recreational space for children
25 and families;

1 “(10) access to legal resources, including law
2 books, that would permit an individual without legal
3 counsel to prepare for an asylum hearing; and

4 “(11) sufficient visitation space for non-legal
5 visits, as well as access to secure and confidential
6 telephone and video teleconferencing facilities, for
7 which they may not be charged a price higher than
8 cost to operate.

9 “(d) CRIMINAL HISTORY CHECKS.—Each criminal
10 history check carried out under subsection (b)(1) shall be
11 conducted using a set of fingerprints or other biometric
12 identifier obtained from—

13 “(1) the Federal Bureau of Investigation;

14 “(2) the criminal history repositories of all
15 States that the individual listed as a current or
16 former residence; and

17 “(3) any other appropriate Federal or State
18 database resource or repository, as determined by
19 the Secretary.

20 “(e) EXCEPTIONS FOR ADDITIONAL PURPOSES.—
21 Subject to operational and spatial availability, in the event
22 of a major disaster or emergency declared under the Rob-
23 ert T. Stafford Disaster Relief and Emergency Assistance
24 Act (42 U.S.C. 5121 et seq.) or any homeland security
25 crisis requiring the establishment of a departmental Joint

1 Task Force under section 708(b), the Secretary may tem-
2 porarily utilize a humanitarian campus to carry out oper-
3 ations relating to such declaration or crisis.

4 “(f) DONATIONS.—The Department may accept do-
5 nations from private entities, nongovernmental organiza-
6 tions, and other groups independent of the Federal Gov-
7 ernment for the care of children and family units at a hu-
8 manitarian campus, including—

9 “(1) medical goods and services;

10 “(2) school supplies;

11 “(3) toys;

12 “(4) clothing; and

13 “(5) any other item intended to promote the
14 well-being of such children and family units.

15 “(g) ACCESS TO FACILITIES FOR PRIVATE ENTITIES
16 AND NONGOVERNMENTAL ORGANIZATIONS.—

17 “(1) IN GENERAL.—Private entities and non-
18 governmental organizations that are directly involved
19 in providing humanitarian or legal assistance to
20 families and individuals encountered by the Depart-
21 ment along the southwest border of the United
22 States, or organizations that provide assistance to
23 individuals, shall have access to humanitarian cam-
24 puses for purposes of—

25 “(A) legal orientation programming;

1 “(B) providing case management services
2 or establishing case management services;

3 “(C) coordination with the Department
4 with respect to the care of families and individ-
5 uals held in humanitarian campuses, including
6 the care of families and individuals who are re-
7 leased or scheduled to be released;

8 “(D) communication between aliens and
9 outside legal counsel;

10 “(E) the provision of humanitarian assist-
11 ance; and

12 “(F) any other purpose the Secretary con-
13 siders appropriate.

14 “(2) ACCESS PLAN.—Not later than 60 days
15 after the date of the enactment of this section, the
16 Secretary shall publish in the Federal Register pro-
17 cedures relating to access to humanitarian campuses
18 under paragraph (1) that ensure—

19 “(A) the safety of personnel of, and aliens
20 in, humanitarian campuses; and

21 “(B) the orderly management and oper-
22 ation of humanitarian campuses.

23 “(h) LEGAL COUNSEL.—Aliens in a humanitarian
24 campus shall have access to legal counsel in accordance
25 with section 292 of the Immigration and Nationality Act

1 (8 U.S.C. 1362), including the opportunity to consult with
2 counsel before any legally determinative aspect of the asy-
3 lum process occurs.

4 “(i) PROCEDURES TO FACILITATE COMMUNICATION
5 WITH COUNSEL.—The Secretary shall develop written
6 procedures to permit aliens in a humanitarian campus to
7 visit with, and make free confidential telephone calls to,
8 legal representatives and legal services providers and to
9 receive incoming calls from legal representatives and legal
10 services providers, in a private and confidential space
11 while in custody, for the purposes of retaining or con-
12 sulting with counsel or obtaining legal advice from legal
13 services providers.

14 “(j) LEGAL ORIENTATION.—An alien in a humani-
15 tarian campus shall be provided the opportunity to receive
16 a complete legal orientation presentation administered by
17 a nongovernmental organization in cooperation with the
18 Executive Office for Immigration Review.

19 “(k) MANAGEMENT OF HUMANITARIAN CAM-
20 PUSES.—

21 “(1) OPERATION.—The Commissioner of U.S.
22 Customs and Border Protection, in consultation with
23 the interagency coordinating council established
24 under paragraph (2), shall operate the humanitarian
25 campuses.

1 “(2) INTERAGENCY COORDINATING COM-
2 MITTEE.—

3 “(A) ESTABLISHMENT.—There is estab-
4 lished an interagency coordinating committee
5 for the purpose of coordinating operations and
6 management of the humanitarian campuses.

7 “(B) MEMBERSHIP.—The interagency co-
8 ordinating committee shall be chaired by the
9 Commissioner of U.S. Customs and Border
10 Protection, or his or her designee, and shall in-
11 clude representatives designated by the heads of
12 the following agencies:

13 “(i) U.S. Immigration and Customs
14 Enforcement.

15 “(ii) The Federal Emergency Manage-
16 ment Agency.

17 “(iii) U.S. Citizenship and Immigra-
18 tion Services.

19 “(iv) The Office of Refugee Resettle-
20 ment.

21 “(v) Any other agency that supplies
22 personnel to the humanitarian campuses,
23 upon agreement between the Commissioner
24 of U.S. Customs and Border Protection
25 and the head of such other agency.

1 “(C) OVERSIGHT.—The Department of
2 Homeland Security Office of Inspector General
3 shall—

4 “(i) conduct unannounced inspections
5 of the humanitarian campuses at least
6 twice per year; and

7 “(ii) on an annual basis, prepare and
8 submit a report detailing compliance with
9 subsection (g) that shall be posted on a
10 public website.

11 “(l) SCREENING TIMELINE.—Absent exceptional cir-
12 cumstances, aliens shall undergo a complete full screening
13 under this section not later than 15 days after being proc-
14 essed at the campus, including screening for gang, cartel,
15 or criminal affiliation, legal orientation, and initial cred-
16 ible fear interview.”.

17 **SEC. 1502. EXPEDITED ASYLUM DETERMINATIONS.**

18 (a) IN GENERAL.—Title II of the Immigration and
19 Nationality Act (8 U.S.C. 1151 et seq.) is amended by
20 inserting after section 208 the following:

21 **“SEC. 208A. PROCEDURES FOR EXPEDITED ASYLUM DETER-**
22 **MINATIONS.**

23 “(a) IN GENERAL.—In the case of any alien who en-
24 ters the United States without lawful status after the date

1 of enactment of this Act, the procedures described in this
2 section shall apply.

3 “(b) ARRIVAL REST PERIOD.—On arrival to a hu-
4 manitarian campus an alien shall be provided a mandatory
5 rest period for 72 hours after initial processing of the alien
6 occurs.

7 “(c) INITIAL SCREENING.—The Secretary of Home-
8 land Security shall ensure that an alien who is subject to
9 this section shall undergo an initial screening within 15
10 days after arrival at a humanitarian campus, including en-
11 suring that each asylum seeker is able to make contact
12 with legal counsel within the first week of arrival, prior
13 to sitting for a credible fear interview.

14 “(d) SECONDARY SCREENING.—In the case of aliens
15 who successfully pass a credible fear interview, an asylum
16 officer may triage cases and make final decisions on asy-
17 lum cases within 45 days after an initial screening is com-
18 pleted under subsection (c). A secondary screening shall
19 consist of the following:

20 “(1) IN GENERAL.—

21 “(A) A positive credible fear interview shall
22 be treated as an application for asylum, with-
23 holding of removal, and protection under the
24 Convention Against Torture.

1 “(B) A positive reasonable fear interview
2 shall be treated as an application for with-
3 holding of removal or protection under the Con-
4 vention against Torture, whichever is relevant
5 to the asylum officer’s basis for finding a rea-
6 sonable fear.

7 “(2) PURPOSE OF SECONDARY SCREENING.—A
8 two-person asylum officer panel conducting a sec-
9 ondary screening shall—

10 “(A) deny or approve the application for
11 asylum; and

12 “(B) refer complex or uncertain asylum,
13 withholding of removal, Convention Against
14 Torture, or other cases in which an alien has
15 been determined to be prima facie eligible for
16 other forms of relief pursuant to section
17 437(b)(2) of this Act, to an immigration judge
18 for a hearing under section 1229a of title 8,
19 United States Code.

20 “(3) SECONDARY SCREENING PROCESS.—

21 “(A) CONDUCT BY ASYLUM OFFICERS.—A
22 secondary screening shall be conducted by a
23 panel of two asylum officers at a humanitarian
24 campus.

1 “(B) SECONDARY SCREENING DECISION
2 PROCEDURE.—After conducting a secondary
3 screening, the asylum officers shall each inde-
4 pendently vote to approve the application, refer
5 the application to an immigration judge as com-
6 plex or uncertain, or deny the application.

7 “(i) If both asylum officers vote to ap-
8 prove the application, it shall be approved.

9 “(ii) If both asylum officers vote to
10 deny the application, it shall be denied.

11 “(iii) If there is disagreement, or both
12 asylum officers vote to refer the applica-
13 tion to an immigration judge, the applica-
14 tion shall be referred to an immigration
15 judge for a hearing under section 1229a of
16 title 8, United States Code.

17 “(C) RECORD OF SECONDARY SCREEN-
18 ING.—The officers shall prepare a written
19 record of a secondary screening under subpara-
20 graph (B). Such record shall include a sum-
21 mary of the material facts, as stated by the ap-
22 plicant, such additional facts (if any) relied
23 upon by the officers, and each officer’s analysis
24 of why the alien has or has not established eli-
25 gibility for asylum. A copy of each officer’s

1 screening notes shall be attached to the written
2 summary.

3 “(D) ALIEN’S RIGHTS IN SECONDARY
4 SCREENING.—In secondary screenings under
5 this subsection, under regulations of the Sec-
6 retary of Homeland Security—

7 “(i) the alien shall have the privilege
8 of being represented, at no expense to the
9 Federal Government, by counsel of the
10 alien’s choosing; and

11 “(ii) the alien shall have a reasonable
12 opportunity to examine the evidence
13 against the alien and to present evidence
14 on the alien’s own behalf.

15 “(4) EXPEDITED APPEAL.—Any application for
16 asylum of an alien that is denied under paragraph
17 (3) shall be subject to expedited review upon request
18 of the alien, not later than 7 days after such denial,
19 by a two-asylum officer panel consisting of asylum
20 officers other than the asylum officers who denied
21 such application.

22 “(A) SECONDARY SCREENING EXPEDITED
23 APPEAL PROCEDURE.—After reviewing the
24 record of the secondary screening and any addi-
25 tional submission by the alien or the alien’s rep-

1 representative, the asylum officers shall each inde-
2 pendently vote whether to uphold the appeal or
3 deny the appeal. If both asylum officers vote to
4 uphold the appeal, the alien’s application shall
5 be approved. If both asylum officers vote to
6 deny the application, the appeal shall be denied.
7 If there is disagreement, the application shall
8 be referred to an immigration judge for a hear-
9 ing under section 1229a of title 8, United
10 States Code.

11 “(B) ALIEN’S RIGHTS IN APPEAL PROCE-
12 DURE.—In any expedited appeal, the alien
13 shall—

14 “(i) have the privilege of being rep-
15 resented, at no expense to the Federal
16 Government, by counsel of the alien’s
17 choosing; and

18 “(ii) have a reasonable opportunity to
19 submit evidence and make arguments as to
20 why the decision made under paragraph
21 (3) was incorrect.

22 “(5) LIMITED REVIEWABILITY.—Any decision
23 to deny or approve an application under this section
24 may not be subject to judicial review, except as pro-
25 vided in paragraphs (4) and (5).

1 “(6) ADDITIONAL REVIEW.—In any cir-
2 cumstance in which new evidence or law related to
3 the applicant arises during consideration, or a fun-
4 damental change in country conditions arises during
5 consideration, an additional review may be con-
6 ducted by an asylum officer within 7 days after such
7 new evidence or law arises, or country conditions
8 change.

9 “(7) VULNERABLE POPULATIONS.—

10 “(A) IN GENERAL.—An alien that is a
11 member of a vulnerable population may request
12 additional review.

13 “(B) DESCRIPTION.—A member of a vul-
14 nerable population includes any individual who
15 is—

16 “(i) a pregnant woman or a nursing
17 mother;

18 “(ii) a woman at disproportionate risk
19 of sexual or gender-based violence, exploi-
20 tation, or abuse;

21 “(iii) a person at risk of violence due
22 to their sexual orientation;

23 “(iv) a person with a disability;

24 “(v) an elderly person;

1 “(vi) a person with urgent medical
2 needs;

3 “(vii) a stateless person; and

4 “(viii) a person holding a valid hu-
5 manitarian visa.

6 “(8) ADDITIONAL REVIEW DETERMINATIONS.—

7 An additional review conducted with respect to an
8 alien meeting the requirements of paragraph (3) or
9 (4) may uphold the previous determination or be re-
10 ferred to an immigration judge for a final decision.

11 “(9) EFFECT OF DENIAL.—Any alien who is de-
12 nied asylum status under this subsection shall be
13 subject to expedited removal under section 235.

14 “(e) IMMIGRATION JUDGE REFERRAL.—If referred
15 to an immigration judge, the following shall apply:

16 “(1) COURT REFERRAL AND CASE MANAGE-
17 MENT.—In the case that an asylum officer refers a
18 case to an immigration judge after a secondary or
19 additional review, each alien subject to such referral
20 shall receive a Notice to Appear and be permitted to
21 leave the humanitarian campus. Each such alien
22 shall be placed in a case management program.

23 “(2) MONITORING.—Each alien in case man-
24 agement shall check in regularly with case officers
25 and be consistently monitored in a manner which en-

1 sures the Department of Homeland Security’s ability
2 to electronically verify each person’s location.

3 “(3) ADULT CONFIRMATION OF LOCATION.—
4 Any alien placed in case management who is an
5 adult, parent, or legal guardian shall check in on a
6 weekly basis using automated telephone technology
7 that confirms the caller’s identity and location.

8 “(4) FAILURE TO COMPLY.—Absent extraor-
9 dinary circumstances, any alien who fails to comply
10 with the case management requirements under this
11 subsection shall be denied asylum and subject to ex-
12 pedited removal under section 235.

13 “(f) HUMANITARIAN CAMPUS.—In this section, the
14 term ‘humanitarian campus’ means the campus described
15 in section 472 of the Homeland Security Act of 2002.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 this section shall take effect as soon as practicable, but
18 not later than 1 year after the date of enactment of this
19 Act.

20 **SEC. 1503. SCREENING AND PROCESSING IN WESTERN**
21 **HEMISPHERE.**

22 (a) IN GENERAL.—There may be established up to
23 3 facilities in the Western hemisphere that shall offer asy-
24 lum prescreening and family reunification services.

1 (b) LOCATIONS.—If facilities are established under
2 subsection (a), they shall be in geographically diverse loca-
3 tions such as—

4 (1) in South America, south of the Darien
5 Province in Panama;

6 (2) Central America; or

7 (3) in a country that participates in the Carib-
8 bean Basin Security Initiative.

9 (c) SERVICES OFFERED.—The facilities established
10 under this section shall offer the following:

11 (1) PRE-SCREENING FOR ASYLUM ELIGI-
12 BILITY.—Asylum officers shall offer asylum pre-
13 screenings, which may be conducted virtually.

14 (2) FAMILY RE-UNIFICATION.—The Secretary
15 of Homeland Security shall develop an external fam-
16 ily reunification process for unmarried sons and
17 daughters under the age of 21 seeking to be re-
18 united with any parent with legal status in the
19 United States.

20 (3) EMPLOYMENT CONSULTATION AND APPLI-
21 CATIONS.—The Secretary of Homeland Security
22 shall ensure that consultations are provided to aliens
23 seeking to apply for legal work visas and assess
24 other legal pathways to citizenship.

1 (4) REGIONAL ECONOMIC OPPORTUNITIES.—

2 The Secretary of Homeland Security, in conjunction
3 with the Secretary of State, shall ensure individuals
4 are provided with regional economic opportunities in
5 areas in close proximity to the facilities established
6 under this section.

7 (d) DOMINICAN REPUBLIC FAMILY REUNIFICA-
8 TION.—Not later than 30 days after the date of the enact-
9 ment of this Act, the Secretary of Homeland Security, in
10 coordination with the Secretary of State, shall—

11 (1) initiate a Dominican Republic Family Re-
12 unification Program to process applications for pa-
13 role for certain vetted individuals with already ap-
14 proved form I-130 petition for alien relative to be
15 considered upon invitation, for parole, on a case by
16 case basis, while they wait for their immigration
17 visa; and

18 (2) prioritize applications described in para-
19 graph (1) in the order in which they were received
20 by the United States Citizenship and Immigration
21 Services before the date of the enactment of this
22 Act.

23 (e) APPLICATION OF THE CUBAN ADJUSTMENT
24 ACT.—In applying the Cuban Adjustment Act (Public
25 Law 89-732; 8 U.S.C. 1255 note), an alien who was re-

1 leased into the United States under an order of release
2 on recognizance by U.S. Immigration and Customs En-
3 forcement on or before January 31, 2023, shall be consid-
4 ered to have been paroled into the United States.

5 **SEC. 1504. RECORDING EXPEDITED REMOVAL AND CRED-**
6 **IBLE FEAR INTERVIEWS.**

7 (a) IN GENERAL.—The Secretary of Homeland Secu-
8 rity shall establish quality assurance procedures and take
9 steps to effectively ensure that questions by employees of
10 the Department of Homeland Security exercising expe-
11 dited removal authority under section 235(b) of the Immi-
12 gration and Nationality Act (8 U.S.C. 1225(b)) are asked
13 in a uniform manner, to the extent possible, and that both
14 these questions and the answers provided in response to
15 them are recorded in a uniform fashion.

16 (b) FACTORS RELATING TO SWORN STATEMENTS.—
17 Where practicable, any sworn or signed written statement
18 taken of an alien as part of the record of a proceeding
19 under section 235(b)(1)(A) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1225(b)(1)(A)) shall be accom-
21 panied by a recording of the interview which served as the
22 basis for that sworn statement.

23 (c) INTERPRETERS.—The Secretary shall ensure that
24 a fluent interpreter, not affiliated with the government of
25 the country from which the alien may claim asylum, is

1 used when the interviewing officer does not speak a lan-
2 guage that the alien is fluent in speaking.

3 (d) RECORDINGS IN IMMIGRATION PROCEEDINGS.—
4 There shall be an audio or audio visual recording of inter-
5 views of aliens subject to expedited removal. The recording
6 shall be included in the record of proceeding and shall be
7 considered as evidence in any further proceedings involv-
8 ing the alien.

9 **SEC. 1505. RENUNCIATION OF ASYLUM STATUS PURSUANT**
10 **TO RETURN TO HOME COUNTRY.**

11 (a) IN GENERAL.—Section 208(c) of the Immigration
12 and Nationality Act (8 U.S.C. 1158(c)) is amended by
13 adding at the end the following new paragraph:

14 “(4) RENUNCIATION OF STATUS PURSUANT TO
15 RETURN TO HOME COUNTRY.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraphs (B) and (C), any alien who is
18 granted asylum status under this Act, who,
19 within 5 years after being granted such status,
20 absent changed country conditions, subse-
21 quently returns to the country of such alien’s
22 nationality or, in the case of an alien having no
23 nationality, returns to any country in which
24 such alien last habitually resided, and who ap-
25 plied for such status because of persecution or

1 a well-founded fear of persecution in that coun-
2 try on account of race, religion, nationality,
3 membership in a particular social group, or po-
4 litical opinion, shall have his or her status ter-
5 minated.

6 “(B) WAIVER.—The Secretary has discre-
7 tion to waive subparagraph (A) if it is estab-
8 lished to the satisfaction of the Secretary that
9 the alien had a compelling reason for the re-
10 turn. The waiver may be sought prior to depar-
11 ture from the United States or upon return.

12 “(C) LAWFUL PERMANENT RESIDENTS.—
13 Subparagraph (A) shall not apply to lawful per-
14 manent residents.”.

15 (b) CONFORMING AMENDMENT.—Section 208(c)(3)
16 of the Immigration and Nationality Act (8 U.S.C.
17 1158(c)(3)) is amended by inserting after “paragraph
18 (2)” the following: “or (4)”.

19 **SEC. 1506. NOTICE CONCERNING FRIVOLOUS ASYLUM AP-**
20 **PLICATIONS.**

21 (a) IN GENERAL.—Section 208(d)(4) of the Immi-
22 gration and Nationality Act (8 U.S.C. 1158(d)(4)) is
23 amended—

1 (1) in the matter preceding subparagraph (A),
2 by inserting “the Secretary of Homeland Security
3 or” before “the Attorney General”;

4 (2) in subparagraph (A), by striking “and of
5 the consequences, under paragraph (6), of knowingly
6 filing a frivolous application for asylum; and” and
7 inserting a semicolon;

8 (3) in subparagraph (B), by striking the period
9 and inserting “; and”; and

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

11 “(C) ensure that a written warning ap-
12 pears on the asylum application advising the
13 alien of the consequences of filing a frivolous
14 application and serving as notice to the alien of
15 the consequence of filing a frivolous applica-
16 tion.”.

17 (b) CONFORMING AMENDMENT.—Section 208(d)(6)
18 of the Immigration and Nationality Act (8 U.S.C.
19 1158(d)(6)) is amended by striking “If the” and all that
20 follows and inserting:

21 “(A) If the Attorney General determines
22 that an alien has knowingly made a frivolous
23 application for asylum and the alien has re-
24 ceived the notice under paragraph (4)(C), the
25 alien shall be permanently ineligible for any

1 benefits under this chapter, effective as the date
2 of the final determination of such an applica-
3 tion.

4 “(B) An application is frivolous if the Sec-
5 retary of Homeland Security or the Attorney
6 General determines, consistent with subpara-
7 graph (C), that any of the material elements
8 are knowingly fabricated.

9 “(C) In determining that an application is
10 frivolous, the Secretary or the Attorney Gen-
11 eral, must be satisfied that the applicant, dur-
12 ing the course of the proceedings, has had suffi-
13 cient opportunity to clarify any discrepancies or
14 implausible aspects of the claim.

15 “(D) For purposes of this section, a find-
16 ing that an alien filed a frivolous asylum appli-
17 cation shall not preclude the alien from seeking
18 withholding of removal under section 241(b)(3)
19 or protection pursuant to the Convention
20 Against Torture.”.

21 **SEC. 1507. ANTI-FRAUD INVESTIGATIVE WORK PRODUCT.**

22 (a) ASYLUM CREDIBILITY DETERMINATIONS.—Sec-
23 tion 208(b)(1)(B)(iii) of the Immigration and Nationality
24 Act (8 U.S.C. 1158(b)(1)(B)(iii)) is amended by inserting
25 after “all relevant factors” the following: “, including

1 statements made to, and investigative reports prepared by,
2 immigration authorities and other government officials”.

3 (b) RELIEF FOR REMOVAL CREDIBILITY DETER-
4 MINATIONS.—Section 240(c)(4)(C) of the Immigration
5 and Nationality Act (8 U.S.C. 1229a(c)(4)(C)) is amended
6 by inserting after “all relevant factors” the following: “,
7 including statements made to, and investigative reports
8 prepared by, immigration authorities and other govern-
9 ment officials”.

10 **SEC. 1508. PENALTIES FOR ASYLUM FRAUD.**

11 Section 1001 of title 18, United States Code, is
12 amended by inserting at the end of the paragraph—

13 “(d) Whoever, in any matter before the Secretary of
14 Homeland Security or the Attorney General pertaining to
15 asylum under section 208 of the Immigration and Nation-
16 ality Act or withholding of removal under section
17 241(b)(3) of such Act, knowingly and willfully—

18 “(1) makes any materially false, fictitious, or
19 fraudulent statement or representation; or

20 “(2) makes or uses any false writings or docu-
21 ment knowing the same to contain any materially
22 false, fictitious, or fraudulent statement or entry,
23 shall be fined under this title or imprisoned not more than
24 10 years, or both.”.

1 **SEC. 1509. STATUTE OF LIMITATIONS FOR ASYLUM FRAUD.**

2 Section 3291 of title 18, United States Code, is
3 amended—

4 (1) by striking “1544,” and inserting “1544,
5 and section 1546,”; and

6 (2) by striking “offense.” and inserting “of-
7 fense or within 10 years after the fraud is discov-
8 ered.”.

9 **SEC. 1510. STANDARD OPERATING PROCEDURES; FACILI-**
10 **TIES STANDARDS.**

11 (a) STANDARD OPERATING PROCEDURES.—Section
12 411(k)(1) of the Homeland Security Act of 2002 (6
13 U.S.C. 211(k)) is amended—

14 (1) in subparagraph (D), by striking “and” at
15 the end;

16 (2) in subparagraph (E)(iv), by striking the pe-
17 riod at the end and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(F) standard operating procedures re-
20 garding the detection, interdiction, inspection,
21 processing, or transferring of alien children that
22 officers and agents of U.S. Customs and Border
23 Protection shall employ in the execution of their
24 duties.”.

25 (b) FACILITIES STANDARDS.—

1 (1) INITIAL REVIEW AND UPDATE.—Not later
2 than 270 days after the date of the enactment of
3 this Act, the Secretary shall review and update the
4 regulations under part 115 of title 6, Code of Fed-
5 eral Regulations, that set standards to prevent, de-
6 tect, and respond to sexual abuse and assault in im-
7 migration holding facilities and other facilities under
8 the jurisdiction of the Department of Homeland Se-
9 curity.

10 (2) QUADRENNIAL REVIEW.—The Secretary
11 shall review and update the regulations referred to
12 in paragraph (1) not less frequently than once every
13 4 years.

14 (c) OVERSIGHT.—None of the funds appropriated or
15 otherwise made available to the Department of Homeland
16 Security by this Act may be used to prevent any of the
17 following persons from entering, for the purpose of con-
18 ducting oversight, any migration holding facility operated
19 by or for the Department of Homeland Security used to
20 house aliens or asylum seekers apprehended at the border,
21 or to make any temporary modification at any such facility
22 that in any way alters what is observed by a visiting Mem-
23 ber of Congress or such designated employee, compared
24 to what would be observed in the absence of such modifica-
25 tion:

1 (1) A Member of Congress.

2 (2) An employee of the United States House of
3 Representatives or the United States Senate des-
4 igned by such a Member for the purposes of this
5 section.

6 (d) VISITATION.—Nothing in this section may be con-
7 strued to require a Member of Congress to provide prior
8 notice of the intent to enter a facility described in sub-
9 section (m) for the purpose of conducting oversight.

10 (e) PRIOR NOTICE.—With respect to individuals de-
11 scribed in subsection (c)(2), the Department of Homeland
12 Security may require that a request be made at least 24
13 hours in advance of an intent to enter a facility described
14 in subsection (c).

15 (f) ONLINE LOCATOR UPDATES.—U.S. Immigrations
16 and Customs Enforcement shall update the Online De-
17 tainee Locator System not later than every 24 hours.

18 (g) FAMILY NOTIFICATION.—

19 (1) Upon taking an individual into custody,
20 U.S. Immigration and Customs Enforcement shall
21 notify an immediate family member, relative, or indi-
22 vidual designated by the detainee and provide the lo-
23 cation of the facility where the detainee is currently
24 held, as well as provide notification if the individual

1 will be transferred to a facility, whether in the same
2 State or in a different State.

3 (2) An individual detained in U.S. Immigration
4 and Customs Enforcement custody shall be provided
5 the opportunity to call an immediate family member,
6 relative, or individual designated by the detainee
7 prior to being transferred to a different facility, and
8 upon arrival at a facility, whether in the same State
9 or in a different State.

10 **SEC. 1511. CRIMINAL BACKGROUND CHECKS FOR SPON-**
11 **SORS OF UNACCOMPANIED ALIEN CHILDREN.**

12 (a) IN GENERAL.—Section 235(c)(3) of the William
13 Wilberforce Trafficking Victims Protection Reauthoriza-
14 tion Act of 2008 (8 U.S.C. 1232(c)(3)) is amended—

15 (1) in subparagraph (A), in the first sentence,
16 by striking “subparagraph (B)” and inserting “sub-
17 paragraphs (B) and (C)”;

18 (2) by redesignating subparagraphs (B) and
19 (C) as subparagraphs (C) and (D), respectively;

20 (3) by inserting after subparagraph (A) the fol-
21 lowing:

22 “(B) CRIMINAL BACKGROUND CHECKS.—

23 “(i) IN GENERAL.—Before placing an
24 unaccompanied alien child with an indi-

1 vidual, the Secretary of Health and
2 Human Services shall—

3 “(I) conduct a criminal history
4 background check on the individual
5 and each adult member of the individ-
6 ual’s household; and

7 “(II) collect biometric samples in
8 connection with any such background
9 check.

10 “(ii) SCOPE.—

11 “(I) IN GENERAL.—Each biomet-
12 ric criminal history background check
13 required under clause (i) shall be con-
14 ducted through—

15 “(aa) the Federal Bureau of
16 Investigation;

17 “(bb) criminal history re-
18 positories of each State the indi-
19 vidual lists as a current or
20 former residence; and

21 “(cc) any other Federal or
22 State database or repository the
23 Secretary of Health and Human
24 Services considers appropriate.

1 “(II) USE OF RAPID DNA IN-
2 STRUMENTS.—DNA analysis of a
3 DNA sample collected under sub-
4 clause (I) may be carried out with
5 Rapid DNA instruments (as defined
6 in section 3(c) of the DNA Analysis
7 Backlog Elimination Act of 2000 (34
8 U.S.C. 40702(c))).

9 “(III) LIMITATION ON USE OF
10 BIOMETRIC SAMPLES.—The Secretary
11 of Health and Human Services may
12 not release a fingerprint or DNA sam-
13 ple collected, or disclose the results of
14 a fingerprint or DNA analysis con-
15 ducted under this subparagraph, or
16 any other information obtained pursu-
17 ant to this section, to the Department
18 of Homeland Security for any immi-
19 gration enforcement purpose.

20 “(IV) ACCESS TO INFORMATION
21 THROUGH THE DEPARTMENT OF
22 HOMELAND SECURITY.—Not later
23 than 14 days after receiving a request
24 from the Secretary of Health and
25 Human Services, the Secretary of

1 Homeland Security shall provide in-
2 formation necessary to conduct suit-
3 ability assessments from appropriate
4 Federal, State, and local law enforce-
5 ment and immigration databases.

6 “(iii) PROHIBITION ON PLACEMENT
7 WITH INDIVIDUALS CONVICTED OF CER-
8 TAIN OFFENSES.—The Secretary of Health
9 and Human Services may not place an un-
10 accompanied alien child in the custody or
11 household of an individual who has been
12 convicted of, or is currently being tried
13 for—

14 “(I) a sex offense (as defined in
15 section 111 of the Sex Offender Reg-
16 istration and Notification Act (34
17 U.S.C. 20911));

18 “(II) a crime involving severe
19 forms of trafficking in persons (as de-
20 fined in section 103 of the Trafficking
21 Victims Protection Act of 2000 (22
22 U.S.C. 7102));

23 “(III) a crime of domestic vio-
24 lence (as defined in section 40002(a)

1 of the Violence Against Women Act
2 (34 U.S.C. 12291(a));

3 “(IV) a crime of child abuse and
4 neglect (as defined in section 3 of the
5 Child Abuse Prevention and Treat-
6 ment Act (Public Law 93–247; 42
7 U.S.C. 5101 note));

8 “(V) murder, manslaughter, or
9 an attempt to commit murder or man-
10 slaughter (within the meanings of
11 such terms in sections 1111, 1112,
12 and 1113 of title 18, United States
13 Code); or

14 “(VI) a crime involving receipt,
15 distribution, or possession of a visual
16 depiction of a minor engaging in sexu-
17 ally explicit conduct (within the mean-
18 ings of such terms in section 2252 of
19 title 18, United States Code).”; and

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

21 “(E) WELL-BEING FOLLOW-UP CALLS.—
22 Not later than 30 days after the date on which
23 an unaccompanied alien child is released from
24 the custody of the Secretary of Health and
25 Human Services, and every 60 days thereafter

1 until the date on which a final decision has
2 been issued in the removal proceedings of the
3 child or such proceedings are terminated, or the
4 unaccompanied alien child turns 18 years of
5 age, the Secretary shall conduct a follow-up
6 telephone call with the unaccompanied alien
7 child and the child's custodian or the primary
8 point of contact for any other entity with which
9 the child was placed.

10 “(F) CHANGE OF ADDRESS.—The Sec-
11 retary of Health and Human Services shall—

12 “(i) require each custodian with whom
13 an unaccompanied alien child is placed
14 under this subsection to notify the Sec-
15 retary with respect to any change in the
16 unaccompanied alien child's physical or
17 mailing address, including any situation in
18 which the unaccompanied alien child per-
19 manently departs the custodian's residence,
20 not later than 7 days after the date on
21 which such change or departure occurs;
22 and

23 “(ii) develop and implement a system
24 that permits custodians to submit notifica-

1 tions electronically with respect to a
2 change of address.”.

3 (b) COLLECTION AND COMPILATION OF STATISTICAL
4 INFORMATION.—Section 462(b)(1)(K) of the Homeland
5 Security Act of 2002 (6 U.S.C. 279(b)(1)(K)) is amended
6 by striking “; and” and inserting “, including—

7 “(i) the average length of time from
8 apprehension to the child’s master cal-
9 endar hearing, organized by the fiscal year
10 in which the children were apprehended by
11 U.S. Customs and Border Protection;

12 “(ii) the number of children identified
13 under clause (i) who did and did not ap-
14 pear at master calendar hearings, includ-
15 ing the percentage of children in each cat-
16 egory who were represented by counsel;

17 “(iii) the average length of time from
18 apprehension to the child’s merits hearing,
19 organized by the fiscal year in which the
20 children were apprehended by U.S. Cus-
21 toms and Border Protection;

22 “(iv) the number of children identified
23 under clause (i) who did and did not ap-
24 pear at merits hearings, including the per-

1 centage of children in each category who
2 are represented by counsel; and

3 “(v) the total number of well-being
4 follow-up calls conducted under section
5 235 of the William Wilberforce Trafficking
6 Victims Protection Reauthorization Act of
7 2008 (8 U.S.C. 1232(c)(3)(E)) at each
8 time interval following placement with a
9 custodian or other entity, and the number
10 of children that the Secretary of Health
11 and Human Services is unable to contact
12 at each interval, organized by the fiscal
13 year in which the children were appre-
14 hended by U.S. Customs and Border Pro-
15 tection; and”.

16 (c) CLARIFICATION.—Unaccompanied alien children
17 shall be processed and reunited with their sponsors in the
18 United States in accordance with guidance outlined in the
19 stipulated settlement agreement filed in the United States
20 District Court for the Central District of California on
21 January 17, 1997 (CV 85–4544–RJK) (commonly known
22 as the “Flores settlement agreement”).

1 **SEC. 1512. FRAUD IN CONNECTION WITH THE TRANSFER OF**
2 **CUSTODY OF UNACCOMPANIED ALIEN CHIL-**
3 **DREN.**

4 (a) IN GENERAL.—Chapter 47 of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 1041. Fraud in connection with the transfer of cus-**
8 **tody of unaccompanied alien children**

9 “(a) IN GENERAL.—It shall be unlawful for a person
10 to obtain custody of an unaccompanied alien child (as de-
11 fined in section 462(g) of the Homeland Security Act of
12 2002 (6 U.S.C. 279(g)))—

13 “(1) by making any materially false, fictitious,
14 or fraudulent statement or representation; or

15 “(2) by making or using any false writing or
16 document with the knowledge that such writing or
17 document contains any materially false, fictitious, or
18 fraudulent statement or entry.

19 “(b) PENALTIES.—

20 “(1) IN GENERAL.—Any person who violates, or
21 attempts or conspires to violate, subsection (a) shall
22 be fined under this title and imprisoned for not less
23 than 1 year.

24 “(2) ENHANCED PENALTY FOR TRAF-
25 FICKING.—If the primary purpose of a violation, at-
26 tempted violation, or conspiracy to violate this sec-

1 tion was to subject the child to sexually explicit ac-
2 tivity or any other form of exploitation, the offender
3 shall be fined under this title and imprisoned for not
4 less than 15 years.”.

5 (b) CLERICAL AMENDMENT.—The chapter analysis
6 for chapter 47 of title 18, United States Code, is amended
7 by adding at the end the following:

 “1041. Fraud in connection with the transfer of custody of unaccompanied alien
 children.”.

8 **SEC. 1513. HIRING AUTHORITY.**

9 The Director of U.S. Citizenship and Immigration
10 Services shall hire, train, and assign not fewer than 300
11 asylum officers to assist in expedited asylum determina-
12 tions at humanitarian campuses established under section
13 1501.

14 **SEC. 1514. HUMANITARIAN STATUS.**

15 Section 101(a)(15)(U) of the Immigration and Na-
16 tionality Act (8 U.S.C. 1101(a)(15)(U)) is amended—

17 (1) in subparagraph (U)(iii), by striking “or”
18 at the end;

19 (2) in subparagraph (V)(ii)(II), by striking the
20 period and inserting “; or”; and

21 (3) by adding at the end the following:

22 “(W) an alien who is prima facie eligible
23 for asylum based on overwhelming evidence
24 during an asylum prescreening at a facility in

1 the Western hemisphere, except that the num-
2 ber of aliens admitted under this status, or oth-
3 erwise provided such status, may not exceed the
4 number of refugees authorized to enter during
5 a fiscal year.”.

6 **SEC. 1515. TWO STRIKE POLICY.**

7 (a) IN GENERAL.—Section 208 of the Immigration
8 and Nationality Act is amended by adding at the end the
9 following:

10 “(f) ENTRY AT AN UNAUTHORIZED LOCATION.—

11 “(1) LOGGING UNLAWFUL ENTRY.—Any alien
12 who fails to enter the United States at a designated
13 port of entry shall be logged by an agent biometri-
14 cally and informed by such agent that applications
15 for asylum may only be made at a designated port
16 of entry.

17 “(2) SUBSEQUENT ENTRY.—Any alien who fails
18 to enter the United States at a designated port of
19 entry after being logged under paragraph (1) shall
20 be subject to the expedited removal process under
21 section 235.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect 30 days after the date of en-
24 actment of this Act.

1 **SEC. 1516. LOAN FORGIVENESS FOR LEGAL SERVICE PRO-**
2 **VIDERS AT HUMANITARIAN CAMPUSES.**

3 Subtitle C of title IV of the Homeland Security Act
4 of 2002 (6 U.S.C. 231 et seq.), as amended by section
5 1501 of this Act, is amended by adding at the end the
6 following:

7 **“SEC. 438. LOAN FORGIVENESS FOR LEGAL SERVICE PRO-**
8 **VIDERS AT HUMANITARIAN CAMPUSES.**

9 “(a) PROGRAM AUTHORIZED.—

10 “(1) LOAN FORGIVENESS AUTHORIZED.—The
11 Secretary, in coordination with the Secretary of
12 Education, shall forgive, in accordance with this sec-
13 tion, the qualified loan amount described in sub-
14 section (b) of the eligible student loan obligation of
15 a borrower who—

16 “(A) has attended an accredited law school
17 at an institution of higher education (as defined
18 in section 102 of the Higher Education Act of
19 1965) and obtained a Juris Doctor degree;

20 “(B) has completed not less than four
21 years of full-time employment as an attorney
22 providing legal services at a humanitarian cam-
23 pus established under section 437(a); and

24 “(C) is not in default on a loan for which
25 the borrower seeks forgiveness.

1 “(2) METHOD OF LOAN FORGIVENESS.—To
2 provide loan forgiveness under paragraph (1), the
3 Secretary, in coordination with the Secretary of
4 Education, is authorized to carry out a program—

5 “(A) through the holder of the loan, to as-
6 sume the obligation to repay a qualified loan
7 amount for a loan made, insured, or guaranteed
8 under part B of the Higher Education Act of
9 1965 (other than an excepted PLUS loan or an
10 excepted consolidation loan (as such terms are
11 defined in section 493C(a) of such Act of
12 1965)); and

13 “(B) to cancel a qualified loan amount for
14 a loan made under part D or E of such Act of
15 1965 (other than an excepted PLUS loan or an
16 excepted consolidation loan (as such terms are
17 defined in section 493C(a) of such Act of
18 1965)).

19 “(3) REGULATIONS.—The Secretary is author-
20 ized to issue such regulations as may be necessary
21 to carry out this section.

22 “(b) QUALIFIED LOANS AMOUNT.—

23 “(1) AMOUNT OF FORGIVENESS.—The Sec-
24 retary shall forgive 75 percent of the eligible student
25 loan obligation of a borrower described in subsection

1 (a)(1) that is outstanding after the completion of the
2 fourth year of employment described in such para-
3 graph.

4 “(2) ELIGIBLE STUDENT LOAN OBLIGATION.—
5 The term ‘eligible student loan obligation’ has the
6 meaning given the term ‘student loan’ in section
7 428L of the Higher Education Act of 1965, except
8 that only the portion of such a student loan that is
9 attributable to the borrower’s study of law and at-
10 tainment of a Juris Doctor degree (and not to un-
11 dergraduate study or other courses of study) shall be
12 included when calculating the outstanding eligible
13 student loan obligation of a borrower for purposes of
14 paragraph (1).

15 “(c) CONSTRUCTION.—Nothing in this section shall
16 be construed to authorize any refunding of any repayment
17 of a loan.”.

18 **DIVISION B—DIGNITY AND**
19 **AMERICAN DREAM**
20 **TITLE I—DREAM ACT**

21 **SEC. 2101. SHORT TITLE.**

22 This title may be cited as the “Dream Act”.

1 **SEC. 2102. PERMANENT RESIDENT STATUS ON A CONDI-**
2 **TIONAL BASIS FOR CERTAIN LONG-TERM**
3 **RESIDENTS WHO ENTERED THE UNITED**
4 **STATES AS CHILDREN.**

5 (a) **CONDITIONAL BASIS FOR STATUS.**—Notwith-
6 standing any other provision of law, and except as pro-
7 vided in section 2104(c)(2), an alien shall be considered,
8 at the time of obtaining the status of an alien lawfully
9 admitted for permanent residence under this section, to
10 have obtained such status on a conditional basis subject
11 to the provisions of this title.

12 (b) **REQUIREMENTS.**—

13 (1) **IN GENERAL.**—Notwithstanding any other
14 provision of law, the Secretary or the Attorney Gen-
15 eral shall adjust to the status of an alien lawfully
16 admitted for permanent residence on a conditional
17 basis, or without the conditional basis as provided in
18 section 2104(c)(2), an alien who is inadmissible or
19 deportable from the United States, is subject to a
20 grant of Deferred Enforced Departure, has tem-
21 porary protected status under section 244 of the Im-
22 migration and Nationality Act (8 U.S.C. 1254a), or
23 is the son or daughter of an alien admitted as a non-
24 immigrant under subparagraph (E)(i), (E)(ii),
25 (H)(i)(b), or (L) of section 101(a)(15) of such Act
26 (8 U.S.C. 1101(a)(15)) if—

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

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

8 (C) the alien—

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

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

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

24 (D) the alien—

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

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

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

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

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

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

20 (IV) a recognized postsecondary
21 credential; or

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

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

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

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

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

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

23 (3) APPLICATION FEE.—

24 (A) IN GENERAL.—The Secretary may re-
25 quire an alien applying under this section to

1 pay a reasonable fee that is commensurate with
2 the cost of processing the application but does
3 not exceed \$1,140.

4 (B) SPECIAL PROCEDURES FOR APPLI-
5 CANTS WITH DACA.—The Secretary shall estab-
6 lish a streamlined procedure for aliens who have
7 been granted DACA and who meet the require-
8 ments for renewal (under the terms of the pro-
9 gram in effect on January 1, 2017) to apply for
10 adjustment of status to that of an alien lawfully
11 admitted for permanent residence on a condi-
12 tional basis under this section, or without the
13 conditional basis as provided in section
14 2104(c)(2).

15 (4) BACKGROUND CHECKS.—The Secretary
16 may not grant an alien permanent resident status on
17 a conditional basis under this section until the re-
18 quirements of section 2202 are satisfied.

19 (5) MILITARY SELECTIVE SERVICE.—An alien
20 applying for permanent resident status on a condi-
21 tional basis under this section, or without the condi-
22 tional basis as provided in section 2104(c)(2), shall
23 establish that the alien has registered under the
24 Military Selective Service Act (50 U.S.C. 3801 et

1 seq.), if the alien is subject to registration under
2 such Act.

3 (c) CRIMINAL AND NATIONAL SECURITY BARS.—

4 (1) GROUNDS OF INELIGIBILITY.—Except as
5 provided in paragraph (2), an alien is ineligible for
6 adjustment of status under this title (whether on a
7 conditional basis or without the conditional basis as
8 provided in section 2104(c)(2)) if any of the fol-
9 lowing apply:

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

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

17 (i) any felony offense;

18 (ii) two or more misdemeanor offenses
19 (excluding simple possession of cannabis or
20 cannabis-related paraphernalia, any offense
21 involving cannabis or cannabis-related par-
22 aphernalia which is no longer prosecutable
23 in the State in which the conviction was
24 entered, and any offense involving civil dis-
25 obedience without violence) not occurring

1 on the same date, and not arising out of
2 the same act, omission, or scheme of mis-
3 conduct; or

4 (iii) a misdemeanor offense of domes-
5 tic violence, unless the alien demonstrates
6 that such crime is related to the alien hav-
7 ing been—

8 (I) a victim of domestic violence,
9 sexual assault, stalking, child abuse or
10 neglect, abuse or neglect in later life,
11 or human trafficking;

12 (II) battered or subjected to ex-
13 treme cruelty; or

14 (III) a victim of criminal activity
15 described in section 101(a)(15)(U)(iii)
16 of the Immigration and Nationality
17 Act (8 U.S.C. 1101(a)(15)(U)(iii)).

18 (2) WAIVERS FOR CERTAIN MISDEMEANORS.—
19 For humanitarian purposes, family unity, or if oth-
20 erwise in the public interest, the Secretary may—

21 (A) waive the grounds of inadmissibility
22 under subparagraphs (A), (C), and (D) of sec-
23 tion 212(a)(2) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1182(a)(2)), unless the con-
25 viction forming the basis for inadmissibility

1 would otherwise render the alien ineligible
2 under paragraph (1)(B) (subject to subpara-
3 graph (B)); and

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

6 (i) one misdemeanor offense if the
7 alien has not been convicted of any offense
8 in the 5-year period preceding the date on
9 which the alien applies for adjustment of
10 status under this title; or

11 (ii) up to two misdemeanor offenses if
12 the alien has not been convicted of any of-
13 fense in the 10-year period preceding the
14 date on which the alien applies for adjust-
15 ment of status under this title.

16 (3) AUTHORITY TO CONDUCT SECONDARY RE-
17 VIEW.—

18 (A) IN GENERAL.—Notwithstanding an
19 alien's eligibility for adjustment of status under
20 this title, and subject to the procedures de-
21 scribed in this paragraph, the Secretary may,
22 as a matter of non-delegable discretion, provi-
23 sionally deny an application for adjustment of
24 status (whether on a conditional basis or with-
25 out the conditional basis as provided in section

1 2104(c)(2)) if the Secretary, based on clear and
2 convincing evidence, which shall include credible
3 law enforcement information, determines that
4 the alien is described in subparagraph (B) or
5 (D).

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

8 (i) excluding simple possession of can-
9 nabis or cannabis-related paraphernalia,
10 any offense involving cannabis or cannabis-
11 related paraphernalia which is no longer
12 prosecutable in the State in which the con-
13 viction was entered, any offense under
14 State law for which an essential element is
15 the alien's immigration status, any offense
16 involving civil disobedience without vio-
17 lence, and any minor traffic offense, the
18 alien—

19 (I) has been convicted of a mis-
20 demeanor offense punishable by a
21 term of imprisonment of more than
22 30 days; or

23 (II) has been adjudicated delin-
24 quent in a State or local juvenile court
25 proceeding that resulted in a disposi-

1 tion ordering placement in a secure
2 facility; and

3 (ii) the alien poses a significant and
4 continuing threat to public safety related
5 to such conviction or adjudication.

6 (C) PUBLIC SAFETY DETERMINATION.—

7 For purposes of subparagraph (B)(ii), the Sec-
8 retary shall consider the recency of the convic-
9 tion or adjudication; the length of any imposed
10 sentence or placement; the nature and serious-
11 ness of the conviction or adjudication, including
12 whether the elements of the offense include the
13 unlawful possession or use of a deadly weapon
14 to commit an offense or other conduct intended
15 to cause serious bodily injury; and any miti-
16 gating factors pertaining to the alien's role in
17 the commission of the offense.

18 (D) GANG PARTICIPATION.—An alien is
19 described in this subparagraph if the alien has,
20 within the 5 years immediately preceding the
21 date of the application, knowingly, willfully, and
22 voluntarily participated in offenses committed
23 by a criminal street gang (as described in sub-
24 sections (a) and (c) of section 521 of title 18,

1 United States Code) with the intent to promote
2 or further the commission of such offenses.

3 (E) EVIDENTIARY LIMITATION.—For pur-
4 poses of subparagraph (D), allegations of gang
5 membership obtained from a State or Federal
6 in-house or local database, or a network of
7 databases used for the purpose of recording and
8 sharing activities of alleged gang members
9 across law enforcement agencies, shall not es-
10 tablish the participation described in such para-
11 graph.

12 (F) NOTICE.—

13 (i) IN GENERAL.—Prior to rendering
14 a discretionary decision under this para-
15 graph, the Secretary shall provide written
16 notice of the intent to provisionally deny
17 the application to the alien (or the alien's
18 counsel of record, if any) by certified mail
19 and, if an electronic mail address is pro-
20 vided, by electronic mail (or other form of
21 electronic communication). Such notice
22 shall—

23 (I) articulate with specificity all
24 grounds for the preliminary deter-
25 mination, including the evidence relied

1 upon to support the determination;
2 and

3 (II) provide the alien with not
4 less than 90 days to respond.

5 (ii) SECOND NOTICE.—Not more than
6 30 days after the issuance of the notice
7 under clause (i), the Secretary shall pro-
8 vide a second written notice that meets the
9 requirements of such clause.

10 (iii) NOTICE NOT RECEIVED.—Not-
11 withstanding any other provision of law, if
12 an applicant provides good cause for not
13 contesting a provisional denial under this
14 paragraph, including a failure to receive
15 notice as required under this subpara-
16 graph, the Secretary shall, upon a motion
17 filed by the alien, reopen an application for
18 adjustment of status under this title and
19 allow the applicant an opportunity to re-
20 spond, consistent with clause (i)(II).

21 (G) JUDICIAL REVIEW OF A PROVISIONAL
22 DENIAL.—

23 (i) IN GENERAL.—Notwithstanding
24 any other provision of law, if, after notice
25 and the opportunity to respond under sub-

1 paragraph (F), the Secretary provisionally
2 denies an application for adjustment of
3 status under this Act, the alien shall have
4 60 days from the date of the Secretary's
5 determination to seek review of such deter-
6 mination in an appropriate United States
7 district court.

8 (ii) SCOPE OF REVIEW AND DECI-
9 SION.—Notwithstanding any other provi-
10 sion of law, review under paragraph (1)
11 shall be de novo and based solely on the
12 administrative record, except that the ap-
13 plicant shall be given the opportunity to
14 supplement the administrative record and
15 the Secretary shall be given the oppor-
16 tunity to rebut the evidence and arguments
17 raised in such submission. Upon issuing its
18 decision, the court shall remand the mat-
19 ter, with appropriate instructions, to the
20 Department of Homeland Security to
21 render a final decision on the application.

22 (4) DEFINITIONS.—For purposes of this Act—

23 (A) the term “felony offense” means an of-
24 fense under Federal or State law that is pun-

1 ishable by a maximum term of imprisonment of
2 more than 1 year;

3 (B) the term “misdemeanor offense”
4 means an offense under Federal or State law
5 that is punishable by a term of imprisonment of
6 more than 5 days but not more than 1 year;
7 and

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

1 (d) LIMITATION ON REMOVAL OF CERTAIN ALIEN
2 MINORS.—An alien who is 18 years of age or younger and
3 meets the requirements under subparagraphs (A), (B),
4 and (C) of subsection (b)(1) shall be provided a reasonable
5 opportunity to meet the educational requirements under
6 subparagraph (D) of such subsection. The Attorney Gen-
7 eral or the Secretary may not commence or continue with
8 removal proceedings against such an alien.

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

17 **SEC. 2103. TERMS OF PERMANENT RESIDENT STATUS ON A**
18 **CONDITIONAL BASIS.**

19 (a) PERIOD OF STATUS.—Permanent resident status
20 on a conditional basis is—

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

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

24 (b) NOTICE OF REQUIREMENTS.—At the time an
25 alien obtains permanent resident status on a conditional

1 basis, the Secretary shall provide notice to the alien re-
2 garding the provisions of this title and the requirements
3 to have the conditional basis of such status removed.

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

7 (1) determines that the alien ceases to meet the
8 requirements under section 2102(b)(1)(C); and

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

10 (A) notice of the proposed revocation; and

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

15 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

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

21 **SEC. 2104. REMOVAL OF CONDITIONAL BASIS OF PERMA-**
22 **NENT RESIDENT STATUS.**

23 (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL
24 BASIS.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Secretary shall remove the conditional basis of
3 an alien’s permanent resident status granted under
4 this title and grant the alien status as an alien law-
5 fully admitted for permanent residence if the alien—

6 (A) is described in section 2102(b)(1)(C);

7 (B) has not abandoned the alien’s resi-
8 dence in the United States during the period in
9 which the alien has permanent resident status
10 on a conditional basis; and

11 (C)(i) has obtained a degree from an insti-
12 tution of higher education or a recognized post-
13 secondary credential from an area career and
14 technical education school providing education
15 at the postsecondary level;

16 (ii) has served in the Uniformed Services
17 for at least 3 years and, if discharged, received
18 an honorable discharge; or

19 (iii) demonstrates earned income for peri-
20 ods totaling at least 4 years and at least 75
21 percent of the time that the alien has had a
22 valid employment authorization.

23 (2) HARDSHIP EXCEPTION.—The Secretary
24 shall remove the conditional basis of an alien’s per-
25 manent resident status and grant the alien status as

1 an alien lawfully admitted for permanent residence
2 if the alien—

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

5 (B) demonstrates compelling circumstances
6 for the inability to satisfy the requirements
7 under subparagraph (C) of such paragraph; and

8 (C) demonstrates that—

9 (i) the alien has a disability;

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

11 or

12 (iii) the removal of the alien from the
13 United States would result in hardship to
14 the alien or the alien's spouse, parent, or
15 child who is a national of the United
16 States or is lawfully admitted for perma-
17 nent residence.

18 (3) CITIZENSHIP REQUIREMENT.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), the conditional basis of an
21 alien's permanent resident status granted under
22 this title may not be removed unless the alien
23 demonstrates that the alien satisfies the re-
24 quirements under section 312(a) of the Immi-
25 gration and Nationality Act (8 U.S.C. 1423(a)).

1 (B) EXCEPTION.—Subparagraph (A) shall
2 not apply to an alien who is unable to meet the
3 requirements under such section 312(a) due to
4 disability.

5 (4) APPLICATION FEE.—The Secretary may re-
6 quire aliens applying for removal of the conditional
7 basis of an alien's permanent resident status under
8 this section to pay a reasonable fee that is commen-
9 surate with the cost of processing the application.

10 (5) BACKGROUND CHECKS.—The Secretary
11 may not remove the conditional basis of an alien's
12 permanent resident status until the requirements of
13 section 2202 are satisfied.

14 (b) TREATMENT FOR PURPOSES OF NATURALIZA-
15 TION.—

16 (1) IN GENERAL.—For purposes of title III of
17 the Immigration and Nationality Act (8 U.S.C. 1401
18 et seq.), an alien granted permanent resident status
19 on a conditional basis shall be considered to have
20 been admitted to the United States, and be present
21 in the United States, as an alien lawfully admitted
22 for permanent residence.

23 (2) LIMITATION ON APPLICATION FOR NATU-
24 RALIZATION.—An alien may not apply for natu-

1 ralization while the alien is in permanent resident
2 status on a conditional basis.

3 (c) TIMING OF APPROVAL OF LAWFUL PERMANENT
4 RESIDENT STATUS.—

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

10 (2) APPROVAL WITH REGARD TO INITIAL APPLI-
11 CATIONS.—

12 (A) IN GENERAL.—Notwithstanding any
13 other provision of law, the Secretary or the At-
14 torney General shall adjust to the status of an
15 alien lawfully admitted for permanent resident
16 status without conditional basis, any alien
17 who—

18 (i) demonstrates eligibility for lawful
19 permanent residence status on a condi-
20 tional basis under section 2102(b); and

21 (ii) subject to the exceptions described
22 in subsections (a)(2) and (a)(3)(B) of this
23 section, already has fulfilled the require-
24 ments of paragraphs (1) and (3) of sub-
25 section (a) of this section at the time such

1 alien first submits an application for bene-
2 fits under this title.

3 (B) BACKGROUND CHECKS.—Subsection
4 (a)(5) shall apply to an alien seeking lawful
5 permanent resident status without conditional
6 basis in an initial application in the same man-
7 ner as it applies to an alien seeking removal of
8 the conditional basis of an alien's permanent
9 resident status. Section 2102(b)(4) shall not be
10 construed to require the Secretary to conduct
11 more than one identical security or law enforce-
12 ment background check on such an alien.

13 (C) APPLICATION FEES.—In the case of an
14 alien seeking lawful permanent resident status
15 without conditional basis in an initial applica-
16 tion, the alien shall pay the fee required under
17 subsection (a)(4), but shall not be required to
18 pay the application fee under section
19 2102(b)(3).

20 **TITLE II—GENERAL PROVISIONS**

21 **SEC. 2201. DEFINITIONS.**

22 (a) IN GENERAL.—In this division:

23 (1) IN GENERAL.—Except as otherwise specifi-
24 cally provided, any term used in this division that is

1 used in the immigration laws shall have the meaning
2 given such term in the immigration laws.

3 (2) APPROPRIATE UNITED STATES DISTRICT
4 COURT.—The term “appropriate United States dis-
5 trict court” means the United States District Court
6 for the District of Columbia or the United States
7 district court with jurisdiction over the alien’s prin-
8 cipal place of residence.

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

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

19 (5) DISABILITY.—The term “disability” has the
20 meaning given such term in section 3(1) of the
21 Americans with Disabilities Act of 1990 (42 U.S.C.
22 12102(1)).

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

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

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

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

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

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

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

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

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

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

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

10 **SEC. 2202. SUBMISSION OF BIOMETRIC AND BIOGRAPHIC**
11 **DATA; BACKGROUND CHECKS.**

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

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

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

7 **SEC. 2203. LIMITATION ON REMOVAL AND OTHER CONDI-**
8 **TIONS ON ELIGIBLE INDIVIDUALS.**

9 (a) **LIMITATION ON REMOVAL.**—An alien who ap-
10 pears to be prima facie eligible for relief under this divi-
11 sion shall be given a reasonable opportunity to apply for
12 such relief and may not be removed until, subject to sec-
13 tion 2206(c)(2), a final decision establishing ineligibility
14 for relief is rendered.

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

1 forceable to the same extent as if the application had not
2 been made, only after all available administrative and judi-
3 cial remedies have been exhausted.

4 (c) ADVANCE PAROLE.—During the period beginning
5 on the date on which an alien applies for adjustment of
6 status under this division and ending on the date on which
7 the Secretary makes a final decision regarding such appli-
8 cation, the alien shall be eligible to apply for advance pa-
9 role. Section 101(g) of the Immigration and Nationality
10 Act (8 U.S.C. 1101(g)) shall not apply to an alien granted
11 advance parole under this Act.

12 (d) EMPLOYMENT.—An alien whose removal is stayed
13 pursuant to this division, who may not be placed in re-
14 moval proceedings pursuant to this division, or who has
15 pending an application under this division, shall, upon ap-
16 plication to the Secretary, be granted an employment au-
17 thorization document.

18 **SEC. 2204. DETERMINATION OF CONTINUOUS PRESENCE**
19 **AND RESIDENCE.**

20 (a) EFFECT OF NOTICE TO APPEAR.—Any period of
21 continuous physical presence or continuous residence in
22 the United States of an alien who applies for permanent
23 resident status under this division (whether on a condi-
24 tional basis or without the conditional basis as provided
25 in section 2104(c)(2)) shall not terminate when the alien

1 is served a notice to appear under section 239(a) of the
2 Immigration and Nationality Act (8 U.S.C. 1229(a)).

3 (b) TREATMENT OF CERTAIN BREAKS IN PRESENCE
4 OR RESIDENCE.—

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

8 (A) continuous physical presence in the
9 United States under this division if the alien
10 has departed from the United States for any
11 period exceeding 90 days or for any periods, in
12 the aggregate, exceeding 180 days; and

13 (B) continuous residence in the United
14 States under this division if the alien has de-
15 parted from the United States for any period
16 exceeding 180 days, unless the alien establishes
17 to the satisfaction of the Secretary of Home-
18 land Security that the alien did not in fact
19 abandon residence in the United States during
20 such period.

21 (2) EXTENSIONS FOR EXTENUATING CIR-
22 CUMSTANCES.—The Secretary may extend the time
23 periods described in paragraph (1) for an alien who
24 demonstrates that the failure to timely return to the

1 United States was due to extenuating circumstances
2 beyond the alien's control, including—

3 (A) the serious illness of the alien;

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

6 (C) processing delays associated with the
7 application process for a visa or other travel
8 document; or

9 (D) restrictions on international travel due
10 to the public health emergency declared by the
11 Secretary of Health and Human Services under
12 section 3119 of the Public Health Service Act
13 (42 U.S.C. 247d) with respect to COVID–19.

14 (3) TRAVEL AUTHORIZED BY THE SEC-
15 RETARY.—Any period of travel outside of the United
16 States by an alien that was authorized by the Sec-
17 retary may not be counted toward any period of de-
18 parture from the United States under paragraph
19 (1).

20 (c) WAIVER OF PHYSICAL PRESENCE.—With respect
21 to aliens who were removed or departed the United States
22 on or after January 20, 2017, and who were continuously
23 physically present in the United States for at least 5 years
24 prior to such removal or departure, the Secretary may,
25 as a matter of discretion, waive the physical presence re-

1 quirement under section 2102(b)(1)(A) or section
2 2302(1)(A) for humanitarian purposes, for family unity,
3 or because a waiver is otherwise in the public interest. The
4 Secretary, in consultation with the Secretary of State,
5 shall establish a procedure for such aliens to apply for re-
6 lief under section 2102 or 2302 from outside the United
7 States if they would have been eligible for relief under
8 such section, but for their removal or departure.

9 **SEC. 2205. EXEMPTION FROM NUMERICAL LIMITATIONS.**

10 Nothing in this division or in any other law may be
11 construed to apply a numerical limitation on the number
12 of aliens who may be granted permanent resident status
13 under this division (whether on a conditional basis, or
14 without the conditional basis as provided in section
15 2104(c)(2)).

16 **SEC. 2206. AVAILABILITY OF ADMINISTRATIVE AND JUDI-**
17 **CIAL REVIEW.**

18 (a) ADMINISTRATIVE REVIEW.—Not later than 30
19 days after the date of the enactment of this Act, the Sec-
20 retary shall provide to aliens who have applied for adjust-
21 ment of status under this division a process by which an
22 applicant may seek administrative appellate review of a
23 denial of an application for adjustment of status, or a rev-
24 ocation of such status.

1 (b) JUDICIAL REVIEW.—Except as provided in sub-
2 section (c), and notwithstanding any other provision of
3 law, an alien may seek judicial review of a denial of an
4 application for adjustment of status, or a revocation of
5 such status, under this division in an appropriate United
6 States district court.

7 (c) STAY OF REMOVAL.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), an alien seeking administrative or judicial
10 review under this division may not be removed from
11 the United States until a final decision is rendered
12 establishing that the alien is ineligible for adjust-
13 ment of status under this Act.

14 (2) EXCEPTION.—The Secretary may remove
15 an alien described in paragraph (1) pending judicial
16 review if such removal is based on criminal or na-
17 tional security grounds described in this division.
18 Such removal shall not affect the alien's right to ju-
19 dicial review under this division. The Secretary shall
20 promptly return a removed alien if a decision to
21 deny an application for adjustment of status under
22 this division, or to revoke such status, is reversed.

23 **SEC. 2207. DOCUMENTATION REQUIREMENTS.**

24 (a) DOCUMENTS ESTABLISHING IDENTITY.—An
25 alien's application for permanent resident status under

1 this division (whether on a conditional basis, or without
2 the conditional basis as provided in section 2104(c)(2))
3 may include, as evidence of identity, the following:

4 (1) A passport or national identity document
5 from the alien's country of origin that includes the
6 alien's name and the alien's photograph or finger-
7 print.

8 (2) The alien's birth certificate and an identity
9 card that includes the alien's name and photograph.

10 (3) A school identification card that includes
11 the alien's name and photograph, and school records
12 showing the alien's name and that the alien is or
13 was enrolled at the school.

14 (4) A Uniformed Services identification card
15 issued by the Department of Defense.

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

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

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

23 (b) DOCUMENTS ESTABLISHING ENTRY, CONTIN-
24 UOUS PHYSICAL PRESENCE, LACK OF ABANDONMENT OF
25 RESIDENCE.—To establish that an alien was 18 years of

1 age or younger on the date on which the alien entered
2 the United States, and has continuously resided in the
3 United States since such entry, as required under section
4 2102(b)(1)(B), that an alien has been continuously phys-
5 ically present in the United States, as required under sec-
6 tion 2102(b)(1)(A), or that an alien has not abandoned
7 residence in the United States, as required under section
8 2104(a)(1)(B), the alien may submit the following forms
9 of evidence:

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

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

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

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

20 (5) Records of service from the Uniformed
21 Services.

22 (6) Official records from a religious entity con-
23 firming the alien's participation in a religious cere-
24 mony.

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

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

7 (9) Automobile license receipts or registration.

8 (10) Deeds, mortgages, or rental agreement
9 contracts.

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

13 (12) Tax receipts.

14 (13) Insurance policies.

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

17 (15) Travel records.

18 (16) Dated bank transactions.

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

23 (A) the name, address, and telephone num-
24 ber of the affiant; and

1 (B) the nature and duration of the rela-
2 tionship between the affiant and the alien.

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

5 (c) DOCUMENTS ESTABLISHING ADMISSION TO AN
6 INSTITUTION OF HIGHER EDUCATION.—To establish that
7 an alien has been admitted to an institution of higher edu-
8 cation, the alien may submit to the Secretary a document
9 from the institution of higher education certifying that the
10 alien—

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

12 (2) is currently enrolled in the institution as a
13 student.

14 (d) DOCUMENTS ESTABLISHING RECEIPT OF A DE-
15 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—
16 To establish that an alien has acquired a degree from an
17 institution of higher education in the United States, the
18 alien may submit to the Secretary a diploma or other doc-
19 ument from the institution stating that the alien has re-
20 ceived such a degree.

21 (e) DOCUMENTS ESTABLISHING RECEIPT OF A HIGH
22 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-
23 MENT CREDENTIAL, OR A RECOGNIZED EQUIVALENT.—
24 To establish that in the United States an alien has earned
25 a high school diploma or a commensurate alternative

1 award from a public or private high school, has obtained
2 the General Education Development credential, or other-
3 wise has satisfied section 2102(b)(1)(D)(iii), the alien may
4 submit to the Secretary the following:

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

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

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

12 (4) Evidence that the alien successfully com-
13 pleted an area career and technical education pro-
14 gram, such as a certification, certificate, or similar
15 alternate award.

16 (5) Evidence that the alien obtained a recog-
17 nized postsecondary credential.

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

20 (f) DOCUMENTS ESTABLISHING ENROLLMENT IN AN
21 EDUCATIONAL PROGRAM.—To establish that an alien is
22 enrolled in any school or education program described in
23 section 2102(b)(1)(D)(iv) or 2104(a)(1)(C), the alien may
24 submit school records from the United States school that
25 the alien is currently attending that include—

1 (1) the name of the school; and

2 (2) the alien's name, periods of attendance, and
3 current grade or educational level.

4 (g) DOCUMENTS ESTABLISHING EXEMPTION FROM
5 APPLICATION FEES.—To establish that an alien is exempt
6 from an application fee under this division, the alien may
7 submit to the Secretary the following relevant documents:

8 (1) DOCUMENTS TO ESTABLISH AGE.—To es-
9 tablish that an alien meets an age requirement, the
10 alien may provide proof of identity, as described in
11 subsection (a), that establishes that the alien is 18
12 years of age or younger.

13 (2) DOCUMENTS TO ESTABLISH INCOME.—To
14 establish the alien's income, the alien may provide—

15 (A) employment records or other records of
16 earned income, including records that have been
17 maintained by the Social Security Administra-
18 tion, the Internal Revenue Service, or any other
19 Federal, State, or local government agency;

20 (B) bank records; or

21 (C) at least two sworn affidavits from indi-
22 viduals who are not related to the alien and
23 who have direct knowledge of the alien's work
24 and income that contain—

1 (i) the name, address, and telephone
2 number of the affiant; and

3 (ii) the nature and duration of the re-
4 lationship between the affiant and the
5 alien.

6 (3) DOCUMENTS TO ESTABLISH FOSTER CARE,
7 LACK OF FAMILIAL SUPPORT, OR SERIOUS, CHRONIC
8 DISABILITY.—To establish that the alien is in foster
9 care, lacks parental or familial support, or has a se-
10 rious, chronic disability, the alien may provide at
11 least two sworn affidavits from individuals who are
12 not related to the alien and who have direct knowl-
13 edge of the circumstances that contain—

14 (A) a statement that the alien is in foster
15 care, otherwise lacks any parental or other fa-
16 miliar support, or has a serious, chronic dis-
17 ability, as appropriate;

18 (B) the name, address, and telephone num-
19 ber of the affiant; and

20 (C) the nature and duration of the rela-
21 tionship between the affiant and the alien.

22 (h) DOCUMENTS ESTABLISHING QUALIFICATION FOR
23 HARDSHIP EXEMPTION.—To establish that an alien satis-
24 fies one of the criteria for the hardship exemption set forth
25 in section 2104(a)(2)(C), the alien may submit to the Sec-

1 retary at least two sworn affidavits from individuals who
2 are not related to the alien and who have direct knowledge
3 of the circumstances that warrant the exemption, that
4 contain—

5 (1) the name, address, and telephone number of
6 the affiant; and

7 (2) the nature and duration of the relationship
8 between the affiant and the alien.

9 (i) DOCUMENTS ESTABLISHING SERVICE IN THE
10 UNIFORMED SERVICES.—To establish that an alien has
11 served in the Uniformed Services for at least 2 years and,
12 if discharged, received an honorable discharge, the alien
13 may submit to the Secretary—

14 (1) a Department of Defense form DD-214;

15 (2) a National Guard Report of Separation and
16 Record of Service form 22;

17 (3) personnel records for such service from the
18 appropriate Uniformed Service; or

19 (4) health records from the appropriate Uni-
20 formed Service.

21 (j) DOCUMENTS ESTABLISHING EARNED INCOME.—

22 (1) IN GENERAL.—An alien may satisfy the
23 earned income requirement under section
24 2104(a)(1)(C)(iii) by submitting records that—

1 (A) establish compliance with such require-
2 ment; and

3 (B) have been maintained by the Social Se-
4 curity Administration, the Internal Revenue
5 Service, or any other Federal, State, or local
6 government agency.

7 (2) OTHER DOCUMENTS.—An alien who is un-
8 able to submit the records described in paragraph
9 (1) may satisfy the earned income requirement by
10 submitting at least two types of reliable documents
11 that provide evidence of employment or other forms
12 of earned income, including—

13 (A) bank records;

14 (B) business records;

15 (C) employer or contractor records;

16 (D) records of a labor union, day labor
17 center, or organization that assists workers in
18 employment;

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

22 (i) the name, address, and telephone
23 number of the affiant; and

1 (ii) the nature and duration of the re-
2 lationship between the affiant and the
3 alien;

4 (F) remittance records; or

5 (G) any other evidence determined to be
6 credible by the Secretary.

7 (k) **AUTHORITY TO PROHIBIT USE OF CERTAIN**
8 **DOCUMENTS.**—If the Secretary determines, after publica-
9 tion in the Federal Register and an opportunity for public
10 comment, that any document or class of documents does
11 not reliably establish identity or that permanent resident
12 status under this division (whether on a conditional basis,
13 or without the conditional basis as provided in section
14 2104(c)(2)) is being obtained fraudulently to an unaccept-
15 able degree, the Secretary may prohibit or restrict the use
16 of such document or class of documents.

17 **SEC. 2208. CONFIDENTIALITY OF INFORMATION.**

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

23 (b) **REFERRALS PROHIBITED.**—The Secretary, based
24 solely on information provided in an application for adjust-
25 ment of status under this division (including information

1 provided during administrative or judicial review) or an
2 application for DACA, may not refer an applicant to U.S.
3 Immigration and Customs Enforcement, U.S. Customs
4 and Border Protection, or any designee of either such enti-
5 ty.

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

11 (1) for assistance in the consideration of an ap-
12 plication for adjustment of status under this divi-
13 sion;

14 (2) to identify or prevent fraudulent claims;

15 (3) for national security purposes; or

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

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

21 **SEC. 2209. PROVISIONS AFFECTING ELIGIBILITY FOR AD-**
22 **JUSTMENT OF STATUS.**

23 An alien's eligibility to be lawfully admitted for per-
24 manent residence under this division (whether on a condi-
25 tional basis, or without the conditional basis as provided

1 in section 2104(c)(2)) shall not preclude the alien from
2 seeking any status under any other provision of law for
3 which the alien may otherwise be eligible.

4 **TITLE III—DIGNITY PROGRAM**

5 **SEC. 2301. ESTABLISHMENT.**

6 (a) IN GENERAL.—There is established a program,
7 to be known as the “Dignity Program” under this subtitle,
8 which shall provide for deferred action on removal and the
9 provision of employment and travel authorization in the
10 case of eligible applicants, in accordance with the provi-
11 sions of this subtitle.

12 (b) ABOLITION OF 3- AND 10-YEAR BARS.—For pur-
13 poses of this subtitle, section 212(a)(9) of the Immigration
14 and Nationality Act shall not apply for purposes of any
15 person who applies and thereafter participates in the Dig-
16 nity Program.

17 (c) DIGNITY PROGRAM IDENTIFICATION.—The Sec-
18 retary shall provide proof of participation for individuals
19 in the Dignity Program, in the form of an identification
20 document, that will provide deferred action on removal
21 and authorize employment and travel in accordance with
22 provisions in this title.

1 **SEC. 2302. ELIGIBILITY.**

2 The Secretary of Homeland Security shall approve an
3 application to participate in the Dignity Program from an
4 eligible alien subject to the following:

5 (1) APPLICATION.—The applicant shall submit
6 such information that the Secretary determines suf-
7 ficient to prove the following:

8 (A) That the alien has been continually
9 physically present in the United States since
10 December 31, 2020.

11 (B) That the alien is not inadmissible
12 under section 212(a) of the Immigration and
13 Nationality Act (except that paragraph (9) shall
14 not apply for purposes of this section).

15 (C) That the alien has included a restitu-
16 tion payment of at least \$1,000, to be deposited
17 in the H-1B Nonimmigrant Petitioner Account,
18 which shall be used to support American work-
19 ers for purposes described in title V of division
20 B of this Act.

21 (2) SUBMISSION OF BIOMETRIC AND BIO-
22 GRAPHIC DATA; BACKGROUND CHECKS.—

23 (A) SUBMISSION OF BIOMETRIC AND BIO-
24 GRAPHIC DATA.—The Secretary may not ap-
25 prove such an application, unless the alien sub-
26 mits biometric and biographic data, in accord-

1 ance with procedures established by the Sec-
2 retary. The Secretary shall provide an alter-
3 native procedure for aliens who are unable to
4 provide such biometric or biographic data be-
5 cause of a physical impairment.

6 (B) BACKGROUND CHECKS.—The Sec-
7 retary shall use biometric, biographic, and other
8 data that the Secretary determines appropriate
9 to conduct security and law enforcement back-
10 ground checks and to determine whether there
11 is any criminal, national security, or other fac-
12 tor that would render the alien ineligible for
13 participation in the Dignity Program in accord-
14 ance with paragraph (3). The application for
15 participation in the Dignity Program may not
16 be approved unless security and law enforce-
17 ment background checks are completed to the
18 satisfaction of the Secretary.

19 (3) GROUNDS OF INELIGIBILITY.—Except as
20 provided in paragraph (2), an alien is ineligible for
21 participation in the Dignity Program if, excluding
22 any offense under State law for which an essential
23 element is the alien's immigration status, and any
24 minor traffic offense, the alien has been convicted
25 of—

1 (A) any felony offense;

2 (B) two or more misdemeanor offenses (ex-
3 cluding simple possession of cannabis or can-
4 nabis-related paraphernalia, any offense involv-
5 ing cannabis or cannabis-related paraphernalia
6 which is no longer prosecutable in the State in
7 which the conviction was entered, any offense
8 involving disorderly conduct without violence,
9 and any offense involving civil disobedience
10 without violence) not occurring on the same
11 date, and not arising out of the same act, omis-
12 sion, or scheme of misconduct; or

13 (C) a misdemeanor offense of domestic vio-
14 lence, unless the alien demonstrates that such
15 crime is related to the alien having been—

16 (i) a victim of domestic violence, sex-
17 ual assault, stalking, child abuse or ne-
18 glect, abuse or neglect in later life, or
19 human trafficking;

20 (ii) battered or subjected to extreme
21 cruelty; or

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

1 (4) WAIVERS FOR CERTAIN MISDEMEANORS.—

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

5 (A) the grounds of inadmissibility under
6 subparagraphs (A), (C), and (D) of section
7 212(a)(2) of the Immigration and Nationality
8 Act (8 U.S.C. 1182(a)(2)); and

9 (B) consideration of—

10 (i) one misdemeanor offense if the
11 alien has not been convicted of any offense
12 in the 5-year period preceding the date on
13 which the alien applies for the Dignity
14 Program; or

15 (ii) up to two misdemeanor offenses if
16 the alien has not been convicted of any of-
17 fense in the 10-year period preceding the
18 date on which the alien applies for the
19 Dignity Program.

20 **SEC. 2303. REGISTRATION; DEPARTURE.**

21 (a) REGISTRATION.—Any alien approved to partici-
22 pate in the Dignity Program shall—

23 (1) register with the Secretary of Homeland Se-
24 curity;

1 (2) submit biometric and biographic data to the
2 Secretary; and

3 (3) submit a sworn declaration stipulating to
4 presence in the United States without a lawful immi-
5 gration status, and, as appropriate, unlawful pres-
6 ence, in the United States.

7 (b) DEPARTURE.—Not later than 12 months after
8 the date of the enactment of this Act, any alien present
9 in the United States without lawful status under the immi-
10 gration laws, or not participating in the programs outlined
11 in division B under this Act shall apply for the Dignity
12 Program or depart the United States.

13 (c) INTENTIONAL SELF-DEPORTATION.—Any alien
14 that voluntarily departs the United States not later than
15 12 months after the date of the enactment of this Act shall
16 not be subject to the provisions of section 212(a)(9) of
17 the Immigration and Nationality Act with respect to—

18 (1) any removal ordered under section
19 235(b)(1) of such Act or at the end of proceedings
20 under section 240 of such Act initiated upon the
21 alien's arrival in the United States; or

22 (2) any removal ordered under section 240 of
23 such Act,
24 prior to the date of the enactment of this Act.

1 (d) LIMITATION ON REMOVAL.—An alien who ap-
2 pears to be prima facie eligible for status under this sub-
3 title during the 24-month period following the date of en-
4 actment of this Act may not be removed or fined based
5 on their immigration status—

6 (1) during such period; and

7 (2) in the case that the alien applies for status
8 under this subtitle, until a final decision establishing
9 ineligibility for such status is rendered.

10 (e) EXCEPTION.—This section does not apply in the
11 case of any alien with a valid Notice to Appear in immigra-
12 tion court or with a pending determination on their immi-
13 gration status that is not decided before this date.

14 **SEC. 2304. PROGRAM PARTICIPATION.**

15 (a) IN GENERAL.—Any applicant who is approved to
16 participate in the Dignity Program shall make an appoint-
17 ment with USCIS who shall issue an order deferring fur-
18 ther action for a period of 7 years.

19 (b) CONDITIONS.—Each participant in the Dignity
20 Program shall conform to the following:

21 (1) REPORT.—The participant shall once every
22 two years report to the Secretary of Homeland Secu-
23 rity and provide the following information:

24 (A) Place of residence.

1 (B) Testimony as to good standing within
2 the community.

3 (2) RESTITUTION.—

4 (A) IN GENERAL.—The participant shall
5 pay an additional fee of at least \$1,000 with
6 each report under paragraph (1), until a total
7 of \$7,000 has been paid, to be deposited in the
8 H-1B Nonimmigrant Petitioner Account, which
9 shall be used to support American workers for
10 purposes described in title IV of division B.

11 (B) EXCEPTIONS IN THE CASE OF TEM-
12 PORARY PROTECTED STATUS HOLDERS.—Sub-
13 paragraph (A) shall not apply to any individual
14 who had temporary protected status under sec-
15 tion 244 of the Immigration and Nationality
16 Act (8 U.S.C. 1254a) prior to the passage of
17 this Act.

18 (3) LAWFUL CONDUCT.—The participant shall
19 comply with all Federal and State laws.

20 (4) EMPLOYMENT.—The participant shall re-
21 main, for a period of not less than 4 years during
22 their participation in the Dignity Program, employed
23 (including self-employment and serving as a care-
24 giver) or enrolled in a course of study at an institute
25 of higher education, as defined in section 102 of the

1 Higher Education Act of 1965 (20 U.S.C. 1002), or
2 an area career and technical education school, as de-
3 fined in section 3 of the Carl D. Perkins Career and
4 Technical Education Act of 2006 (20 U.S.C. 2302).
5 The Secretary may waive the application of this
6 paragraph in the case of any alien with dependents
7 under the age of 12, any alien the Secretary deter-
8 mines would be unable to reasonably comply by rea-
9 son of a disability or other impediment, or anyone
10 above 65 years of age.

11 (5) TAXES.—In the case of any Federal income
12 tax liability of the participant which was assessed
13 during the 10-year period ending on the date such
14 participant was approved for participation in the
15 Dignity Program, the participant shall pay such li-
16 ability not later than the close of the 7-year period
17 beginning on such date.

18 (6) SUPPORT DEPENDENTS.—The participant
19 shall support any dependents including by providing
20 food, shelter, clothing, education, and covering basic
21 medical needs.

22 (7) MEDICAL COSTS.—

23 (A) IN GENERAL.—The participant shall
24 be enrolled under qualifying health coverage.

1 (B) DEFINITION.—For purposes of this
2 paragraph, the term “qualifying health cov-
3 erage” means, with respect to the participant,
4 the higher of the following levels of coverage ap-
5 plicable to such alien:

6 (i) At a minimum, catastrophic health
7 insurance coverage that provides coverage
8 of such individual with respect to at least
9 the State of employment and State of resi-
10 dence of the alien.

11 (ii) In the case of an alien whose
12 State of residence or State of employment
13 requires such an alien to maintain cov-
14 erage under health insurance, such health
15 insurance.

16 (8) PUBLIC BENEFITS.—Beginning on the date
17 of participation in the Dignity Program, the partici-
18 pant shall not avail himself or herself of any Federal
19 means-tested benefits or entitlement programs. For
20 purposes of this paragraph, any benefits received by
21 a child or dependent that is a United States citizen
22 living in the same household shall not be taken into
23 account.

24 (9) LEVY.—In addition to other taxes, there is
25 hereby imposed on the income of every Dignity Pro-

1 gram participant a tax equal to 1 percent of the ad-
2 justed gross income (as defined in section 3121(a) of
3 the Internal Revenue Code of 1986) received by the
4 individual with respect to employment (as defined in
5 section 3121(b) the Internal Revenue Code of 1986).
6 The participant shall comply with the requirements
7 of section 9512 of the Internal Revenue Code of
8 1986. Any tax collected under this paragraph shall
9 be deposited in the Immigration Infrastructure and
10 Debt Reduction Fund established in section 1204.

11 (10) EXEMPTION FROM CERTAIN PAYROLL
12 TAXES.—A participant shall not be liable for any tax
13 under section 3101 or 3102 of the Internal Revenue
14 Code of 1986.

15 (11) LIMITATIONS IN THE CASE OF MINORS.—
16 With respect to any participant in the Dignity Pro-
17 gram who is under 18 years of age at the time of
18 application—

19 (A) subsection (b)(2) shall be waived; or

20 (B) for any participant that turns 18 years
21 of age during participation in the Dignity Pro-
22 gram, the 4-year requirement in subsection
23 (b)(2) shall be adjusted to an amount which is
24 equal to $\frac{4}{7}$ of the time remaining in the 7

1 years required for completion of the Dignity
2 Program at the time the participant turns 18.

3 (c) AUTHORIZING PARTICIPANTS APPROVED TO PAR-
4 TICIPATE IN THE DIGNITY PROGRAM TO ENLIST IN THE
5 ARMED FORCES.—

6 (1) ENLISTMENT.—Section 504(b)(1) of title
7 10, United States Code, is amended by adding at
8 the end the following:

9 “(D) An alien who is participating in the Dig-
10 nity Program or holds the Dignity Status.”.

11 (2) WAIVER.—Under this provision, for any in-
12 dividual in the Dignity program that enlists in the
13 Armed Forces, the conditions outlined in subsection
14 (b) shall be waived during their service.

15 (3) COMPLETION OF TERM OF ENLISTMENT.—
16 Upon completion of a term of enlistment, the re-
17 quirements of the Dignity Program shall be satisfied
18 for that individual, and that individual shall be eligi-
19 ble to adjust to lawful permanent resident status
20 through the Armed Forces.

21 (d) VIOLATIONS.—If a participant violates a condi-
22 tion under subsection (b), the Secretary may at the Sec-
23 retary’s discretion, waive enforcement of minor violations
24 including late fees, take extenuating circumstances into ef-
25 fect, or consider factors of undue hardship, but in all other

1 cases, the Secretary shall initiate removal proceedings pur-
2 suant to section 1229a of title 8, United States Code. In
3 such proceedings, the immigration judge may make a de-
4 termination as to whether to order removal or to issue an
5 order modifying the conditions of that participant's par-
6 ticipation in the Dignity Program.

7 **SEC. 2305. COMPLETION.**

8 (a) IN GENERAL.— Upon satisfying the conditions
9 set forth in subsection (b) and thereby successfully com-
10 pleting the Dignity Program, the participant shall be
11 granted Dignity status under this program.

12 (b) COMPLETION.—The conditions set forth in this
13 subsection for successful completion of the Dignity Pro-
14 gram are as follows:

15 (1) Compliance with all requirements of sub-
16 section (b)(1).

17 (2) Compliance with all requirements of sub-
18 section (b)(2).

19 (3) Compliance with the requirement of sub-
20 section (b)(3) for the entire period of the participa-
21 tion in the Dignity Program, excepting any viola-
22 tions waived or modified pursuant to section 2304(d)
23 of this Act and any violations deemed de minimis by
24 the Secretary.

1 (c) DIGNITY STATUS.—The status under this sec-
2 tion—

3 (1) shall be valid for a period of 7 years;

4 (2) may be renewed any number of times; and

5 (3) shall provide the alien with—

6 (A) lawful status as a nonimmigrant;

7 (B) authorization for employment; and

8 (C) the ability to reenter the United States
9 any number of times.

10 (d) TRAVEL AND WORK DOCUMENTS.—The Sec-
11 retary shall provide proof of Dignity Status, in the form
12 of an identification document, that will allow individuals
13 to work in the United States and travel abroad and be
14 admitted to the United States upon return, if otherwise
15 admissible.

16 (e) CLARIFICATION.—For purposes of adjustment of
17 status under section 1255 of title 8, United States Code,
18 and change of status under section 1258 of title 8, United
19 States Code, the alien shall be considered as having been
20 inspected and admitted into the United States.

21 (f) PUBLIC BENEFITS.—Beginning on the date of re-
22 ceiving the Dignity Status, the beneficiary shall not avail
23 himself or herself of any Federal means-tested benefits or
24 entitlement programs. For purposes of this subsection,
25 any benefits received by a child or dependent that is a

1 United States citizen living in the same household shall
2 not be taken into account.

3 (g) TERMINATION.—Dignity Status may only be ter-
4 minated by the Secretary following the issuance of a final
5 order of removal, except that such status shall be restored
6 following the grant of a motion to reopen pursuant to sec-
7 tion 1229a(c)(7) of title 8, United States Code, a success-
8 ful appeal, or a grant of withholding of removal pursuant
9 to section 1231(b)(3) of title 8, United States Code.

10 **TITLE IV—CONTRIBUTION TO** 11 **AMERICAN WORKERS**

12 **SEC. 2401. PURPOSE.**

13 This title shall direct restitution payments from the
14 Dignity program to be disbursed to American workers
15 through promoting apprenticeships and other work-based
16 learning programs for small and medium-sized businesses
17 within in-demand industry sectors, through the establish-
18 ment and support of industry or sector partnerships.

19 **SEC. 2402. AVAILABILITY OF FUNDS.**

20 From funds paid by restitution under title III of divi-
21 sion B of the Dignity for Immigrants while Guarding our
22 Nation to Ignite and Deliver the American Dream Act and
23 available under section 286(s)(2) of the Immigration and
24 Nationality Act (8 U.S.C. 1356(s)(2)), the Secretary shall
25 carry out this Act.

1 **SEC. 2403. CONFORMING AMENDMENTS.**

2 (a) AMERICAN COMPETITIVENESS AND WORKFORCE
3 IMPROVEMENT ACT OF 1998.—Section 414(c) of the
4 American Competitiveness and Workforce Improvement
5 Act of 1998 (29 U.S.C. 2916a) is repealed.

6 (b) IMMIGRATION AND NATIONALITY ACT.—Section
7 286(s)(2) of the Immigration and Nationality Act (8
8 U.S.C. 1356(s)(2)) is amended to read as follows:

9 “(2) USE OF FEES FOR WORK-BASED LEARNING
10 PROGRAMS.—90 percent of amounts deposited into
11 the H–1B Nonimmigrant Petitioner Account pursu-
12 ant to the Dignity for Immigrants while Guarding
13 our Nation to Ignite and Deliver the American
14 Dream Act shall remain available to the Secretary of
15 Labor until expended to carry out the Dignity for
16 Immigrants while Guarding our Nation to Ignite
17 and Deliver the American Dream Act.”.

18 **SEC. 2404. DEFINITIONS.**

19 In this Act:

20 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-
21 ble partnership” means an industry or sector part-
22 nership as defined in section 3 of the Workforce In-
23 novation and Opportunity Act (29 U.S.C. 3102) that
24 submits and obtains approval of an application con-
25 sistent with section 5(c).

1 (2) IN-DEMAND INDUSTRY SECTOR.—The term
2 “in-demand industry sector” means a sector de-
3 scribed in subparagraphs (A)(i) and (B) of section
4 3(23) of the Workforce Innovation and Opportunity
5 Act (29 U.S.C. 3102(23)).

6 (3) LOCAL OR REGIONAL.—The term “local or
7 regional”, used with respect to an entity, means that
8 the entity provides services in, respectively, a local
9 area or region.

10 (4) WORKFORCE TERMS.—The terms “Gov-
11 ernor”, “individual with a barrier to employment”,
12 “industry or sector partnership”, “local area”, “local
13 board”, “State board”, “outlying area”, “recognized
14 postsecondary credential”, “region”, “State”, and
15 “supportive services”, used with respect to activities
16 supported under this Act, have the meanings given
17 the terms in section 3 of the Workforce Innovation
18 and Opportunity Act (29 U.S.C. 3102).

19 (5) SECRETARY.—The term “Secretary” means
20 the Secretary of Labor.

21 **SEC. 2405. ALLOTMENTS TO STATES.**

22 (a) RESERVATION.—Of the amounts available for this
23 Act under section 4, the Secretary may reserve—

1 (1) not more than 5 percent of those amounts
2 for the costs of technical assistance and Federal ad-
3 ministration of this Act;

4 (2) not more than 2 percent of those amounts
5 for the costs of evaluations conducted under section
6 8(b); and

7 (3) not more than $\frac{1}{4}$ of 1 percent of such
8 amounts to provide assistance to the outlying areas.

9 (b) ALLOTMENTS.—

10 (1) IN GENERAL.—Of the amounts available for
11 this Act under section 4 that remain after the Sec-
12 retary makes the reservations under subsection (a),
13 the Secretary shall, for the purpose of supporting
14 (which may include assistance in establishing ex-
15 panded) local or regional eligible partnerships to
16 support work-based learning programs under this
17 Act, make allotments to eligible States in accordance
18 with clauses (ii) through (v) of section 132(b)(1)(B)
19 of the Workforce Innovation and Opportunity Act
20 (29 U.S.C. 3162(b)(1)(C)), subject to paragraph
21 (2).

22 (2) APPLICATION.—For purposes of applying
23 the clauses described in paragraph (1), under para-
24 graph (1), the Secretary—

1 (A) shall not apply subclauses (I) and (III)
2 of clause (iv) with respect to the first fiscal year
3 after the date of enactment of this Act;

4 (B) shall apply clause (iv)(II) by sub-
5 stituting “0.5 percent of the remaining amounts
6 described in paragraph (1)” for the total de-
7 scribed in that clause;

8 (C) shall not apply clause (iv)(IV);

9 (D) shall apply clause (v)(II) by sub-
10 stituting the term “allotment percentage”, used
11 with respect to the second full fiscal year after
12 the date of enactment of this Act, or a subse-
13 quent fiscal year, means a percentage of the re-
14 maining amounts described in paragraph (1)
15 that is received through an allotment made
16 under this subsection for the fiscal year for the
17 two sentences in that clause; and

18 (E) shall apply clause (v)(III) by sub-
19 stituting “a work-based learning program car-
20 ried out under this Act” for “a program of
21 workforce investment activities carried out
22 under this subtitle”.

23 (3) USE OF UNALLOTTED FUNDS.—If a State
24 fails to meet the requirements for an allotment
25 under this subsection, the Secretary may allot funds

1 that are not allotted under paragraphs (1) and (2)
2 to eligible States under a formula based on the for-
3 mula specified in section 132(c) of the Workforce In-
4 novation and Opportunity Act (29 U.S.C. 3173(c)).

5 (4) DEFINITION.—In this subsection, the term
6 “eligible State” means a State that meets the re-
7 quirements of section 102 or 103 of the Workforce
8 Innovation and Opportunity Act (29 U.S.C. 3112,
9 3113) and subsection (c).

10 (c) STATE ELIGIBILITY.—To be eligible to receive an
11 allotment under subsection (b), a State, in consultation
12 with State boards and local boards, shall submit an appli-
13 cation to the Secretary, at such time, in such manner, and
14 containing a description of the activities to be carried out
15 with the grant funds. At a minimum, the application shall
16 include information on—

17 (1) the local or regional industry or sector part-
18 nerships that will be supported, including the lead
19 partners for the partnerships, and how the partner-
20 ships will work to engage small and medium-sized
21 businesses, as applicable, in the activities of the
22 partnerships;

23 (2) the in-demand industry sectors that will be
24 served, including how such industry sectors were
25 identified, and how the activities of the partnerships

1 will align with State, regional, and local plans as re-
2 quired under title I of the Workforce Innovation and
3 Opportunity Act (29 U.S.C. 3111 et seq.);

4 (3) the apprenticeship programs or other work-
5 based learning programs to be supported through the
6 partnerships;

7 (4) the populations that will receive services, in-
8 cluding individuals with barriers to employment and
9 populations that were historically underrepresented
10 in the industry sectors to be served through the
11 partnerships;

12 (5) the services, including business engagement,
13 classroom instruction, and support services (includ-
14 ing at least 6 months of post-employment support
15 services), that will be supported through the grant
16 funds;

17 (6) the recognized postsecondary credentials
18 that workers will obtain through participation in the
19 program and the quality of the program that leads
20 to the credentials;

21 (7) levels of performance to be achieved on the
22 performance indicators described in section 8, to
23 measure progress towards expanding work-based
24 learning programs;

1 (8) how local or regional partnerships will lever-
2 age additional resources, including funding provided
3 under title I of the Workforce Innovation and Op-
4 portunity Act (29 U.S.C. 3111 et seq.) and non-
5 Federal resources, to support the activities carried
6 out under this Act; and

7 (9) such other subjects as the Secretary may
8 require.

9 (d) REVIEW OF APPLICATIONS.—The Secretary shall
10 review applications submitted under subsection (c) in con-
11 sultation with the Secretary of Education and the Sec-
12 retary of Health and Human Services.

13 **SEC. 2406. GRANTS TO PARTNERSHIPS.**

14 (a) GRANTS.—

15 (1) IN GENERAL.—The Governor of a State
16 that receives an allotment under section 5 shall use
17 the funds made available through the allotment and
18 not reserved under subsection (d) to award grants to
19 eligible partnerships. The Governor shall award the
20 grants for the purpose of assisting (which may in-
21 clude establishing or expanding) local or regional in-
22 dustry or sector partnerships that are identified in
23 the application submitted under section 5(c), to
24 carry out activities described in section 7.

1 (2) PERIOD OF GRANT.—A State may make a
2 grant under this section for a period of 3 years.

3 (3) AVAILABILITY OF FUNDS.—The Governor of
4 a State that receives an allotment under section 5
5 for a fiscal year may use the funds made available
6 through the allotment during that year or the 2 sub-
7 sequent fiscal years.

8 (b) ELIGIBILITY.—To be eligible to receive a grant
9 under this section, an industry or sector partnership de-
10 scribed in subsection (a)(1) shall—

11 (1) submit an application to the State at such
12 time, in such manner, and containing such informa-
13 tion as the State may require; and

14 (2) designate a partner in the industry or sector
15 partnership, to serve as the fiscal agent for purposes
16 of the grant.

17 (c) AWARDS OF GRANTS.—

18 (1) PARTICIPATION IN MULTIPLE ELIGIBLE
19 PARTNERSHIPS.—Subject to paragraph (2), a State
20 may award grants under this section in a way that
21 results in an entity being represented in more than
22 one partnership that receives such a grant.

23 (2) GEOGRAPHIC DIVERSITY.—In making the
24 grants, a State shall ensure that there is geographic

1 diversity in the areas in which activities will be car-
2 ried out under the grants.

3 (d) ADMINISTRATION.—The State may reserve not
4 more than 5 percent of the amount of an allotment under
5 section 5 for the administration of the grants awarded
6 under this section.

7 **SEC. 2407. USE OF FUNDS.**

8 (a) IN GENERAL.—An eligible partnership that re-
9 ceives a grant under section 6 shall use the grant funds
10 to support apprenticeships or other work-based learning
11 programs. The eligible partnership shall use the grant
12 funds to support the activities described in subsections (b)
13 and (c) and such other strategies as may be necessary to
14 support the development and implementation of work-
15 based learning programs, and participant retention in and
16 completion of those programs. The partnership may use
17 the grant funds to establish or expand eligible partner-
18 ships.

19 (b) BUSINESS ENGAGEMENT.—The eligible partner-
20 ship shall use grant funds to provide services to engage
21 businesses in work-based learning programs, which may
22 include assisting a small or medium-sized business with—
23 (1) the navigation of the registration process
24 for a sponsor of an apprenticeship program;

1 (2) the connection of the business with an edu-
2 cation provider to develop classroom instruction to
3 complement on-the-job learning;

4 (3) the development of a curriculum for a work-
5 based learning program;

6 (4) the employment of workers in a work-based
7 learning program for a transitional period before the
8 business hires an individual for continuing employ-
9 ment;

10 (5) the provision of training to managers and
11 front-line workers to serve as trainers or mentors to
12 workers in the work-based learning program;

13 (6) the provision of career awareness activities;
14 and

15 (7) the recruitment of individuals to participate
16 in a work-based learning program from individuals
17 receiving additional workforce and human services,
18 including—

19 (A) workers in programs under the Work-
20 force Innovation and Opportunity Act (29
21 U.S.C. 3101 et seq.);

22 (B) recipients of assistance through the
23 supplemental nutrition assistance program es-
24 tablished under the Food and Nutrition Act of
25 2008 (7 U.S.C. 2011 et seq.); and

1 (C) recipients of assistance through the
2 program of block grants to States for tem-
3 porary assistance for needy families established
4 under part A of title IV of the Social Security
5 Act (42 U.S.C. 601 et seq.).

6 (c) SUPPORT SERVICES FOR WORKERS.—

7 (1) IN GENERAL.—The eligible partnership
8 shall use grant funds to provide support services for
9 workers to assure their success in work-based learn-
10 ing programs, which may include—

11 (A) connection of individuals with adult
12 basic education during pre-work-based learning
13 or training, and during the period of employ-
14 ment;

15 (B) connection of individuals with pre-
16 work-based learning or training, including
17 through a pre-apprenticeship program;

18 (C) provision of additional mentorship and
19 retention supports for individuals pre-work-
20 based learning or training, and during the pe-
21 riod of employment;

22 (D) provision of tools, work attire, and
23 other required items necessary to start employ-
24 ment pre-work-based learning or training, and
25 during the period of employment; and

1 (E) provision of transportation, child care
2 services, or other support services pre-work-
3 based learning or training, and during the pe-
4 riod of employment.

5 (2) LENGTH OF SERVICES.—Each eligible part-
6 nership shall provide support services for workers for
7 not less than 12 months after the date of placement
8 of an individual in a work-based learning program.
9 That 12-month period shall include a period of pre-
10 work-based learning or training, a transitional pe-
11 riod of employment as described in subsection
12 (b)(4), and a period of continuing employment.

13 **SEC. 2408. PERFORMANCE AND ACCOUNTABILITY.**

14 (a) LOCAL REPORTS.—Not later than 1 year after
15 receiving a grant under section 6, and annually thereafter,
16 each eligible partnership in a State shall conduct an eval-
17 uation and submit to the State a local report containing
18 information on—

19 (1) levels of performance achieved by the eligi-
20 ble partnership with respect to the performance indi-
21 cators under section 116(b)(2)(A) of the Workforce
22 Innovation and Opportunity Act (29 U.S.C.
23 3141(b)(2)(A))—

24 (A) for all workers in the work-based
25 learning program involved; and

1 (B) for all such workers, disaggregated by
2 each population specified in section 3(24) of the
3 Workforce Innovation and Opportunity Act (29
4 U.S.C. 3102(24)) and by race, ethnicity, sex,
5 and age; and

6 (2) levels of performance achieved by the eligi-
7 ble partnership with respect to the performance indi-
8 cators under that section 116(b)(2)(A)—

9 (A) for individuals with barriers to employ-
10 ment in the work-based learning program in-
11 volved; and

12 (B) for all such individuals, disaggregated
13 by each population specified in section 3(24) of
14 the Workforce Innovation and Opportunity Act
15 and by race, ethnicity, sex, and age.

16 (b) STATE REPORTS.—Not later than 24 months
17 after receiving initial local reports under subsection (a)
18 (but in no case less than 18 months after the cor-
19 responding grants are awarded) and annually thereafter,
20 the State shall conduct an evaluation and submit a report
21 to the Secretary containing—

22 (1) the information provided by the eligible
23 partnerships through the local reports; and

1 (2) the State level of performance, aggregated
2 across all eligible partnerships, with respect to the
3 performance indicators described in subsection (a).

4 **SEC. 2409. GRANTS FOR ACCESS TO HIGH-DEMAND CA-**
5 **REERS.**

6 (a) PURPOSE.—The purpose of this section is to ex-
7 pand student access to, and participation in, new industry-
8 led earn-and-learn programs leading to high-wage, high-
9 skill, and high-demand careers.

10 (b) AUTHORIZATION OF APPRENTICESHIP GRANT
11 PROGRAM.—

12 (1) IN GENERAL.—From the amounts provided
13 under this title, the Secretary shall award grants, on
14 a competitive basis, to eligible partnerships for the
15 purpose described in subsection (a).

16 (2) DURATION.—The Secretary shall award
17 grants under this section for a period of—

18 (A) not less than 1 year; and

19 (B) not more than 4 years.

20 (3) LIMITATIONS.—

21 (A) NUMBER OF AWARDS.—An eligible
22 partnership or member of such partnership may
23 not be awarded more than one grant under this
24 section.

1 (B) ADMINISTRATION COSTS.—An eligible
2 partnership awarded a grant under this section
3 may not use more than 5 percent of the grant
4 funds to pay administrative costs associated
5 with activities funded by the grant.

6 (c) MATCHING FUNDS.—To receive a grant under
7 this section, an eligible partnership shall, through cash or
8 in-kind contributions, provide matching funds from non-
9 Federal sources in an amount equal to or greater than
10 50 percent of the amount of such grant.

11 (d) APPLICATIONS.—To receive a grant under this
12 section, an eligible partnership shall submit to the Sec-
13 retary at such a time as the Secretary may require, an
14 application that—

15 (1) identifies and designates the business or in-
16 stitution of higher education responsible for the ad-
17 ministration and supervision of the earn-and-learn
18 program for which such grant funds would be used;

19 (2) identifies the businesses and institutions of
20 higher education that comprise the eligible partner-
21 ship;

22 (3) identifies the source and amount of the
23 matching funds required under subsection (c);

1 (4) identifies the number of students who will
2 participate and complete the relevant earn-and-learn
3 program within 1 year of the expiration of the grant;

4 (5) identifies the amount of time, not to exceed
5 2 years, required for students to complete the pro-
6 gram;

7 (6) identifies the relevant recognized postsec-
8 ondary credential to be awarded to students who
9 complete the program;

10 (7) identifies the anticipated earnings of stu-
11 dents—

12 (A) 1 year after program completion; and

13 (B) 3 years after program completion;

14 (C) describes the specific project for which
15 the application is submitted, including a sum-
16 mary of the relevant classroom and paid struc-
17 tured on-the-job training students will receive;

18 (D) describes how the eligible partnership
19 will finance the program after the end of the
20 grant period;

21 (E) describes how the eligible partnership
22 will support the collection of information and
23 data for purposes of the program evaluation re-
24 quired under subsection (e); and

1 (F) describes the alignment of the program
2 with State identified in-demand industry sec-
3 tors.

4 (e) EVALUATION.—

5 (1) IN GENERAL.—From the amounts provided
6 under this title, the Secretary shall provide for the
7 independent evaluation of the grant program estab-
8 lished under this section that includes the following:

9 (A) The number of eligible individuals who
10 participated in programs assisted under this
11 section.

12 (B) The percentage of program partici-
13 pants who are in unsubsidized employment dur-
14 ing the second quarter after exit from the pro-
15 gram.

16 (C) The percentage of program partici-
17 pants who are in unsubsidized employment dur-
18 ing the fourth quarter after exit from the pro-
19 gram.

20 (D) The median earnings of program par-
21 ticipants who are in unsubsidized employment
22 during the second quarter after exit from the
23 program.

1 (E) The percentage of program partici-
2 pants who obtain a recognized postsecondary
3 credential during participation in the program.

4 (2) PUBLICATION.—The evaluation required by
5 this subsection shall be made publicly available on
6 the website of the Department.

7 (f) DEFINITIONS.—In this section:

8 (1) EARN-AND-LEARN PROGRAM.—The term
9 “earn-and-learn program” means an education pro-
10 gram, including an apprenticeship program, that
11 provides students with structured, sustained, and
12 paid on-the-job training and accompanying, for cred-
13 it, classroom instruction that—

14 (A) is for a period of between 3 months
15 and 2 years; and

16 (B) leads to, on completion of the pro-
17 gram, a recognized postsecondary credential.

18 (2) ELIGIBLE PARTNERSHIP.—The term “eligi-
19 ble partnership” shall mean a consortium that in-
20 cludes—

21 (A) 1 or more businesses; and

22 (B) 1 or more institutions of higher edu-
23 cation.

24 (3) IN-DEMAND INDUSTRY SECTOR OR OCCUPA-
25 TION.—The term “in-demand industry sector or oc-

1 cupation” has the meaning given the term in section
2 3 of the Workforce Innovation and Opportunity Act
3 (29 U.S.C. 3102).

4 (4) ON-THE-JOB TRAINING.—The term “on-the-
5 job training” has the meaning given the term in sec-
6 tion 3 of the Workforce Innovation and Opportunity
7 Act (29 U.S.C. 3102).

8 (5) RECOGNIZED POSTSECONDARY CREDEN-
9 TIAL.—The term “recognized postsecondary creden-
10 tial” has the meaning given the term in section 3 of
11 the Workforce Innovation and Opportunity Act (29
12 U.S.C. 3102).

13 **DIVISION C—AMERICAN PROS-**
14 **PERITY AND COMPETITIVE-**
15 **NESS**

16 **SEC. 3101. SHORT TITLE.**

17 This division may be cited as the “American Pros-
18 perity and Competitiveness Act”.

19 **TITLE I—AMERICAN FAMILIES**
20 **UNITED**

21 **SEC. 3111. RULE OF CONSTRUCTION.**

22 Nothing in sections 3112 and 3113 of this title, the
23 American Families United Act, shall be construed—

24 (1) to provide the Secretary of Homeland Secu-
25 rity or the Attorney General with the ability to exer-

1 eise the discretionary authority provided in this divi-
2 sion, or by an amendment made by this division, ex-
3 cept on a case-by-case basis; or

4 (2) to otherwise modify or limit the discre-
5 tionary authority of the Secretary of Homeland Se-
6 curity or the Attorney General under the immigra-
7 tion laws (as defined in section 101(a)(17) of the
8 Immigration and Nationality Act (8 U.S.C.
9 1101(a)(17))).

10 **SEC. 3112. DISCRETIONARY AUTHORITY WITH RESPECT TO**
11 **FAMILY MEMBERS OF UNITED STATES CITI-**
12 **ZENS.**

13 (a) APPLICATIONS FOR RELIEF FROM REMOVAL.—
14 Section 240(c)(4) of the Immigration and Nationality Act
15 (8 U.S.C. 1229a(c)(4)) is amended by adding at the end
16 the following:

17 “(D) JUDICIAL DISCRETION.—

18 “(i) IN GENERAL.—In the case of an
19 alien who is the spouse or child of a citizen
20 of the United States, the Attorney General
21 may subject to clause (ii)—

22 “(I) terminate any removal pro-
23 ceedings against the alien;

24 “(II) decline to order the alien
25 removed from the United States;

1 “(III) grant the alien permission
2 to reapply for admission to the United
3 States; or

4 “(IV) subject to clause (iii),
5 waive the application of one or more
6 grounds of inadmissibility or deport-
7 ability in connection with any request
8 for relief from removal.

9 “(ii) LIMITATION ON DISCRETION.—

10 “(I) IN GENERAL.—The Attorney
11 General may exercise the discretion
12 described in clause (i) if the Attorney
13 General determines that removal of
14 the alien or the denial of a request for
15 relief from removal would result in
16 hardship to the alien’s United States
17 citizen spouse, parent, or child. There
18 shall be a presumption that family
19 separation constitutes hardship.

20 “(II) WIDOW AND SURVIVING
21 CHILD OF DECEASED UNITED STATES
22 CITIZEN.—In the case of the death of
23 a citizen of the United States, the At-
24 torney General may exercise discretion
25 described in clause (i) with respect to

1 an alien who was a child of such cit-
2 izen, or was the spouse of such citizen
3 and was not legally separated from
4 such citizen on the date of the citi-
5 zen's death, if—

6 “(aa) the Attorney General
7 determines that removal of the
8 child or spouse or the denial of a
9 requested benefit would result in
10 hardship to the child or spouse;
11 and

12 “(bb) the child or spouse
13 seeks relief requiring such discre-
14 tion not later than two years
15 after the date of the citizen's
16 death or demonstrates to the sat-
17 isfaction of the Attorney General
18 the existence of extraordinary cir-
19 cumstances that prevented the
20 spouse or child from seeking re-
21 lief within such period.

22 “(iii) EXCLUSIONS.—This subpara-
23 graph shall not apply to an alien whom the
24 Attorney General determines—

25 “(I) is inadmissible under—

1 “(aa) paragraph (2) or (3)
2 of section 212(a); or
3 “(bb) subparagraph (A),
4 (C), or (D) of section 212(a)(10);
5 or
6 “(II) is deportable under para-
7 graph (2), (4), or (6) of section
8 237(a).”.

9 (b) SECRETARY’S DISCRETION.—Section 212 of the
10 Immigration and Nationality Act (8 U.S.C. 1182) is
11 amended—

12 (1) by redesignating the second subsection (t)
13 as subsection (u); and

14 (2) by adding at the end the following:

15 “(u) SECRETARY’S DISCRETION.—

16 “(1) IN GENERAL.—In the case of an alien who
17 is the spouse or child of a citizen of the United
18 States, the Secretary of Homeland Security may,
19 subject to paragraph (2)—

20 “(A) waive the application of one or more
21 grounds of inadmissibility or deportability in
22 connection with an application for an immigra-
23 tion benefit or request for relief from removal;

1 “(B) decline to issue a notice to appear or
2 other charging document requiring such an
3 alien to appear for removal proceedings;

4 “(C) decline to reinstate an order of re-
5 moval under section 241(a)(5); or

6 “(D) grant such alien permission to re-
7 apply for admission to the United States or any
8 other application for an immigration benefit.

9 “(2) LIMITATION ON DISCRETION.—

10 “(A) IN GENERAL.—The Secretary of
11 Homeland Security may exercise discretion de-
12 scribed in paragraph (1) if the Secretary deter-
13 mines that removal of the alien or the denial of
14 a requested benefit would result in hardship to
15 the alien’s United States citizen spouse, parent,
16 or child. There shall be a presumption that
17 family separation constitutes hardship.

18 “(B) WIDOW AND ORPHAN OF DECEASED
19 UNITED STATES CITIZEN.—In the case of the
20 death of a citizen of the United States, the Sec-
21 retary of Homeland Security may exercise dis-
22 cretion described in paragraph (1) with respect
23 to an alien who was a child of such citizen, or
24 was the spouse of such citizen and was not le-

1 gally separated from such citizen on the date of
2 the citizen's death, if—

3 “(i) the Secretary determines that the
4 denial of a requested benefit would result
5 in hardship to the child or spouse; and

6 “(ii) the child or spouse seeks relief
7 requiring such discretion not later than
8 two years after the date of the citizen's
9 death or demonstrates to the satisfaction
10 of the Secretary the existence of extraor-
11 dinary circumstances that prevented the
12 spouse or child from seeking relief within
13 such period.

14 “(3) EXCLUSIONS.—This subsection shall not
15 apply to an alien whom the Secretary determines—

16 “(A) is inadmissible under—

17 “(i) paragraph (2) or (3) of sub-
18 sections (a); or

19 “(ii) subparagraphs (A), (C), or (D)
20 of subsection (a)(10); or

21 “(B) is deportable under paragraphs (2),
22 (4), or (6) of section 237(a).”.

23 (c) NATIONALITY AT BIRTH AND COLLECTIVE NATU-
24 RALIZATION.—Section 301(g) of the Immigration and Na-
25 tionality Act (8 U.S.C. 1401(g)) is amended by striking

1 “for a period or periods totaling not less than five years,
2 at least two of which were after attaining the age of four-
3 teen years”.

4 **SEC. 3113. MOTIONS TO REOPEN OR RECONSIDER.**

5 (a) IN GENERAL.—A motion to reopen or reconsider
6 the denial of a petition or application or an order of re-
7 moval for an alien may be granted if such petition, appli-
8 cation, or order would have been adjudicated in favor of
9 the alien had this division, or an amendment made by this
10 division, been in effect at the time of such denial or order.

11 (b) FILING REQUIREMENT.—A motion under sub-
12 section (a) shall be filed no later than the date that is
13 2 years after the date of the enactment of this division,
14 unless the alien demonstrates to the satisfaction of the
15 Secretary of Homeland Security or Attorney General, as
16 appropriate, the existence of extraordinary circumstances
17 that prevented the alien from filing within such period.

18 **SEC. 3114. TEMPORARY FAMILY VISITATION.**

19 (a) ESTABLISHMENT OF NEW NONIMMIGRANT VISA
20 CATEGORY.—Section 101(a)(15)(B) of the Immigration
21 and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amend-
22 ed by striking “and who is visiting the United States tem-
23 porarily for business or temporarily for pleasure;” and in-
24 serting “and who is visiting the United States temporarily
25 for—

1 “(i) business;

2 “(ii) pleasure; or

3 “(iii) family purposes;”.

4 (b) REQUIREMENTS APPLICABLE TO FAMILY PUR-
5 POSE VISAS.—Section 214 of the Immigration and Na-
6 tionality Act (8 U.S.C. 1184) is amended by adding at
7 the end the following:

8 “(s) REQUIREMENTS APPLICABLE TO FAMILY PUR-
9 POSE VISAS.—

10 “(1) DEFINITIONS.—In this subsection and sec-
11 tion 101(a)(15)(B)(iii):

12 “(A) FAMILY PURPOSES.—The term ‘fam-
13 ily purposes’ means any visit by a relative for
14 a social, occasional, or any other purpose.

15 “(B) RELATIVE.—The term ‘relative’
16 means the spouse, child, son, daughter, grand-
17 child, parent, grandparent, sibling, uncle, aunt,
18 niece, and nephew of a citizen of the United
19 States or an alien lawfully admitted for perma-
20 nent residence.

21 “(2) REQUIREMENT.—A relative seeking admis-
22 sion pursuant to a visa issued under section
23 101(a)(15)(B)(iii) is inadmissible unless—

24 “(A) the individual petitioning for such ad-
25 mission, or an additional sponsor, has sub-

1 mitted to the Secretary of Homeland Security
2 an undertaking under section 213 in the form
3 of a declaration of support (Form I-134); and

4 “(B) such relative has obtained, for the
5 duration of his or her stay in the United States,
6 a health insurance policy (such as an additional
7 travel health insurance policy or an existing
8 health insurance policy that includes travel
9 health care costs) with minimum policy require-
10 ments, as determined by the Secretary.

11 “(3) PERIOD OF AUTHORIZED ADMISSION.—
12 The period of authorized admission for a non-
13 immigrant described in section 101(a)(15)(B)(iii)
14 shall not exceed 90 days.

15 “(4) PETITIONER REQUIREMENT.—

16 “(A) IN GENERAL.—An individual may not
17 petition for the admission of a relative as a
18 nonimmigrant described in section
19 101(a)(15)(B)(iii) if the individual previously
20 petitioned for the admission of such a relative
21 who—

22 “(i) was admitted to the United
23 States pursuant to a visa issued under that
24 section as a result; and

1 “(ii) overstayed his or her period of
2 authorized admission.

3 “(B) PREVIOUS PETITIONERS.—An indi-
4 vidual petitioning for the admission of a relative
5 as a nonimmigrant described in section
6 101(a)(15)(B)(iii) who has previously petitioned
7 for such a relative shall submit to the Secretary
8 of Homeland Security evidence demonstrating
9 that the relative on behalf of whom the indi-
10 vidual previously petitioned did not overstay his
11 or her period of authorized admission.”.

12 (c) RESTRICTION ON CHANGE OF STATUS.—Section
13 248(a)(1) of the Immigration and Nationality Act (8
14 U.S.C. 1258(a)(1)) is amended to read as follows:

15 “(1) an alien classified as a nonimmigrant
16 under subparagraph (B)(iii), (C), (D), (K), or (S) of
17 section 101(a)(15),”.

18 (d) FAMILY PURPOSE VISA ELIGIBILITY WHILE
19 AWAITING IMMIGRANT VISA.—Notwithstanding section
20 214(b) of the Immigration and Nationality Act (8 U.S.C.
21 1184(b)), a nonimmigrant described in section
22 101(a)(15)(B)(iii) of that Act who has been classified as
23 an immigrant under section 201 of that Act (8 U.S.C.
24 1151) and is awaiting the availability of an immigrant visa
25 subject to the numerical limitations under section 203 of

1 that Act (8 U.S.C. 1153) may be admitted pursuant to
2 a family purpose visa, in accordance with section 214(s)
3 of that Act, if the individual is otherwise eligible for ad-
4 mission.

5 **SEC. 3115. MILITARY NATURALIZATION MODERNIZATION.**

6 (a) IN GENERAL.—Chapter 2 of title III of the Immi-
7 gration and Nationality Act (8 U.S.C. 1421 et seq.) is
8 amended—

9 (1) by striking section 328 (8 U.S.C. 1439);

10 and

11 (2) in section 329 (8 U.S.C. 1440)—

12 (A) by amending the section heading to
13 read as follows: “NATURALIZING THROUGH
14 SERVICE IN THE SELECTED RESERVE OR IN AC-
15 TIVE-DUTY STATUS”;

16 (B) in subsection (a)—

17 (i) in the matter preceding paragraph
18 (1), by striking “during either” and all
19 that follows through “foreign force”;

20 (ii) in paragraph (1)—

21 (I) by striking “America Samoa,
22 or Swains Island” and inserting
23 “American Samoa, Swains Island, or
24 any of the freely associated States (as
25 defined in section 611(b)(1)(C) of the

1 Individuals with Disabilities Edu-
2 cation Act (20 U.S.C.
3 1411(b)(1)(C)),”; and

4 (II) by striking “he” and insert-
5 ing “such person”; and

6 (iii) in paragraph (2), by striking “in
7 an active-duty status, and whether separa-
8 tion from such service was under honorable
9 conditions” and inserting “in accordance
10 with subsection (b)(3)”; and
11 (C) in subsection (b)—

12 (i) in paragraph (1), by striking “he”
13 and inserting “such person”; and

14 (ii) in paragraph (3), by striking “an
15 active-duty status” and all that follows
16 through “foreign force, and” and inserting
17 “in an active status (as defined in section
18 101(d) of title 10, United States Code), in
19 the Selected Reserve of the Ready Reserve,
20 or on active duty (as defined in such sec-
21 tion) and, if separated”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 for the Immigration and Nationality Act (8 U.S.C. 1101
24 et seq.) is amended by striking the items relating to sec-
25 tions 328 and 329 and inserting the following:

“Sec. 329. Naturalization through service in the Selected Reserve or in active-duty status.”.

1 **TITLE II—FAIRNESS FOR LEGAL**
2 **IMMIGRANTS**

3 **SEC. 3201. REDUCTION OF BACKLOGS.**

4 Section 201(b)(1) of the Immigration and Nationality
5 Act (8 U.S.C. 1151(b)(1)) is amended by adding at the
6 end the following:

7 “(F) Aliens—

8 “(i) who are beneficiaries (including
9 derivative beneficiaries) of an approved im-
10 migrant visa petition bearing a priority
11 date that is more than 10 years before the
12 alien submits an application for an immi-
13 grant visa or for adjustment of status; and

14 “(ii) who deposit a premium proc-
15 essing fee of \$20,000 into the Immigration
16 Infrastructure and Debt Reduction Fund
17 established in section 9512 of title 26,
18 United States Code.

19 “(G) Aliens who are beneficiaries (includ-
20 ing derivative beneficiaries) of an approved im-
21 migrant visa petition bearing a priority date
22 that is more than 10 years before the alien sub-
23 mits an application for an immigrant visa or for
24 adjustment of status, subject to the following:

1 “(i) In each of the fiscal years 2026
2 through and including 2035, the Secretary
3 shall allocate to aliens described in sub-
4 paragraph (G) a number of immigrant
5 visas in an amount that is sufficient to en-
6 sure that by the end of fiscal year 2035
7 there are no aliens described in subpara-
8 graph (G).”.

9 **SEC. 3202. PER-COUNTRY CAPS RAISED.**

10 Section 202(a)(2) of the Immigration and Nationality
11 Act (8 U.S.C. 1152(a)(2)) is amended by striking “7 per-
12 cent” and inserting “15 percent”.

13 **SEC. 3203. PROTECTING THE STATUS OF CHILDREN AF-**
14 **FFECTED BY DELAYS IN VISA AVAILABILITY.**

15 (a) REQUIREMENTS.—Section 201(b)(1) of the Im-
16 migration and Nationality Act (8 U.S.C. 1151(b)(1)), as
17 amended by section 3201, is further amended by adding
18 at the end the following:

19 “(H) Any alien who—
20 “(i) is not inadmissible under section
21 212(a) or deportable under section 237(a);
22 “(ii) was lawfully present in the
23 United States as a dependent child of a
24 nonimmigrant admitted to engage in em-
25 ployment in the United States (other than

1 a nonimmigrant described in subparagraph
2 (A), (G), (N), or (S) of section 101(a)(15))
3 for an aggregate period of not less than 8
4 years;

5 “(iii) on the date on which an applica-
6 tion under section 204(a)(1)(M) is sub-
7 mitted, has been lawfully present in the
8 United States for an aggregate period of
9 not less than 10 years; and

10 “(iv) has graduated from an institu-
11 tion of higher education (as defined in sec-
12 tion 102(a) of the Higher Education Act of
13 1965 (20 U.S.C. 1002(a))) in the United
14 States.”.

15 (b) PETITION.—Section 204(a)(1) of the Immigra-
16 tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-
17 ed by adding at the end the following:

18 “(M) Any alien entitled to classification
19 under section 201(b)(1)(F) may file a petition
20 with the Secretary of Homeland Security for
21 such classification.”.

22 (c) AGE-OUT PROTECTIONS.—

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

1 (A) in section 101(b) (8 U.S.C. 1101(b)),
2 by adding at the end the following:

3 “(6) DETERMINATION OF CHILD STATUS.—A
4 determination as to whether an alien is a child shall
5 be made as follows:

6 “(A) IN GENERAL.—For purposes of a pe-
7 tition under section 204 and any subsequent
8 application for an immigrant visa or adjustment
9 of status, such determination shall be made
10 using the age of the alien on the earlier of—

11 “(i) the date on which the petition is
12 filed with the Secretary of Homeland Secu-
13 rity; or

14 “(ii) the date on which an application
15 for a labor certification under section
16 212(a)(5)(A)(i) is filed with the Secretary
17 of Labor.

18 “(B) CERTAIN DEPENDENTS OF NON-
19 IMMIGRANTS.—With respect to an alien who,
20 for an aggregate period of 8 years before at-
21 taining the age of 21, was in the status of a de-
22 pendent child of a nonimmigrant pursuant to a
23 lawful admission as an alien eligible to be em-
24 ployed in the United States (other than a non-
25 immigrant described in subparagraph (A), (G),

1 (N), or (S) of section 101(a)(15)), notwith-
2 standing clause (i), the determination of the
3 alien's age shall be based on the date on which
4 such initial nonimmigrant employment-based
5 petition or application was filed by the alien's
6 nonimmigrant parent.

7 “(C) FAILURE TO ACQUIRE STATUS AS
8 ALIEN LAWFULLY ADMITTED FOR PERMANENT
9 RESIDENCE.—With respect to an alien who has
10 not sought to acquire status as an alien lawfully
11 admitted for permanent residence during the 2
12 years beginning on the date on which an immi-
13 grant visa becomes available to such alien, the
14 alien's age shall be determined based on the
15 alien's biological age, unless the failure to seek
16 to acquire such status was due to extraordinary
17 circumstances.”; and

18 (B) in section 201(f) (8 U.S.C. 1151)—
19 (i) by striking the subsection heading
20 and all that follows until “TERMINATION
21 DATE” in paragraph (3) and inserting
22 “RULE FOR DETERMINING WHETHER
23 CERTAIN ALIENS ARE IMMEDIATE REL-
24 ATIVES.—”; and

25 (ii) by striking paragraph (4).

1 (2) EFFECTIVE DATE.—

2 (A) IN GENERAL.—The amendments made
3 by this subsection shall be effective as if in-
4 cluded in the Child Status Protection Act (Pub-
5 lic Law 107–208; 116 Stat. 927).

6 (B) MOTION TO REOPEN OR RECON-
7 sider.—

8 (i) IN GENERAL.—A motion to reopen
9 or reconsider the denial of a petition or ap-
10 plication described in the amendment made
11 by paragraph (1)(A) may be granted if—

12 (I) such petition or application
13 would have been approved if the
14 amendment described in such para-
15 graph had been in effect at the time
16 of adjudication of the petition or ap-
17 plication;

18 (II) the individual seeking relief
19 pursuant to such motion was in the
20 United States at the time the under-
21 lying petition or application was filed;
22 and

23 (III) such motion is filed with the
24 Secretary of Homeland Security or
25 the Attorney General not later than

1 the date that is 2 years after the date
2 of the enactment of this Act.

3 (ii) EXEMPTION FROM NUMERICAL
4 LIMITATIONS.—Notwithstanding any other
5 provision of law, an individual granted re-
6 lief pursuant to a motion to reopen or re-
7 consider under clause (i) shall be exempt
8 from the numerical limitations in sections
9 201, 202, and 203 of the Immigration and
10 Nationality Act (8 U.S.C. 1151, 1152, and
11 1153).

12 (d) NONIMMIGRANT DEPENDENT CHILDREN.—Sec-
13 tion 214 of the Immigration and Nationality Act (8 U.S.C.
14 1184) is amended by adding at the end the following:

15 “(s) DERIVATIVE BENEFICIARIES.—

16 “(1) IN GENERAL.—Except as described in
17 paragraph (2), the determination as to whether an
18 alien who is the derivative beneficiary of a properly
19 filed pending or approved immigrant petition under
20 section 204 is eligible to be a dependent child shall
21 be based on whether the alien is determined to be
22 a child under section 101(b)(6).

23 “(2) LONG-TERM DEPENDENTS.—If otherwise
24 eligible, an alien who is determined to be a child
25 pursuant to section 101(b)(6)(B) may change status

1 to, or extend status as, a dependent child of a non-
2 immigrant with an approved employment-based peti-
3 tion under this section or an approved application
4 under section 101(a)(15)(E), notwithstanding such
5 alien's marital status.

6 “(3) EMPLOYMENT AUTHORIZATION.—An alien
7 admitted to the United States as a dependent child
8 of a nonimmigrant who is described in this section
9 is authorized to engage in employment in the United
10 States incident to status.”.

11 (e) PRIORITY DATE RETENTION.—Section 203(h) of
12 the Immigration and Nationality Act (8 U.S.C. 1153(h))
13 is amended—

14 (1) by striking the subsection heading and in-
15 serting “Retention Of Priority Dates”;

16 (2) by striking paragraphs (1) through (4);

17 (3) by redesignating paragraph (5) as para-
18 graph (3); and

19 (4) by inserting before paragraph (3) the fol-
20 lowing:

21 “(1) IN GENERAL.—The priority date for an in-
22 dividual shall be the date on which a petition under
23 section 204 is filed with the Secretary of Homeland
24 Security or the Secretary of State, as applicable, un-
25 less such petition was preceded by the filing of a

1 labor certification with the Secretary of Labor, in
2 which case the date on which the labor certification
3 is filed shall be the priority date.

4 “(2) APPLICABILITY.—The principal beneficiary
5 and all derivative beneficiaries shall retain the pri-
6 ority date associated with the earliest of any ap-
7 proved petition or labor certification, and such pri-
8 ority date shall be applicable to any subsequently ap-
9 proved petition.”.

10 **TITLE III—EMPLOYMENT AND** 11 **STUDENT VISAS**

12 **SEC. 3301. SPOUSES AND MINOR CHILDREN OF WORKERS.**

13 Section 201(b)(1) of the Immigration and Nationality
14 Act (8 U.S.C. 1151(b)(1)), as amended by this division,
15 is further amended by adding at the end the following:

16 “(I) Aliens described in section 203(d) if
17 accompanying or following to join their spouse
18 or parent who has been admitted for lawful per-
19 manent resident status under section 203(b).”.

20 **SEC. 3302. WAGES RECEIVED BY NONRESIDENT ALIEN INDI-** 21 **VIDUALS DURING OPTIONAL PRACTICAL** 22 **TRAINING SUBJECT TO SOCIAL SECURITY** 23 **TAXES.**

24 (a) IN GENERAL.—Section 3121(b)(19) of the Inter-
25 nal Revenue Code of 1986 is amended by inserting “(other

1 than any period in which such individual performs service
2 pursuant to optional practical training)” after “as amend-
3 ed”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall apply to services performed in calendar
6 quarters beginning after the date of the enactment of this
7 division.

8 **SEC. 3303. INDIVIDUALS WITH DOCTORAL DEGREES IN**
9 **STEM FIELDS RECOGNIZED AS INDIVIDUALS**
10 **HAVING EXTRAORDINARY ABILITY.**

11 Section 101(a)(15)(O)(i) of the Immigration and Na-
12 tionality Act (INA) is amended by inserting after “exten-
13 sive documentation” the following: “or, with regard to a
14 field of science, technology, engineering, or mathematics,
15 has earned a doctoral degree in at least one of such fields,
16 or in a health profession, from an institution of higher
17 education in the United States (as defined in section
18 101(a) of the Higher Education Act of 1965 (20 U.S.C.
19 1001(a))”.

20 **SEC. 3304. MODERNIZING VISAS FOR STUDENTS.**

21 (a) MODIFICATION OF STUDENT NONIMMIGRANT
22 VISA CATEGORY.—Section 101(a)(15)(F)(i) of the Immi-
23 gration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i))
24 is amended—

1 (1) by striking “having a residence in a foreign
2 country which he has no intention of abandoning,”;

3 (2) by striking “and solely”; and

4 (3) by striking “Attorney General” each place
5 it appears and inserting “Secretary of Homeland Se-
6 curity”.

7 (b) DUAL INTENT.—Section 214(h) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1184(h)) is amended
9 to read as follows:

10 “(h) DUAL INTENT.—The fact that an alien is, or
11 intends to be, the beneficiary of an application for a pref-
12 erence status filed under section 204, seeks a change or
13 adjustment of status after completing a legitimate period
14 of nonimmigrant stay, or has otherwise sought permanent
15 residence in the United States shall not constitute evi-
16 dence of intent to abandon a foreign residence that would
17 preclude the alien from obtaining or maintaining—

18 “(1) a visa or admission as a nonimmigrant de-
19 scribed in subparagraph (E), (F)(i), (F)(ii),
20 (H)(i)(b), (H)(i)(c), (L), (O), (P), (R), or (V) of sec-
21 tion 101(a)(15); or

22 “(2) the status of a nonimmigrant described in
23 any such subparagraph.”.

1 **SEC. 3305. RESOURCES FOR VISA PROCESSING.**

2 (a) COORDINATOR.—The Secretary of State, Sec-
3 retary of Labor, and Secretary of Homeland Security shall
4 jointly appoint an Immigration Agency Coordinator to
5 oversee the immigration functions at United States Citi-
6 zenship and Immigration Services, the Department of
7 Labor, and the Department of State.

8 (b) DUTIES.—It shall be the duty of the Immigration
9 Agency Coordinator—

10 (1) to provide recommendations to harmonize
11 agency efforts with respect to filing and processing
12 of immigration petitions, visas, and labor certifi-
13 cations; and

14 (2) to work to ensure filing and processing in-
15 formation from each agency is available to the other
16 agencies.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated for fiscal year 2026—

19 (1) \$2,560,000,000 to the Operations and Sup-
20 port Account at United States Citizenship and Im-
21 migration Services;

22 (2) \$825,000,000 to the Bureau of Consular
23 Affairs and Visa Service at the Department of State;
24 and

1 (3) \$225,000,000 to the Office of Foreign
2 Labor Certification at the U.S. Department of
3 Labor.