

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. PADILLA, Mr. LUJÁN, Mr. BOOKER, Ms. HIRONO, Ms. KLOBUCHAR, Mr. SANDERS, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. COONS, Ms. BALDWIN, Mr. BENNET, Mr. SCHATZ, Mrs. FEINSTEIN, Mr. MARKEY, Ms. WARREN, Mr. HICKENLOOPER, Mr. DURBIN, Ms. ROSEN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

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

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

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

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

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

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

TITLE I—EARNED PATH TO CITIZENSHIP AND OTHER REFORMS

Subtitle A—Earned Path to Citizenship

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

Subtitle B—Other Reforms

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

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

- Sec. 2001. Definitions.

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

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

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

- Sec. 2201. Expanding refugee and asylum processing in the Western Hemisphere.

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

Subtitle C—Managing the Border and Protecting Border Communities

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

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

- Sec. 2401. Humanitarian and medical standards for individuals in U.S. Customs and Border Protection custody.
- Sec. 2402. Child welfare at the border.
- Sec. 2403. Office of Inspector General oversight.
- Sec. 2404. Enhanced investigation and prosecution of human smuggling networks and trafficking organizations.
- Sec. 2405. Enhanced penalties for organized smuggling schemes.
- Sec. 2406. Expanding financial sanctions on narcotics trafficking and money laundering.
- Sec. 2407. Support for transnational anti-gang task forces for countering criminal gangs.
- Sec. 2408. Hindering immigration, border, and customs controls.

TITLE III—REFORM OF THE IMMIGRANT VISA SYSTEM

Subtitle A—Promoting Family Reunification

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

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- Sec. 3111. Termination of conditional permanent resident status for certain noncitizen permanent partners and sons and daughters upon finding qualifying permanent partnership improper.
- Sec. 3112. Nationality at birth.

Subtitle B—National Origin-based Antidiscrimination for Nonimmigrants

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

Subtitle C—Diversity Immigrants

- Sec. 3301. Increasing diversity visas.

Subtitle D—Reforming Employment-based Immigration

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

Subtitle E—Promoting Immigrant and Refugee Integration

- Sec. 3501. Definition of Foundation.
- Sec. 3502. United States Citizenship and Integration Foundation.
- Sec. 3503. Pilot program to promote immigrant integration at State and local levels.
- Sec. 3504. English as a Gateway to Integration grant program.
- Sec. 3505. Workforce Development and Shared Prosperity grant program.
- Sec. 3506. Existing citizenship education grants.
- Sec. 3507. Grant program to assist eligible applicants.
- Sec. 3508. Study on factors affecting employment opportunities for immigrants and refugees with professional credentials obtained in foreign countries.
- Sec. 3509. In-state tuition rates for refugees, asylees, and certain special immigrants.
- Sec. 3510. Waiver of English requirement for senior new Americans.
- Sec. 3511. Naturalization for certain United States high school graduates.
- Sec. 3512. Naturalization ceremonies.
- Sec. 3513. National citizenship promotion program.
- Sec. 3514. Authorization of appropriations for Foundation and pilot program.

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

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

- Sec. 4101. Expanding alternatives to detention.

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

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

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

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

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

TITLE V—EMPLOYMENT AUTHORIZATION AND PROTECTING  
WORKERS FROM EXPLOITATION

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

**1 SEC. 2. DEFINITIONS.**

**2 In this Act:**

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

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

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

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

11 (a) IMMIGRATION AND NATIONALITY ACT.—

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

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

15                   (i) by striking paragraph (3) and in-  
16 serting the following:

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

19 and

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

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

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

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

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

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

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

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

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

13 (A) in the title and chapter headings—

14 (i) by striking “**ALIEN**” each place  
15 it appears and inserting “**NONCIT-**  
16 **IZEN**”; and

17 (ii) by striking “**ALIENS**” each  
18 place it appears and inserting “**NON-**  
19 **CITIZENS**”;

20 (B) in the section headings—

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

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

25 and

1 (iii) by striking “**ALIENAGE**” each  
2 place it appears and inserting “**NONCITI-**  
3 **ZENSHIP**”;

4 (C) in the subsection headings—

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

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

10 (D) in the paragraph, subparagraph,  
11 clause, subclause, item, and subitem headings—

12 (i) by striking “ALIEN” each place it  
13 appears and inserting “NONCITIZEN”;

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

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

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

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

24 (A) by striking the item relating to title V  
25 and inserting the following:

“TITLE V—NONCITIZEN TERRORIST REMOVAL PROCEDURES”;



1           and

2                           (B) in the items relating to the chapters  
3           and sections—

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

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

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

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

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

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

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

1 **TITLE I—EARNED PATH TO CITI-**  
2 **ZENSHIP AND OTHER RE-**  
3 **FORMS**

4 **Subtitle A—Earned Path to**  
5 **Citizenship**

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

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

10 **“SEC. 245B. ADJUSTMENT OF STATUS OF ELIGIBLE EN-**  
11 **TRANS TO THAT OF LAWFUL PROSPECTIVE**  
12 **IMMIGRANT.**

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

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

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

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

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

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

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

8           “(A) the noncitizen remains eligible for  
9 lawful prospective immigrant status;

10           “(B) the noncitizen has successfully passed  
11 the background checks described in section  
12 245G(d)(3); and

13           “(C) such status was not revoked by the  
14 Secretary.

15           “(d) EVIDENCE OF LAWFUL PROSPECTIVE IMMI-  
16 GRANT STATUS.—

17           “(1) IN GENERAL.—The Secretary shall issue  
18 documentary evidence of lawful prospective immi-  
19 grant status to each noncitizen, including the prin-  
20 cipal applicant and any spouse or child included in  
21 the application, whose application for such status  
22 has been approved.

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

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

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

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

7           “(1) IN GENERAL.—A noncitizen granted lawful  
8           prospective immigrant status under this section shall  
9           be considered lawfully present in the United States  
10          for all purposes while such noncitizen remains in  
11          such status, except that the noncitizen—

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

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

19           “(C) shall be subject to the rules applicable  
20           to individuals not lawfully present that are set  
21           forth in section 1402(e) of the Patient Protec-  
22           tion and Affordable Care Act (42 U.S.C.  
23           18071); and

24           “(D) shall be subject to the rules applica-  
25           ble to individuals not lawfully present set forth

1           in section 5000A(d)(3) of the Internal Revenue  
2           Code of 1986.

3           “(2) ELIGIBILITY FOR COVERAGE UNDER A  
4           QUALIFIED HEALTH PLAN.—Notwithstanding section  
5           1312(f)(3) of the Patient Protection and Affordable  
6           Care Act (42 U.S.C. 18032(f)(3)), a lawful prospec-  
7           tive immigrant shall be treated as a qualified indi-  
8           vidual under section 1312 of that Act if the lawful  
9           prospective immigrant meets the requirements under  
10          subsection (f)(1) of that section.

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

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

21                  “(A) the lawful prospective immigrant is in  
22                  possession of—

23                          “(i) valid, unexpired documentary evi-  
24                          dence of lawful prospective immigrant sta-  
25                          tus; or

1                   “(ii) a travel document, duly approved  
2                   by the Secretary, that was issued to the  
3                   lawful prospective immigrant after the law-  
4                   ful prospective immigrant’s original docu-  
5                   mentary evidence was lost, stolen, or de-  
6                   stroyed;

7                   “(B) the lawful prospective immigrant’s  
8                   absences from the United States do not exceed  
9                   180 days, in the aggregate, in any calendar  
10                  year, unless—

11                  “(i) the lawful prospective immi-  
12                  grant’s absences were authorized by the  
13                  Secretary; or

14                  “(ii) the lawful prospective immi-  
15                  grant’s failure to timely return was due to  
16                  circumstances beyond the noncitizen’s con-  
17                  trol;

18                  “(C) the lawful prospective immigrant  
19                  meets the requirements for an extension as de-  
20                  scribed in subsection (c)(2); and

21                  “(D) the lawful prospective immigrant es-  
22                  tablishes that the lawful prospective immigrant  
23                  is not inadmissible under subparagraph (A)(i),  
24                  (A)(iii), (B), or (C) of section 212(a)(3).

1           “(5) ASSIGNMENT OF SOCIAL SECURITY NUM-  
2           BER.—

3           “(A) IN GENERAL.—The Commissioner of  
4           Social Security (referred to in this paragraph as  
5           the ‘Commissioner’), in coordination with the  
6           Secretary, shall implement a system to allow for  
7           the assignment of a Social Security number and  
8           the issuance of a Social Security card to each  
9           lawful prospective immigrant.

10           “(B) INFORMATION SHARING.—

11           “(i) IN GENERAL.—The Secretary  
12           shall provide the Commissioner with infor-  
13           mation from the applications submitted by  
14           noncitizens granted lawful prospective im-  
15           migrant status under this section and such  
16           other information as the Commissioner  
17           considers necessary to assign a Social Se-  
18           curity account number to such noncitizens.

19           “(ii) USE OF INFORMATION.—The  
20           Commissioner may use information re-  
21           ceived from the Secretary under this sub-  
22           paragraph—

23           “(I) to assign Social Security ac-  
24           count numbers to lawful prospective  
25           immigrants; and

1                   “(II) to administer the programs  
2                   of the Social Security Administration.

3                   “(iii) LIMITATION.—The Commis-  
4                   sioner may maintain, use, and disclose  
5                   such information only as permitted under  
6                   section 552a of title 5, United States Code,  
7                   (commonly known as the Privacy Act of  
8                   1974) and other applicable Federal law.”.

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

12                   “(D) A noncitizen who has been granted  
13                   lawful prospective immigrant status under sec-  
14                   tion 245B of the Immigration and Nationality  
15                   Act.”.

16           (c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

21                   (2) DEFINITION OF LAWFUL PROSPECTIVE IM-  
22                   MIGRANT.—Section 101(a) of the Immigration and  
23                   Nationality Act (8 U.S.C. 1101(a)), as amended by



1 section 3, is further amended by adding at the end  
2 the following:

3 “(54) **LAWFUL PROSPECTIVE IMMIGRANT.**—The  
4 term ‘lawful prospective immigrant’ means a noncitizen  
5 granted lawful prospective immigrant status under section  
6 245B.”.

7 **SEC. 1102. ADJUSTMENT OF STATUS OF LAWFUL PROSPEC-**  
8 **TIVE IMMIGRANTS.**

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

13 **“SEC. 245C. ADJUSTMENT OF STATUS OF LAWFUL PRO-**  
14 **SPECTIVE IMMIGRANTS.**

15 “(a) **REQUIREMENTS.**—Notwithstanding any other  
16 provision of law, the Secretary may adjust the status of  
17 a lawful prospective immigrant to that of a lawful perma-  
18 nent resident if the lawful prospective immigrant—

19 “(1) subject to subsection (b), satisfies the eli-  
20 gibility requirements set forth in section 245G(b),  
21 including all criminal and national security back-  
22 ground checks and the payment of all applicable  
23 fees;

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

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

3           “(4) remains eligible for such status;

4           “(5) establishes, to the satisfaction of the Sec-  
5           retary, that the lawful prospective immigrant has  
6           not been continuously absent from the United States  
7           for more than 180 days in any calendar year during  
8           the period of admission as a lawful prospective im-  
9           migrant, unless the lawful prospective immigrant’s  
10          absence was—

11                   “(A) authorized by the Secretary; or

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

14           “(6) has satisfied any applicable Federal tax li-  
15          ability.

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

20          “(c) DEMONSTRATION OF COMPLIANCE.—An appli-  
21          cant may demonstrate compliance with subsection (a)(6)  
22          by submitting appropriate documentation, in accordance  
23          with regulations promulgated by the Secretary, in con-  
24          sultation with the Secretary of the Treasury.

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

6       (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

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

20 **SEC. 1103. THE DREAM ACT.**

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

1 **“SEC. 245D. ADJUSTMENT OF STATUS FOR CERTAIN NON-**  
2 **CITIZENS WHO ENTERED THE UNITED**  
3 **STATES AS CHILDREN.**

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

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

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

13 “(3) was younger than 18 years of age on the  
14 date on which the noncitizen initially entered the  
15 United States;

16 “(4) has earned a high school diploma, a com-  
17 mensurate alternative award from a public or private  
18 high school or secondary school, a general education  
19 development certificate recognized under State law,  
20 or a high school equivalency diploma in the United  
21 States;

22 “(5)(A) has obtained a degree from an institu-  
23 tion of higher education, or has completed at least  
24 2 years, in good standing, of a program in the  
25 United States leading to a bachelor’s degree or high-  
26 er degree or a recognized postsecondary credential

1 from an area career and technical education school  
2 providing education at the postsecondary level;

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

6 “(C) demonstrates earned income for periods  
7 totaling not less than 3 years and not less than 75  
8 percent of the time that the noncitizen has had valid  
9 employment authorization, except that, in the case  
10 of a noncitizen who was enrolled in an institution of  
11 higher education or an area career and technical  
12 education school to obtain a recognized postsec-  
13 ondary credential, the Secretary shall reduce such  
14 total 3-year requirement by the total of such periods  
15 of enrollment; and

16 “(6) establishes that the noncitizen has reg-  
17 istered under the Military Selective Service Act (50  
18 U.S.C. 3801 et seq.), if the noncitizen is subject to  
19 registration under that Act.

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

24 “(c) SPOUSES AND CHILDREN.—The requirements in  
25 paragraphs (2) through (6) of subsection (a) shall not

1 apply to a noncitizen who is the spouse or child of a non-  
2 citizen who satisfies all requirements of that subsection.

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

6 “(1) have been granted Deferred Action for  
7 Childhood Arrivals pursuant to the memorandum of  
8 the Department of Homeland Security entitled ‘Ex-  
9 ercising Prosecutorial Discretion with Respect to In-  
10 dividuals Who Came to the United States as Chil-  
11 dren’ issued on June 15, 2012 (referred to in this  
12 section as ‘DACA’); and

13 “(2) meet the requirements for renewal of  
14 DACA to apply for adjustment of status to that of  
15 a lawful permanent resident.

16 “(e) TREATMENT OF INDIVIDUALS GRANTED DACA  
17 AND INDIVIDUALS WHO ADJUST STATUS UNDER THIS  
18 SECTION.—

19 “(1) PRE-EXISTING CONDITION INSURANCE  
20 PLAN PROGRAM.—The interim final rule of the De-  
21 partment of Health and Human Services entitled  
22 ‘Pre-Existing Condition Insurance Plan Program’  
23 (77 Fed. Reg. 52614 (August 30, 2012)) shall have  
24 no force or effect.

1           “(2) APPLICABLE DEFINITION OF LAWFULLY  
2 PRESENT.—In determining whether an individual is  
3 lawfully present for purposes of determining whether  
4 the individual is lawfully residing in the United  
5 States under section 1903(v)(4) of the Social Secu-  
6 rity Act (42 U.S.C. 1396b(v)(4)), the definition of  
7 ‘lawfully present’ under section 152.2 of title 45,  
8 Code of Federal Regulations (or any successor regu-  
9 lation) shall be applied.

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

12           “(A) IN GENERAL.—Notwithstanding any  
13 other provision of law, except as provided in  
14 subparagraph (B), with respect to eligibility for  
15 any benefit under title XIX or XXI of the So-  
16 cial Security Act (42 U.S.C. 1396 et seq. or  
17 1397aa et seq.), the limitation under section  
18 403(a) of the Personal Responsibility and Work  
19 Opportunity Reconciliation Act of 1996 (8  
20 U.S.C. 1613(a)) shall not apply to an individual  
21 who adjusts status under this section.

22           “(B) EXCEPTION.—The limitation de-  
23 scribed in subparagraph (A) shall apply to an  
24 individual who was eligible to adjust status only  
25 by virtue of subsection (c).

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

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

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

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

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

20           (1) REPEAL.—Section 505 of the Illegal Immi-  
21 gration Reform and Immigrant Responsibility Act of  
22 1996 (8 U.S.C. 1623) is repealed.

23           (2) EFFECTIVE DATE.—The repeal under para-  
24 graph (1) shall take effect as if included in the origi-  
25 nal enactment of the Illegal Immigration Reform



1 and Immigrant Responsibility Act of 1996 (division  
2 C of Public Law 104–208).

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

7 “(i) DACA RECIPIENT ELIGIBILITY.—

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

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

18 “(A) prescribe terms that limit the eligi-  
19 bility of a single family mortgage for insurance  
20 under this title because of the status of the  
21 mortgagor as a DACA recipient; or

22 “(B) issue any limited denial of participa-  
23 tion in the program for such insurance because  
24 of the status of the mortgagor as a DACA re-  
25 cipient.

1 “(3) EXEMPTION.—

2 “(A) DENIAL FOR FAILURE TO SATISFY  
3 VALID ELIGIBILITY REQUIREMENTS.—Nothing  
4 in this title prohibits the denial of insurance  
5 based on failure to satisfy valid eligibility re-  
6 quirements.

7 “(B) INVALID ELIGIBILITY REQUIRE-  
8 MENTS.—Valid eligibility requirements do not  
9 include criteria that were adopted with the pur-  
10 pose of denying eligibility for insurance because  
11 of race, color, religion, sex, familial status, na-  
12 tional origin, disability, or the status of a mort-  
13 gator as a DACA recipient.”.

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

17 “(k) DACA RECIPIENT ELIGIBILITY.—

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

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

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

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

11 “(8) DACA RECIPIENT ELIGIBILITY.—

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

22 “(B) PROHIBITION.—The corporation may  
23 not condition purchase of a single-family resi-  
24 dence mortgage by the corporation under this

1 subsection on the status of the borrower as a  
2 DACA recipient.”.

3 (g) FREDDIE MAC.—Section 305(a) of the Federal  
4 Home Loan Mortgage Corporation Act (12 U.S.C.  
5 1454(a)) is amended by adding at the end the following:

6 “(6) DACA RECIPIENT ELIGIBILITY.—

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

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

22 (h) TECHNICAL AND CONFORMING AMENDMENT.—  
23 The table of contents for the Immigration and Nationality  
24 Act (8 U.S.C. 1101 et seq.), as amended by section 1102,

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

“Sec. 245D. The Dream Act.”.

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

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

11 **“SEC. 245E. ADJUSTMENT OF STATUS FOR CERTAIN NA-**  
12 **TIONALS OF CERTAIN COUNTRIES DES-**  
13 **IGNATED FOR TEMPORARY PROTECTED STA-**  
14 **TUS OR DEFERRED ENFORCED DEPARTURE.**

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

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

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

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

4           “(4)(A) is a national of a foreign state (or a  
5           part thereof), or in the case of a noncitizen having  
6           no nationality, is a person who last habitually re-  
7           sided in such foreign state, with a designation under  
8           section 244(b) on January 1, 2017, who had or was  
9           otherwise eligible for temporary protected status on  
10          such date notwithstanding subsections (c)(1)(A)(iv)  
11          and (c)(3)(C) of that section; or

12          “(B) was eligible for deferred enforced depar-  
13          ture as of January 1, 2017.

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

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

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



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

3           “(3) the Secretary determines that, during the  
4           5-year period immediately preceding the date on  
5           which the noncitizen submits an application under  
6           this section, the noncitizen performed agricultural  
7           labor or services for at least 2,300 hours or 400  
8           work days.

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

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

16                 “(1) agricultural labor or services (within the  
17                 meaning of the term in section 101(a)(15)(H)(ii)),  
18                 without regard to whether the labor or services are  
19                 of a seasonal or temporary nature; and

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



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

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

6 **SEC. 1106. GENERAL PROVISIONS RELATING TO ADJUST-**  
7 **MENT OF STATUS.**

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

12 **“SEC. 245G. GENERAL PROVISIONS RELATING TO ADJUST-**  
13 **MENT OF STATUS.**

14 “(a) APPLICABILITY.—Unless otherwise specified,  
15 the provisions of this section shall apply to sections 245B,  
16 245C, 245D, 245E, and 245F.

17 “(b) COMMON ELIGIBILITY REQUIREMENTS FOR AP-  
18 PPLICATIONS UNDER SECTIONS 245B, 245C, 245D, 245E,  
19 AND 245F.—Unless otherwise specified, a noncitizen ap-  
20 plying for status under section 245B, 245C, 245D, 245E,  
21 or 245F shall satisfy the following requirements:

22 “(1) SUBMITTAL OF APPLICATION.—The non-  
23 citizen shall submit a completed application to the  
24 Secretary at such time, in such manner, and con-

1       taining such information as the Secretary shall re-  
2       quire.

3               “(2) PAYMENT OF FEES.—

4                       “(A) IN GENERAL.—A noncitizen who is  
5                       18 years of age or older shall pay to the De-  
6                       partment of Homeland Security a processing  
7                       fee in an amount determined by the Secretary.

8                       “(B) RECOVERY OF COSTS.—The proc-  
9                       essing fee referred to in subparagraph (A) shall  
10                      be set at a level sufficient to recover the cost  
11                      of processing the application.

12                     “(C) AUTHORITY TO LIMIT FEES.—The  
13                     Secretary may—

14                               “(i) limit the maximum processing fee  
15                               payable under this paragraph by a family;  
16                               and

17                               “(ii) for good cause, exempt individual  
18                               applicants or defined classes of applicants  
19                               from the requirement to pay fees under  
20                               this paragraph.

21                     “(D) DEPOSIT.—Fees collected under this  
22                     paragraph shall be deposited into the Immigra-  
23                     tion Examinations Fee Account pursuant to  
24                     section 286(m).

25               “(3) PHYSICAL PRESENCE.—

1           “(A) DATE OF SUBMITTAL OF APPLICA-  
2           TION.—The noncitizen shall be physically  
3           present in the United States on the date on  
4           which the application is submitted.

5           “(B) CONTINUOUS PHYSICAL PRESENCE.—

6           “(i) IN GENERAL.—Except as pro-  
7           vided in clause (ii), the noncitizen shall  
8           have been continuously physically present  
9           in the United States beginning on January  
10          1, 2021, and ending on the date on which  
11          the application is approved.

12          “(ii) EXCEPTIONS.—

13          “(I) AUTHORIZED ABSENCE.—A  
14          noncitizen who departed temporarily  
15          from the United States shall not be  
16          considered to have failed to maintain  
17          continuous physical presence in the  
18          United States during any period of  
19          travel that was authorized by the Sec-  
20          retary.

21          “(II) BRIEF, CASUAL, AND INNO-  
22          CENT ABSENCES.—

23          “(aa) IN GENERAL.—A non-  
24          citizen who departed temporarily  
25          from the United States shall not

1 be considered to have failed to  
2 maintain continuous physical  
3 presence in the United States if  
4 the noncitizen's absences from  
5 the United States are brief, cas-  
6 ual, and innocent, whether or not  
7 such absences were authorized by  
8 the Secretary.

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



1           “(B) APPLICATION PROCEDURE.—The  
2           Secretary, in consultation with the Secretary of  
3           State, shall establish a procedure by which a  
4           noncitizen, while outside the United States,  
5           may apply for status under section 245B,  
6           245C, 245D, 245E, or 245F, as applicable, if  
7           the noncitizen would have been eligible for such  
8           status but for the noncitizen’s removal or de-  
9           parture.

10          “(c) GROUNDS FOR INELIGIBILITY.—

11           “(1) CERTAIN GROUNDS OF INADMIS-  
12          SIBILITY.—

13           “(A) IN GENERAL.—Subject to subpara-  
14          graph (B), a noncitizen shall be ineligible for  
15          status under section 245B, 245C, 245D, 245E,  
16          and 245F if the noncitizen—

17                   “(i) is inadmissible under paragraph  
18                   (2), (3), (6)(E), (8), (10)(C), or (10)(E) of  
19                   section 212(a);

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

24                   “(iii) has been convicted of 3 or more  
25                   misdemeanor offenses (excluding simple

1 possession of cannabis or cannabis-related  
2 paraphernalia, any offense involving can-  
3 nabis or cannabis-related paraphernalia  
4 that is no longer prosecutable in the State  
5 in which the conviction was entered, any  
6 offense under State law for which an es-  
7 sential element is the noncitizen’s immigra-  
8 tion status, any offense involving civil dis-  
9 obedience without violence, and any minor  
10 traffic offense) not occurring on the same  
11 date, and not arising out of the same act,  
12 omission, or scheme of misconduct.

13 “(B) WAIVERS.—

14 “(i) IN GENERAL.—For purposes of  
15 subparagraph (A), the Secretary may, for  
16 humanitarian purposes, family unity, or if  
17 otherwise in the public interest—

18 “(I) waive inadmissibility  
19 under—

20 “(aa) subparagraphs (A),  
21 (C), and (D) of section  
22 212(a)(2); and

23 “(bb) paragraphs (6)(E),  
24 (8), (10)(C), and (10)(E) of such  
25 section;

1                   “(II) waive ineligibility under  
2                   subparagraph (A)(ii) (excluding of-  
3                   fenses described in section  
4                   101(a)(43)(A)) or inadmissibility  
5                   under subparagraph (B) of section  
6                   212(a)(2) if the noncitizen has not  
7                   been convicted of any offense during  
8                   the 10-year period preceding the date  
9                   on which the noncitizen applies for  
10                  status under 245B, 245C, 245D,  
11                  245E, or 245F, as applicable; and

12                  “(III) for purposes of subpara-  
13                  graph (A)(iii), waive consideration  
14                  of—

15                         “(aa) 1 misdemeanor offense  
16                         if, during the 5-year period pre-  
17                         ceding the date on which the  
18                         noncitizen applies for status  
19                         under 245B, 245C, 245D, 245E,  
20                         or 245F, as applicable, the non-  
21                         citizen has not been convicted of  
22                         any offense; or

23                         “(bb) 2 misdemeanor of-  
24                         fenses if, during the 10-year pe-  
25                         riod preceding such date, the



1 noncitizen has not been convicted  
2 of any offense.

3 “(ii) CONSIDERATIONS.—In making a  
4 determination under subparagraph (B),  
5 the Secretary of Homeland Security or the  
6 Attorney General shall consider all miti-  
7 gating and aggravating factors, includ-  
8 ing—

9 “(I) the severity of the under-  
10 lying circumstances, conduct, or viola-  
11 tion;

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

14 “(III) evidence of rehabilitation,  
15 if applicable; and

16 “(IV) the extent to which the  
17 noncitizen’s removal, or the denial of  
18 the noncitizen’s application, would ad-  
19 versely affect the noncitizen or the  
20 noncitizen’s United States citizen or  
21 lawful permanent resident family  
22 members.

23 “(2) NONCITIZENS IN CERTAIN IMMIGRATION  
24 STATUSES.—

1           “(A) IN GENERAL.—A noncitizen shall be  
2 ineligible for status under section 245B, 245C,  
3 245D, 245E, and 245F if on January 1, 2021,  
4 the noncitizen was any of the following:

5                   “(i) A lawful permanent resident.

6                   “(ii) A noncitizen admitted as a ref-  
7 ugee under section 207 or granted asylum  
8 under section 208.

9                   “(iii) A noncitizen who, according to  
10 the records of the Secretary or the Sec-  
11 retary of State, is in a period of authorized  
12 stay in a nonimmigrant status described in  
13 section 101(a)(15)(A), other than—

14                           “(I) a spouse or a child of a non-  
15 citizen eligible for status under section  
16 245B, 245C, 245D, 245E, or 245F;

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

23                           “(III) a nonimmigrant described  
24 in section 101(a)(15)(H)(ii)(a); and

1                   “(IV) a noncitizen who has en-  
2                   gaged in ‘essential critical infrastruc-  
3                   ture labor or services’, as described in  
4                   the ‘Advisory Memorandum on Identifi-  
5                   cation of Essential Critical Infra-  
6                   structure Workers During COVID–19  
7                   Response’ (as revised by the Depart-  
8                   ment of Homeland Security) during  
9                   the period described in subparagraph  
10                   (B).

11                   “(iv) A noncitizen paroled into the  
12                   Commonwealth of the Northern Mariana  
13                   Islands or Guam who did not reside in the  
14                   Commonwealth or Guam on November 28,  
15                   2009.

16                   “(B) PERIOD DESCRIBED.—The period de-  
17                   scribed in this subparagraph is the period  
18                   that—

19                   “(i) begins on the first day of the  
20                   public health emergency declared by the  
21                   Secretary of Health and Human Services  
22                   under section 319 of the Public Health  
23                   Service Act (42 U.S.C. 247d) with respect  
24                   to COVID–19; and

1                   “(ii) ends on the date that is 90 days  
2                   after the date on which such public health  
3                   emergency terminates.

4                   “(3) CERTAIN NONCITIZENS OUTSIDE THE  
5                   UNITED STATES AND UNLAWFUL REENTRANTS.—A  
6                   noncitizen shall be ineligible for status under section  
7                   245B, 245C, 245D, 245E, and 245F if the noncit-  
8                   izen—

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

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

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

16                  “(d) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC  
17                  DATA; BACKGROUND CHECKS.—

18                  “(1) IN GENERAL.—The Secretary may not  
19                  grant a noncitizen status under section 245B, 245C,  
20                  245D, 245E, or 245F unless the noncitizen submits  
21                  biometric and biographic data, in accordance with  
22                  procedures established by the Secretary.

23                  “(2) ALTERNATIVE PROCEDURE.—The Sec-  
24                  retary shall provide an alternative procedure for

1 noncitizens who are unable to provide such biometric  
2 or biographic data due to a physical impairment.

3 “(3) BACKGROUND CHECKS.—

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

6 “(i) to conduct security and law en-  
7 forcement background checks; and

8 “(ii) to determine whether there is  
9 any criminal, national security, or other  
10 factor that would render the noncitizen in-  
11 eligible for status under section 245B,  
12 245C, 245D, 245E, or 245F, as applica-  
13 ble.

14 “(B) COMPLETION REQUIRED.—A noncit-  
15 izen may not be granted status under section  
16 245B, 245C, 245D, 245E, or 245F unless se-  
17 curity and law enforcement background checks  
18 are completed to the satisfaction of the Sec-  
19 retary.

20 “(e) ELIGIBILITY FOR OTHER STATUSES.—

21 “(1) IN GENERAL.—A noncitizen’s eligibility for  
22 status under section 245B, 245C, 245D, 245E, or  
23 245F shall not preclude the noncitizen from seeking  
24 any status under any other provision of law for  
25 which the noncitizen may otherwise be eligible.

1           “(2) INAPPLICABILITY OF OTHER PROVI-  
2           SIONS.—Section 208(d)(6) shall not apply to any  
3           noncitizen who submits an application under section  
4           245B, 245C, 245D, 245E, or 245F.

5           “(f) EXEMPTION FROM NUMERICAL LIMITATION.—  
6           Nothing in this section or section 245B, 245C, 245D,  
7           245E, or 245F or in any other law may be construed—

8           “(1) to limit the number of noncitizens who  
9           may be granted status under section 245B, 245C,  
10          245D, 245E, and 245F; or

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

13          “(g) PROCEDURES.—

14          “(1) OPPORTUNITY TO APPLY AND LIMITATION  
15          ON REMOVAL.—A noncitizen who appears to be  
16          prima facie eligible for status under section 245B,  
17          245C, 245D, 245E, or 245F shall be given a reason-  
18          able opportunity to apply for such adjustment of sta-  
19          tus and, if the noncitizen applies within a reasonable  
20          period, the noncitizen shall not be removed before—

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

23                 “(B) a final order of removal has been  
24                 issued; and

1           “(C) the decision of the Secretary is  
2 upheld by a court, or the time for initiating ju-  
3 dicial review under section 242 has expired, un-  
4 less the order of removal is based on criminal  
5 or national security grounds, in which case re-  
6 moval does not affect the noncitizen’s right to  
7 judicial review.

8           “(2) SPOUSES AND CHILDREN.—

9           “(A) FAMILY APPLICATION.—The Sec-  
10 retary shall establish a process by which a prin-  
11 cipal applicant and his or her spouse and chil-  
12 dren may file a single combined application  
13 under section 245B, 245C, 245D, 245E, or  
14 245F, including a petition to classify the spouse  
15 and children as the spouse and children of the  
16 principal applicant.

17           “(B) EFFECT OF TERMINATION OF LEGAL  
18 RELATIONSHIP OR DOMESTIC VIOLENCE.—If  
19 the spousal or parental relationship between a  
20 noncitizen granted lawful prospective immigrant  
21 status or lawful permanent resident status  
22 under section 245B, 245C, 245D, 245E, or  
23 245F and the noncitizen’s spouse or child is  
24 terminated by death, divorce, or annulment, or  
25 the spouse or child has been battered or sub-

1           jected to extreme cruelty by the noncitizen (re-  
2           gardless of whether the legal relationship termi-  
3           nates), the spouse or child may apply independ-  
4           ently for lawful prospective immigrant status or  
5           lawful permanent resident status if he or she is  
6           otherwise eligible.

7           “(C) EFFECT OF DENIAL OF APPLICATION  
8           OR REVOCATION OF STATUS.—If the application  
9           of a noncitizen for status under section 245B,  
10          245C, 245D, 245E, or 245F is denied, or his  
11          or her status is revoked, the spouse or child of  
12          such noncitizen shall remain eligible to apply  
13          independently for status under the applicable  
14          section.

15          “(3) ADJUDICATION.—

16                 “(A) IN GENERAL.—The Secretary shall  
17                 evaluate each application submitted under sec-  
18                 tion 245B, 245C, 245D, 245E, or 245F to de-  
19                 termine whether the applicant meets the appli-  
20                 cable requirements.

21                 “(B) ADJUSTMENT OF STATUS IF FAVOR-  
22                 ABLE DETERMINATION.—If the Secretary deter-  
23                 mines that a noncitizen meets the requirements  
24                 of section 245B, 245C, 245D, 245E, or 245F,  
25                 as applicable, the Secretary shall—



1 “(i) notify the noncitizen of such de-  
2 termination; and

3 “(ii) adjust the status of the noncit-  
4 izen to that of lawful prospective immi-  
5 grant or lawful permanent resident, as ap-  
6 plicable, effective as of the date of such de-  
7 termination.

8 “(C) DOCUMENTARY EVIDENCE OF STA-  
9 TUS.—

10 “(i) IN GENERAL.—The Secretary  
11 shall issue documentary evidence of lawful  
12 prospective immigrant status or lawful per-  
13 manent resident status, as applicable, to  
14 each noncitizen whose application for such  
15 status has been approved.

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

18 “(I) be machine-readable and  
19 tamper-resistant; and

20 “(II) contain a digitized photo-  
21 graph of the noncitizen;

22 “(III) during the noncitizen’s au-  
23 thorized period of admission, serve as  
24 a valid travel and entry document;  
25 and

1                   “(IV) include such other features  
2                   and information as the Secretary may  
3                   prescribe.

4                   “(iii) EMPLOYMENT AUTHORIZA-  
5                   TION.—Documentary evidence issued  
6                   under clause (i) shall be accepted during  
7                   the period of its validity by an employer as  
8                   evidence of employment authorization and  
9                   identity under section 274A(b)(1)(B)); and

10                  “(D) ADVERSE DETERMINATION.—If the  
11                  Secretary determines that the noncitizen does  
12                  not meet the requirements for the status for  
13                  which the noncitizen applied, the Secretary  
14                  shall notify the noncitizen of such determina-  
15                  tion.

16                  “(E) WITHDRAWAL OF APPLICATION.—

17                  “(i) IN GENERAL.—On receipt of a re-  
18                  quest to withdraw an application under  
19                  section 245B, 245C, 245D, 245E, or  
20                  245F, the Secretary shall cease processing  
21                  of the application and close the case.

22                  “(ii) EFFECT OF WITHDRAWAL.—  
23                  Withdrawal of such an application shall  
24                  not prejudice any future application filed

1 by the applicant for any immigration ben-  
2 efit under this Act.

3 “(F) DOCUMENT REQUIREMENTS.—

4 “(i) ESTABLISHING IDENTITY.—A  
5 noncitizen’s application for status under  
6 section 245B, 245C, 245D, 245E, or 245F  
7 may include, as evidence of identity, the  
8 following:

9 “(I) A passport or national iden-  
10 tity document from the noncitizen’s  
11 country of origin that includes the  
12 noncitizen’s name and the noncitizen’s  
13 photograph or fingerprint.

14 “(II) The noncitizen’s birth cer-  
15 tificate and an identity card that in-  
16 cludes the noncitizen’s name and pho-  
17 tograph.

18 “(III) A school identification  
19 card that includes the noncitizen’s  
20 name and photograph, and school  
21 records showing the noncitizen’s name  
22 and that the noncitizen is or was en-  
23 rolled at the school.



1 noncitizen's date of entry into the  
2 United States.

3 “(III) Records from any edu-  
4 cational institution the noncitizen has  
5 attended in the United States.

6 “(IV) Employment records of the  
7 noncitizen that include the employer's  
8 name and contact information.

9 “(V) Records of service from the  
10 uniformed services.

11 “(VI) Official records from a reli-  
12 gious entity confirming the nonciti-  
13 zen's participation in a religious cere-  
14 mony.

15 “(VII) A birth certificate for a  
16 child who was born in the United  
17 States.

18 “(VIII) Hospital or medical  
19 records showing medical treatment or  
20 hospitalization, the name of the med-  
21 ical facility or physician, and the date  
22 of the treatment or hospitalization.

23 “(IX) Automobile license receipts  
24 or registration.

1                   “(X) Deeds, mortgages, or rental  
2 agreement contracts.

3                   “(XI) Rent receipts or utility  
4 bills bearing the noncitizen’s name or  
5 the name of an immediate family  
6 member of the noncitizen, and the  
7 noncitizen’s address.

8                   “(XII) Tax receipts.

9                   “(XIII) Insurance policies.

10                  “(XIV) Remittance records, in-  
11 cluding copies of money order receipts  
12 sent in or out of the country.

13                  “(XV) Travel records, including  
14 online or hardcopy airplane, bus and  
15 train tickets, itineraries, and hotel or  
16 hostel receipts.

17                  “(XVI) Dated bank transactions.

18                  “(XVII) Sworn affidavits from at  
19 least two individuals who are not re-  
20 lated to the noncitizen who have di-  
21 rect knowledge of the noncitizen’s con-  
22 tinuous physical presence in the  
23 United States, that contain—

1                   “(aa) the name, address,  
2                   and telephone number of the affi-  
3                   ant; and

4                   “(bb) the nature and dura-  
5                   tion of the relationship between  
6                   the affiant and the noncitizen.

7                   “(XVIII) Any other evidence de-  
8                   termined to be credible.

9                   “(iii) DOCUMENTS ESTABLISHING EX-  
10                  EMPTION FROM APPLICATION FEES.—The  
11                  Secretary shall set forth, by regulation, the  
12                  documents that may be used as evidence  
13                  that a noncitizen’s application for status  
14                  under section 245B, 245C, 245D, 245E,  
15                  or 245F is exempt from an application fee  
16                  under subsection (b)(2).

17                  “(iv) AUTHORITY TO PROHIBIT USE  
18                  OF CERTAIN DOCUMENTS.—If the Sec-  
19                  retary determines, after publication in the  
20                  Federal Register and an opportunity for  
21                  public comment, that any document or  
22                  class of documents does not reliably estab-  
23                  lish identity, or that any document or class  
24                  of documents is frequently being used to  
25                  obtain relief under this section and is being

1 obtained fraudulently to an unacceptable  
2 degree, the Secretary may prohibit or re-  
3 strict the use of such document or class of  
4 documents.

5 “(G) SUFFICIENCY OF THE EVIDENCE.—

6 “(i) FAILURE TO SUBMIT SUFFICIENT  
7 EVIDENCE.—The Secretary may deny an  
8 application under section 245B, 245C,  
9 245D, 245E, or 245F submitted by a non-  
10 citizen who fails to submit requested initial  
11 evidence, including requested biometric  
12 data, or any requested additional evidence,  
13 by the date required by the Secretary.

14 “(ii) AMENDED APPLICATION.—A  
15 noncitizen whose application is denied  
16 under clause (i) may, without an additional  
17 fee, submit to the Secretary an amended  
18 application or supplement the existing ap-  
19 plication if the amended or supplemented  
20 application contains the required informa-  
21 tion and any fee that was missing from the  
22 initial application.

23 “(iii) FULFILLMENT OF ELIGIBILITY  
24 REQUIREMENTS.—Except as provided in  
25 clause (i), an application—



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

3                   “(II) may only be denied on evi-  
4                   dentiary grounds if the evidence sub-  
5                   mitted is not credible or otherwise  
6                   fails to establish eligibility.

7                   “(iv) AUTHORITY TO DETERMINE  
8                   PROBITY OF EVIDENCE.—The Secretary  
9                   may determine—

10                   “(I) whether evidence is credible;  
11                   and

12                   “(II) the weight to be given the  
13                   evidence.

14                   “(4) REVOCATION.—

15                   “(A) IN GENERAL.—If the Secretary deter-  
16                   mines that a noncitizen fraudulently obtained  
17                   status under section 245B, 245C, 245D, 245E,  
18                   or 245F, the Secretary may revoke such status  
19                   at any time after—

20                   “(i) providing appropriate notice to  
21                   the noncitizen;

22                   “(ii) providing the noncitizen an op-  
23                   portunity to respond; and

1                   “(iii) the exhaustion or waiver of all  
2                   applicable administrative review procedures  
3                   under paragraph (6).

4                   “(B) ADDITIONAL EVIDENCE.—In deter-  
5                   mining whether to revoke a noncitizen’s status  
6                   under subparagraph (A), the Secretary may re-  
7                   quire the noncitizen—

8                   “(i) to submit additional evidence; or

9                   “(ii) to appear for an interview.

10                  “(C) INVALIDATION OF DOCUMENTA-  
11                  TION.—If a noncitizen’s status is revoked under  
12                  subparagraph (A), any documentation issued by  
13                  the Secretary to the noncitizen under paragraph  
14                  (3)(C) shall automatically be rendered invalid  
15                  for any purpose except for departure from the  
16                  United States.

17                  “(5) ADMINISTRATIVE REVIEW.—

18                  “(A) EXCLUSIVE ADMINISTRATIVE RE-  
19                  VIEW.—Administrative review of a determina-  
20                  tion with respect to an application for status  
21                  under section 245B, 245C, 245D, 245E, or  
22                  245F shall be conducted solely in accordance  
23                  with this paragraph.

24                  “(B) ADMINISTRATIVE APPELLATE RE-  
25                  VIEW.—

1           “(i) ESTABLISHMENT OF ADMINIS-  
2           TRATIVE APPELLATE AUTHORITY.—The  
3           Secretary shall establish or designate an  
4           appellate authority to provide for a single  
5           level of administrative appellate review of  
6           denials of applications or petitions sub-  
7           mitted, and revocations of status, under  
8           sections 245B, 245C, 245D, 245E, and  
9           245F.

10           “(ii) SINGLE APPEAL FOR EACH AD-  
11           MINISTRATIVE DECISION.—A noncitizen in  
12           the United States whose application for  
13           status under section 245B, 245C, 245D,  
14           245E, or 245F has been denied or whose  
15           status under any such section has been re-  
16           voked may submit to the Secretary not  
17           more than 1 appeal of each such decision.

18           “(iii) NOTICE OF APPEAL.—A notice  
19           of appeal under this paragraph shall be  
20           submitted not later than 90 days after the  
21           date of service of the denial or revocation,  
22           unless a delay beyond the 90-day period is  
23           reasonably justifiable.

24           “(iv) REVIEW BY SECRETARY.—Noth-  
25           ing in this paragraph may be construed to



1           “(6) JUDICIAL REVIEW.—Judicial review of de-  
2           cisions denying, or revoking approval of, applications  
3           or petitions under section 245B, 245C, 245D, 245E,  
4           and 245F shall be governed by section 242.

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

11                   “(A) notwithstanding section 212(d)(5)(A),  
12                   the Secretary shall have the discretion to grant  
13                   advance parole to the noncitizen;

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

17          “(8) EMPLOYMENT.—

18                   “(A) RECEIPT OF APPLICATION.—As soon  
19                   as practicable after receiving an application for  
20                   status under section 245B, 245C, 245D, 245E,  
21                   or 245F, the Secretary shall provide the appli-  
22                   cant with a document acknowledging receipt of  
23                   such application.

1           “(B) EMPLOYMENT AUTHORIZATION.—A  
2 document issued under subparagraph (A)  
3 shall—

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

7           “(ii) be accepted by an employer as  
8 evidence of employment authorization  
9 under section 274A(b)(1)(C) pending a  
10 final decision on the application.

11           “(C) EMPLOYER PROTECTION.—An em-  
12 ployer who knows that a noncitizen employee is  
13 an applicant for status under section 245B,  
14 245C, 245D, 245E, or 245F or intends to  
15 apply for any such status, and who continues to  
16 employ the noncitizen pending a final decision  
17 on the noncitizen employee’s application, shall  
18 not be considered to be in violation of section  
19 274A(a)(2) for hiring, employment, or contin-  
20 ued employment of the noncitizen.

21           “(9) INFORMATION PRIVACY.—

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

1           “(i) use the information provided by a  
2           noncitizen pursuant to an application sub-  
3           mitted under section 245B, 245C, 245D,  
4           245E, or 245F to initiate removal pro-  
5           ceedings against any person identified in  
6           the application;

7           “(ii) make any publication whereby  
8           the information provided by any particular  
9           individual pursuant to such an application  
10          may be identified; or

11          “(iii) permit any individual other than  
12          an officer or employee of the Federal agen-  
13          cy to which such an application is sub-  
14          mitted to examine the application.

15          “(B) REQUIRED DISCLOSURE.—Notwith-  
16          standing subparagraph (A), the Attorney Gen-  
17          eral or the Secretary shall provide the informa-  
18          tion provided in an application under section  
19          245B, 245C, 245D, 245E, or 245F, and any  
20          other information derived from such informa-  
21          tion, to—

22                 “(i) a duly recognized law enforce-  
23                 ment entity in connection with an inves-  
24                 tigation or prosecution of an offense de-  
25                 scribed in paragraph (2) or (3) of section

1                   212(a), if such information is requested in  
2                   writing by such entity; or

3                   “(ii) an official coroner for purposes  
4                   of affirmatively identifying a deceased indi-  
5                   vidual (whether or not such individual is  
6                   deceased as a result of a crime).

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

11                  “(D) SAFEGUARDS.—The Secretary shall  
12                  require appropriate administrative and physical  
13                  safeguards to protect against disclosure and  
14                  uses of information that violate this paragraph.

15                  “(E) ANNUAL ASSESSMENT.—Not less fre-  
16                  quently than annually, the Secretary shall con-  
17                  duct an assessment that, for the preceding cal-  
18                  endar year—

19                         “(i) analyzes the effectiveness of the  
20                         safeguards under subparagraph (D);

21                         “(ii) determines the number of au-  
22                         thorized disclosures made; and

23                         “(iii) determines the number of disclo-  
24                         sures prohibited by subparagraph (A)  
25                         made.



1           “(10) LANGUAGE ASSISTANCE.—The Secretary,  
2           in consultation with the Attorney General, shall  
3           make available forms and accompanying instructions  
4           in the most common languages spoken in the United  
5           States, as determined by the Secretary.

6           “(11) REASONABLE ACCOMMODATIONS.—The  
7           Secretary shall develop a plan for providing reason-  
8           able accommodation, consistent with applicable law,  
9           to applicants for status under section 245B, 245C,  
10          245D, 245E, and 245F with disabilities (as defined  
11          in section 3(1) of the Americans with Disabilities  
12          Act of 1990 (42 U.S.C. 12102(1))).

13          “(h) DEFINITIONS.—In this section and sections  
14          245B, 245C, 245D, 245E, and 245F:

15                 “(1) FINAL DECISION.—The term ‘final deci-  
16                 sion’ means a decision or an order issued by the Sec-  
17                 retary under this section after the period for re-  
18                 questing administrative review under subsection  
19                 (g)(5) has expired or the challenged decision was af-  
20                 firmed after such administrative review.

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

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

1 (b) RULEMAKING.—

2 (1) RULES IMPLEMENTING SECTIONS 245B,  
3 245D, 245E, 245F, AND 245G.—

4 (A) IN GENERAL.—Not later than 1 year  
5 after the date of the enactment of this Act, the  
6 Secretary shall issue interim final rules, pub-  
7 lished in the Federal Register, implementing  
8 sections 245B, 245D, 245E, 245F, and 245G  
9 of the Immigration and Nationality Act, as  
10 added by this subtitle.

11 (B) EFFECTIVE DATE.—Notwithstanding  
12 section 553 of title 5, United States Code, the  
13 rules issued under this paragraph shall be effec-  
14 tive, on an interim basis, immediately upon  
15 publication, but may be subject to change and  
16 revision after public notice and opportunity for  
17 a period of public comment.

18 (C) FINAL RULES.—Not later than 180  
19 days after the date of publication under sub-  
20 paragraph (B), the Secretary shall finalize the  
21 interim rules.

22 (2) RULES IMPLEMENTING SECTION 245C.—Not  
23 later than 180 days after the date of the enactment  
24 of this Act, the Secretary shall issue a final rule im-

1       plementing section 245C of the Immigration and  
2       Nationality Act, as added by this subtitle.

3           (3) REQUIREMENT.—The rules issued under  
4       this subsection shall prescribe the evidence required  
5       to demonstrate eligibility for status under sections  
6       245B, 245C, 245D, 245E, and 245F of the Immi-  
7       gration and Nationality Act, as added by this sub-  
8       title, or otherwise required to apply for status under  
9       such sections.

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

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

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

## 19           **Subtitle B—Other Reforms**

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

21       (a)       NONIMMIGRANT       ELIGIBILITY.—Section  
22       101(a)(15)(V) of the Immigration and Nationality Act (8  
23       U.S.C. 1101(a)(15)(V)) is amended to read as follows:

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

4           (b) EMPLOYMENT AND PERIOD OF ADMISSION OF  
5   NONIMMIGRANTS       DESCRIBED       IN       SECTION  
6   101(A)(15)(V).—Section 214(q)(1) of the Immigration  
7   and Nationality Act (8 U.S.C. 1184(q)(1)) is amended to  
8   read as follows:

9           “(q) NONIMMIGRANTS DESCRIBED IN SECTION  
10   101(A)(15)(V).—

11           “(1) CERTAIN SONS AND DAUGHTERS.—

12           “(A) EMPLOYMENT AUTHORIZATION.—The  
13   Secretary shall—

14           “(i) authorize a nonimmigrant admit-  
15   ted pursuant to section 101(a)(15)(V) to  
16   engage in employment in the United States  
17   during the period of such nonimmigrant’s  
18   authorized admission; and

19           “(ii) provide the nonimmigrant with  
20   an ‘employment authorized’ endorsement  
21   or other appropriate document signifying  
22   authorization of employment.

23           “(B) TERMINATION OF ADMISSION.—The  
24   period of authorized admission for a non-  
25   immigrant admitted pursuant to section



1 1986 for his or her health insurance cov-  
2 erage;

3 “(iv) shall be subject to the rules ap-  
4 plicable to individuals not lawfully present  
5 that are set forth in subsection (e) of such  
6 section;

7 “(v) shall be subject to the rules ap-  
8 plicable to individuals not lawfully present  
9 set forth in section 1402(e) of the Patient  
10 Protection and Affordable Care Act (42  
11 U.S.C. 18071(e)); and

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

16 (c) EFFECTIVE DATE.—The amendments made by  
17 this section shall take effect on the first day of the first  
18 fiscal year beginning after the date of the enactment of  
19 this Act.

20 **SEC. 1202. EXPUNGEMENT AND SENTENCING.**

21 (a) DEFINITION OF CONVICTION.—Section  
22 101(a)(48) of the Immigration and Nationality Act (8  
23 U.S.C. 1101(a)(48)) is amended to read as follows:

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

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

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

9           “(ii) Any adjudication in which the court has  
10 issued—

11           “(I) a judicial recommendation against re-  
12 moval;

13           “(II) an order of probation without entry  
14 of judgment; or

15           “(III) any similar disposition.

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

18           “(C)(i) Unless otherwise provided, with respect to an  
19 offense, any reference to a term of imprisonment or a sen-  
20 tence is considered to include only the period of incarcer-  
21 ation ordered by a court.

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





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

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

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

20 “(c) **HUMANITARIAN, FAMILY UNITY, AND PUBLIC**  
21 **INTEREST WAIVER.**—

22 “(1) **IN GENERAL.**—Notwithstanding any other  
23 provision of law, except section 245G(c)(1)(B), the  
24 Secretary of Homeland Security or the Attorney  
25 General may waive the operation of any 1 or more

1 grounds of inadmissibility under this section (exclud-  
2 ing inadmissibility under subsection (a)(3)) for any  
3 purpose, including eligibility for relief from re-  
4 moval—

5 “(A) for humanitarian purposes;

6 “(B) to ensure family unity; or

7 “(C) if a waiver is otherwise in the public  
8 interest.

9 “(2) CONSIDERATIONS.—In making a deter-  
10 mination under paragraph (1), the Secretary of  
11 Homeland Security or the Attorney General shall  
12 consider all mitigating and aggravating factors, in-  
13 cluding—

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

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

18 “(C) evidence of rehabilitation, if applica-  
19 ble; and

20 “(D) the extent to which the noncitizen’s  
21 removal, or the denial of the noncitizen’s appli-  
22 cation, would adversely affect the noncitizen or  
23 the noncitizen’s United States citizen or lawful  
24 permanent resident family members.”.

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

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

7 “(A) IN GENERAL.—Notwithstanding any  
8 other provision of law, except section  
9 245G(c)(1)(B), the Secretary of Homeland Se-  
10 curity or the Attorney General may waive the  
11 operation of any 1 or more grounds of deport-  
12 ability under this subsection (excluding deport-  
13 ability under paragraph (2)(A)(iii) based on a  
14 conviction described in section 101(a)(43)(A)  
15 and deportability under paragraph (4)) for any  
16 purpose, including eligibility for relief from re-  
17 moval—

18 “(i) for humanitarian purposes;

19 “(ii) to ensure family unity; or

20 “(iii) if a waiver is otherwise in the  
21 public interest.

22 “(B) CONSIDERATIONS.—In making a de-  
23 termination under subparagraph (A), the Sec-  
24 retary of Homeland Security or the Attorney

1           General shall consider all mitigating and aggra-  
2           vating factors, including—

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

5                   “(ii) the duration of the noncitizen’s  
6                   residence in the United States;

7                   “(iii) evidence of rehabilitation, if ap-  
8                   plicable; and

9                   “(iv) the extent to which the nonciti-  
10                  zen’s removal, or the denial of the nonciti-  
11                  zen’s application, would adversely affect  
12                  the noncitizen or the noncitizen’s United  
13                  States citizen or lawful permanent resident  
14                  family members.”.

15 **SEC. 1205. JUDICIAL REVIEW.**

16           Section 242 of the Immigration and Nationality Act  
17 (8 U.S.C. 1252) is amended—

18                   (1) in subsection (a)(2)—

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

22                           (B) in subparagraph (C), by inserting  
23                           “and subsection (h)” after “subparagraph  
24                           (D)”; and

1 (C) by amending subparagraph (D) to read  
2 as follows:

3 “(D) JUDICIAL REVIEW OF CERTAIN  
4 LEGAL CLAIMS.—Nothing in subparagraph (B)  
5 or (C), or in any other provision of this Act  
6 that limits or eliminates judicial review, shall be  
7 construed as precluding review of constitutional  
8 claims or questions of law.”;

9 (2) in subsection (b)—

10 (A) in paragraph (2), in the first sentence,  
11 by inserting “or, in the case of a decision gov-  
12 erned by section 245G(g)(6), in the judicial cir-  
13 cuit in which the petitioner resides” after “pro-  
14 ceedings”; and

15 (B) in paragraph (9), by striking the first  
16 sentence and inserting the following: “Except as  
17 otherwise provided in this section, judicial re-  
18 view of a determination respecting a removal  
19 order shall be available only in judicial review  
20 of a final order under this section.”;

21 (3) in subsection (f)—

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

1 (B) in paragraph (2), by adding “after all  
2 administrative and judicial review available to  
3 the noncitizen is complete” before “unless”; and  
4 (4) by adding at the end the following:

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

7 “(1) DIRECT REVIEW.—If a noncitizen’s appli-  
8 cation under section 245B, 245C, 245D, 245E, or  
9 245F is denied, or the approval of such application  
10 is revoked, after the exhaustion of administrative ap-  
11 pellate review under section 245G(g)(5), the noncit-  
12 izen may seek review of such decision, in accordance  
13 with chapter 7 of title 5, United States Code, in the  
14 district court of the United States in which the non-  
15 citizen resides.

16 “(2) STATUS DURING REVIEW.—During the pe-  
17 riod in which a review described in paragraph (1) is  
18 pending—

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

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

24 “(3) REVIEW AFTER REMOVAL PRO-  
25 CEEDINGS.—A noncitizen may seek judicial review of

1 a denial or revocation of approval of the noncitizen’s  
2 application under section 245B, 245C, 245D, 245E,  
3 or 245F in the appropriate court of appeals of the  
4 United States in conjunction with the judicial review  
5 of an order of removal, deportation, or exclusion if  
6 the validity of the denial or revocation has not been  
7 upheld in a prior judicial proceeding under para-  
8 graph (1).

9 “(4) STANDARD FOR JUDICIAL REVIEW.—

10 “(A) BASIS.—Judicial review of a denial or  
11 revocation of approval of an application under  
12 section 245B, 245C, 245D, 245E, or 245F  
13 shall be based upon the administrative record  
14 established at the time of the review.

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

21 “(i) the additional evidence is mate-  
22 rial; and

23 “(ii) there were reasonable grounds  
24 for failure to adduce the additional evi-  
25 dence before the Secretary.

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

8           “(5) REMEDIAL POWERS.—

9           “(A) JURISDICTION.—Notwithstanding any  
10 other provision of law, the district courts of the  
11 United States shall have jurisdiction over any  
12 cause or claim arising from a pattern or prac-  
13 tice of the Secretary in the operation or imple-  
14 mentation of sections 245B, 245C, 245D,  
15 245E, 245F, or 245G that is arbitrary, capri-  
16 cious, or otherwise contrary to law.

17           “(B) SCOPE OF RELIEF.—The district  
18 courts of the United States may order any ap-  
19 propriate relief in a cause or claim described in  
20 subparagraph (A) without regard to exhaustion,  
21 ripeness, or other standing requirements (other  
22 than constitutionally mandated requirements),  
23 if the court determines that—



1                   “(i) the resolution of such cause or  
2                   claim will serve judicial and administrative  
3                   efficiency; or

4                   “(ii) a remedy would otherwise not be  
5                   reasonably available or practicable.

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

8                   “(A) IN GENERAL.—Except as provided in  
9                   paragraph (5), any claim that section 245B,  
10                  245C, 245D, 245E, 245F, or 245G, or any reg-  
11                  ulation, written policy, written directive, or  
12                  issued or unwritten policy or practice initiated  
13                  by or under the authority of the Secretary to  
14                  implement such sections, violates the Constitu-  
15                  tion of the United States or is otherwise in vio-  
16                  lation of law is available in an action instituted  
17                  in a district court of the United States in ac-  
18                  cordance with the procedures prescribed in this  
19                  paragraph.

20                  “(B) SAVINGS PROVISION.—Except as pro-  
21                  vided in subparagraph (C), nothing in subpara-  
22                  graph (A) may be construed to preclude an ap-  
23                  plicant under section 245B, 245C, 245D, 245E,  
24                  or 245F from asserting that an action taken or

1 a decision made by the Secretary with respect  
2 to the applicant's status was contrary to law.

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

7 “(i) the Class Action Fairness Act of  
8 2005 (Public Law 109–2; 119 Stat. 4);  
9 and

10 “(ii) the Federal Rules of Civil Proce-  
11 dure.

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

17 “(E) EXHAUSTION AND STAY OF PRO-  
18 CEEDINGS.—

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

23 “(ii) STAY AUTHORIZED.—Nothing in  
24 this paragraph may be construed to pre-  
25 vent the court from staying proceedings

1 under this paragraph to permit the Sec-  
2 retary to evaluate an allegation of an un-  
3 written policy or practice or to take correc-  
4 tive action. In determining whether to  
5 issue such a stay, the court shall take into  
6 account any harm the stay may cause to  
7 the claimant.”.

8 **SEC. 1206. MODIFICATIONS TO NATURALIZATION PROVI-**  
9 **SIONS.**

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

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

14 “(g) For purposes of this chapter, the phrases ‘law-  
15 fully admitted for permanent residence’, ‘lawfully admit-  
16 ted to the United States for permanent residence’, and  
17 ‘lawful admission for permanent residence’ shall refer to  
18 a noncitizen who—

19 “(1) was granted the status of lawful perma-  
20 nent resident;

21 “(2) did not obtain such status through fraudu-  
22 lent misrepresentation or fraudulent concealment of  
23 a material fact, provided that the Secretary shall  
24 have the discretion to waive the application of this  
25 paragraph; and

1 “(3) for good cause shown.”.

2 (2) in section 319 (8 U.S.C. 1430)—

3 (A) in the section heading, by striking

4 “**AND EMPLOYEES OF CERTAIN NON-**  
5 **PROFIT ORGANIZATIONS**” and inserting “,

6 **EMPLOYEES OF CERTAIN NONPROFIT OR-**  
7 **GANIZATIONS, AND OTHER LAWFUL RESI-**  
8 **DENTS**” and

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

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

16 **SEC. 1207. RELIEF FOR LONG-TERM LEGAL RESIDENTS OF**  
17 **THE COMMONWEALTH OF THE NORTHERN**  
18 **MARIANA ISLANDS.**

19 The Joint Resolution entitled “A Joint Resolution to  
20 approve the ‘Covenant to Establish a Commonwealth of  
21 the Northern Mariana Islands in Political Union with the  
22 United States of America’, and for other purposes”, ap-  
23 proved March 24, 1976 (48 U.S.C. 1806), is amended—

24 (1) in subsection (b)(1)—

1 (A) by amending subparagraph (A) to read  
2 as follows:

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

13 (B) in subparagraph (B)(i), by striking  
14 “contact” and inserting “contract”;  
15 (2) in subsection (e)—

16 (A) in paragraph (4), in the paragraph  
17 heading, by striking “ALIENS” and inserting  
18 “NONCITIZENS”; and

19 (B) by amending paragraph (6) to read as  
20 follows:

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

23 “(A) CNMI RESIDENT STATUS.—A noncit-  
24 izen described in subparagraph (B) may, upon  
25 the application of the noncitizen, be admitted in

1 CNMI Resident status to the Commonwealth  
2 subject to the following rules:

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

8 “(I) the noncitizen ceases to re-  
9 side in the Commonwealth; or

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

17 “(ii) The Secretary of Homeland Se-  
18 curity—

19 “(I) shall establish a process for  
20 such noncitizen to apply for CNMI  
21 Resident status during the 180-day  
22 period beginning on the date that is  
23 90 days after the date of the enact-  
24 ment of the U.S. Citizenship Act;

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

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

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

24                  “(iv) A noncitizen granted status  
25                  under this paragraph shall be deemed a

1 qualified noncitizen under section 431 of  
2 the Personal Responsibility and Work Op-  
3 portunity Reconciliation Act of 1996 (8  
4 U.S.C. 1641) for purposes of receiving re-  
5 lief during—

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

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

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

20 “(v) A noncitizen granted status  
21 under this paragraph—

22 “(I) subject to section 237(a)(8),  
23 is subject to all grounds of deport-  
24 ability under section 237 of the Immi-



1                   gration and Nationality Act (8 U.S.C.  
2                   1227);

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

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

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

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

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

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

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

19 “(i) was lawfully present on June 25,  
20 2019, or on December 31, 2018, in the  
21 Commonwealth under the immigration  
22 laws of the United States, including pursu-  
23 ant to a grant of parole under section  
24 212(d)(5) of the Immigration and Nation-

1 ality Act (8 U.S.C. 1182(d)(5)) or deferred  
2 action;

3 “(ii) subject to subsection (c) of sec-  
4 tion 212 of the Immigration and Nation-  
5 ality Act (8 U.S.C. 1182), is admissible as  
6 an immigrant to the United States under  
7 that Act (8 U.S.C. 1101 et seq.), except  
8 that no immigrant visa is required;

9 “(iii) except in the case of a noncit-  
10 izen who meets the requirements of sub-  
11 clause (III) or (VI) of clause (v), resided  
12 continuously and lawfully in the Common-  
13 wealth from November 28, 2009, through  
14 June 25, 2019;

15 “(iv) is not a citizen of the Republic  
16 of the Marshall Islands, the Federated  
17 States of Micronesia, or the Republic of  
18 Palau; and

19 “(v) in addition—

20 “(I) was born in the Northern  
21 Mariana Islands between January 1,  
22 1974, and January 9, 1978;

23 “(II) was, on November 27,  
24 2009, a permanent resident of the  
25 Commonwealth (as defined in section

1 4303 of title 3 of the Northern Mar-  
2 iana Islands Commonwealth Code, in  
3 effect on May 8, 2008);

4 “(III) is the spouse or child (as  
5 defined in section 101(b)(1) of the  
6 Immigration and Nationality Act (8  
7 U.S.C. 1101(b)(1)) of a noncitizen de-  
8 scribed in subclause (I), (II), (V),  
9 (VI), or (VII);

10 “(IV) was, on November 27,  
11 2011, a spouse, child, or parent of a  
12 United States citizen, notwithstanding  
13 the age of the United States citizen,  
14 and continues to have such family re-  
15 lationship with the citizen on the date  
16 of the application described in sub-  
17 paragraph (A);

18 “(V) had a grant of parole under  
19 section 212(d)(5) of the Immigration  
20 and Nationality Act (8 U.S.C.  
21 1182(d)(5)) on December 31, 2018,  
22 under the former parole program for  
23 certain in-home caregivers adminis-  
24 tered by United States Citizenship  
25 and Immigration Services;

1                   “(VI) was admitted to the Com-  
2                   monwealth as a Commonwealth Only  
3                   Transitional Worker during fiscal year  
4                   2015, and during every subsequent  
5                   fiscal year beginning before the date  
6                   of enactment of the Northern Mariana  
7                   Islands U.S. Workforce Act of 2018  
8                   (Public Law 115–218; 132 Stat.  
9                   1547); or

10                   “(VII) resided in the Northern  
11                   Mariana Islands as an investor under  
12                   Commonwealth immigration law, and  
13                   is currently a resident classified as a  
14                   CNMI-only nonimmigrant under sec-  
15                   tion 101(a)(15)(E)(ii) of the Immigra-  
16                   tion and Nationality Act (8 U.S.C.  
17                   1101(a)(15)(E)(ii)).

18                   “(C) AUTHORITY OF ATTORNEY GEN-  
19                   ERAL.—Beginning on the first day of the 180-  
20                   day period established by the Secretary of  
21                   Homeland Security under subparagraph  
22                   (A)(ii)(I), the Attorney General may accept and  
23                   adjudicate an application for CNMI Resident  
24                   status under this paragraph by a noncitizen

1           who is in removal proceedings before the Attor-  
2           ney General if the noncitizen—

3                   “(i) makes an initial application to  
4                   the Attorney General within such 180-day  
5                   period; or

6                   “(ii) applied to the Secretary of  
7                   Homeland Security during such 180-day  
8                   period and before being placed in removal  
9                   proceedings, and the Secretary denied the  
10                  application.

11                 “(D) JUDICIAL REVIEW.—Notwithstanding  
12                 any other law, no court shall have jurisdiction  
13                 to review any decision of the Secretary of  
14                 Homeland Security or the Attorney General on  
15                 an application under this paragraph or any  
16                 other action or determination of the Secretary  
17                 of Homeland Security or the Attorney General  
18                 to implement, administer, or enforce this para-  
19                 graph.

20                 “(E) PROCEDURE.—The requirements of  
21                 chapter 5 of title 5 (commonly referred to as  
22                 the Administrative Procedure Act), or any other  
23                 law relating to rulemaking, information collec-  
24                 tion, or publication in the Federal Register

1 shall not apply to any action to implement, ad-  
2 minister, or enforce this paragraph.

3 “(F) ADJUSTMENT OF STATUS FOR CNMI  
4 RESIDENTS.—A noncitizen with CNMI Resident  
5 status may adjust his or her status to that of  
6 a noncitizen lawfully admitted for permanent  
7 residence 5 years after the date of the enact-  
8 ment of the U.S. Citizenship Act or 5 years  
9 after the date on which CNMI Resident status  
10 is granted, whichever is later.

11 “(G) WAIVER OF APPLICATION DEAD-  
12 LINE.—The Secretary of Homeland Security  
13 may, in the Secretary’s sole and unreviewable  
14 discretion, accept an application for CNMI  
15 Resident status submitted after the application  
16 deadline if—

17 “(i) the applicant is eligible for CNMI  
18 Resident status;

19 “(ii) the applicant timely submitted  
20 an application for CNMI Resident status  
21 and made a good faith effort to comply  
22 with the application requirements as deter-  
23 mined by the Secretary; and

24 “(iii) the application is received not  
25 later than 90 days after the expiration of

1           the application deadline or the date on  
2           which notice of rejection of the application  
3           is submitted, whichever is later.”;

4           (3) by striking “an alien” each place it appears  
5           and inserting “a noncitizen”;

6           (4) by striking “An alien” each place it appears  
7           and inserting “A noncitizen”;

8           (5) by striking “alien” each place it appears  
9           and inserting “noncitizen”;

10          (6) by striking “aliens” each place it appears  
11          and inserting “noncitizens”; and

12          (7) by striking “alien’s” each place it appears  
13          and inserting “noncitizen’s”.

14 **SEC. 1208. GOVERNMENT CONTRACTING AND ACQUISITION**  
15 **OF REAL PROPERTY INTEREST.**

16          (a) EXEMPTION FROM GOVERNMENT CONTRACTING  
17 AND HIRING RULES.—

18           (1) IN GENERAL.—A determination by a Fed-  
19           eral agency to use a procurement competition ex-  
20           emption under section 3304(a) of title 41, United  
21           States Code, or to use the authority granted in para-  
22           graph (2), for the purpose of implementing this title  
23           and the amendments made by this title is not sub-  
24           ject to challenge by protest to the Government Ac-  
25           countability Office under chapter 35 of title 31,



1 United States Code, or to the Court of Federal  
2 Claims, under section 1491 of title 28, United  
3 States Code. An agency shall immediately advise  
4 Congress of the exercise of the authority granted  
5 under this paragraph.

6 (2) GOVERNMENT CONTRACTING EXEMPTION.—  
7 The competition requirement under section 3306 of  
8 title 41, United States Code, may be waived or  
9 modified by a Federal agency for any procurement  
10 conducted to implement this title or the amendments  
11 made by this title if the senior procurement execu-  
12 tive for the agency conducting the procurement—

13 (A) determines that the waiver or modi-  
14 fication is necessary; and

15 (B) submits an explanation for such deter-  
16 mination to the Committee on Homeland Secu-  
17 rity and Governmental Affairs of the Senate  
18 and the Committee on Homeland Security of  
19 the House of Representatives.

20 (3) HIRING RULES EXEMPTION.—

21 (A) IN GENERAL.—Notwithstanding any  
22 other provision of law, the Secretary is author-  
23 ized to make term, temporary limited, and part-  
24 time appointments of employees who will imple-  
25 ment this title and the amendments made by



1           (2) in subparagraph (C), by striking the comma  
2           at the end and inserting a semicolon;

3           (3) by inserting after subparagraph (C) the fol-  
4           lowing:

5                   “(D) who is granted status as a lawful  
6                   prospective immigrant under section 245B of  
7                   the Immigration and Nationality Act; or

8                   “(E) whose status is adjusted to that of  
9                   lawful permanent resident under section 245C,  
10                  245D, 245E, or 245F of the Immigration and  
11                  Nationality Act,”; and

12           (4) in the undesignated matter at the end, by  
13           inserting “, or in the case of a noncitizen described  
14           in subparagraph (D) or (E), if such conduct is al-  
15           leged to have occurred before the date on which the  
16           noncitizen submitted an application under section  
17           245B, 245C, 245D, 245E, or 245F of such Act” be-  
18           fore the period at the end.

19           (b) EFFECTIVE DATE.—The amendments made by  
20           this section shall take effect on the first day of the tenth  
21           month beginning after the date of the enactment of this  
22           Act.

1 **TITLE II—ADDRESSING THE**  
2 **ROOT CAUSES OF MIGRATION**  
3 **AND RESPONSIBLY MAN-**  
4 **AGING THE SOUTHERN BOR-**  
5 **DER**

6 **SEC. 2001. DEFINITIONS.**

7 In this title:

8 (1) **BEST INTEREST DETERMINATION.**—The  
9 term “best interest determination” means a formal  
10 process with procedural safeguards designed to give  
11 primary consideration to the child’s best interests in  
12 decision making.

13 (2) **INTERNALLY DISPLACED PERSONS.**—The  
14 term “internally displaced persons” means persons  
15 or groups of persons who—

16 (A) have been forced to leave their homes  
17 or places of habitual residence because of armed  
18 conflict, generalized violence, violations of  
19 human rights, or natural or human-made disas-  
20 ters; and

21 (B) have not crossed an internationally  
22 recognized border of a nation state.

23 (3) **INTERNATIONAL PROTECTION.**—The term  
24 “international protection” means—

25 (A) asylum status;

1 (B) refugee status;

2 (C) protection under the Convention  
3 Against Torture and Other Cruel, Inhuman or  
4 Degrading Treatment or Punishment, done at  
5 New York December 10, 1984; and

6 (D) any other regional protection status  
7 available in the Western Hemisphere.

8 (4) LARGE-SCALE, NONINTRUSIVE INSPECTION  
9 SYSTEM.—The term “large-scale, nonintrusive in-  
10 spection system” means a technology, including x-  
11 ray, gamma-ray, and passive imaging systems, capa-  
12 ble of producing an image of the contents of a com-  
13 mercial or passenger vehicle or freight rail car in 1  
14 pass of such vehicle or car.

15 (5) PRE-PRIMARY.—The term “pre-primary”  
16 means deploying scanning technology before primary  
17 inspection booths at land border ports of entry in  
18 order to provide images of commercial or passenger  
19 vehicles or freight rail cars before they are presented  
20 for inspection.

21 (6) SCANNING.—The term “scanning” means  
22 utilizing nonintrusive imaging equipment, radiation  
23 detection equipment, or both, to capture data, in-  
24 cluding images of a commercial or passenger vehicle  
25 or freight rail car.

1 **Subtitle A—Promoting the Rule of**  
2 **Law, Security, and Economic**  
3 **Development in Central Amer-**  
4 **ica**

5 **SEC. 2101. UNITED STATES STRATEGY FOR ENGAGEMENT**  
6 **IN CENTRAL AMERICA.**

7 (a) IN GENERAL.—The Secretary of State shall im-  
8 plement a 4-year strategy, to be known as the “United  
9 States Strategy for Engagement in Central America” (re-  
10 ferred to in this subtitle as the “Strategy”)—

11 (1) to advance reforms in Central America; and

12 (2) to address the key factors contributing to  
13 the flight of families, unaccompanied noncitizen chil-  
14 dren, and other individuals from Central America to  
15 the United States.

16 (b) ELEMENTS.—The Strategy shall include efforts—

17 (1) to strengthen democratic governance, ac-  
18 countability, transparency, and the rule of law;

19 (2) to combat corruption and impunity;

20 (3) to improve access to justice;

21 (4) to bolster the effectiveness and independ-  
22 ence of judicial systems and public prosecutors’ of-  
23 fices;

24 (5) to improve the effectiveness of civilian police  
25 forces;

1           (6) to confront and counter the violence, extor-  
2           tion, and other crimes perpetrated by armed crimi-  
3           nal gangs, illicit trafficking organizations, and orga-  
4           nized crime, while disrupting recruitment efforts by  
5           such organizations;

6           (7) to disrupt money laundering and other illicit  
7           financial operations of criminal networks, armed  
8           gangs, illicit trafficking organizations, and human  
9           smuggling networks;

10          (8) to promote greater respect for internation-  
11          ally recognized human rights, labor rights, funda-  
12          mental freedoms, and the media;

13          (9) to protect the human rights of environ-  
14          mental defenders, civil society activists, and journal-  
15          ists;

16          (10) to enhance accountability for government  
17          officials, including police and security force per-  
18          sonnel, who are credibly alleged to have committed  
19          serious violations of human rights or other crimes;

20          (11) to enhance the capability of governments  
21          in Central America to protect and provide for vul-  
22          nerable and at-risk populations;

23          (12) to address the underlying causes of pov-  
24          erty and inequality and the constraints to inclusive  
25          economic growth in Central America; and

1           (13) to prevent and respond to endemic levels  
2 of sexual, gender-based, and domestic violence.

3           (c) COORDINATION AND CONSULTATION.—In imple-  
4 menting the Strategy, the Secretary of State shall—

5           (1) coordinate with the Secretary of the Treas-  
6 ury, the Secretary of Defense, the Secretary, the At-  
7 torney General, the Administrator of the United  
8 States Agency for International Development, and  
9 the Chief Executive Officer of the United States De-  
10 velopment Finance Corporation; and

11           (2) consult with the Director of National Intel-  
12 ligence, national and local civil society organizations  
13 in Central America and the United States, and the  
14 governments of Central America.

15           (d) SUPPORT FOR CENTRAL AMERICAN EFFORTS.—  
16 To the degree feasible, the Strategy shall support or com-  
17 plement efforts being carried out by the Governments of  
18 El Salvador, of Guatemala, and of Honduras, in coordina-  
19 tion with bilateral and multilateral donors and partners,  
20 including the Inter-American Development Bank.

21 **SEC. 2102. SECURING SUPPORT OF INTERNATIONAL DO-**  
22 **NORS AND PARTNERS.**

23           (a) PLAN.—The Secretary of State shall implement  
24 a 4-year plan—



1           (1) to secure support from international donors  
2           and regional partners to enhance the implementation  
3           of the Strategy;

4           (2) to identify governments that are willing to  
5           provide financial and technical assistance for the im-  
6           plementation of the Strategy and the specific assist-  
7           ance that will be provided; and

8           (3) to identify and describe the financial and  
9           technical assistance to be provided by multilateral  
10          institutions, including the Inter-American Develop-  
11          ment Bank, the World Bank, the International Mon-  
12          etary Fund, the Andean Development Corporation—  
13          Development Bank of Latin America, and the Orga-  
14          nization of American States.

15          (b) DIPLOMATIC ENGAGEMENT AND COORDINA-  
16          TION.—The Secretary of State, in coordination with the  
17          Secretary of the Treasury, as appropriate, shall—

18               (1) carry out diplomatic engagement to secure  
19               contributions of financial and technical assistance  
20               from international donors and partners in support of  
21               the Strategy; and

22               (2) take all necessary steps to ensure effective  
23               cooperation among international donors and part-  
24               ners supporting the Strategy.

1 **SEC. 2103. COMBATING CORRUPTION, STRENGTHENING**  
2 **THE RULE OF LAW, AND CONSOLIDATING**  
3 **DEMOCRATIC GOVERNANCE.**

4 The Secretary of State and the Administrator of the  
5 United States Agency for International Development are  
6 authorized—

7 (1) to combat corruption in Central America by  
8 supporting—

9 (A) Inspectors General and oversight insti-  
10 tutions, including—

11 (i) support for multilateral support  
12 missions for key ministries, including min-  
13 istries responsible for tax, customs, pro-  
14 curement, and citizen security; and

15 (ii) relevant training for inspectors  
16 and auditors;

17 (B) multilateral support missions against  
18 corruption and impunity;

19 (C) civil society organizations conducting  
20 oversight of executive and legislative branch of-  
21 ficials and functions, police and security forces,  
22 and judicial officials and public prosecutors;  
23 and

24 (D) the enhancement of freedom of infor-  
25 mation mechanisms;

1           (2) to strengthen the rule of law in Central  
2 America by supporting—

3           (A) Attorney General offices, public pros-  
4 secutors, and the judiciary, including enhancing  
5 investigative and forensics capabilities;

6           (B) an independent, merit-based selection  
7 processes for judges and prosecutors, inde-  
8 pendent internal controls, and relevant ethics  
9 and professional training, including training on  
10 sexual, gender-based, and domestic violence;

11           (C) improved victim, witness, and whistle-  
12 blower protection and access to justice; and

13           (D) reforms to and the improvement of  
14 prison facilities and management;

15           (3) to consolidate democratic governance in  
16 Central America by supporting—

17           (A) reforms of civil services, related train-  
18 ing programs, and relevant laws and processes  
19 that lead to independent, merit-based selection  
20 processes;

21           (B) national legislatures and their capacity  
22 to conduct oversight of executive branch func-  
23 tions;

1           (C) reforms to, and strengthening of, polit-  
2           ical party and campaign finance laws and elec-  
3           toral tribunals;

4           (D) local governments and their capacity  
5           to provide critical safety, education, health, and  
6           sanitation services to citizens; and

7           (4) to defend human rights by supporting—

8           (A) human rights ombudsman offices;

9           (B) government protection programs that  
10          provide physical protection and security to  
11          human rights defenders, journalists, trade  
12          unionists, whistleblowers, and civil society activ-  
13          ists who are at risk;

14          (C) civil society organizations that promote  
15          and defend human rights, freedom of expres-  
16          sion, freedom of the press, labor rights, environ-  
17          mental protection, and the rights of individuals  
18          with diverse sexual orientations or gender iden-  
19          tities; and

20          (D) civil society organizations that address  
21          sexual, gender-based, and domestic violence,  
22          and that protect victims of such violence.

1 **SEC. 2104. COMBATING CRIMINAL VIOLENCE AND IMPROV-**  
2 **ING CITIZEN SECURITY.**

3 The Secretary of State and the Administrator of the  
4 United States Agency for International Development are  
5 authorized—

6 (1) to counter the violence and crime per-  
7 petrated by armed criminal gangs, illicit trafficking  
8 organizations, and human smuggling networks in  
9 Central America by providing assistance to civilian  
10 law enforcement, including support for—

11 (A) the execution and management of com-  
12 plex, multi-actor criminal cases;

13 (B) the enhancement of intelligence collec-  
14 tion capacity, and training on civilian intel-  
15 ligence collection (including safeguards for pri-  
16 vacy and basic civil liberties), investigative tech-  
17 niques, forensic analysis, and evidence preserva-  
18 tion;

19 (C) community policing policies and pro-  
20 grams;

21 (D) the enhancement of capacity to iden-  
22 tify, investigate, and prosecute crimes involving  
23 sexual, gender-based, and domestic violence;  
24 and

25 (E) port, airport, and border security offi-  
26 cials, agencies and systems, including—

1 (i) the professionalization of immigra-  
2 tion personnel;

3 (ii) improvements to computer infra-  
4 structure and data management systems,  
5 secure communications technologies, non-  
6 intrusive inspection equipment, and radar  
7 and aerial surveillance equipment; and

8 (iii) assistance to canine units;

9 (2) to disrupt illicit financial networks in Cen-  
10 tral America, including by supporting—

11 (A) finance ministries, including the impo-  
12 sition of financial sanctions to block the assets  
13 of individuals and organizations involved in  
14 money laundering or the financing of armed  
15 criminal gangs, illicit trafficking networks,  
16 human smuggling networks, or organized crime;

17 (B) financial intelligence units, including  
18 the establishment and enhancement of anti-  
19 money laundering programs; and

20 (C) the reform of bank secrecy laws;

21 (3) to assist in the professionalization of civilian  
22 police forces in Central America by supporting—

23 (A) reforms with respect to personnel re-  
24 cruitment, vetting, and dismissal processes, in-

1 including the enhancement of polygraph capa-  
2 bility for use in such processes;

3 (B) Inspectors General and oversight of-  
4 fices, including relevant training for inspectors  
5 and auditors, and independent oversight mecha-  
6 nisms, as appropriate; and

7 (C) training and the development of proto-  
8 cols regarding the appropriate use of force and  
9 human rights;

10 (4) to improve crime prevention and to reduce  
11 violence, extortion, child recruitment into gangs, and  
12 sexual slavery by supporting—

13 (A) the improvement of child protection  
14 systems;

15 (B) the enhancement of programs for at-  
16 risk youth, including the improvement of com-  
17 munity centers and programs aimed at success-  
18 fully reinserting former gang members;

19 (C) livelihood programming that provides  
20 youth and other at-risk individuals with legal  
21 and sustainable alternatives to gang member-  
22 ship;

23 (D) safe shelter and humanitarian re-  
24 sponses for victims of crime and internal dis-  
25 placement; and

1 (E) programs to receive and effectively re-  
2 integrate repatriated migrants in El Salvador,  
3 Guatemala, and Honduras.

4 **SEC. 2105. COMBATING SEXUAL, GENDER-BASED, AND DO-**  
5 **MESTIC VIOLENCE.**

6 The Secretary of State and the Administrator of the  
7 United States Agency for International Development are  
8 authorized to counter sexual, gender-based, and domestic  
9 violence in Central American countries by—

10 (1) broadening engagement among national and  
11 local institutions to address sexual, gender-based,  
12 and domestic violence;

13 (2) supporting educational initiatives to reduce  
14 sexual, gender-based, and domestic violence;

15 (3) supporting outreach efforts tailored to meet  
16 the needs of women, girls, individuals of diverse sex-  
17 ual orientations or gender identities, and other vul-  
18 nerable individuals at risk of violence and exploi-  
19 tation;

20 (4) formalizing standards of care and confiden-  
21 tiality at police, health facilities, and other govern-  
22 ment facilities; and

23 (5) establishing accountability mechanisms for  
24 perpetrators of violence.



1 **SEC. 2106. TACKLING EXTREME POVERTY AND ADVANCING**  
2 **ECONOMIC DEVELOPMENT.**

3 The Secretary of State and the Administrator of the  
4 United States Agency for International Development are  
5 authorized to tackle extreme poverty and the underlying  
6 causes of poverty in Central American countries by—

7 (1) strengthening human capital by sup-  
8 porting—

9 (A) workforce development and entrepre-  
10 neurship training programs that are driven by  
11 market demand, including programs that  
12 prioritize women, at-risk youth, and indigenous  
13 communities;

14 (B) improving early-grade literacy, and  
15 primary and secondary school curricula;

16 (C) relevant professional training for  
17 teachers and educational administrators;

18 (D) educational policy reform and improve-  
19 ment of education sector budgeting; and

20 (E) establishment and expansion of safe  
21 schools and related facilities for children;

22 (2) enhancing economic competitiveness and in-  
23 vestment climate by supporting—

24 (A) small business development centers  
25 and programs that strengthen supply chain in-  
26 tegration;

1 (B) the improvement of protections for in-  
2 vestors, including dispute resolution and arbi-  
3 tration mechanisms;

4 (C) trade facilitation and customs harmo-  
5 nization programs; and

6 (D) reducing energy costs through invest-  
7 ments in clean technologies and the reform of  
8 energy policies and regulations;

9 (3) strengthening food security by supporting—

10 (A) small and medium-scale sustainable  
11 agriculture, including by providing technical  
12 training, improving access to credit, and pro-  
13 moting policies and programs that incentivize  
14 government agencies and private institutions to  
15 buy from local producers;

16 (B) agricultural value chain development  
17 for farming communities;

18 (C) nutrition programs to reduce childhood  
19 malnutrition and stunting rates; and

20 (D) mitigation, adaptation, and recovery  
21 programs in response to natural disasters and  
22 other external shocks; and

23 (4) improving fiscal and financial affairs by  
24 supporting—

1 (A) domestic revenue generation, including  
2 programs to improve tax administration, collec-  
3 tion, and enforcement;

4 (B) strengthening public sector financial  
5 management, including strategic budgeting and  
6 expenditure tracking; and

7 (C) reform of customs and procurement  
8 policies and processes.

9 **SEC. 2107. AUTHORIZATION OF APPROPRIATIONS FOR**  
10 **UNITED STATES STRATEGY FOR ENGAGE-**  
11 **MENT IN CENTRAL AMERICA.**

12 (a) IN GENERAL.—There are authorized to be appro-  
13 priated \$1,000,000,000 for each of the fiscal years 2022  
14 through 2025 to carry out the Strategy.

15 (b) PORTION OF FUNDING AVAILABLE WITHOUT  
16 CONDITION.—The Secretary of State or the Administrator  
17 of the United States Agency for International Develop-  
18 ment, as appropriate, may obligate up to 50 percent of  
19 the amounts appropriated in each fiscal year pursuant to  
20 subsection (a) to carry out the Strategy on the first day  
21 of the fiscal year for which they are appropriated.

22 (c) PORTION OF FUNDING AVAILABLE AFTER  
23 PROGRESS ON SPECIFIC ISSUES.—

24 (1) EFFECTIVE IMPLEMENTATION.—The re-  
25 maining 50 percent of the amounts appropriated

1       pursuant to subsection (a) (after the obligations au-  
2       thorized under subsection (b)) may only be made  
3       available for assistance to the Government of El Sal-  
4       vador, of Guatemala, or of Honduras after the Sec-  
5       retary of State consults with, and subsequently cer-  
6       tifies and reports to, the Committee on Foreign Re-  
7       lations of the Senate, the Committee on Appropria-  
8       tions of the Senate, the Committee on Foreign Af-  
9       fairs of the House of Representatives, and the Com-  
10      mittee on Appropriations of the House of Represent-  
11      atives that the respective government is taking effec-  
12      tive steps (in addition to steps taken during the pre-  
13      vious calendar year)—

14               (A) to combat corruption and impunity, in-  
15               cluding investigating and prosecuting govern-  
16               ment officials, military personnel, and civilian  
17               police officers credibly alleged to be corrupt;

18               (B) to implement reforms, policies, and  
19               programs to strengthen the rule of law, includ-  
20               ing increasing the transparency of public insti-  
21               tutions and the independence of the judiciary  
22               and electoral institutions;

23               (C) to protect the rights of civil society,  
24               opposition political parties, trade unionists,

1 human rights defenders, and the independence  
2 of the media;

3 (D) to provide effective and accountable ci-  
4 vilian law enforcement and security for its citi-  
5 zens, and curtailing the role of the military in  
6 internal policing;

7 (E) to implement policies to reduce poverty  
8 and promote equitable economic growth and op-  
9 portunity;

10 (F) to increase government revenues, in-  
11 cluding by enhancing tax collection, strength-  
12 ening customs agencies, and reforming procure-  
13 ment processes;

14 (G) to improve border security and coun-  
15 tering human smuggling, criminal gangs, drug  
16 traffickers, and transnational criminal organiza-  
17 tions;

18 (H) to counter and prevent sexual and  
19 gender-based violence;

20 (I) to inform its citizens of the dangers of  
21 the journey to the southwest border of the  
22 United States;

23 (J) to resolve disputes involving the confis-  
24 cation of real property of United States entities;  
25 and

1 (K) to implement reforms to strengthen  
2 educational systems, vocational training pro-  
3 grams, and programs for at-risk youth.

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

11 **SEC. 2201. EXPANDING REFUGEE AND ASYLUM PROC-**  
12 **ESSING IN THE WESTERN HEMISPHERE.**

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

21 (1) providing support and technical assistance  
22 to expand and improve the capacity to identify, proc-  
23 ess, and adjudicate refugee claims, adjudicate appli-  
24 cations for asylum, or otherwise accept refugees re-  
25 ferred for resettlement by the United Nations High

1 Commissioner for Refugees or host nations, includ-  
2 ing by increasing the number of refugee and asylum  
3 officers who are trained in the relevant legal stand-  
4 ards for adjudicating claims for protection;

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

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

13 (A) receives due process and meaningful  
14 access to existing humanitarian protections;

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

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

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

23 (4) developing the capacity to conduct best in-  
24 terest determinations for unaccompanied children  
25 with international protection needs to ensure that

1 such children are properly registered and that their  
2 claims are appropriately considered.

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

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

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

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

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

21 (1) to establish and expand temporary shelter  
22 and shelter network capacity to meet the immediate  
23 protection and humanitarian needs of refugees and  
24 asylum seekers, including shelters for families,



1 women, unaccompanied children, and other vulner-  
2 able populations;

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

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

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

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

17 (6) to support technical assistance for refugee  
18 relocation and resettlement.

19 **SEC. 2203. INFORMATION CAMPAIGN ON DANGERS OF IR-**  
20 **REGULAR MIGRATION.**

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

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

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

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

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

12           (1) shall be targeted at regions with high levels  
13           of out-bound migration or significant populations of  
14           internally displaced persons;

15           (2) shall be conducted in local languages;

16           (3) shall employ a variety of communications  
17           media, including social media; and

18           (4) shall be developed in coordination with pro-  
19           gram officials at the Department of Homeland Secu-  
20           rity, the Department of State, and other govern-  
21           ment, nonprofit, or academic entities in close contact  
22           with migrant populations from El Salvador, Guate-  
23           mala, and Honduras, including repatriated migrants.

1 **SEC. 2204. IDENTIFICATION, SCREENING, AND PROCESSING**  
2 **OF REFUGEES AND OTHER INDIVIDUALS ELI-**  
3 **GIBLE FOR LAWFUL ADMISSION TO THE**  
4 **UNITED STATES.**

5 (a) DESIGNATED PROCESSING CENTERS.—

6 (1) IN GENERAL.—The Secretary of State, in  
7 coordination with the Secretary, shall establish des-  
8 ignated processing centers for the registration,  
9 screening, and processing of refugees and other eligi-  
10 ble individuals, and the resettlement or relocation of  
11 these individuals to the United States or other coun-  
12 tries.

13 (2) LOCATIONS.—Not fewer than 1 designated  
14 processing centers shall be established in a safe and  
15 secure location identified by the United States and  
16 the host government in—

17 (A) El Salvador;

18 (B) Guatemala;

19 (C) Honduras; and

20 (D) any other Central American country  
21 that the Secretary of State considers appro-  
22 priate to accept and process requests and appli-  
23 cations under this subtitle.

24 (b) PERSONNEL.—

25 (1) REFUGEE OFFICERS AND RELATED PER-  
26 SONNEL.—The Secretary shall ensure that sufficient

1 numbers of refugee officers and other personnel are  
2 assigned to each designated processing center to ful-  
3 fill the requirements under this subtitle.

4 (2) SUPPORT PERSONNEL.—The Secretary and  
5 the Attorney General shall hire and assign sufficient  
6 personnel to ensure, absent exceptional cir-  
7 cumstances, that all security and law enforcement  
8 background checks required under this subtitle and  
9 family verification checks carried out by the Refugee  
10 Access Verification Unit are completed within 180  
11 days.

12 (c) OPERATIONS.—

13 (1) IN GENERAL.—Absent extraordinary cir-  
14 cumstances, each designated processing center shall  
15 commence operations as expeditiously as possible.

16 (2) PRODUCTIVITY AND QUALITY CONTROL.—  
17 The Secretary of State, in coordination with the Sec-  
18 retary, shall monitor the activities of each des-  
19 ignated processing center and establish metrics and  
20 criteria for evaluating the productivity and quality  
21 control of each designated processing center.

22 **SEC. 2205. REGISTRATION AND INTAKE.**

23 (a) REGISTRATION.—Each designated processing  
24 center shall receive and register individuals seeking to  
25 apply for benefits under this subtitle who meet criteria

1 specified by the Secretary of State, in coordination with  
2 the Secretary.

3 (b) INTAKE.—The designated processing center shall  
4 assess registered individuals to determine the benefits for  
5 which they may be eligible, including—

6 (1) refugee resettlement pursuant to the Cen-  
7 tral American Refugee Program described in section  
8 2206;

9 (2) the Central American Minors Program de-  
10 scribed in section 2207; and

11 (3) the Central American Family Reunification  
12 Parole Program described in section 2208.

13 (c) EXPEDITED PROCESSING.—The Secretary of  
14 State shall provide expedited processing of applications  
15 and requests under this subtitle in emergency situations,  
16 for humanitarian reasons, or if the Secretary of State oth-  
17 erwise determines that circumstances warrant expedited  
18 treatment.

19 **SEC. 2206. CENTRAL AMERICAN REFUGEE PROGRAM.**

20 (a) PROCESSING AT DESIGNATED PROCESSING CEN-  
21 TERS.—

22 (1) IN GENERAL.—Any individual who registers  
23 at a designated processing center, expresses a fear  
24 of persecution or an intention to apply for refugee  
25 status, and who is a national of El Salvador, of

1 Honduras, of Guatemala, or of any other Central  
2 American country whose nationals the Secretary of  
3 State has determined are eligible for refugee status  
4 under this section may apply for refugee resettlement  
5 under this section. Upon filing of a completed  
6 application, the applicant may be referred to a refugee  
7 officer for further processing in accordance  
8 with this section.

9 (2) SUBMISSION OF BIOGRAPHIC AND BIOMETRIC  
10 DATA.—An applicant described in paragraph (1)  
11 shall submit biographic and biometric data in accordance  
12 with procedures established by the Secretary of State,  
13 in coordination with the Secretary. An alternative procedure  
14 shall be provided for applicants who are unable to provide  
15 all required biographic and biometric data because of a  
16 physical or mental impairment.

17  
18 (3) BACKGROUND CHECKS.—The Secretary of  
19 State shall utilize biometric, biographic, and other  
20 appropriate data to conduct security and law enforcement  
21 background checks of applicants to determine whether there  
22 is any criminal, national security, or other ground that  
23 would render the applicant ineligible for admission as a  
24 refugee under section

1       207 of the Immigration and Nationality Act (8  
2       U.S.C. 1157).

3           (4) ORIENTATION.—The Secretary of State  
4       shall provide prospective applicants for refugee re-  
5       settlement with information on applicable require-  
6       ments and legal standards. All orientation materials,  
7       including application forms and instructions, shall be  
8       provided in English and Spanish.

9           (5) INTERNATIONAL ORGANIZATIONS.—The  
10       Secretary of State, in consultation with the Sec-  
11       retary, shall enter into agreements with international  
12       organizations, including the United Nations High  
13       Commissioner for Refugees, to facilitate the proc-  
14       essing and preparation of case files for applicants  
15       under this section.

16       (b) OPTIONAL REFERRAL TO OTHER COUNTRIES.—

17           (1) IN GENERAL.—An applicant for refugee re-  
18       settlement under this section may be referred to an-  
19       other country for the processing of the applicant's  
20       refugee claim if another country agrees to promptly  
21       process the applicant's refugee claim in accordance  
22       with the terms and procedures of a bilateral agree-  
23       ment described in paragraph (2).

24           (2) BILATERAL AGREEMENTS FOR REFERRAL  
25       OF REFUGEES.—

1           (A) IN GENERAL.—The Secretary of State,  
2           in consultation with the Secretary, may enter  
3           into bilateral agreements with other countries  
4           for the referral, processing, and resettlement of  
5           individuals who register at a designated proc-  
6           essing center and seek to apply for refugee re-  
7           settlement under this section. Such agreements  
8           shall be limited to countries with the dem-  
9           onstrated capacity to accept and adjudicate ap-  
10          plications for refugee status and other forms of  
11          international protection, and to resettle refugees  
12          consistent with obligations under the Conven-  
13          tion Relating to the Status of Refugees, done at  
14          Geneva July 28, 1951 and made applicable by  
15          the Protocol Relating to the Status of Refugees,  
16          done at New York January 31, 1967 (19 UST  
17          6223).

18          (B) INTERNATIONAL ORGANIZATIONS.—  
19          The Secretary of State, in consultation with the  
20          Secretary, may enter into agreements with  
21          international organizations, including the  
22          United Nations High Commissioner for Refu-  
23          gees, to facilitate the referral, processing, and  
24          resettlement of individuals described in sub-  
25          paragraph (A).



1           (c) EMERGENCY RELOCATION COORDINATION.—The  
2 Secretary of State, in coordination with the Secretary,  
3 may enter into bilateral or multilateral agreements with  
4 other countries in the Western Hemisphere to establish  
5 safe and secure emergency transit centers for individuals  
6 who register at a designated processing center, are deemed  
7 to face an imminent risk of harm, and require temporary  
8 placement in a safe location pending a final decision on  
9 an application under this section. Such agreements may  
10 be developed in consultation with the United Nations High  
11 Commissioner for Refugees and shall conform to inter-  
12 national humanitarian standards.

13           (d) EXPANSION OF REFUGEE CORPS.—Subject to the  
14 availability of amounts provided in advance in appropria-  
15 tion Acts, the Secretary shall appoint additional refugee  
16 officers as may be necessary to carry out this section.

17 **SEC. 2207. CENTRAL AMERICAN MINORS PROGRAM.**

18           (a) ELIGIBILITY.—

19               (1) PETITION.—If an assessment under section  
20 2205(b) results in a determination that a noncitizen  
21 is eligible for special immigrant status in accordance  
22 with this subsection—

23                       (A) the designated processing center that  
24                       conducted such assessment may accept a peti-  
25                       tion for such status filed by the noncitizen, or

1 on behalf of the noncitizen by a parent or legal  
2 guardian; and

3 (B) subject to subsection (d), and notwith-  
4 standing any other provision of law, the Sec-  
5 retary may provide such noncitizen with status  
6 as a special immigrant under section  
7 101(a)(27) of the Immigration and Nationality  
8 Act (8 U.S.C. 1101(a)(27)).

9 (2) CRITERIA.—A noncitizen shall be eligible  
10 under this subsection if he or she—

11 (A) is a national of El Salvador, of Hon-  
12 duras, of Guatemala, or of any other Central  
13 American country whose nationals the Secretary  
14 has determined are eligible for special immi-  
15 grant status under this section;

16 (B) is a child (as defined in section  
17 101(b)(1) of the Immigration and Nationality  
18 Act (8 U.S.C. 1101(b)(1))) of an individual who  
19 is lawfully present in the United States; and

20 (C) is otherwise admissible to the United  
21 States (excluding the grounds of inadmissibility  
22 specified in section 212(a)(4) of the Immigra-  
23 tion and Nationality Act (8 U.S.C.  
24 1182(a)(4))).

1 (b) MINOR CHILDREN.—Any child (as defined in sec-  
2 tion 101(b)(1) of the Immigration and Nationality Act (8  
3 U.S.C. 1101(b)(1))) of a noncitizen described in sub-  
4 section (a) is entitled to special immigrant status if accom-  
5 panying or following to join such noncitizen.

6 (c) EXCLUSION FROM NUMERICAL LIMITATIONS.—  
7 Noncitizens provided special immigrant status under this  
8 section shall not be counted against any numerical limita-  
9 tion under the Immigration and Nationality Act (8 U.S.C.  
10 1101 et seq.).

11 (d) APPLICANTS UNDER PRIOR CENTRAL AMERICAN  
12 MINORS REFUGEE PROGRAM.—

13 (1) IN GENERAL.—The Secretary shall deem an  
14 application filed under the Central American Minors  
15 Refugee Program, established on December 1, 2014,  
16 and terminated on August 16, 2017, which was not  
17 the subject of a final disposition before January 31,  
18 2018, to be a petition filed under this section.

19 (2) FINAL DETERMINATION.—Absent excep-  
20 tional circumstances, the Secretary shall make a  
21 final determination on applications described in  
22 paragraph (1) not later than 180 days after the date  
23 of the enactment of this Act.

24 (3) NOTICE.—The Secretary shall—

1 (A) promptly notify all relevant parties of  
2 the conversion of an application described in  
3 paragraph (1) into a special immigrant petition;  
4 and

5 (B) provide instructions for withdrawal of  
6 the petition if the noncitizen does not want to  
7 proceed with the requested relief.

8 (e) BIOMETRICS AND BACKGROUND CHECKS.—

9 (1) SUBMISSION OF BIOMETRIC AND BIO-  
10 GRAPHIC DATA.—Petitioners for special immigrant  
11 status under this section shall submit biometric and  
12 biographic data in accordance with procedures estab-  
13 lished by the Secretary. An alternative procedure  
14 shall be provided for applicants who are unable to  
15 provide all required biometric data because of a  
16 physical or mental impairment.

17 (2) BACKGROUND CHECKS.—The Secretary  
18 shall utilize biometric, biographic, and other appro-  
19 priate data to conduct security and law enforcement  
20 background checks of petitioners to determine  
21 whether there is any criminal, national security, or  
22 other ground that would render the applicant ineli-  
23 gible for special immigrant status under this section.

24 (3) COMPLETION OF BACKGROUND CHECKS.—  
25 The security and law enforcement background

1 checks required under paragraph (2) shall be com-  
2 pleted, to the satisfaction of the Secretary, before  
3 the date on which a petition for special immigrant  
4 status under this section may be approved.

5 **SEC. 2208. CENTRAL AMERICAN FAMILY REUNIFICATION**  
6 **PAROLE PROGRAM.**

7 (a) **ELIGIBILITY.**—

8 (1) **APPLICATION.**—If an assessment under sec-  
9 tion 2205(b) results in a determination that a non-  
10 citizen is eligible for parole in accordance with this  
11 section—

12 (A) the designated processing center may  
13 accept a completed application for parole filed  
14 by the noncitizen, or on behalf of the noncitizen  
15 by a parent or legal guardian; and

16 (B) the Secretary may grant parole under  
17 section 212(d)(5) of the Immigration and Na-  
18 tionality Act (8 U.S.C. 1182(d)(5)) to such  
19 noncitizen.

20 (2) **CRITERIA.**—A noncitizen shall be eligible  
21 for parole under this section if he or she—

22 (A) is a national of El Salvador, of Guate-  
23 mala, of Honduras, or of any other Central  
24 American country whose nationals the Secretary

1           has determined are eligible for parole under this  
2           section;

3                   (B) is the beneficiary of an approved immi-  
4           grant visa petition under section 203(a) of the  
5           Immigration and Nationality Act (8 U.S.C.  
6           1153(a)); and

7                   (C) an immigrant visa is not immediately  
8           available for the noncitizen, but is expected to  
9           be available within a period designated by the  
10          Secretary.

11       (b) BIOMETRICS AND BACKGROUND CHECKS.—

12                   (1) SUBMISSION OF BIOMETRIC AND BIO-  
13       GRAPHIC DATA.—Applicants for parole under this  
14       section shall be required to submit biometric and  
15       biographic data in accordance with procedures estab-  
16       lished by the Secretary. An alternative procedure  
17       shall be provided for applicants who are unable to  
18       provide all required biometric data because of a  
19       physical or mental impairment.

20                   (2) BACKGROUND CHECKS.—The Secretary  
21       shall utilize biometric, biographic, and other appro-  
22       priate data to conduct security and law enforcement  
23       background checks of applicants to determine wheth-  
24       er there is any criminal, national security, or other

1 ground that would render the applicant ineligible for  
2 parole under this section.

3 (3) COMPLETION OF BACKGROUND CHECKS.—

4 The security and law enforcement background  
5 checks required under paragraph (2) shall be com-  
6 pleted to the satisfaction of the Secretary before the  
7 date on which an application for parole may be ap-  
8 proved.

9 **SEC. 2209. INFORMATIONAL CAMPAIGN; CASE STATUS HOT-**  
10 **LINE.**

11 (a) INFORMATIONAL CAMPAIGN.—The Secretary  
12 shall implement an informational campaign, in English  
13 and Spanish, in the United States, El Salvador, Guate-  
14 mala, Honduras, and other appropriate Central American  
15 countries to increase awareness of the programs author-  
16 ized under this subtitle.

17 (b) CASE STATUS HOTLINE.—The Secretary shall es-  
18 tablish a case status hotline to provide confidential proc-  
19 essing information on pending cases.

1 **Subtitle C—Managing the Border**  
2 **and Protecting Border Commu-**  
3 **nities**

4 **SEC. 2301. EXPEDITING LEGITIMATE TRADE AND TRAVEL**  
5 **AT PORTS OF ENTRY.**

6 (a) **TECHNOLOGY DEPLOYMENT PLAN.**—The Sec-  
7 retary is authorized to develop and implement a plan to  
8 deploy technology—

9 (1) to expedite the screening of legitimate trade  
10 and travel; and

11 (2) to enhance the ability to identify narcotics  
12 and other contraband, at every land, air, and sea  
13 port of entry.

14 (b) **ELEMENTS.**—The technology deployment plan  
15 developed pursuant to subsection (a) shall include—

16 (1) the specific steps that will be taken to in-  
17 crease the rate of high-throughput scanning of com-  
18 mercial and passenger vehicles and freight rail traf-  
19 fic entering the United States at land ports of entry  
20 and rail-border crossings along the border using  
21 large-scale, nonintrusive inspection systems or simi-  
22 lar technology before primary inspections booths to  
23 enhance border security.

24 (2) a comprehensive description of the tech-  
25 nologies and improvements needed to facilitate legal



1 travel and trade, reduce wait times, and better iden-  
2 tify contraband at land and rail ports of entry, in-  
3 cluding—

4 (A) the specific steps the Secretary will  
5 take to ensure, to the greatest extent prac-  
6 ticable, that high-throughput scanning tech-  
7 nologies are deployed within 5 years at all land  
8 border ports of entry to ensure that all commer-  
9 cial and passenger vehicles and freight rail traf-  
10 fic entering the United States at land ports of  
11 entry and rail-border crossings along the border  
12 undergo pre-primary scanning; and

13 (B) the specific steps the Secretary will  
14 take to increase the amount of cargo that is  
15 subject to nonintrusive inspections systems at  
16 all ports of entry.

17 (3) a comprehensive description of the tech-  
18 nologies and improvements needed to enhance trav-  
19 eler experience, reduce inspection and wait times,  
20 and better identify potential criminals and terrorists  
21 at air ports of entry.

22 (4) a comprehensive description of the tech-  
23 nologies and improvements needed—

24 (A) to enhance the security of maritime  
25 trade;

1 (B) to increase the percent of shipping  
2 containers that are scanned; and

3 (C) to enhance the speed and quality of in-  
4 spections without adversely impacting trade  
5 flows;

6 (5) any projected impacts identified by the  
7 Commissioner of U.S. Customs and Border Protec-  
8 tion regarding—

9 (A) the number of commercial and pas-  
10 senger vehicles and freight rail traffic entering  
11 at land ports of entry and rail-border crossings;

12 (B) where such systems are in use; and

13 (C) the average wait times at peak and  
14 non-peak travel times, by lane type (if applica-  
15 ble), as scanning rates are increased;

16 (6) any projected impacts, as identified by the  
17 Commissioner of U.S. Customs and Border Protec-  
18 tion, regarding border security operations at ports of  
19 entry as a result of implementation actions, includ-  
20 ing any required changes to the number of U.S.  
21 Customs and Border Protection officers or their du-  
22 ties and assignments;

23 (7) any projected impact on—

1 (A) the ability of regular border crossers  
2 and border community residents to cross the  
3 border efficiently; and

4 (B) the privacy and civil liberties of border  
5 community residents (as identified by medical  
6 professionals), border community stakeholders  
7 (including elected officials, educators, and busi-  
8 ness leaders), and civil rights experts;

9 (8) detailed performance measures and bench-  
10 marks that can be used to evaluate how effective  
11 these technologies are in helping to expedite legal  
12 trade and travel while enhancing security at ports of  
13 entry; and

14 (9) the estimated costs and an acquisition plan  
15 for implementing the steps identified in the plan, in-  
16 cluding—

17 (A) achieving pre-primary, high-through-  
18 put scanning at all feasible land and rail ports  
19 of entry within the timeframes specified in  
20 paragraph (1);

21 (B) reducing passenger and pedestrian  
22 wait times;

23 (C) the acquisition, operations, and main-  
24 tenance costs for large-scale, nonintrusive in-

1           specification systems and other technologies identi-  
2           fied in the plan; and

3                   (D) associated costs for any necessary in-  
4           frastructure enhancements or configuration  
5           changes at each port of entry.

6           (c) SMALL BUSINESS OPPORTUNITIES.—The acquisi-  
7           tion plan required under subsection (b)(9) shall promote,  
8           to the extent practicable, opportunities for entities that  
9           qualify as small business concerns (as defined under sec-  
10          tion 3(a) of the Small Business Act (15 U.S.C. 632(a)).

11          (d) MODERNIZATION OF PORT OF ENTRY INFRA-  
12          STRUCTURE.—The Secretary is authorized to develop and  
13          implement a plan that—

14                   (1) identifies infrastructure improvements at  
15          ports of entry that would—

16                           (A) enhance the ability to process asylum  
17                           seekers;

18                           (B) facilitate daily pedestrian and vehic-  
19                           ular trade and traffic; and

20                           (C) detect, interdict, disrupt, and prevent  
21                           fentanyl, other synthetic opioids, and other nar-  
22                           cotics and psychoactive substances and associ-  
23                           ated contraband from entering the United  
24                           States;

1           (2) describes circumstances in which effective  
2           technology in use at certain ports of entry smart  
3           cannot be implemented at other ports of entry, in-  
4           cluding—

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

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

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

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

1 **SEC. 2302. DEPLOYING SMART TECHNOLOGY AT THE**  
2 **SOUTHERN BORDER.**

3 (a) IN GENERAL.—The Secretary is authorized to de-  
4 velop and implement a strategy to manage and secure the  
5 southern border of the United States by deploying smart  
6 technology—

7 (1) to enhance situational awareness along the  
8 border; and

9 (2) to counter transnational criminal networks.

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

12 (1) a comprehensive assessment of the physical  
13 barriers, levees, technologies, tools, and other devices  
14 that are currently in use along the southern border  
15 of the United States;

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

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

1           (4) an explanation for why each technology,  
2 tool, or other device was recommended to achieve  
3 and maintain situational awareness of the southern  
4 border, including—

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

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

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

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

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

24           (7) performance measures that can be used to  
25 evaluate the effectiveness of each technology de-

1       ployed and of U.S. Border Patrol operations in each  
2       sector.

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

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

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

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

12                   (A) effective in serving a legitimate agency  
13       purpose;

14                   (B) the least intrusive means of serving  
15       such purpose; and

16                   (C) cost effective;

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

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



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

2 (a) MANDATORY TRAINING AND CONTINUING EDU-  
3 CATION TO PROMOTE AGENT AND OFFICER SAFETY AND  
4 PROFESSIONALISM.—The Secretary is authorized to es-  
5 tablish policies and guidelines to ensure that every agent  
6 and officer of U.S. Customs and Border Protection and  
7 U.S. Immigration and Customs Enforcement receives  
8 training upon onboarding regarding accountability, stand-  
9 ards for professional and ethical conduct, and oversight.

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

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

17 (2) interaction with vulnerable populations; and

18 (3) standards of professional and ethical con-  
19 duct.

20 (c) CONTINUING EDUCATION.—

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



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

3           “(A) IN GENERAL.—

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

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

24           “(iii) OBLIGATED OVERTIME.—A U.S.  
25 Border Patrol agent shall not accrue any

1 debt of obligated overtime hours that the  
2 agent may have incurred, pursuant to sec-  
3 tion 5550(b) of title 5, United States  
4 Code, in order to achieve or maintain a  
5 paramedic certification.

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

13 “(v) SERVICE COMMITMENT.—Any  
14 U.S. Border Patrol agent who completes a  
15 certification preparation program pursuant  
16 to clause (i) shall—

17 “(I) complete 1 year of service as  
18 a U.S. Border Patrol agent following  
19 the completion of EMT training;

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

1                   “(III) reimburse U.S. Customs  
2                   and Border Protection in an amount  
3                   equal to the product of—

4                               “(aa) the cost of providing  
5                               such training to such agent; mul-  
6                               tiplied by

7                               “(bb) the percentage of the  
8                               service required under subclauses  
9                               (I) and (II) that the agent failed  
10                              to complete.

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

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

22                              “(ii) PARAMEDIC CERTIFICATION.—A  
23                              U.S. Border Patrol agent who has com-  
24                              pleted paramedic training pursuant to sub-  
25                              paragraph (A)(i) and has a current, State-

1 issued or State-recognized certification as  
2 a paramedic shall receive, in addition to  
3 the pay to which the agent is otherwise en-  
4 titled under this section (except for sub-  
5 paragraph (A)), an amount equal to 10  
6 percent of such pay.

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

19 “(I) 5 percent of such pay for an  
20 EMT certification; and

21 “(II) 10 percent of such pay for  
22 a paramedic certification.

23 “(C) AVAILABILITY OF MEDICALLY  
24 TRAINED BORDER PATROL AGENTS.—Not later  
25 than 6 months after the date of the enactment

1 of the U.S. Citizenship Act, the Commissioner  
2 of U.S. Customs and Border Protection shall—

3 “(i) ensure that—

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

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

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

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

24 “(D) MEDICAL SUPPLIES.—

1                   “(i) MINIMUM LIST.—The Commis-  
2                   sioner of U.S. Customs and Border Protec-  
3                   tion shall provide minimum medical sup-  
4                   plies to each U.S. Border Patrol agent  
5                   with an EMT or paramedic certification  
6                   and to each U.S. Border Patrol sector, in-  
7                   cluding all remote stations and forward op-  
8                   erating bases, for use while on patrol, in-  
9                   cluding—

10                               “(I) supplies designed for chil-  
11                               dren;

12                               “(II) first aid kits; and

13                               “(III) oral hydration, such as  
14                               water.

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

22                   “(E) MOTOR VEHICLES.—The Commis-  
23                   sioner of U.S. Customs and Border Protection  
24                   shall make available appropriate motor vehicles  
25                   to U.S. Border Patrol agents with current EMT



1 or paramedic certifications to enable them to  
2 provide necessary emergency medical assistance.

3 “(F) GAO REPORT.—Not later than 3  
4 years after the date of the enactment of the  
5 U.S. Citizenship Act, the Comptroller General  
6 of the United States shall—

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

13 “(ii) provide a recommendation to  
14 Congress as to whether—

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

22 “(II) additional incentive modi-  
23 fications are needed to achieve or  
24 maintain the goal, including pay dif-  
25 ferentials; and

1                   “(III) the 10 percent goal is  
2                   properly scoped to materially con-  
3                   tribute to the preservation of life and  
4                   the effectiveness and efficiency of U.S.  
5                   Border Patrol operations, including  
6                   whether the number is too high or too  
7                   low.”; and

8                   (B) in subsection (r), by striking “section,  
9                   the terms” and inserting the following: “sec-  
10                  tion—

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

13                  “(2) the terms”.

14                  (2) AUTHORIZATION OF APPROPRIATIONS.—  
15                  There are authorized to be appropriated such sums  
16                  as may be necessary to carry out section 411(l)(2)  
17                  of the Homeland Security Act of 2002, as added by  
18                  paragraph (1).

19                  (e) IDENTIFYING AND TREATING INDIVIDUALS EX-  
20                  PERIENCING MEDICAL DISTRESS.—

21                  (1) ONLINE TRAINING.—

22                  (A) IN GENERAL.—Beginning on the date  
23                  that is 90 days after the date of the enactment  
24                  of this Act, the Commissioner of U.S. Customs  
25                  and Border Protection shall require all U.S.

1 Border Patrol agents, including agents with  
2 EMT or paramedic certification, to complete an  
3 online training program that meets nationally  
4 recognized standards for the medical care of  
5 children to enable U.S. Border Patrol agents—

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

8 (ii) to ensure the timely transport of  
9 sick or injured children to an appropriate  
10 medical provider.

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

16 (2) VOICE ACCESS TO MEDICAL PROFES-  
17 SIONALS.—

18 (A) IN GENERAL.—The Commissioner of  
19 U.S. Customs and Border Protection shall en-  
20 sure that all remote U.S. Border Patrol sta-  
21 tions, forward operating bases, and remote  
22 ports of entry along the southern border of the  
23 United States have 24-hour voice access to a  
24 medical command physician whose board certifi-  
25 cation includes the ability to perform this role

1 or a mid-level health care provider with pedi-  
2 atric training for consultations regarding the  
3 medical needs of individuals, including children,  
4 taken into custody near the United States bor-  
5 der.

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

11 (f) COMMERCIAL DRIVER PROGRAM.—

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

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

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

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

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

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

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

11 (ii) not fewer than 1 bus is assigned  
12 to the sector.

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

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

23 (4) USE OF OFFICIAL DUTY TIME.—A U.S.  
24 Border Patrol agent shall be credited with work time

1 for the process of obtaining and maintaining a com-  
2 mercial driver's license under paragraph (1).

3 (5) REPORTS TO CONGRESS.—The Secretary  
4 shall submit quarterly reports regarding the average  
5 length of detainees' stay at U.S. Border Patrol sta-  
6 tions to—

7 (A) the Committee on Homeland Security  
8 and Governmental Affairs of the Senate; and

9 (B) the Committee on Homeland Security  
10 of the House of Representatives.

11 **SEC. 2305. GAO STUDY OF WAIVER OF ENVIRONMENTAL**  
12 **AND OTHER LAWS.**

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

1 **SEC. 2306. ESTABLISHMENT OF BORDER COMMUNITY**  
2 **STAKEHOLDER ADVISORY COMMITTEE.**

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

6 **“SEC. 416. BORDER COMMUNITY STAKEHOLDER ADVISORY**  
7 **COMMITTEE.**

8 “(a) DEFINITIONS.—In this section:

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

13 “(2) BORDER COMMUNITY STAKEHOLDER.—  
14 The term ‘border community stakeholder’ means an  
15 individual who has ownership interests or resides  
16 near an international land border of the United  
17 States, including—

18 “(A) an individual who owns land within  
19 10 miles of an international land border of the  
20 United States;

21 “(B) a business leader of a company oper-  
22 ating within 100 miles of a land border of the  
23 United States;

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

1           “(D) a representative of an Indian Tribe  
2           possessing Tribal lands on a land border of the  
3           United States; and

4           “(E) a representative of a human rights or  
5           civil rights organization operating near a land  
6           border of the United States.

7           “(b) ESTABLISHMENT.—The Secretary shall estab-  
8           lish, within the Department, the Border Community  
9           Stakeholder Advisory Committee.

10          “(c) DUTIES.—

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

19           “(2) RECOMMENDATIONS.—The Advisory Com-  
20           mittee shall develop, at the request of the Secretary,  
21           recommendations regarding policies, protocols, pro-  
22           grams, and rulemaking pertaining to border security  
23           and immigration enforcement that may impact bor-  
24           der communities.

25          “(d) MEMBERSHIP.—



1 “(1) APPOINTMENT.—

2 “(A) IN GENERAL.—The Secretary shall  
3 appoint the members of the Advisory Com-  
4 mittee.

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

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

10 “(ii) 3 individuals with significant ex-  
11 pertise and experience in immigration law,  
12 civil rights, and civil liberties, particularly  
13 relating to the interests of residents of bor-  
14 der communities.

15 “(2) TERM OF OFFICE.—

16 “(A) TERMS.—The term of each member  
17 of the Advisory Committee shall be 2 years.  
18 The Secretary may reappoint members for addi-  
19 tional terms.

20 “(B) REMOVAL.—The Secretary may re-  
21 view the participation of a member of the Advi-  
22 sory Committee and remove such member for  
23 cause at any time.

24 “(3) PROHIBITION ON COMPENSATION.—The  
25 members of the Advisory Committee may not receive

1 pay, allowances, or benefits from the Federal Gov-  
2 ernment by reason of their service on the Advisory  
3 Committee.

4 “(4) MEETINGS.—

5 “(A) IN GENERAL.—The Secretary shall  
6 require the Advisory Committee to meet at least  
7 semiannually and may convene additional meet-  
8 ings as necessary.

9 “(B) PUBLIC MEETINGS.—At least 1 of  
10 the meetings described in subparagraph (A)  
11 shall be open to the public.

12 “(C) ATTENDANCE.—The Advisory Com-  
13 mittee shall maintain a record of the persons  
14 present at each meeting.

15 “(5) MEMBER ACCESS TO SENSITIVE SECURITY  
16 INFORMATION.—

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

24 “(B) RESTRICTIONS ON USE.—The mem-  
25 ber shall protect the sensitive security informa-

1           tion referred to in subparagraph (A) in accord-  
2           ance with part 1520 of title 49, Code of Fed-  
3           eral Regulations.

4           “(6) CHAIRPERSON.—A stakeholder representa-  
5           tive on the Advisory Committee who is elected by the  
6           appointed membership of the Advisory Committee  
7           shall chair the Advisory Committee.

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

11          (b) APPROPRIATIONS.—There are authorized to be  
12          appropriated such sums as may be necessary to implement  
13          this section.

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

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

18       **SEC. 2307. RESCUE BEACONS.**

19          Section 411(o) of the Homeland Security Act of 2002  
20          (6 U.S.C. 211(o)) is amended by adding at the end the  
21          following:

22               “(3) RESCUE BEACONS.—Beginning on October  
23               1, 2021, in carrying out subsection (c)(8), the Com-  
24               missioner shall purchase, deploy, and maintain addi-  
25               tional self-powering, 9–1–1 cellular relay rescue bea-

1       cons along the southern border of the United States  
2       at appropriate locations, as determined by the Com-  
3       missioner, to effectively mitigate migrant deaths.”.

4   **SEC. 2308. USE OF FORCE.**

5       (a) DEPARTMENT OF HOMELAND SECURITY POLI-  
6   CIES.—

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

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

15           (A) focus law enforcement efforts and tac-  
16      tics on protecting public safety and national se-  
17      curity that are consistent with our Nation’s val-  
18      ues; and

19           (B) leverage best practices and technology  
20      to provide such protection.

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

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

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

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

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

12 (b) CONTRACTS.—The Commissioner is authorized to  
13 enter into such contracts as may be necessary to carry  
14 out this section.

15 **Subtitle D—Improving Border In-**  
16 **frastructure for Families and**  
17 **Children; Cracking Down on**  
18 **Criminal Organizations**

19 **SEC. 2401. HUMANITARIAN AND MEDICAL STANDARDS FOR**  
20 **INDIVIDUALS IN U.S. CUSTOMS AND BORDER**  
21 **PROTECTION CUSTODY.**

22 (a) IN GENERAL.—The Secretary, in coordination  
23 with the Secretary of Health and Human Services, and  
24 in consultation with nongovernmental experts in the deliv-  
25 ery of humanitarian response and health care, shall de-

1 velop guidelines and protocols for basic minimum stand-  
2 ards of care for individuals in the custody of U.S. Customs  
3 and Border Protection.

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

8 (1) medical care, including initial health  
9 screenings and medical assessments;

10 (2) water, sanitation, and hygiene;

11 (3) food and nutrition;

12 (4) clothing and shelter;

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

15 (6) information about available services and  
16 legal rights, in the common language spoken by the  
17 detainee, and access to a telephone; and

18 (7) freedom to practice the detainee's religion.

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

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

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

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

8 (2) ensuring the availability of qualified child  
9 welfare professionals and licensed medical profes-  
10 sionals, as appropriate;

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

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

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

23 (6) the preservation of all records associated  
24 with children in the custody of the Department of  
25 Homeland Security, including records of—

- 1 (A) the identities of the children;
- 2 (B) any known family members of the chil-
- 3 dren; and
- 4 (C) reported incidents of abuse of the chil-
- 5 dren while in custody.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There

7 are authorized to be appropriated such sums as may be

8 necessary to implement this section.

9 **SEC. 2403. OFFICE OF INSPECTOR GENERAL OVERSIGHT.**

10 Not later than 6 months after the date of the enact-

11 ment of this Act and every 6 months thereafter, the In-

12 spector General of the Department of Homeland Security,

13 in coordination with the Secretary of Health and Human

14 Services, shall submit a report to the appropriate congres-

15 sional committees regarding—

16 (1) the status of the implementation of sections

17 2401 and 2402; and

18 (2) findings made after announced and unan-

19 nounced inspections to Department of Homeland Se-

20 curity facilities.

21 **SEC. 2404. ENHANCED INVESTIGATION AND PROSECUTION**

22 **OF HUMAN SMUGGLING NETWORKS AND**

23 **TRAFFICKING ORGANIZATIONS.**

24 The Attorney General and the Secretary shall expand

25 collaboration on the investigation and prosecution of



1 human smuggling networks and trafficking organizations  
2 targeting migrants, asylum seekers, and unaccompanied  
3 children and operating at the southwestern border of the  
4 United States, including the continuation and expansion  
5 of anti-trafficking coordination teams.

6 **SEC. 2405. ENHANCED PENALTIES FOR ORGANIZED SMUG-**  
7 **GLING SCHEMES.**

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

11 (1) by redesignating clauses (iii) and (iv) as  
12 clauses (iv) and (v), respectively;

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

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

1           (3) in clause (iv), as redesignated, by inserting  
2           “commits or attempts to commit sexual assault of,”  
3           after “section 1365 of title 18, United States Code)  
4           to,”.

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

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

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

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

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

23           (1) significant foreign narcotics traffickers and  
24           their organizations and networks; and

1           (2) foreign persons, including government offi-  
2           cials, who provide material, financial, or techno-  
3           logical support to such traffickers, organizations, or  
4           networks.

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

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

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

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

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

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

8 (3) establishing or expanding gang-related in-  
9 vestigative units;

10 (4) collecting and disseminating intelligence to  
11 support related United States-based investigations;  
12 and

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

15 **SEC. 2408. HINDERING IMMIGRATION, BORDER, AND CUS-**  
16 **TOMS CONTROLS.**

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

20 **“SEC. 274E. HINDERING IMMIGRATION, BORDER, AND CUS-**  
21 **TOMS CONTROLS.**

22 “(a) ILLICIT SPOTTING.—

23 “(1) IN GENERAL.—It shall be unlawful to  
24 knowingly surveil, track, monitor, or transmit the lo-  
25 cation, movement, or activities of any officer or em-

1 ployee of a Federal, State, or Tribal law enforce-  
2 ment agency with the intent—

3 “(A) to gain financially; and

4 “(B) to violate—

5 “(i) the immigration laws;

6 “(ii) the customs and trade laws of  
7 the United States (as defined in section  
8 2(4) of the Trade Facilitation and Trade  
9 Enforcement Act of 2015 (Public Law  
10 114–125));

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

15 “(iv) any Federal law relating to bor-  
16 der controls measures of the United  
17 States.

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

22 “(b) DESTRUCTION OF UNITED STATES BORDER  
23 CONTROLS.—

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

1           “(A) destroy or significantly damage any  
2 fence, barrier, sensor, camera, or other physical  
3 or electronic device deployed by the Federal  
4 Government to control an international border  
5 of, or a port of entry to, the United States; or

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

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

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

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

1           **TITLE III—REFORM OF THE**  
2           **IMMIGRANT VISA SYSTEM**  
3           **Subtitle A—Promoting Family**  
4           **Reunification**

5   **SEC. 3101. RECAPTURE OF IMMIGRANT VISAS LOST TO BU-**  
6           **REAUCRATIC DELAY.**

7           (a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-  
8   MIGRANTS.—Section 201(c) of the Immigration and Na-  
9   tionality Act (8 U.S.C. 1151(c)) is amended to read as  
10 follows:

11           “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-  
12   MIGRANTS.—

13           “(1) IN GENERAL.—The worldwide level of fam-  
14   ily-sponsored immigrants under this subsection for a  
15   fiscal year is equal to the sum of—

16                   “(A) 480,000;

17                   “(B) the number computed under para-  
18   graph (2); and

19                   “(C) the number computed under para-  
20   graph (3).

21           “(2) UNUSED VISA NUMBERS FROM PREVIOUS  
22   FISCAL YEAR.—The number computed under this  
23   paragraph for a fiscal year is the difference, if any,  
24   between—

1           “(A) the worldwide level of employment-  
2           based immigrant visas established for the pre-  
3           vious fiscal year; and

4           “(B) the number of visas issued under sec-  
5           tion 203(b) during the previous fiscal year.

6           “(3) UNUSED VISA NUMBERS FROM FISCAL  
7           YEARS 1992 THROUGH 2020.—The number computed  
8           under this paragraph is the difference, if any, be-  
9           tween—

10           “(A) the difference, if any, between—

11           “(i) the sum of the worldwide levels of  
12           family-sponsored immigrant visas estab-  
13           lished for fiscal years 1992 through 2020;  
14           and

15           “(ii) the number of visas issued under  
16           section 203(a) during such fiscal years;  
17           and

18           “(B) the number of visas resulting from  
19           the calculation under subparagraph (A) that  
20           were issued after fiscal year 2020 under section  
21           203(a).”.

22           (b) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IM-  
23           MIGRANTS.—Section 201(d) of the Immigration and Na-  
24           tionality Act (8 U.S.C. 1151(d)) is amended to read as  
25           follows:



1           “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED  
2 IMMIGRANTS.—

3           “(1) IN GENERAL.—The worldwide level of em-  
4 ployment-based immigrants under this subsection for  
5 a fiscal year is equal to the sum of—

6           “(A) 170,000;

7           “(B) the number computed under para-  
8 graph (2); and

9           “(C) the number computed under para-  
10 graph (3).

11           “(2) UNUSED VISA NUMBERS FROM PREVIOUS  
12 FISCAL YEAR.—The number computed under this  
13 paragraph for a fiscal year is the difference, if any,  
14 between—

15           “(A) the worldwide level of family-spon-  
16 sored immigrant visas established for the pre-  
17 vious fiscal year; and

18           “(B) the number of visas issued under sec-  
19 tion 203(a) during the previous fiscal year.

20           “(3) UNUSED VISA NUMBERS FROM FISCAL  
21 YEARS 1992 THROUGH 2020.—The number computed  
22 under this paragraph is the difference, if any, be-  
23 tween—

24           “(A) the difference, if any, between—

1 “(i) the sum of the worldwide levels of  
2 employment-based immigrant visas estab-  
3 lished for each of fiscal years 1992  
4 through 2020; and

5 “(ii) the number of visas issued under  
6 section 203(b) during such fiscal years;  
7 and

8 “(B) the number of visas resulting from  
9 the calculation under subparagraph (A) that  
10 were issued after fiscal year 2020 under section  
11 203(b).”.

12 (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply to each fiscal year beginning with  
14 fiscal year 2022.

15 **SEC. 3102. RECLASSIFICATION OF SPOUSES AND MINOR**  
16 **CHILDREN OF LAWFUL PERMANENT RESI-**  
17 **DENTS AS IMMEDIATE RELATIVES.**

18 (a) IN GENERAL.—Section 201(b)(2) of the Immi-  
19 gration and Nationality Act (8 U.S.C. 1151(b)(2)) is  
20 amended to read as follows:

21 “(2) IMMEDIATE RELATIVES.—

22 “(A) IN GENERAL.—

23 “(i) IMMEDIATE RELATIVE DE-  
24 FINED.—In this Act, the term ‘immediate  
25 relative’ includes—

1                   “(I) a child, spouse, and parent  
2                   of a citizen of the United States, ex-  
3                   cept that, in the case of parents, such  
4                   citizen of the United States shall be  
5                   at least 21 years of age;

6                   “(II) a child or spouse of a law-  
7                   ful permanent resident; and

8                   “(III) for each family member of  
9                   a citizen of the United States or law-  
10                  ful permanent resident described in  
11                  subclause (I) and (II), the family  
12                  member’s spouse or child who is ac-  
13                  companying or following to join the  
14                  family member.

15                  “(ii) PREVIOUSLY ISSUED VISA.—A  
16                  noncitizen admitted under section 211(a)  
17                  on the basis of a prior issuance of a visa  
18                  under section 203(a) to his or her imme-  
19                  diate relative accompanying parent is an  
20                  immediate relative.

21                  “(iii) PARENTS AND CHILDREN.—A  
22                  noncitizen who was the child or parent of  
23                  a citizen of the United States or a child of  
24                  a lawful permanent resident on the date of  
25                  the death of the United States citizen or

1 lawful permanent resident is an immediate  
2 relative if the noncitizen files a petition  
3 under section 204(a)(1)(A)(ii) not later  
4 than 2 years after such date or before at-  
5 taining 21 years of age.

6 “(iv) SPOUSES.—A noncitizen who  
7 was the spouse of a citizen of the United  
8 States or lawful permanent resident for  
9 not less than 2 years on the date of death  
10 of the United States citizen or lawful per-  
11 manent resident (or, if married for less  
12 than 2 years on such date, proves by a pre-  
13 ponderance of the evidence that the mar-  
14 riage was entered into in good faith and  
15 not solely for the purpose of obtaining an  
16 immigration benefit and the noncitizen was  
17 not legally separated from the citizen of  
18 the United States or lawful permanent  
19 resident on such date) and each child of  
20 such noncitizen shall be considered, for  
21 purposes of this subsection, an immediate  
22 relative after such date if the spouse files  
23 a petition under section 204(a)(1)(A)(ii)  
24 before the date on which the spouse remar-  
25 ries.

1                   “(v) SPECIAL RULE.—For purposes of  
2                   this subparagraph, a noncitizen who has  
3                   filed a petition under clause (iii) or (iv) of  
4                   section 204(a)(1)(A) remains an immediate  
5                   relative if the United States citizen or law-  
6                   ful permanent resident spouse or parent  
7                   loses United States citizenship or lawful  
8                   permanent residence on account of the  
9                   abuse.

10                   “(B) BIRTH DURING TEMPORARY VISIT  
11                   ABROAD.—A noncitizen born to a lawful perma-  
12                   nent resident during a temporary visit abroad is  
13                   an immediate relative.”.

14                   (b) ALLOCATION OF IMMIGRANT VISAS.—Section  
15                   203(a) of the Immigration and Nationality Act (8 U.S.C.  
16                   1153(a)) is amended—

17                   (1) in paragraph (1), by striking “23,400” and  
18                   inserting “26.5 percent of such worldwide level”;

19                   (2) by striking paragraph (2) and inserting the  
20                   following:

21                   “(2) UNMARRIED SONS AND UNMARRIED  
22                   DAUGHTERS OF LAWFUL PERMANENT RESIDENTS.—  
23                   Qualified immigrants who are the unmarried sons or  
24                   unmarried daughters (but are not the children) of  
25                   lawful permanent residents shall be allocated visas in

1 a number not to exceed 16.8 percent of such world-  
2 wide level, plus any visas not required for the class  
3 specified in paragraph (1).”;

4 (3) in paragraph (3), by striking “23,400” and  
5 inserting “16.8 percent of such worldwide level”;  
6 and

7 (4) in paragraph (4), by striking “65,000” and  
8 inserting “39.9 percent of such worldwide level”.

9 (c) CONFORMING AMENDMENTS.—

10 (1) RULES FOR DETERMINING WHETHER CER-  
11 TAIN NONCITIZENS ARE IMMEDIATE RELATIVES.—  
12 Section 201(f) of the Immigration and Nationality  
13 Act (8 U.S.C. 1151(f)) is amended—

14 (A) in paragraph (1), by striking “para-  
15 graphs (2) and (3),” and inserting “paragraph  
16 (2),”;

17 (B) by striking paragraph (2);

18 (C) by redesignating paragraphs (3) and  
19 (4) as paragraphs (2) and (3), respectively; and

20 (D) in paragraph (3), as redesignated by  
21 subparagraph (C), by striking “through (3)”  
22 and inserting “and (2)”.

23 (2) ALLOCATION OF IMMIGRATION VISAS.—Sec-  
24 tion 203(h) of the Immigration and Nationality Act  
25 (8 U.S.C. 1153(h)) is amended—

1 (A) in paragraph (1)—

2 (i) in the matter preceding subpara-  
3 graph (A), by striking “subsections  
4 (a)(2)(A) and (d)” and inserting “sub-  
5 section (d)”;

6 (ii) in subparagraph (A), by striking  
7 “becomes available for such noncitizen (or,  
8 in the case of subsection (d), the date on  
9 which an immigrant visa number became  
10 available for the noncitizen’s parent),” and  
11 inserting “became available for the nonciti-  
12 zen’s parent,”; and

13 (iii) in subparagraph (B), by striking  
14 “applicable”;

15 (B) by amending paragraph (2) to read as  
16 follows:

17 “(2) PETITION DESCRIBED.—The petition de-  
18 scribed in this paragraph is a petition filed under  
19 section 204 for classification of a noncitizen’s parent  
20 under subsection (a), (b), or (c).”; and

21 (C) in paragraph (3), by striking “sub-  
22 sections (a)(2)(A) and (d)” and inserting “sub-  
23 section (d)”.

1           (3) PROCEDURE FOR GRANTING IMMIGRANT  
2 STATUS.—Section 204 of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1154) is amended—

4           (A) in subsection (a)(1)—

5           (i) in subparagraph (A)—

6           (I) in clause (i), by inserting “or  
7 lawful permanent resident” after “cit-  
8 izen of the United States”;

9           (II) in clause (ii), by striking  
10 “described in the second sentence of  
11 section 201(b)(2)(A)(i) also” and in-  
12 serting “, noncitizen child, or noncit-  
13 izen parent described in section  
14 201(b)(2)(A)”;

15          (III) in clause (iii)—

16          (aa) in subclause (I)(aa), by  
17 inserting “or lawful permanent  
18 resident” after “citizen”; and

19          (bb) in subclause (II)(aa)—

20           (AA) in subitems (AA)  
21 and (BB), by inserting “or  
22 lawful permanent resident;”  
23 after “citizen of the United  
24 States” each place it ap-  
25 pears;



1 (BB) in subitem (CC),  
2 by inserting “or lawful per-  
3 manent resident” after  
4 “United States citizen” each  
5 place it appears and by in-  
6 sserting “or lawful perma-  
7 nent resident” after “citi-  
8 zenship”;

9 (IV) in clause (iv)—

10 (aa) by striking “citizen of  
11 the United States” and inserting  
12 “United States citizen or lawful  
13 permanent resident parent”;

14 (bb) by inserting “or lawful  
15 permanent resident” after  
16 “United States citizen”;

17 (cc) by inserting “or lawful  
18 permanent resident” after “citi-  
19 zenship”;

20 (dd) by striking “citizen  
21 parent may” and inserting  
22 “United States citizen or lawful  
23 permanent resident parent may”;

24 (ee) by striking “citizen par-  
25 ent.” and inserting “United

1 States citizen or lawful perma-  
2 nent resident parent.”; and

3 (ff) by striking “residence  
4 includes” and inserting “resi-  
5 dence with a parent includes”;

6 (V) in clause (v)(I), by inserting  
7 “or lawful permanent resident” after  
8 “citizen”;

9 (VI) in clause (vi)—

10 (aa) by inserting “or lawful  
11 permanent resident status” after  
12 “renunciation of citizenship”;  
13 and

14 (bb) by inserting “or lawful  
15 permanent resident” after “abus-  
16 er’s citizenship”; and

17 (VII) in clause (viii)(I)—

18 (aa) by striking “citizen of  
19 the United States” and inserting  
20 “United States citizen or lawful  
21 permanent resident”; and

22 (bb) by inserting “or lawful  
23 permanent resident” after “the  
24 citizen”;

25 (ii) by striking subparagraph (B);

1 (iii) in subparagraph (C), by striking  
2 “subparagraph (A)(iii), (A)(iv), (B)(ii), or  
3 (B)(iii)” and inserting “clause (iii) or (iv)  
4 of subparagraph (A)”;

5 (iv) in subparagraph (D)—

6 (I) in clause (i)(I), by striking  
7 “clause (iv) of section 204(a)(1)(A) or  
8 section 204(a)(1)(B)(iii)” each place  
9 it appears and inserting “subpara-  
10 graph (A)(iv)”;

11 (II) in clause (ii), by striking  
12 “subparagraph (A)(iii), (A)(iv), (B)(ii)  
13 or (B)(iii)” and inserting “clause (iii)  
14 or (iv) of subparagraph (A)”;

15 (III) in clause (iv), by striking  
16 “subparagraph (A)(iii), (A)(iv),  
17 (B)(ii), or (B)(iii)” and inserting  
18 “clause (iii) or (iv) of subparagraph  
19 (A)”;

20 (IV) in clause (v), by striking “or  
21 (B)(iii)”;

22 (v) in subparagraph (J)—

23 (I) by striking “or clause (ii) or  
24 (iii) of subparagraph (B)”;

1 (II) by striking “subparagraphs  
2 (C) and (D)” and inserting “subpara-  
3 graphs (B) and (C)”; and  
4 (vi) by redesignating subparagraphs  
5 (C) through (L) as subparagraphs (B)  
6 through (K), respectively;  
7 (B) in subsection (a), by striking para-  
8 graph (2);  
9 (C) in subsection (h)—  
10 (i) in the first sentence, by striking  
11 “or a petition filed under subsection  
12 (a)(1)(B)(ii) pursuant to conditions de-  
13 scribed in subsection (a)(1)(A)(iii)(1)”;  
14 and  
15 (ii) in the second sentence—  
16 (I) by striking “section  
17 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii)”  
18 and inserting “subsection  
19 (a)(1)(A)(iii)”; and  
20 (II) by striking “section  
21 204(a)(1)(A) or in section  
22 204(a)(1)(B)(iii)” and inserting “sub-  
23 section (a)(1)(A)”;

1 (D) in subsection (i)(1), by striking “sub-  
2 section (a)(4)(D)” and inserting “subsection  
3 (a)(1)(D)”;

4 (E) in subsection (j), by striking “sub-  
5 section (a)(1)(D)” and inserting “subsection  
6 (a)(1)(E)”;

7 (F) in subsection l(1)—

8 (i) by striking “who resided in the  
9 United States at the time of the death of  
10 the qualifying relative and who continues  
11 to reside in the United States”;

12 (ii) by striking “any related applica-  
13 tions,” and inserting “any related applica-  
14 tions (including affidavits of support),”.

15 (4) ADDITIONAL CONFORMING AMENDMENTS.—

16 (A) Section 101(a) of the Immigration and  
17 Nationality Act (8 U.S.C. 1101(a)) is amend-  
18 ed—

19 (i) in paragraph (50), by striking “,  
20 204(a)(1)(B)(ii)(II)(aa)(BB),”;

21 (ii) in paragraph (51)—

22 (I) by striking subparagraph (B);

23 and

1 (II) by redesignating subpara-  
2 graphs (C) through (G) as subpara-  
3 graphs (B) through (F), respectively.

4 (B) Section 212(a)(4)(C)(i) of the Immi-  
5 gration and Nationality Act (8 U.S.C.  
6 1182(a)(4)(C)(i)) is amended—

7 (i) by striking subclause (II); and

8 (ii) by redesignating subclause (III) as  
9 subclause (II).

10 (C) Section 240(c)(7)(C)(iv)(I) of the Im-  
11 migration and Nationality Act (8 U.S.C.  
12 1229a(c)(7)(C)(iv)(I)) is amended by striking “,  
13 clause (ii) or (iii) of section 204(a)(1)(B),”.

14 **SEC. 3103. ADJUSTMENT OF FAMILY-SPONSORED PER-**  
15 **COUNTRY LIMITS.**

16 Section 202(a) of the Immigration and Nationality  
17 Act (8 U.S.C. 1152(a)) is amended—

18 (1) in paragraph (2), by striking “7 percent (in  
19 the case of a single foreign state) or 2 percent” and  
20 inserting “20 percent (in the case of a single foreign  
21 state) or 5 percent”; and

22 (2) by amending paragraph (4) to read as fol-  
23 lows:

24 “(4) LIMITING PASS DOWN FOR CERTAIN COUN-  
25 TRIES SUBJECT TO SUBSECTION (e).—In the case of

1 a foreign state or dependent area to which sub-  
2 section (e) applies, if the total number of visas  
3 issued under section 203(a)(2) exceeds the max-  
4 imum number of visas that may be made available  
5 to immigrants of the state or area under section  
6 203(a)(2) consistent with subsection (e) (determined  
7 without regard to this paragraph), in applying para-  
8 graphs (3) and (4) of section 203(a) under sub-  
9 section (e)(2) all visas shall be deemed to have been  
10 required for the classes specified in paragraphs (1)  
11 and (2) of such section.”.

12 **SEC. 3104. PROMOTING FAMILY UNITY.**

13 (a) REPEAL OF 3-YEAR, 10-YEAR, AND PERMANENT  
14 BARS.—Section 212(a)(9) of the Immigration and Nation-  
15 ality Act (8 U.S.C. 1182(a)(9)) is amended to read as fol-  
16 lows:

17 “(9) NONCITIZENS PREVIOUSLY REMOVED.—

18 “(A) ARRIVING NONCITIZEN.—Any noncit-  
19 izen who has been ordered removed under sec-  
20 tion 235(b)(1) or at the end of proceedings  
21 under section 240 initiated upon the nonciti-  
22 zen’s arrival in the United States and who  
23 again seeks admission within 5 years of the  
24 date of such removal (or within 20 years in the  
25 case of a second or subsequent removal or at

1 any time in the case of a noncitizen convicted  
2 of an aggravated felony) is inadmissible.

3 “(B) OTHER NONCITIZENS.—Any noncitizen  
4 not described in subparagraph (A) who  
5 seeks admission within 10 years of the date of  
6 such noncitizen’s departure or removal (or with-  
7 in 20 years of such date in the case of a second  
8 or subsequent removal or at any time in the  
9 case of a noncitizen convicted of an aggravated  
10 felony) is inadmissible if the noncitizen—

11 “(i) has been ordered removed under  
12 section 240 or any other provision of law;  
13 or

14 “(ii) departed the United States while  
15 an order of removal was outstanding.

16 “(C) EXCEPTION.—Subparagraphs (A)  
17 and (B) shall not apply to a noncitizen seeking  
18 admission within a period if, prior to the date  
19 of the noncitizen’s reembarkation at a place  
20 outside the United States or attempt to be ad-  
21 mitted from foreign contiguous territory, the  
22 Secretary of Homeland Security has consented  
23 to the noncitizen’s reapplying for admission.”.



1 (b) MISREPRESENTATION OF CITIZENSHIP.—The  
2 Immigration and Nationality Act (8 U.S.C. 1101 et seq.)  
3 is amended—

4 (1) in section 212(a)(6)(C) (8 U.S.C.  
5 1182(a)(6)(C)), by amending clause (ii) to read as  
6 follows:

7 “(ii) MISREPRESENTATION OF CITI-  
8 ZENSHIP.—

9 “(I) IN GENERAL.—Any noncit-  
10 izen who willfully misrepresents, or  
11 has willfully misrepresented, himself  
12 or herself to be a citizen of the United  
13 States for any purpose or benefit  
14 under this Act (including section  
15 274A) or any Federal or State law is  
16 inadmissible.

17 “(II) EXCEPTION.—In the case  
18 of a noncitizen who was under the age  
19 of 21 years at the time of making a  
20 misrepresentation described in sub-  
21 clause (I), the noncitizen shall not be  
22 considered to be inadmissible under  
23 any provision of this subsection based  
24 on such misrepresentation.”; and

1           (2) in section 237(a)(3) (8 U.S.C. 1227(a)(3)),  
2           by amending subparagraph (D) to read as follows:

3                   “(D) MISREPRESENTATION OF CITIZEN-  
4                   SHIP.—

5                           “(i) IN GENERAL.—Any noncitizen  
6                           who willfully misrepresents, or has willfully  
7                           misrepresented, himself or herself to be a  
8                           citizen of the United States for any pur-  
9                           pose or benefit under this Act (including  
10                          section 274A) or any Federal or State law  
11                          is deportable.

12                           “(ii) EXCEPTION.—In the case of a  
13                          noncitizen who was under the age of 21  
14                          years at the time of making a misrepresen-  
15                          tation described in clause (i), the noncit-  
16                          izen shall not be considered to be deport-  
17                          able under any provision of this subsection  
18                          based on such misrepresentation.”.

19 **SEC. 3105. RELIEF FOR ORPHANS, WIDOWS, AND WID-**  
20 **OWERS.**

21           (a) PROCESSING OF IMMIGRANT VISAS AND DERIVA-  
22 TIVE PETITIONS.—

23                   (1) IN GENERAL.—Section 204(b) of the Immi-  
24                   gration and Nationality Act (8 U.S.C. 1154(b)) is  
25                   amended—

1 (A) by striking “(b) After an investiga-  
2 tion” and inserting the following:

3 “(b) APPROVAL OF PETITION.—

4 “(1) IN GENERAL.—After an investigation”;  
5 and

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

7 “(2) DEATH OF QUALIFYING RELATIVE.—

8 “(A) IN GENERAL.—A noncitizen described  
9 in subparagraph (C) the qualifying relative of  
10 whom dies before the completion of immigrant  
11 visa processing may have an immigrant visa ap-  
12 plication adjudicated as if such death had not  
13 occurred.

14 “(B) CONTINUED VALIDITY OF VISA.—An  
15 immigrant visa issued to a noncitizen before the  
16 death of his or her qualifying relative shall re-  
17 main valid after such death.

18 “(C) NONCITIZEN DESCRIBED.—A noncit-  
19 izen described in this subparagraph is a noncit-  
20 izen who, at the time of the death of his or her  
21 qualifying relative, was—

22 “(i) an immediate relative (as de-  
23 scribed in section 201(b)(2)(A));

1           “(ii) a family-sponsored immigrant  
2           (as described in subsection (a) or (d) of  
3           section 203);

4           “(iii) a derivative beneficiary of an  
5           employment-based immigrant under section  
6           203(b) (as described in section 203(d)); or

7           “(iv) the spouse or child of a refugee  
8           (as described in section 207(c)(2)) or an  
9           asylee (as described in section  
10          208(b)(3)).”.

11          (2) TRANSITION PERIOD.—

12           (A) IN GENERAL.—Notwithstanding a de-  
13           nial or revocation of an application for an immi-  
14           grant visa for a noncitizen the qualifying rel-  
15           ative of whom dies before the date of the enact-  
16           ment of this Act, such application may be re-  
17           newed by the noncitizen by a motion to reopen,  
18           without fee.

19           (B) INAPPLICABILITY OF BARS TO  
20           ENTRY.—Notwithstanding section 212(a)(9) of  
21           the Immigration and Nationality Act (8 U.S.C.  
22           1182(a)(9)), the application for an immigrant  
23           visa of a noncitizen the qualifying relative of  
24           whom died before the date of the enactment of  
25           this Act shall be considered if the noncitizen

1           was excluded, deported, removed, or departed  
2           voluntarily before the date of the enactment of  
3           this Act.

4           (b) **ELIGIBILITY FOR PAROLE.**—If a noncitizen de-  
5           scribed in section 204(l) of the Immigration and Nation-  
6           ality Act (8 U.S.C. 1154(l)), was excluded, deported, re-  
7           moved, or departed voluntarily before the date of the en-  
8           actment of this Act—

9           (1) such noncitizen shall be eligible for parole  
10          into the United States pursuant to the Secretary’s  
11          discretionary authority under section 212(d)(5) of  
12          such Act (8 U.S.C. 1182(d)(5)); and

13          (2) such noncitizen’s application for adjustment  
14          of status shall be considered notwithstanding section  
15          212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

16          (c) **NATURALIZATION.**—Section 319(a) of the Immi-  
17          gration and Nationality Act (8 U.S.C. 1430(a)) is amend-  
18          ed by inserting “(or, if the spouse is deceased, the spouse  
19          was a citizen of the United States)” after “citizen of the  
20          United States”.

21          (d) **FAMILY-SPONSORED IMMIGRANTS.**—Section  
22          212(a)(4)(C)(i) of the Immigration and Nationality Act  
23          (8 U.S.C. 1182(a)(4)(C)(i)), as amended by section 3102,  
24          is further amended—

1 (1) in subclause (I), by striking “, or” and in-  
2 serting a semicolon; and

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

4 “(III) status as a surviving rel-  
5 ative under section 204(l); or”.

6 **SEC. 3106. EXEMPTION FROM IMMIGRANT VISA LIMIT FOR**  
7 **CERTAIN VETERANS WHO ARE NATIVES OF**  
8 **THE PHILIPPINES.**

9 (a) **SHORT TITLE.**—This section may be cited as the  
10 “Filipino Veterans Family Reunification Act”.

11 (b) **NONCITIZENS NOT SUBJECT TO DIRECT NUMER-**  
12 **ICAL LIMITATIONS.**—Section 201(b)(1) of the Immigra-  
13 tion and Nationality Act (8 U.S.C. 1151(b)(1)) is amend-  
14 ed by adding at the end the following:

15 “(F) Noncitizens who are eligible for an immi-  
16 grant visa under paragraph (1) or (3) of section  
17 203(a) and who have a parent who was naturalized  
18 pursuant to section 405 of the Immigration Act of  
19 1990 (8 U.S.C. 1440 note).”.

20 **SEC. 3107. FIANCÉE OR FIANCÉ CHILD STATUS PROTEC-**  
21 **TION.**

22 (a) **IN GENERAL.**—Section 101(a)(15)(K) of the Im-  
23 migration and Nationality Act (8 U.S.C. 1101(a)(15)(K))  
24 is amended—

1           (1) in clause (ii), by striking “section  
2           201(b)(2)(A)(i)” and inserting “section  
3           201(b)(2)(A)(i)(I)”; and

4           (2) by amending clause (iii) to read as follows:

5                   “(iii) is the minor child of a noncit-  
6                   izen described in clause (i) or (ii) and is  
7                   accompanying or following to join the non-  
8                   citizen, the age of such child to be deter-  
9                   mined as of the date on which the petition  
10                  is submitted to the Secretary of Homeland  
11                  Security to classify the noncitizen’s parent  
12                  as the fiancée or fiancé of a United States  
13                  citizen (in the case of a noncitizen parent  
14                  described in clause (i)) or as the spouse of  
15                  a United States citizen under section  
16                  201(b)(2)(A)(i)(I) (in the case of a noncit-  
17                  izen parent described in clause (ii));”.

18           (b) ADJUSTMENT OF STATUS AUTHORIZED.—Section  
19           214(d) of the Immigration and Nationality Act (8 U.S.C.  
20           1184(d)) is amended—

21                   (1) by redesignating paragraphs (2) and (3) as  
22                   paragraphs (3) and (4), respectively;

23                   (2) in paragraph (1)—

24                           (A) in the third sentence—

1 (i) by striking “paragraph (3)(B)”  
2 and inserting “paragraph (4)(B)”; and

3 (ii) by striking “paragraph (3)(B)(i)”  
4 and inserting “paragraph (4)(B)(i)”; and  
5 (B) by striking the last sentence; and

6 (3) by inserting after paragraph (1) the fol-  
7 lowing:

8 “(2)(A) If a noncitizen does not marry the petitioner  
9 under paragraph (1) within 90 days after the noncitizen  
10 and the noncitizen’s minor children are admitted into the  
11 United States, such noncitizen and children shall be re-  
12 quired to depart from the United States. If such nonciti-  
13 zens fail to depart from the United States, they shall be  
14 removed in accordance with sections 240 and 241.

15 “(B) Subject to subparagraphs (C) and (D), if a non-  
16 citizen marries the petitioner described in section  
17 101(a)(15)(K)(i) within 90 days after the noncitizen and  
18 the noncitizen’s minor children are admitted into the  
19 United States, the Secretary of Homeland Security or the  
20 Attorney General, subject to the provisions of section  
21 245(d), may adjust the status of the noncitizen, and any  
22 minor children accompanying or following to join the non-  
23 citizen, to that of a lawful permanent resident on a condi-  
24 tional basis under section 216 if the noncitizen and any



1 such minor children apply for such adjustment and are  
2 not determined to be inadmissible to the United States.

3 “(C) Paragraphs (5) and (7)(A) of section 212(a)  
4 shall not apply to a noncitizen who is eligible to apply for  
5 adjustment of status to that of a lawful permanent resi-  
6 dent under this section.

7 “(D) A noncitizen eligible for a waiver of inadmis-  
8 sibility as otherwise authorized under this Act shall be per-  
9 mitted to apply for adjustment of status to that of a lawful  
10 permanent resident under this section.”.

11 (c) AGE DETERMINATION.—Section 245(d) of the  
12 Immigration and Nationality Act (8 U.S.C. 1255(d)) is  
13 amended—

14 (1) by inserting “(1)” before “The Attorney  
15 General”; and

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

17 “(2) A determination of the age of a noncitizen ad-  
18 mitted to the United States under section  
19 101(a)(15)(K)(iii) shall be made, for purposes of adjust-  
20 ment of status to lawful permanent resident on a condi-  
21 tional basis under section 216, using the age of the noncit-  
22 izen on the date on which the petition is submitted to the  
23 Secretary of Homeland Security to classify the nonciti-  
24 zen’s parent as the fiancée or fiancé of a United States  
25 citizen (in the case of a noncitizen parent admitted to the

1 United States under section 101(a)(15)(K)(i)) or as the  
2 spouse of a United States citizen under section  
3 201(b)(2)(A)(i)(I) (in the case of a noncitizen parent ad-  
4 mitted to the United States under section  
5 101(a)(15)(K)(ii)).”.

6 (d) EFFECTIVE DATE.—

7 (1) IN GENERAL.—The amendments made by  
8 this section shall be effective as if included in the  
9 Immigration Marriage Fraud Amendments of 1986  
10 (Public Law 99–639; 100 Stat. 3537).

11 (2) APPLICABILITY.—The amendments made  
12 by this section shall apply to all petitions or applica-  
13 tions described in such amendments that—

14 (A) are pending as of the date of the en-  
15 actment of this Act; or

16 (B) have been denied, but would have been  
17 approved if such amendments had been in effect  
18 at the time of adjudication of the petition or  
19 application.

20 (3) MOTION TO REOPEN OR RECONSIDER.—A  
21 motion to reopen or reconsider a petition or an ap-  
22 plication described in paragraph (2)(B) shall be  
23 granted if such motion is submitted to the Secretary  
24 or the Attorney General not later than 2 years after  
25 the date of the enactment of this Act.

1 **SEC. 3108. RETENTION OF PRIORITY DATES.**

2 Section 203 of the Immigration and Nationality Act  
3 (8 U.S.C. 1153) is amended—

4 (1) in subsection (h), by amending paragraph  
5 (3) to read as follows:

6 “(3) RETENTION OF PRIORITY DATE.—If the  
7 age of a noncitizen is determined under paragraph  
8 (1) to be 21 years or older for purposes of sub-  
9 section (d), and a parent of the noncitizen files a  
10 family-based petition for such noncitizen, the pri-  
11 ority date for such petition shall be the original pri-  
12 ority date issued upon receipt of the original family-  
13 based or employment-based petition for which either  
14 parent was a beneficiary.”; and

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

16 “(i) PERMANENT PRIORITY DATES.—

17 “(1) IN GENERAL.—The priority date for any  
18 family-based or employment-based petition shall be  
19 the date of filing of the petition with the Secretary  
20 of Homeland Security (or the Secretary of State, if  
21 applicable), unless the filing of the petition was pre-  
22 ceded by the filing of a labor certification with the  
23 Secretary of Labor, in which case that date shall  
24 constitute the priority date.

25 “(2) RETENTION OF EARLIEST PRIORITY  
26 DATE.—The beneficiary of any petition shall retain

1 his or her earliest priority date based on any petition  
2 filed on his or her behalf that was approvable on the  
3 date on which it was filed, regardless of the category  
4 of subsequent petitions.”.

5 **SEC. 3109. INCLUSION OF PERMANENT PARTNERS.**

6 (a) IMMIGRATION AND NATIONALITY ACT.—Section  
7 101(a) of the Immigration and Nationality Act (8 U.S.C.  
8 1101(a)), as amended by section 1102, is further amended  
9 by adding at the end:

10 “(55) PERMANENT PARTNER.—

11 “(A) The term ‘permanent partner’ means an  
12 individual 18 years of age or older who—

13 “(i) is in a committed, intimate relation-  
14 ship with another individual 18 years of age or  
15 older in which both parties intend a lifelong  
16 commitment;

17 “(ii) is financially interdependent with  
18 such other individual, except that the Secretary  
19 of Homeland Security or the Secretary of State  
20 shall have the discretion to waive this require-  
21 ment on a case-by-case basis for good cause;

22 “(iii) is not married to or in a permanent  
23 partnership with anyone other than such other  
24 individual;

1           “(iv) is unable, in the jurisdiction of his or  
2           her domicile or the domicile of such other indi-  
3           vidual, to contract with such other individual a  
4           marriage cognizable under this Act; and

5           “(v) is not a first-degree, second-degree, or  
6           third-degree blood relation of such other indi-  
7           vidual.

8           “(B) Any reference to ‘spouse’, ‘husband’, or  
9           ‘wife’, or to the plurals of such terms, shall be equal-  
10          ly applicable to a permanent partner.

11          “(C) Any reference to ‘marriage’, ‘marital  
12          union’, ‘married’, ‘unmarried’, ‘wedlock’, or any  
13          similar term shall be equally applicable to the union  
14          of permanent partners.”.

15          (b) OTHER IMMIGRATION LEGISLATION.—The defini-  
16          tion of permanent partner under section 101(a)(55) of the  
17          Immigration and Nationality Act (8 U.S.C. 1101(a)(55)),  
18          as added by subsection (a), and the meanings of the ref-  
19          erences described in that section shall apply to—

20                 (1) the LIFE Act (division B of the Miscella-  
21                 neous Appropriations Act, 2001, as enacted into law  
22                 by section 1(a)(4) of Public Law 106–554);

23                 (2) the Cuban Adjustment Act (8 U.S.C. 1255  
24                 note); and

1           (3) the Violence Against Women Act of 2000  
2           (division B of Public Law 106–386; 114 Stat.  
3           1491).

4           (c) INAPPLICABILITY OF CEREMONY REQUIRE-  
5           MENT.—Paragraph (35) of section 101(a) of the Immigra-  
6           tion and Nationality Act (8 U.S.C. 1101(a)) is amended  
7           by striking “The term” and inserting “Subject to para-  
8           graph (55), the term”.

9           **SEC. 3110. DEFINITION OF CHILD.**

10          (a) TITLES I AND II.—Section 101(b)(1) of the Im-  
11          migration and Nationality Act (8 U.S.C. 1101(b)(1)) is  
12          amended—

13               (1) in subparagraph (B), by striking “, pro-  
14               vided the child had not reached the age of 18 years  
15               at the time the marriage creating the status of step-  
16               child occurred”; and

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

18                       “(H)(i) a biological child of a noncitizen  
19                       permanent partner if the child was under the  
20                       age of 18 years on the date on which the per-  
21                       manent partnership was formed; or

22                       “(ii) a child adopted by a noncitizen per-  
23                       manent partner while under the age of 16 years  
24                       if the child—

1                   “(I) has been in the legal custody of,  
2                   and has resided with, such adoptive parent  
3                   for at least 2 years; and

4                   “(II) was under the age of 18 years at  
5                   the time the permanent partnership was  
6                   formed.”.

7           (b) TITLE III.—Section 101(c) of the Immigration  
8 and Nationality Act (8 U.S.C. 1101(c)) is amended—

9                   (1) in paragraph (1), by inserting “and an indi-  
10                  vidual described in subsection (b)(1)(H)” after “The  
11                  term ‘child’ means an unmarried person under twen-  
12                  ty-one years of age”; and

13                  (2) in paragraph (2), by inserting “and the de-  
14                  ceased permanent partner of a deceased parent, fa-  
15                  ther, or mother,” after “deceased parent, father, and  
16                  mother”.

17 **SEC. 3111. TERMINATION OF CONDITIONAL PERMANENT**  
18 **RESIDENT STATUS FOR CERTAIN NONCIT-**  
19 **IZEN PERMANENT PARTNERS AND SONS AND**  
20 **DAUGHTERS UPON FINDING QUALIFYING**  
21 **PERMANENT PARTNERSHIP IMPROPER.**

22           Section 216 of the Immigration and Nationality Act  
23 (8 U.S.C. 1186a) is amended—

24                  (1) in subsection (b)(1)(A)(ii), by inserting “or  
25                  has ceased to satisfy the criteria for being consid-

1       ered a permanent partnership under this Act,” after  
2       “terminated,”;

3           (2) in subsection (c)(4)(B), by striking “termi-  
4       nated (other than through the death of the spouse)”  
5       and inserting “terminated, or has ceased to satisfy  
6       the criteria for being considered a permanent part-  
7       nership under this Act, other than through the death  
8       of the spouse,”; and

9           (3) in subsection (d)(1)(A)(i)(II), by inserting  
10       “or has not ceased to satisfy the criteria for being  
11       considered a permanent partnership under this Act,”  
12       after “terminated,”.

13   **SEC. 3112. NATIONALITY AT BIRTH.**

14       Section 301 of the Immigration and Nationality Act  
15       (8 U.S.C. 1401) is amended by adding at the end the fol-  
16       lowing:

17       “(i) Any reference to ‘a person born of parents’ in  
18       this section shall include—

19           “(1) any legally recognized parent-child rela-  
20       tionship formed within the first year of a person’s  
21       life regardless of any genetic or gestational relation-  
22       ship;

23           “(2) either parent of a child born through as-  
24       sisted reproductive technology who is legally recog-



1 nized as a parent in the relevant jurisdiction regard-  
2 less of any genetic or gestational relationship; and

3 “(3) the spouse of a parent at the time of birth,  
4 in any case in which—

5 “(A) at least 1 parent is a legally recog-  
6 nized parent; and

7 “(B) the marriage occurred before the  
8 child’s birth and is recognized in the United  
9 States, regardless of where the parents reside.”.

10 **Subtitle B—National Origin-based**  
11 **Antidiscrimination for Non-**  
12 **immigrants**

13 **SEC. 3201. EXPANSION OF NONDISCRIMINATION PROVI-**  
14 **SION.**

15 Section 202(a)(1)(A) of the Immigration and Nation-  
16 ality Act (8 U.S.C. 1152(a)(1)(A)) is amended—

17 (1) by inserting “or a nonimmigrant visa, ad-  
18 mission or other entry into the United States, or the  
19 approval or revocation of any immigration benefit”  
20 after “immigrant visa”;

21 (2) by inserting “religion,” after “sex,”; and

22 (3) by inserting “, except if expressly required  
23 by statute, or if a statutorily authorized benefit  
24 takes into consideration such factors” before the pe-  
25 riod at the end.

1 **SEC. 3202. TRANSFER AND LIMITATIONS ON AUTHORITY TO**  
2 **SUSPEND OR RESTRICT THE ENTRY OF A**  
3 **CLASS OF NONCITIZENS.**

4 Section 212(f) of the Immigration and Nationality  
5 Act (8 U.S.C. 1182(f)) is amended to read as follows:

6 “(f) AUTHORITY TO SUSPEND OR RESTRICT THE  
7 ENTRY OF A CLASS OF NONCITIZENS.—

8 “(1) IN GENERAL.—Subject to paragraph (2),  
9 if the Secretary of State, in consultation with the  
10 Secretary of Homeland Security, determines, based  
11 on specific and credible facts, that the entry of any  
12 noncitizens or any class of noncitizens into the  
13 United States would undermine the security or pub-  
14 lic safety of the United States, or the preservation  
15 of human rights, democratic processes or institu-  
16 tions, or international stability, the President may  
17 temporarily—

18 “(A) suspend the entry of such noncitizens  
19 or class of noncitizens as immigrants or non-  
20 immigrants; or

21 “(B) impose any restriction on the entry of  
22 such noncitizens that the President considers  
23 appropriate.

24 “(2) LIMITATIONS.—In carrying out paragraph  
25 (1), the President, the Secretary of State, and the  
26 Secretary of Homeland Security shall—

1           “(A) issue a suspension or restriction only  
2           to the extent required to address specific acts  
3           implicating a compelling government interest in  
4           a factor identified in paragraph (1);

5           “(B) narrowly tailor the suspension or re-  
6           striction, using the least restrictive means, to  
7           achieve such compelling government interest;

8           “(C) specify the duration of the suspension  
9           or restriction and set forth evidence justifying  
10          such duration;

11          “(D) consider waivers to any class-based  
12          restriction or suspension and apply a rebuttable  
13          presumption in favor of granting family-based  
14          and humanitarian waivers; and

15          “(E) comply with all provisions of this Act,  
16          including section 202(a)(1)(A).

17          “(3) CONGRESSIONAL NOTIFICATION.—

18                 “(A) IN GENERAL.—Prior to the President  
19                 exercising the authority under paragraph (1),  
20                 the Secretary of State and the Secretary of  
21                 Homeland Security shall consult Congress and  
22                 provide Congress with specific evidence sup-  
23                 porting the need for the suspension or restric-  
24                 tion and its proposed duration.

1           “(B) BRIEFING AND REPORT.—Not later  
2 than 48 hours after the President exercises the  
3 authority under paragraph (1), the Secretary of  
4 State and the Secretary of Homeland Security  
5 shall provide a briefing and submit a written re-  
6 port to the appropriate committees of Congress  
7 that describes—

8                   “(i) the action taken pursuant to  
9 paragraph (1) and the specified objective  
10 of such action;

11                   “(ii) the estimated number of individ-  
12 uals who will be impacted by such action;

13                   “(I) the constitutional and legis-  
14 lative authority under which such ac-  
15 tion took place; and

16                   “(II) the circumstances necessi-  
17 tating such action, including how such  
18 action complies with paragraph (2)  
19 and any intelligence informing such  
20 action.

21           “(C) TERMINATION.—If the briefing and  
22 report described in subparagraph (B) are not  
23 provided to the appropriate committees of Con-  
24 gress during the 48-hour period after the Presi-  
25 dent exercises the authority under paragraph

1 (1), the suspension or restriction shall imme-  
2 diately terminate absent intervening congres-  
3 sional action.

4 “(D) PUBLICATION.—The Secretary of  
5 State and the Secretary of Homeland Security  
6 shall publicly announce and publish an unclassi-  
7 fied version of the report described in subpara-  
8 graph (B) in the Federal Register.

9 “(4) JUDICIAL REVIEW.—

10 “(A) IN GENERAL.—Notwithstanding any  
11 other provision of law, an individual or entity  
12 who is present in the United States and has  
13 been harmed by a violation of this subsection  
14 may file an action in an appropriate district  
15 court of the United States to seek declaratory  
16 or injunctive relief.

17 “(B) CLASS ACTION.—Nothing in this Act  
18 may be construed to preclude an action filed  
19 pursuant to subparagraph (A) from proceeding  
20 as a class action.

21 “(5) TREATMENT OF COMMERCIAL AIRLINES.—  
22 If the Secretary of Homeland Security finds that a  
23 commercial airline has failed to comply with regula-  
24 tions of the Secretary relating to requirements of  
25 airlines for the detection of fraudulent documents

1 used by passengers traveling to the United States  
2 (including the training of personnel in such detec-  
3 tion), the Secretary may suspend the entry of some  
4 or all noncitizens transported to the United States  
5 by such airline.

6 “(6) REPORTING REQUIREMENTS.—

7 “(A) IN GENERAL.—Not later than 30  
8 days after the date on which the President exer-  
9 cises the authority under this subsection, and  
10 every 30 days thereafter until the conclusion of  
11 such an exercise of authority, the Secretary of  
12 State, in coordination with the Secretary of  
13 Homeland Security and the heads of other rel-  
14 evant Federal agencies, shall submit to the ap-  
15 propriate committees of Congress a report that  
16 includes the following:

17 “(i) For each country affected by such  
18 a suspension or restriction—

19 “(I) the total number of individ-  
20 uals who applied for a visa,  
21 disaggregated by visa category;

22 “(II) the total number of such  
23 visa applicants who were approved,  
24 disaggregated by visa category;

1                   “(III) the total number of such  
2                   visa applicants who were refused,  
3                   disaggregated by visa category, and  
4                   the reasons they were refused;

5                   “(IV) the total number of such  
6                   visa applicants whose applications re-  
7                   main pending, disaggregated by visa  
8                   category;

9                   “(V) the total number of such  
10                  visa applicants who were granted a  
11                  waiver, disaggregated by visa cat-  
12                  egory;

13                  “(VI) the total number of such  
14                  visa applicants who were denied a  
15                  waiver, disaggregated by visa cat-  
16                  egory, and the reasons such waiver re-  
17                  quests were denied; and

18                  “(VII) the total number of refu-  
19                  gees admitted.

20                  “(ii) Specific evidence supporting the  
21                  need for the continued exercise of presi-  
22                  dential authority under this subsection, in-  
23                  cluding the information described in para-  
24                  graph (3)(B).

1           “(B) EFFECT OF NONCOMPLIANCE.—If a  
2 report required by subparagraph (A) is not  
3 timely submitted, the suspension or restriction  
4 shall immediately terminate absent intervening  
5 congressional action.

6           “(C) FINAL REPORT.—Not later than 30  
7 days after the conclusion of a suspension or re-  
8 striction under this subsection, the Secretary of  
9 State, in coordination with the Secretary of  
10 Homeland Security and the heads of other rel-  
11 evant Federal agencies, shall submit to the ap-  
12 propriate committees of Congress a report that  
13 includes, for the entire period of the suspension  
14 or restriction, the information described clauses  
15 (i) and (ii) of subparagraph (A).

16           “(D) FORM; AVAILABILITY.—Each report  
17 required by this paragraph shall be made pub-  
18 licly available on an internet website in unclas-  
19 sified form.

20           “(7) RULE OF CONSTRUCTION.—Nothing in  
21 this subsection may be construed to authorize the  
22 President, the Secretary of State, or the Secretary  
23 of Homeland Security to act in a manner incon-  
24 sistent with the policy decisions expressed in the im-  
25 migration laws.



1           “(8) APPROPRIATE COMMITTEES OF CONGRESS  
2           DEFINED.—In this subsection, the term ‘appropriate  
3           committees of Congress’ means—

4                   “(A) the Select Committee on Intelligence,  
5                   the Committee on Foreign Relations, the Com-  
6                   mittee on the Judiciary, and the Committee on  
7                   Homeland Security and Governmental Affairs  
8                   of the Senate; and

9                   “(B) the Permanent Select Committee on  
10                  Intelligence, the Committee on Foreign Affairs,  
11                  the Committee on the Judiciary, and the Com-  
12                  mittee on Homeland Security of the House of  
13                  Representatives.”.

## 14       **Subtitle C—Diversity Immigrants**

### 15       **SEC. 3301. INCREASING DIVERSITY VISAS.**

16           Section 201(e) of the Immigration and Nationality  
17       Act (8 U.S.C. 1151(e)) is amended by striking “55,000”  
18       and inserting “80,000”.

## 19                   **Subtitle D—Reforming** 20       **Employment-based Immigration**

### 21       **SEC. 3401. DOCTORAL STEM GRADUATES FROM ACCRED-** 22                   **ITED UNITED STATES UNIVERSITIES.**

23           (a) IN GENERAL.—Section 201(b)(1) of the Immi-  
24       gration and Nationality Act (8 U.S.C. 1151(b)(1)), as

1 amended by section 3106, is further amended by adding  
2 at the end the following:

3 “(G) Noncitizens who have earned a doctoral  
4 degree in a field of science, technology, engineering,  
5 or mathematics from an accredited United States in-  
6 stitution of higher education.”.

7 (b) DEFINITIONS.—Section 204 of the Immigration  
8 and Nationality Act (8 U.S.C. 1154) is amended by add-  
9 ing at the end the following:

10 “(m) DOCTORAL STEM GRADUATES FROM ACCRED-  
11 ITED UNITED STATES UNIVERSITIES.—For purposes of  
12 section 201(b)(1)—

13 “(1) the term ‘field of science, technology, engi-  
14 neering, or mathematics’—

15 “(A) means a field included in the Depart-  
16 ment of Education’s Classification of Instruc-  
17 tional Programs taxonomy within the summary  
18 groups of computer and information sciences  
19 and support services, engineering, mathematics  
20 and statistics, physical sciences, and the sum-  
21 mary group subsets of accounting and related  
22 services and taxation; and

23 “(B) may include, at the discretion of the  
24 Secretary of Homeland Security, other fields  
25 not specifically referred to in subparagraph (A)

1 if the accredited United States institution of  
2 higher education verifies that the core cur-  
3 riculum for the specific field is primarily based  
4 in science, technology, engineering, or mathe-  
5 matics; and

6 “(2) the term ‘accredited United States institu-  
7 tion of higher education’ means an institution that—

8 “(A)(i) is described in section 101(a) of  
9 the Higher Education Act of 1965 (20 U.S.C.  
10 1001(a)); or

11 “(ii) is a proprietary institution of higher  
12 education (as defined in section 102(b) of such  
13 Act (20 U.S.C. 1002(b))); and

14 “(B) is accredited by an accrediting body  
15 that is itself accredited by—

16 “(i) the Department of Education; or

17 “(ii) the Council for Higher Edu-  
18 cation Accreditation.”.

19 **SEC. 3402. ADDRESSING VISA BACKLOGS.**

20 (a) **NONCITIZENS NOT SUBJECT TO DIRECT NUMER-**  
21 **ICAL LIMITATIONS.**—Section 201(b)(1) of the Immigra-  
22 tion and Nationality Act (8 U.S.C. 1151(b)), as amended  
23 by section 3106 and 3401, is further amended by adding  
24 at the end the following:

1           “(H) Noncitizens who are beneficiaries (includ-  
2           ing derivative beneficiaries) of an approved immi-  
3           grant petition bearing a priority date that is more  
4           than 10 years before the noncitizen’s application for  
5           admission as an immigrant or for adjustment of sta-  
6           tus.

7           “(I) Noncitizens described in section 203(d).”.

8           (b) **EFFECTIVE DATE.**—The amendments made by  
9           this section shall take effect on the date which is 60 days  
10          after the date of the enactment of this Act.

11 **SEC. 3403. ELIMINATING EMPLOYMENT-BASED PER COUN-**  
12 **TRY LEVELS.**

13          (a) **IN GENERAL.**—Section 202(a)(2) of the Immi-  
14          gration and Nationality Act (8 U.S.C. 1152(a)(2)), as  
15          amended by section 3103(a), is further amended—

16               (1) in the paragraph heading, by striking “**AND**  
17               **EMPLOYMENT-BASED**”;

18               (2) by striking “(3), (4), and (5),” and insert-  
19               ing “(3) and (4),”;

20               (3) by striking “subsections (a) and (b) of sec-  
21               tion 203” and inserting “section 203(a)”; and

22               (4) by striking “such subsections” and inserting  
23               “such section”.

24          (b) **CONFORMING AMENDMENTS.**—Section 202 of the  
25          Immigration and Nationality Act (8 U.S.C. 1152), as

1 amended by sections 3103, 3201, and subsection (a), is  
2 further amended—

3 (1) in subsection (a)—

4 (A) in paragraph (3), by striking “both  
5 subsections (a) and (b) of section 203” and in-  
6 serting “section 203(a)”;

7 (B) by striking paragraph (5); and

8 (2) by amending subsection (e) to read as fol-  
9 lows:

10 “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—

11 If the total number of immigrant visas made available  
12 under section 203(a) to natives of any single foreign state  
13 or dependent area is expected to exceed the numerical lim-  
14 itation specified in subsection (a)(2) in any fiscal year, im-  
15 migrant visas to natives of that state or area under section  
16 203(a) shall be allocated (to the extent practicable and  
17 otherwise consistent with this section and section 203) so  
18 that, except as provided in subsection (a)(4), the propor-  
19 tion of the visa numbers made available under each of  
20 paragraphs (1) through (4) of section 203(a) is equal to  
21 the ratio of the total number of visas made available under  
22 the respective paragraph to the total number of visas made  
23 available under section 203(a).”.

1 (c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the  
2 Chinese Student Protection Act of 1992 (8 U.S.C. 1255  
3 note) is amended—

4 (1) in subsection (a), by striking “subsection  
5 (e)” and inserting “subsection (d)”;

6 (2) by striking subsection (d); and

7 (3) by redesignating subsection (e) as sub-  
8 section (d).

9 (d) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to fiscal year 2022 and each subse-  
11 quent fiscal year.

12 **SEC. 3404. INCREASED IMMIGRANT VISAS FOR OTHER**  
13 **WORKERS.**

14 Section 203(b) of the Immigration and Nationality  
15 Act (8 U.S.C. 1153(b)) is amended—

16 (1) in paragraph (1) by striking “28.6” and in-  
17 serting “23.55”;

18 (2) in paragraph (2)(A) by striking “28.6” and  
19 inserting “23.55”;

20 (3) in paragraph (3)—

21 (A) in subparagraph (A), in the matter be-  
22 fore clause (i), by striking “28.6” and inserting  
23 “41.2”; and

24 (B) in subparagraph (B), by striking  
25 “10,000” and inserting “40,000”;

1 (4) in paragraph (4), by striking “7.1” and in-  
2 serting “5.85”; and

3 (5) in paragraph (5)(A), in the matter before  
4 clause (i), by striking “7.1” and inserting “5.85”.

5 **SEC. 3405. FLEXIBLE ADJUSTMENTS TO EMPLOYMENT-**  
6 **BASED IMMIGRANT VISA PROGRAM.**

7 Section 203(b) of the Immigration and Nationality  
8 Act (8 U.S.C. 1153(b)), as amended by section 3404, is  
9 further amended by adding at the end the following:

10 “(7) GEOGRAPHIC AND LABOR MARKET AD-  
11 JUSTMENTS.—The Secretary of Homeland Security,  
12 in consultation with the Secretary of Labor, may es-  
13 tablish, by regulation, a procedure for temporarily  
14 limiting the admission of immigrants described in  
15 paragraphs (2) and (3) in geographic areas or labor  
16 market sectors that are experiencing high levels of  
17 unemployment.”.

18 **SEC. 3406. REGIONAL ECONOMIC DEVELOPMENT IMMI-**  
19 **GRANT VISA PILOT PROGRAM.**

20 (a) PILOT PROGRAM FOR REGIONAL ECONOMIC DE-  
21 VELOPMENT VISAS.—Notwithstanding the numerical limi-  
22 tations in the Immigration and Nationality Act (8 U.S.C.  
23 1101 et seq.), the Secretary may establish a pilot program  
24 for the annual admission of not more than 10,000 admis-  
25 sible immigrants whose employment is essential to the eco-

1 nomic development strategies of the cities or counties in  
2 which they will live or work.

3 (b) LABOR CERTIFICATION.—The requirements of  
4 section 212(a)(5) of the Immigration and Nationality Act  
5 (8 U.S.C. 1182(a)(5)) shall apply to the pilot program au-  
6 thorized under this section.

7 (c) DURATION.—The Secretary shall determine the  
8 duration of the pilot program authorized under this sec-  
9 tion, which may not exceed 5 years.

10 (d) RULEMAKING.—The Secretary, in consultation  
11 with the Secretary of Labor, shall issue regulations to im-  
12 plement the pilot program authorized under this section.

13 **SEC. 3407. WAGE-BASED CONSIDERATION OF TEMPORARY**  
14 **WORKERS.**

15 Section 212(p) is amended by adding at the end the  
16 following:

17 “(5) In determining the order in which visas shall be  
18 made available to nonimmigrants described in section  
19 101(a)(15)(H)(i)(b), and to any other category of non-  
20 immigrants deemed appropriate by the Secretary of  
21 Homeland Security, the Secretary of Homeland Security,  
22 in consultation with the Secretary of Labor, may issue  
23 regulations to establish procedures for prioritizing such  
24 visas based on the wages offered by employers.”.



1 **SEC. 3408. CLARIFYING DUAL INTENT FOR POSTSEC-**  
2 **ONDARY STUDENTS.**

3 (a) IN GENERAL.—Section 101(a)(15)(F)(i) of the  
4 Immigration and Nationality Act (8 U.S.C.  
5 1101(a)(15)(F)(i)) is amended by striking “an alien hav-  
6 ing a residence in a foreign country which he has no inten-  
7 tion of abandoning, who is a bona fide student qualified  
8 to pursue a full course of study and who” and inserting  
9 “a noncitizen who is a bona fide student qualified to pur-  
10 sue a full course of study, who (except for a student quali-  
11 fied to pursue a full course of study at an institution of  
12 higher education) has a residence in a foreign country  
13 which the noncitizen has no intention of abandoning, and  
14 who”.

15 (b) CONFORMING AMENDMENTS.—Section 214 of the  
16 Immigration and Nationality Act (8 U.S.C. 1184) is  
17 amended—

18 (1) in subsection (b), by striking “(other than  
19 a nonimmigrant” and inserting “(other than a non-  
20 immigrant described in section 101(a)(15)(F) if the  
21 noncitizen is qualified to pursue a full course of  
22 study at an institution of higher education, other  
23 than a nonimmigrant”); and

24 (2) in subsection (h), by inserting “(F) (if the  
25 noncitizen is qualified to pursue a full course of

1 study at an institution of higher education),” before  
2 “H(i)(b)”.

3 **SEC. 3409. H-4 VISA REFORM.**

4 (a) PROTECTING CHILDREN WITH H-4 VISAS WHO  
5 AGE OUT OF STATUS.—

6 (1) IN GENERAL.—Section 214(g)(4) of the Im-  
7 migration and Nationality Act (8 U.S.C. 1184(g)(4))  
8 is amended to read as follows:

9 “(4)(A) Except as provided in subparagraphs  
10 (B) and (C), the period of authorized admission of  
11 a nonimmigrant described in section  
12 101(a)(15)(H)(i)(b) may not exceed 6 years.

13 “(B) The Secretary of Homeland Security may  
14 grant an extension of nonimmigrant status under  
15 section 101(a)(15)(H)(i)(b) to a nonimmigrant until  
16 such nonimmigrant’s application for adjustment of  
17 status has been processed if such nonimmigrant—

18 “(i) is the beneficiary of a petition filed  
19 under section 204(a) for a preference status  
20 under paragraph (1), (2), or (3) of section  
21 203(b); and

22 “(ii) is eligible to be granted such status.

23 “(C) A child of a nonimmigrant described in  
24 subparagraph (B) who accompanied or followed to  
25 join such nonimmigrant may apply for and receive

1 an extension of his or her nonimmigrant status re-  
2 gardless of age, if—

3 “(i) the nonimmigrant parent described in  
4 subparagraph (B) maintains his or her non-  
5 immigrant status; and

6 “(ii) the child was younger than 18 years  
7 of age when he or she was first granted non-  
8 immigrant status as a noncitizen accompanying  
9 or following to join such nonimmigrant par-  
10 ent.”.

11 (2) CONFORMING AMENDMENT.—Section  
12 203(h) of the Immigration and Nationality Act (8  
13 U.S.C. 1153(h)) is amended by adding at the end  
14 the following:

15 “(5) H-4 VISAS HOLDERS.—Notwithstanding  
16 paragraph (1), a determination of whether a non-  
17 immigrant described in section 214(g)(4)(C) satisfies  
18 the age requirement for purposes of a derivative visa  
19 or adjustment of status application under paragraph  
20 (1), (2), or (3) of section 203(b) shall be made using  
21 the age of the nonimmigrant on the date on which  
22 the petitioner files a petition on behalf of the parent  
23 beneficiary with the Secretary of Homeland Security  
24 (or the Secretary of State, if applicable), unless the  
25 filing of the petition was preceded by the filing of a

1 labor certification with the Secretary of Labor, in  
2 which case that date shall be used to identify the  
3 age of such nonimmigrant.”.

4 (b) WORK AUTHORIZATION FOR H-4 NON-  
5 IMMIGRANTS.—Section 214 of the Immigration and Na-  
6 tionality Act (8 U.S.C. 1184), as amended by subsection  
7 (a)(1), is further amended by adding at the end the fol-  
8 lowing:

9 “(s) WORK AUTHORIZATION FOR H-4 NON-  
10 IMMIGRANTS.—The Secretary of Homeland Security shall  
11 authorize a nonimmigrant spouse or child who is accom-  
12 panying or following to join a nonimmigrant described in  
13 section 101(a)(15)(H)(i)(b) to engage in employment in  
14 the United States and shall provide such nonimmigrant  
15 spouse or child with an ‘employment authorized’ endorse-  
16 ment or other appropriate work permit.”.

17 **SEC. 3410. EXTENSIONS RELATED TO PENDING PETITIONS.**

18 Section 214 of the Immigration and Nationality Act  
19 (8 U.S.C. 1184), as amended by sections 1204(b),  
20 3107(b), 3408(b), and 3409, is further amended by add-  
21 ing at the end the following:

22 “(t) EXTENSION OF STATUS IN CASES OF LENGTHY  
23 ADJUDICATIONS.—

24 “(1) EXEMPTION FROM LIMITATIONS.—Not-  
25 withstanding subsections (c)(2)(D), (g)(4), and

1 (m)(1)(B)(i), the authorized stay of a noncitizen who  
2 was previously issued a visa or otherwise provided  
3 nonimmigrant status under subparagraph (F),  
4 (H)(i)(B), (L), or (O) of section 101(a)(15) may be  
5 extended pursuant to paragraph (2) if 365 days or  
6 more have elapsed since the filing of—

7 “(A) an application for labor certification  
8 under section 212(a)(5)(A) if certification is re-  
9 quired or used by a noncitizen to obtain status  
10 under section 203(b); or

11 “(B) a petition described in section 204(b)  
12 to obtain immigrant status under section  
13 203(b).

14 “(2) EXTENSION OF STATUS.—The Secretary  
15 of Homeland Security shall extend the stay of a non-  
16 citizen who qualifies for an extension under para-  
17 graph (1) in 1-year increments until a final decision  
18 is made—

19 “(A) to deny the application described in  
20 paragraph (1)(A) or, in a case in which such  
21 application is granted, to deny a petition de-  
22 scribed in paragraph (1)(B) filed on behalf of  
23 the noncitizen pursuant to such grant;

24 “(B) to deny the petition described in  
25 paragraph (1)(B); or

1           “(C) to grant or deny the noncitizen’s ap-  
2           plication for an immigrant visa or adjustment  
3           of status to that of a noncitizen lawfully admit-  
4           ted for permanent residence.

5           “(3) WORK AUTHORIZATION.—The Secretary of  
6           Homeland Security shall authorize any noncitizen  
7           whose stay is extended under this subsection to en-  
8           gage in employment in the United States and pro-  
9           vide such noncitizen with an ‘employment authorized  
10          endorsement’ or other appropriate work permit.”.

11       **Subtitle E—Promoting Immigrant**  
12       **and Refugee Integration**

13       **SEC. 3501. DEFINITION OF FOUNDATION.**

14           In this subtitle, the term “Foundation” means the  
15       United States Citizenship and Integration Foundation es-  
16       tablished under section 3502.

17       **SEC. 3502. UNITED STATES CITIZENSHIP AND INTEGRATION**  
18       **FOUNDATION.**

19           (a) ESTABLISHMENT.—The Secretary, acting  
20       through the Director of U.S. Citizenship and Immigration  
21       Services, shall establish a nonprofit corporation or a not-  
22       for-profit, public benefit, or similar entity, which shall be  
23       known as the “United States Citizenship and Integration  
24       Foundation”.

1 (b) GIFTS TO FOUNDATION.—To carry out the pur-  
2 poses set forth in subsection (c), the Foundation may—

3 (1) solicit, accept, and make gifts of money and  
4 other property in accordance with section 501(c)(3)  
5 of the Internal Revenue Code of 1986;

6 (2) engage in coordinated work with the De-  
7 partment of Homeland Security, including U.S. Citi-  
8 zenship and Immigration Services; and

9 (3) accept, hold, administer, invest, and spend  
10 any gift, devise, or bequest of real or personal prop-  
11 erty made to the Foundation.

12 (c) PURPOSES.—The purposes of the Foundation  
13 are—

14 (1) to spur innovation in the promotion and ex-  
15 pansion of citizenship preparation programs for law-  
16 ful permanent residents;

17 (2) to evaluate and identify best practices in  
18 citizenship promotion and preparation and to make  
19 recommendations to the Secretary about how to  
20 bring such best practices to scale;

21 (3) to support direct assistance for noncitizens  
22 seeking lawful permanent resident status or natu-  
23 ralization as a United States citizen; and

24 (4) to coordinate immigrant integration with  
25 State and local entities.

1 (d) ACTIVITIES.—The Foundation shall carry out the  
2 purposes described in subsection (c) by—

3 (1) making United States citizenship instruc-  
4 tion and naturalization application services acces-  
5 sible to low-income and other underserved lawful  
6 permanent resident populations;

7 (2) developing, identifying, and sharing best  
8 practices in United States citizenship promotion and  
9 preparation;

10 (3) supporting innovative and creative solutions  
11 to barriers faced by noncitizens seeking naturaliza-  
12 tion;

13 (4) increasing the use of, and access to, tech-  
14 nology in United States citizenship preparation pro-  
15 grams;

16 (5) engaging communities receiving immigrants  
17 in the United States citizenship and civic integration  
18 process;

19 (6) fostering public education and awareness;

20 (7) coordinating the immigrant integration ef-  
21 forts of the Foundation with such efforts of U.S.  
22 Citizenship and Immigration Services; and

23 (8) awarding grants to State and local govern-  
24 ments under section 3503.

25 (e) COUNCIL OF DIRECTORS.—



1           (1) MEMBERS.—To the extent consistent with  
2           section 501(c)(3) of the Internal Revenue Code of  
3           1986, the Foundation shall have a council of direc-  
4           tors (referred to in this section as the “Council”),  
5           which shall be comprised of—

6                   (A) the Director of U.S. Citizenship and  
7           Immigration Services; and

8                   (B) 10 individuals appointed by the Direc-  
9           tor of U.S. Citizenship and Immigration Serv-  
10          ices.

11          (2) QUALIFICATIONS.—In appointing individ-  
12          uals under paragraph (1)(B), the Director of U.S.  
13          Citizenship and Immigration Services shall consider  
14          individuals with experience in national private and  
15          public nonprofit organizations that promote and as-  
16          sist lawful permanent residents with naturalization.

17          (3) TERMS.—A member of the Council de-  
18          scribed in paragraph (1)(B) shall be appointed for a  
19          term of 4 years, except that, of the members first  
20          appointed, 5 members shall be appointed for a term  
21          of 2 years, which may be followed by renewable 4-  
22          year terms.

23          (f) EXECUTIVE DIRECTOR.—

24                  (1) IN GENERAL.—The Council shall, by major-  
25          ity vote, appoint for 6-year renewable terms an exec-

1       utive director of the Foundation, who shall oversee  
2       the day-to-day operations of the Foundation.

3               (2) RESPONSIBILITIES.—The executive director  
4       shall carry out the purposes described in subsection  
5       (c) on behalf of the Foundation by—

6               (A) accepting, holding, administering, in-  
7       vesting, and spending any gift, devise, or be-  
8       quest of real or personal property made to the  
9       Foundation;

10              (B) entering into contracts and other fi-  
11       nancial assistance agreements with individuals,  
12       public or private organizations, professional so-  
13       cieties, and government agencies to carry out  
14       the purposes of the Foundation;

15              (C) entering into such other contracts,  
16       leases, cooperative agreements, and other trans-  
17       actions as the executive director considers ap-  
18       propriate to carry out the activities of the  
19       Foundation; and

20              (D) charging such fees for professional  
21       services furnished by the Foundation as the ex-  
22       ecutive director considers reasonable and appro-  
23       priate.

1 (g) **TIMELINE.**—The Foundation shall be established  
2 and operational not later than 1 year after the date of  
3 the enactment of this Act.

4 **SEC. 3503. PILOT PROGRAM TO PROMOTE IMMIGRANT IN-**  
5 **TEGRATION AT STATE AND LOCAL LEVELS.**

6 (a) **GRANTS AUTHORIZED.**—The Chief of the Office  
7 of Citizenship of U.S. Citizenship and Immigration Serv-  
8 ices (referred to in this section as the “Chief”) shall estab-  
9 lish a pilot program through which the Chief may award  
10 grants, on a competitive basis, to States and local govern-  
11 ments and other qualifying entities in collaboration with  
12 States and local governments—

13 (1) to establish new immigrant councils to carry  
14 out programs to integrate new immigrants; and

15 (2) to carry out programs to integrate new im-  
16 migrants.

17 (b) **QUALIFYING ENTITIES.**—Qualifying entities  
18 under this section may include—

19 (1) an educational institution;

20 (2) a private organization;

21 (3) a community-based organization; or

22 (4) a nonprofit organization.

23 (c) **APPLICATION.**—A State or local government, or  
24 other qualifying entity in collaboration with a State or  
25 local government, seeking a grant under this section shall

1 submit an application to the Chief at such time, in such  
2 manner, and containing such information as the Chief  
3 may reasonably require, including—

4 (1) a proposal to carry out 1 or more activities  
5 described in subsection (d)(3);

6 (2) the estimated number of new immigrants  
7 residing in the geographic area of the applicant; and

8 (3) a description of the challenges in intro-  
9 ducing and integrating new immigrants into the  
10 State or local community.

11 (d) ACTIVITIES.—A grant awarded under this sub-  
12 section shall be used—

13 (1) to form a new immigrant council, which  
14 shall—

15 (A) consist of not fewer than 15 individ-  
16 uals and not more than 19 representatives of  
17 the State or local government or qualifying or-  
18 ganization, as applicable;

19 (B) include, to the extent practicable, rep-  
20 resentatives from—

21 (i) business;

22 (ii) faith-based organizations;

23 (iii) civic organizations;

24 (iv) philanthropic organizations;

1 (v) nonprofit organizations, including  
2 nonprofit organizations with legal and ad-  
3 vocacy experience working with immigrant  
4 communities;

5 (vi) key education stakeholders, such  
6 as State educational agencies, local edu-  
7 cational agencies (as defined in section  
8 8101 of the Elementary and Secondary  
9 Education Act of 1965 (20 U.S.C. 7801)),  
10 community colleges, and teachers;

11 (vii) State adult education offices;

12 (viii) State or local public libraries;

13 and

14 (ix) State or local governments; and

15 (C) meet not less frequently than quar-  
16 terly;

17 (2) to provide subgrants to local communities,  
18 city governments, municipalities, nonprofit organiza-  
19 tions (including veterans' and patriotic organiza-  
20 tions), or other qualifying entities;

21 (3) to develop, implement, expand, or enhance  
22 a comprehensive plan to introduce and integrate new  
23 immigrants into the applicable State by—

24 (A) improving English language skills;

1           (B) engaging caretakers with limited  
2 English proficiency in their child’s education  
3 through interactive parent and child literacy ac-  
4 tivities;

5           (C) improving and expanding access to  
6 workforce training programs;

7           (D) teaching United States history, civics  
8 education, and citizenship rights and respon-  
9 sibilities;

10          (E) promoting an understanding of the  
11 form of government and history of the United  
12 States and the principles of the Constitution of  
13 the United States;

14          (F) improving financial literacy; and

15          (G) focusing on other key areas of impor-  
16 tance to integration in United States society;  
17 and

18          (4) to engage communities receiving immigrants  
19 in the citizenship and civic integration process by—

20           (A) increasing local service capacity;

21           (B) building meaningful connections be-  
22 tween new immigrants and long-time residents;

23           (C) communicating the contributions of  
24 communities receiving new immigrants; and

1 (D) engaging leaders from all sectors of  
2 the community.

3 (e) REPORTING AND EVALUATION.—

4 (1) ANNUAL REPORT.—Not less frequently than  
5 annually, each recipient of a grant under this section  
6 shall submit to the Chief a report that describes, for  
7 the preceding calendar year—

8 (A) the activities undertaken by the grant  
9 recipient, including the manner in which such  
10 activities meet the goals of the Foundation and  
11 the comprehensive plan referred to in sub-  
12 section (d)(3);

13 (B) the geographic area being served;

14 (C) the estimated number of immigrants in  
15 such area; and

16 (D) the primary languages spoken in such  
17 area.

18 (2) ANNUAL EVALUATION.—Not less frequently  
19 than annually, the Chief shall conduct an evaluation  
20 of the grant program under this section—

21 (A) to assess and improve the effectiveness  
22 of the grant program;

23 (B) to assess the future needs of immi-  
24 grants and of State and local governments with  
25 respect to immigrants; and

1 (C) to ensure that grantees, recipients, and  
2 subgrantees are acting within the scope and  
3 purpose of this section.

4 **SEC. 3504. ENGLISH AS A GATEWAY TO INTEGRATION**  
5 **GRANT PROGRAM.**

6 (a) **AUTHORIZATION.**—The Assistant Secretary for  
7 Career, Technical, and Adult Education in the Depart-  
8 ment of Education (referred to in this section as the “As-  
9 sistant Secretary”) shall award English as a Gateway to  
10 Integration grants to eligible entities.

11 (b) **ELIGIBILITY.**—An entity eligible to receive a  
12 grant under this section is a State or unit of local govern-  
13 ment, a private organization, an educational institution,  
14 a community-based organization, or a nonprofit organiza-  
15 tion that—

16 (1) in the case of any applicant that has pre-  
17 viously received a grant under this section, uses  
18 matching funds from non-Federal sources, which  
19 may include in-kind contributions, equal to 25 per-  
20 cent of the amount received from the English as a  
21 Gateway to Integration program to carry out such  
22 program;

23 (2) submits to the Assistant Secretary an appli-  
24 cation at such time, in such manner, and containing



1 such information as the Assistant Secretary may  
2 reasonably require, including—

3 (A) a description of the target population  
4 to be served, including demographics, literacy  
5 levels, and English language levels of the target  
6 population; and

7 (B) the assessment and performance meas-  
8 ures that the grant recipient plans to use to  
9 evaluate the English language learning progress  
10 of students and overall success of the instruc-  
11 tion and program;

12 (3) demonstrates collaboration with public and  
13 private entities to provide the instruction and assist-  
14 ance described in subsection (c)(1);

15 (4) provides English language programs that—

16 (A) teach English language skills to limited  
17 English proficient (LEP) individuals who—

18 (i) have less than a United States  
19 high school diploma; or

20 (ii) are parents who are caretakers of  
21 young children;

22 (B) support and promote the social, eco-  
23 nomic, and civic integration of adult English  
24 language learners and their families;

1 (C) equip adult English language learners  
2 for ongoing, independent study and learning be-  
3 yond the classroom or formal instruction; and

4 (D) incorporate the use of technology to  
5 help students develop digital literacy skills; and  
6 (5) is located in—

7 (A) 1 of the 10 States with the highest  
8 rate of foreign-born residents; or

9 (B) a State that has experienced a large  
10 increase in the population of immigrants during  
11 the most recent 10-year period, based on data  
12 compiled by the Office of Immigration Statistics  
13 or the Census Bureau.

14 (c) USE OF FUNDS.—

15 (1) IN GENERAL.—Funds awarded under this  
16 section shall be used to provide English language in-  
17 struction to adult English language learners. Such  
18 instruction shall advance the integration of students  
19 to help them—

20 (A) build their knowledge of United States  
21 history and civics;

22 (B) prepare for United States citizenship  
23 and the naturalization process;

24 (C) gain digital literacy;

1 (D) understand and navigate the early  
2 childhood, K–12, and postsecondary education  
3 systems;

4 (E) gain financial literacy;

5 (F) build an understanding of the housing  
6 market and systems in the United States;

7 (G) learn about and access the United  
8 States, State, and local health care systems;

9 (H) prepare for a high school equivalency  
10 diploma or postsecondary training or education;  
11 and

12 (I) prepare for and secure employment.

13 (2) DESIGN OF PROGRAM.—Funds awarded  
14 under this section shall be used to support an in-  
15 structional program that may include the following  
16 elements:

17 (A) English language instruction in a  
18 classroom setting, provided that such setting is  
19 in a geographic location accessible to the popu-  
20 lation served.

21 (B) Online English language instruction  
22 and distance learning platforms.

23 (C) Educational support and specialized  
24 instruction for English language learners with  
25 low levels of literacy in their first language.

1 (D) Other online and digital components,  
2 including the use of mobile phones.

3 (d) CERTIFICATION.—To receive a payment under  
4 this section, a participating entity shall submit to the As-  
5 sistant Secretary a certification that the proposed uses of  
6 grant funds by the entity are consistent with this section  
7 and meet all necessary criteria determined by the Assist-  
8 ant Secretary.

9 (e) ANNUAL REPORT AND EVALUATION.—Not later  
10 than 90 days after the end of each fiscal year for which  
11 an entity receives grant funds under this section, the enti-  
12 ty shall submit to the Assistant Secretary the following:

13 (1) A report that describes—

14 (A) the activities undertaken by the entity  
15 that were funded entirely or partially by the  
16 grant funds;

17 (B) the geographic area served by the  
18 grant funds;

19 (C) the number of immigrants in such  
20 area;

21 (D) the primary languages spoken in such  
22 area;

23 (E) the number of adult English language  
24 learners receiving assistance that was funded

1 entirely or partially by grant funds received by  
2 the entity; and

3 (F) a breakdown of the costs of the in-  
4 struction services provided and the average per  
5 capita cost of providing such instruction.

6 (2) An evaluation of any program of the entity  
7 using grant funds under this section, including—

8 (A) an assessment of—

9 (i) the effectiveness of such program  
10 and recommendations for improving the  
11 program; and

12 (ii) whether the English language in-  
13 struction needs of the geographic area  
14 served have been met; and

15 (B) in the case of an assessment under  
16 subparagraph (A)(ii) that such needs have not  
17 been met, a description of the additional assist-  
18 ance required to meet such needs.

19 (f) DEFINITIONS.—In this section:

20 (1) ADULT ENGLISH LANGUAGE LEARNER.—

21 The term “adult English language learner” refers to  
22 an individual age 16 years and older who is not en-  
23 rolled in secondary school and who is limited English  
24 proficient.

1           (2) ENGLISH LANGUAGE LEARNER; LIMITED  
2 ENGLISH PROFICIENT.—The terms “English lan-  
3 guage learner” and “limited English proficient” de-  
4 scribe an individual who does not speak English as  
5 their primary language and who has a limited ability  
6 to read, speak, write, or understand English.

7           (3) STATE.—The term “State” means each of  
8 the several States, the District of Columbia, the  
9 Commonwealth of Puerto Rico, the United States  
10 Virgin Islands, Guam, American Samoa, and the  
11 Commonwealth of the Northern Mariana Islands.

12       (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$100,000,000 for fiscal years 2022 through 2023.

15 **SEC. 3505. WORKFORCE DEVELOPMENT AND SHARED**  
16 **PROSPERITY GRANT PROGRAM.**

17       (a) DECLARATION OF POLICY.—It is the policy of the  
18 United States—

19           (1) that adults have adequate and equitable ac-  
20 cess to education and workforce programs that—

21               (A) help them learn basic skills in reading,  
22 writing, mathematics, and the English lan-  
23 guage; and

24               (B) equip them with occupational skills  
25 needed to secure or advance in employment, fill

1 employer needs, and support themselves and  
2 their families;

3 (2) that helping adults with limited skills to at-  
4 tain industry-recognized postsecondary credentials  
5 strengthens the economy; and

6 (3) that workforce programs for adults with  
7 limited skills should incorporate an integrated edu-  
8 cation and training approach that allows adults to  
9 acquire basic skills while pursuing occupational or  
10 industry-specific training.

11 (b) AUTHORIZATION.—The Assistant Secretary for  
12 Career, Technical, and Adult Education at the Depart-  
13 ment of Education (referred to in this section as the “As-  
14 sistant Secretary”) shall award Workforce Development  
15 and Shared Prosperity grants, on a competitive basis, to  
16 States or local governments, or other qualifying entities  
17 described in subsection (c) in collaboration with States  
18 and local governments.

19 (c) QUALIFYING ENTITIES.—Qualifying entities  
20 under this section may include—

21 (1) an educational institution;

22 (2) a private organization;

23 (3) a community-based organization; or

24 (4) a nonprofit organization.

1 (d) ELIGIBILITY.—A State or local government, or a  
2 qualifying entity in collaboration with a State or local gov-  
3 ernment, is eligible to receive a grant under this section  
4 provided that the State or local government or entity—

5 (1) supports and promotes the economic inte-  
6 gration of immigrants and refugees and their fami-  
7 lies;

8 (2) has expertise in workforce development and  
9 adult education for the purpose of developing and  
10 implementing State or local programs of integrated  
11 education and training;

12 (3) in carrying out the grant program, has, or  
13 collaborates with at least 1 entity that has—

14 (A) expertise in workforce development for  
15 immigrants and refugees; and

16 (B) expertise in adult education of immi-  
17 grants and refugees;

18 (4) uses matching funds from non-Federal  
19 sources, which may include in-kind contributions,  
20 equal to 25 percent of the amount received from the  
21 Workforce Development and Shared Prosperity  
22 grant program; and

23 (5) submits to the Assistant Secretary an appli-  
24 cation at such time, in such manner, and containing



1 such information as the Assistant Secretary may  
2 reasonably require, including—

3 (A) a description of the target population  
4 to be served, including demographics, English  
5 language levels, educational levels, and skill lev-  
6 els;

7 (B) the specific integrated education and  
8 training instructional model to be implemented;

9 (C) how the program will be designed and  
10 implemented by educators with expertise in  
11 adult education, English language instruction,  
12 and occupational skills training;

13 (D) how the program will prepare students  
14 to receive a high school equivalency credential;

15 (E) how the program will prepare students  
16 to receive a postsecondary credential;

17 (F) the occupations or industries for which  
18 the program will prepare students for employ-  
19 ment;

20 (G) evidence of employer demand for the  
21 skills or occupational training offered by the  
22 grant program;

23 (H) the extent to which the program re-  
24 duces the time required for students to acquire  
25 English and workforce skills;

1 (I) how the program will increase digital  
2 literacy skills;

3 (J) how the program will provide student  
4 support services, including guidance counseling,  
5 so as to promote student success; and

6 (K) the assessment and performance meas-  
7 ures that the grant recipient plans to use to  
8 evaluate—

9 (i) the progress of adult learners in  
10 acquiring basic skills such as reading, writ-  
11 ing, mathematics, and the English lan-  
12 guage; and

13 (ii) the success of the grant program  
14 in preparing students for employment and  
15 in helping them find employment or ad-  
16 vance in employment.

17 (e) CERTIFICATION.—To receive a payment under  
18 this section, a participating entity shall submit to the As-  
19 sistant Secretary a certification that the proposed uses of  
20 grant funds by the entity are consistent with this section  
21 and meet all necessary criteria determined by the Assist-  
22 ant Secretary.

23 (f) TECHNICAL ASSISTANCE.—The Assistant Sec-  
24 retary shall provide technical assistance to adult education

1 providers on how to provide integrated education and  
2 training.

3 (g) ANNUAL REPORT AND EVALUATION.—Not later  
4 than 90 days after the end of each fiscal year for which  
5 an entity receives grant funds under this section, the enti-  
6 ty shall submit to the Assistant Secretary the following:

7 (1) A report that describes—

8 (A) the activities undertaken by the entity  
9 that were funded entirely or partially by the  
10 grant funds;

11 (B) the geographic area served by the  
12 grant funds;

13 (C) the number of immigrants in such  
14 area;

15 (D) the primary languages spoken in such  
16 area; and

17 (E) a breakdown of the costs of each of  
18 the services provided and the average per capita  
19 cost of providing such services.

20 (2) An evaluation of any program of the entity  
21 using grant funds under this section, including—

22 (A) an assessment of—

23 (i) the effectiveness of such program  
24 and recommendations for improving the  
25 program; and

1 (ii) whether the adult education and  
2 workforce development needs of the geo-  
3 graphic area served have been met; and

4 (B) in the case of an assessment under  
5 subparagraph (A)(ii) that such needs have not  
6 been met, a description of the additional assist-  
7 ance required to meet such needs.

8 (h) DEFINITIONS.—In this section:

9 (1) ADULT EDUCATION.—The term “adult edu-  
10 cation” means academic instruction and education  
11 services below the postsecondary level that increase  
12 an individual’s ability to read, write, speak, and un-  
13 derstand English and perform mathematical or other  
14 activities necessary to attain a secondary school di-  
15 ploma or its recognized equivalent, to transition to  
16 postsecondary education and training, or to obtain  
17 employment.

18 (2) INTEGRATED EDUCATION AND TRAINING.—  
19 The term “integrated education and training”  
20 means instruction that provides adult education, lit-  
21 eracy, and English language activities concurrently  
22 and contextually with workforce preparation activi-  
23 ties and workforce training for a specific occupation  
24 or occupational cluster for the purpose of edu-  
25 cational and career advancement.

1           (3) STATE.—The term “State” means each of  
2           the several States, the District of Columbia, the  
3           Commonwealth of Puerto Rico, the United States  
4           Virgin Islands, Guam, American Samoa, and the  
5           Commonwealth of the Northern Mariana Islands.

6           (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
7           authorized to be appropriated to carry out this section  
8           \$100,000,000 for fiscal years 2022 through 2023.

9           **SEC. 3506. EXISTING CITIZENSHIP EDUCATION GRANTS.**

10          (a) IN GENERAL.—There is authorized to be appro-  
11          priated to the Secretary not less than \$25,000,000 for the  
12          purpose of awarding grants to public or private nonprofit  
13          entities for citizenship education and training (as de-  
14          scribed in number 97.010 of the Catalog of Federal Do-  
15          mestic Assistance), to remain available until expended.

16          (b) CONSIDERATION OF GRANT RECIPIENTS.—With  
17          respect to grants administered and awarded to public or  
18          private nonprofit organizations by the Secretary, unless  
19          otherwise required by law, in making determinations about  
20          such grants, the Secretary may not consider an entity’s  
21          enrollment in or use of the E-Verify Program described  
22          in section 403(a) of the Illegal Immigration Reform and  
23          Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a  
24          note).

1 **SEC. 3507. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
2 **CANTS.**

3 (a) **ESTABLISHMENT.**—The Secretary shall establish,  
4 within U.S. Citizenship and Immigration Services, a pro-  
5 gram to award grants, on a competitive basis, to eligible  
6 nonprofit organizations to carry out a program described  
7 in subsection (c) for the purpose of assisting applicants  
8 for status under sections 245B, 245C, 245D, 245E, and  
9 245F of the Immigration and Nationality Act.

10 (b) **ELIGIBLE NONPROFIT ORGANIZATION.**—A non-  
11 profit organization eligible to receive a grant under this  
12 section is a nonprofit tax-exempt organization, including  
13 a community, faith-based, or other immigrant-serving or-  
14 ganization, the staff of which has demonstrated qualifica-  
15 tions, experience, and expertise in providing quality serv-  
16 ices to immigrants, refugees, noncitizens granted asylum,  
17 or noncitizens applying for such statuses.

18 (c) **USE OF FUNDS.**—Grant funds awarded under  
19 this section may be used for the design and implementa-  
20 tion of programs that provide—

21 (1) information to the public relating to eligi-  
22 bility for and benefits of lawful prospective immi-  
23 grant status under section 245B of the Immigration  
24 and Nationality Act, particularly to individuals who  
25 may be eligible for such status;

1           (2) assistance, within the scope of authorized  
2 practice of immigration law, to individuals in sub-  
3 mitting applications for lawful prospective immi-  
4 grant status, including—

5           (A) screening prospective applicants to as-  
6 sess eligibility for such status;

7           (B) completing applications and petitions,  
8 including providing assistance in obtaining the  
9 requisite documents and supporting evidence;

10          (C) applying for any waivers for which ap-  
11 plicants and qualifying family members may be  
12 eligible; and

13          (D) providing any other assistance that the  
14 Secretary or grantees consider useful or nec-  
15 essary in applying for lawful prospective immi-  
16 grant status;

17          (3) assistance, within the scope of authorized  
18 practice of immigration law, to individuals seeking to  
19 adjust their status to that of a lawful permanent  
20 resident under section 245C, 245D, 245E, or 245F  
21 of the Immigration and Nationality Act;

22          (4) instruction to individuals with respect to—

23           (A) the rights and responsibilities of  
24 United States citizenship; and

1 (B) civics and civics-based English as a  
2 second language; and

3 (5) assistance, within the scope of authorized  
4 practice of immigration law, to individuals seeking to  
5 apply for United States citizenship.

6 (d) SOURCE OF GRANT FUNDS.—To carry out this  
7 section, the Secretary may use not more than \$50,000,000  
8 from the Immigration Examinations Fee Account pursu-  
9 ant to section 286(m) of the Immigration and Nationality  
10 Act (U.S.C. 1356(m)).

11 (e) AVAILABILITY OF APPROPRIATIONS.—Any  
12 amounts appropriated to carry out this section shall re-  
13 main available until expended.

14 **SEC. 3508. STUDY ON FACTORS AFFECTING EMPLOYMENT**  
15 **OPPORTUNITIES FOR IMMIGRANTS AND REF-**  
16 **UGEES WITH PROFESSIONAL CREDENTIALS**  
17 **OBTAINED IN FOREIGN COUNTRIES.**

18 (a) IN GENERAL.—The Secretary of Labor, in coordi-  
19 nation with the Secretary of State, the Secretary of Edu-  
20 cation, the Secretary of Health and Human Services, the  
21 Secretary of Commerce, the Secretary, the Administrator  
22 of the Internal Revenue Service, and the Commissioner of  
23 the Social Security Administration, shall conduct a study  
24 on the factors affecting employment opportunities in the  
25 United States for applicable immigrants and refugees with



1 professional credentials obtained in countries other than  
2 the United States.

3 (b) ELEMENTS.—The study required by subsection  
4 (a) shall include the following:

5 (1) An analysis of the employment history of  
6 applicable immigrants and refugees admitted to the  
7 United States during the most recent 5-year period  
8 for which data are available at the time of the study,  
9 including, to the extent practicable—

10 (A) an analysis of the employment held by  
11 applicable immigrants and refugees before im-  
12 migrating to the United States as compared to  
13 the employment obtained in the United States,  
14 if any, since the arrival of such applicable immi-  
15 grants and refugees; and

16 (B) a consideration of the occupational and  
17 professional credentials and academic degrees  
18 held by applicable immigrants and refugees be-  
19 fore immigrating to the United States.

20 (2) An assessment of any barrier that prevents  
21 applicable immigrants and refugees from using occu-  
22 pational experience obtained outside the United  
23 States to obtain employment in the United States.

24 (3) An analysis of existing public and private  
25 resources available to assist applicable immigrants

1 and refugees who have professional experience and  
2 qualifications obtained outside the United States in  
3 using such professional experience and qualifications  
4 to obtain skills-appropriate employment opportuni-  
5 ties in the United States.

6 (4) Policy recommendations for better enabling  
7 applicable immigrants and refugees who have profes-  
8 sional experience and qualifications obtained outside  
9 the United States to use such professional experi-  
10 ence and qualifications to obtain skills-appropriate  
11 employment opportunities in the United States.

12 (c) COLLABORATION WITH NONPROFIT ORGANIZA-  
13 TIONS AND STATE AGENCIES.—In conducting the study  
14 required by subsection (a), the Secretary of Labor shall  
15 seek to collaborate with relevant nonprofit organizations  
16 and State agencies to use the existing data and resources  
17 of such entities.

18 (d) APPLICABLE IMMIGRANTS AND REFUGEES.—In  
19 this section, the term “applicable immigrants and refu-  
20 gees” means—

21 (1) noncitizens who are lawfully present and  
22 authorized to be employed in the United States; and

23 (2) citizens of the United States born outside  
24 the United States and its outlying possessions.

1 **SEC. 3509. IN-STATE TUITION RATES FOR REFUGEES,**  
2 **ASYLEES, AND CERTAIN SPECIAL IMMI-**  
3 **GRANTS.**

4 (a) IN GENERAL.—The Higher Education Act of  
5 1965 (20 U.S.C. 1001 et seq.) is amended by inserting  
6 after section 135 the following:

7 **“SEC. 135A. IN-STATE TUITION RATES FOR REFUGEES,**  
8 **ASYLEES, AND CERTAIN SPECIAL IMMI-**  
9 **GRANTS.**

10 “(a) REQUIREMENT.—In the case of a noncitizen de-  
11 scribed in subsection (b) whose domicile is in a State that  
12 receives assistance under this Act, such State shall not  
13 charge such noncitizen tuition for attendance at a public  
14 institution of higher education in the State at a rate that  
15 is greater than the rate charged for residents of the State.

16 “(b) NONCITIZEN DESCRIBED.—A noncitizen is de-  
17 scribed in this subsection if the noncitizen was granted—

18 “(1) refugee status and admitted to the United  
19 States under section 207 of the Immigration and  
20 Nationality Act (8 U.S.C. 1157);

21 “(2) asylum under section 208 of such Act (8  
22 U.S.C. 1158); or

23 “(3) special immigrant status under section  
24 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) pur-  
25 suant to—



1 **SEC. 3510. WAIVER OF ENGLISH REQUIREMENT FOR SEN-**  
2 **IOR NEW AMERICANS.**

3 Section 312 (8 U.S.C. 1423) is amended by striking  
4 subsection (b) and inserting the following:

5 “(b) The requirements under subsection (a) shall not  
6 apply to any person who—

7 “(1) is unable to comply with such require-  
8 ments because of physical or mental disability, in-  
9 cluding developmental or intellectual disability; or

10 “(2) on the date on which the person’s applica-  
11 tion for naturalization is submitted under section  
12 334—

13 “(A) is older than 65 years of age; and

14 “(B) has been living in the United States  
15 for 1 or more periods totaling not less than 5  
16 years after being lawfully admitted for perma-  
17 nent residence.

18 “(c) The requirement under subsection (a)(1) shall  
19 not apply to any person who, on the date on which the  
20 person’s application for naturalization is submitted under  
21 section 334—

22 “(1) is older than 50 years of age and has been  
23 living in the United States for 1 or more periods to-  
24 taling not less than 20 years after being lawfully ad-  
25 mitted for permanent residence;



1 **“SEC. 321. CITIZENSHIP FOR CERTAIN UNITED STATES**  
2 **HIGH SCHOOL GRADUATES.**

3 “(a) REQUIREMENTS CONSIDERED SATISFIED.—In  
4 the case of a noncitizen described in subsection (b), the  
5 noncitizen shall be considered to have satisfied the require-  
6 ments of section 312(a).

7 “(b) NONCITIZEN DESCRIBED.—A noncitizen is de-  
8 scribed in this subsection if the noncitizen submits an ap-  
9 plication for naturalization under section 334 that con-  
10 tains the following:

11 “(1) Transcripts from public or private schools  
12 in the United States that demonstrate the following:

13 “(A) The noncitizen completed grades 9  
14 through 12 in the United States and graduated  
15 with a high school diploma.

16 “(B) The noncitizen completed a cur-  
17 riculum that reflects knowledge of United  
18 States history, government, and civics.

19 “(2) A copy of the noncitizen’s high school di-  
20 ploma.”.

21 (b) CLERICAL AMENDMENT.—The table of contents  
22 for the Immigration and Nationality Act (8 U.S.C. 1101  
23 et seq.) is amended by inserting after the item relating  
24 to section 320 the following:

“Sec. 321. Citizenship for certain United States high school graduates.”.

1           (c) APPLICABILITY.—The amendments made by this  
2 section shall take effect on the date of the enactment of  
3 this Act and shall apply to applicants for naturalization  
4 who apply for naturalization on or after such date.

5           (d) REGULATIONS.—Not later than 180 days after  
6 the date of the enactment of this Act, the Secretary shall  
7 promulgate regulations to carry out this section and the  
8 amendments made by this section.

9 **SEC. 3512. NATURALIZATION CEREMONIES.**

10          (a) IN GENERAL.—The Chief of the Office of Citizen-  
11 ship of U.S. Citizenship and Immigration Services, in con-  
12 sultation with the Director of the National Park Service,  
13 the Archivist of the United States, and other appropriate  
14 Federal officials, shall develop and implement a strategy  
15 to enhance public awareness of naturalization ceremonies.

16          (b) VENUES.—In developing the strategy under sub-  
17 section (a), the Chief of the Office of Citizenship of U.S.  
18 Citizenship and Immigration Services shall consider the  
19 use of outstanding and historic locations as venues for se-  
20 lect naturalization ceremonies.

21 **SEC. 3513. NATIONAL CITIZENSHIP PROMOTION PROGRAM.**

22          (a) ESTABLISHMENT.—Not later than 1 year after  
23 the date of the enactment of this Act, the Secretary shall  
24 establish a program to promote United States citizenship.



1           (b) ACTIVITIES.—As part of the program required by  
2 subsection (a), the Secretary shall carry out outreach ac-  
3 tivities in accordance with subsection (c).

4           (c) OUTREACH.—The Secretary shall—

5                 (1) develop outreach materials targeted to non-  
6 citizens who have been lawfully admitted for perma-  
7 nent residence to encourage such noncitizens to  
8 apply to become citizens of the United States;

9                 (2) make such outreach materials available  
10 through—

11                     (A) public service announcements;

12                     (B) advertisements; and

13                     (C) such other media as the Secretary con-  
14 siders appropriate; and

15                 (3) conduct outreach activities targeted to non-  
16 citizens eligible to apply for naturalization, including  
17 communication by text, email, and the United States  
18 Postal Service, that provides, on paper or in elec-  
19 tronic form—

20                     (A) notice that the individual is possibly el-  
21 igible to apply for naturalization;

22                     (B) information about the requirements of  
23 United States citizenship;

24                     (C) information about the benefits of  
25 United States citizenship;

1 (D) a pre-filled naturalization application  
2 containing the data the agency already has  
3 about the individual;

4 (E) instructions on how to complete the  
5 application; and

6 (F) resources for free or low-cost assist-  
7 ance with applying for naturalization and pre-  
8 paring for the English and civics exams.

9 **SEC. 3514. AUTHORIZATION OF APPROPRIATIONS FOR**  
10 **FOUNDATION AND PILOT PROGRAM.**

11 (a) IN GENERAL.—There are authorized to be appro-  
12 priated for the first 2 fiscal years after the date of the  
13 enactment of this Act such sums as may be necessary to  
14 establish the Foundation and carry out the pilot program  
15 under section 3502.

16 (b) USE OF FUNDS.—Amounts appropriated to es-  
17 tablish the Foundation and carry out the pilot program  
18 under section 3502 may be invested, and any amounts re-  
19 sulting from such investments shall remain available for  
20 the operations of the Foundation and the pilot program  
21 without further appropriation.

1 **TITLE** **IV—IMMIGRATION**  
2 **COURTS, FAMILY VALUES,**  
3 **AND VULNERABLE INDIVID-**  
4 **UALS**

5 **Subtitle A—Promoting Efficient**  
6 **Processing of Asylum Seekers,**  
7 **Addressing Immigration Court**  
8 **Backlogs, and Efficiently Repa-**  
9 **triating Migrants Ordered Re-**  
10 **moved**

11 **SEC. 4101. EXPANDING ALTERNATIVES TO DETENTION.**

12 (a) **FAMILY CASE MANAGEMENT PROGRAM.**—The  
13 Secretary shall—

14 (1) expand the use of the family case manage-  
15 ment program (described in section 218 of the De-  
16 partment of Homeland Security Appropriations Act,  
17 2020 (8 U.S.C. 1378a)) for apprehended noncitizens  
18 who are members of family units arriving in the  
19 United States; and

20 (2) develop additional community-based pro-  
21 grams to increase the number of enrollees in the al-  
22 ternatives to detention program.

23 (b) **NONPROFIT ENTITY CONTRACTING PARTNER.**—  
24 The Secretary shall contract with qualified nonprofit enti-  
25 ties for the operation of the alternatives to detention pro-

1 gram, including the family case management program and  
2 other community-based programs described in subsection  
3 (a).

4 (c) **LEGAL ORIENTATION.**—The Secretary shall en-  
5 sure that enrollees in the alternatives to detention pro-  
6 gram, including the family case management program and  
7 other community-based programs described in subsection  
8 (a), are provided a legal orientation consistent with the  
9 program elements described in section 4105(a)(2).

10 **SEC. 4102. ELIMINATING IMMIGRATION COURT BACKLOGS.**

11 (a) **ADDRESSING IMMIGRATION JUDGE SHORT-**  
12 **AGES.**—The Attorney General shall increase the total  
13 number of immigration judges by not fewer than 55  
14 judges during each of fiscal years 2021, 2022, 2023, and  
15 2024.

16 (b) **QUALIFICATIONS AND SELECTION.**—The Attor-  
17 ney General shall—

18 (1) ensure that all newly hired immigration  
19 judges and members of the Board of Immigration  
20 Appeals are—

21 (A) highly qualified experts on immigration  
22 law; and

23 (B) trained to conduct fair, impartial adju-  
24 dications in accordance with applicable due  
25 process requirements; and

1           (2) with respect to immigration judges and  
2           members of the Board of Immigration Appeals, to  
3           the extent practicable, strive to achieve an equal nu-  
4           merical balance in the hiring of candidates with Gov-  
5           ernment experience in immigration and candidates  
6           with sufficient knowledge or experience in immigra-  
7           tion in the private sector, including nonprofit, pri-  
8           vate bar, or academic experience.

9           (c) ADDRESSING SUPPORT STAFF SHORTAGES.—  
10          Subject to the availability of funds made available in ad-  
11          vance in appropriations Acts, the Attorney General shall  
12          ensure that each immigration judge has sufficient support  
13          staff, adequate technological and security resources, and  
14          appropriate courtroom facilities.

15          (d) ADDITIONAL BOARD OF IMMIGRATION APPEALS  
16          PERSONNEL.—The Attorney General shall increase the  
17          number of Board of Immigration Appeals staff attorneys  
18          (including necessary additional support staff) to efficiently  
19          process cases by not fewer than 23 attorneys during each  
20          of fiscal years 2021, 2022, and 2023.

21          (e) GAO REPORT.—The Comptroller General of the  
22          United States shall—

23                (1) conduct a study of the impediments to effi-  
24                cient hiring of immigration court judges within the  
25                Department of Justice; and

1           (2) propose solutions to Congress for improving  
2           the efficiency of the hiring process.

3 **SEC. 4103. IMPROVED TRAINING FOR IMMIGRATION**  
4                                   **JUDGES AND MEMBERS OF THE BOARD OF**  
5                                   **IMMIGRATION APPEALS.**

6           (a) IN GENERAL.—To ensure efficient and fair pro-  
7           ceedings, the Director of the Executive Office for Immi-  
8           gration Review shall establish or expand, as applicable,  
9           training programs for immigration judges and members  
10          of the Board of Immigration Appeals.

11          (b) MANDATORY TRAINING.—Training referred to  
12          under subsection (a) shall include the following:

13               (1) Expansion of the training program for new  
14               immigration judges and members of the Board of  
15               Immigration Appeals to include age sensitivity, gen-  
16               der sensitivity, and trauma sensitivity.

17               (2) Continuing education regarding current de-  
18               velopments in immigration law, including through  
19               regularly available training resources and an annual  
20               conference.

21               (3) Training on properly crafting and dictating  
22               decisions and standards of review, including im-  
23               proved on-bench reference materials and decision  
24               templates.

1 **SEC. 4104. NEW TECHNOLOGY TO IMPROVE COURT EFFI-**  
2 **CIENCY.**

3 The Director of the Executive Office for Immigration  
4 Review shall modernize its case management, video-tele-  
5 conferencing, digital audio recording, and related elec-  
6 tronic and computer-based systems, including by allowing  
7 for electronic filing, to improve efficiency in the processing  
8 of immigration proceedings.

9 **SEC. 4105. COURT APPEARANCE COMPLIANCE AND LEGAL**  
10 **ORIENTATION.**

11 (a) **ACCESS TO LEGAL ORIENTATION PROGRAMS TO**  
12 **ENSURE COURT APPEARANCE COMPLIANCE.—**

13 (1) **IN GENERAL.—**The Secretary, in consulta-  
14 tion with the Attorney General, shall establish proce-  
15 dures to ensure that legal orientation programs are  
16 available for all noncitizens detained by the Sec-  
17 retary.

18 (2) **PROGRAM ELEMENTS.—**Programs under  
19 paragraph (1) shall provide information to nonciti-  
20 zens regarding the following:

21 (A) The basic procedures of immigration  
22 hearings.

23 (B) The rights and obligations of nonciti-  
24 zens relating to immigration hearings, including  
25 the consequences of filing frivolous legal claims  
26 and of failing to appear for proceedings.





1 PROCEEDINGS.—Section 240(b) of the Immigration and  
2 Nationality Act (8 U.S.C. 1229a(b)) is amended—

3 (1) in paragraph (4)—

4 (A) in subparagraph (A)—

5 (i) by striking “, at no expense to the  
6 Government,”; and

7 (ii) by striking the comma at the end  
8 and inserting a semicolon;

9 (B) by redesignating subparagraphs (B)  
10 and (C) as subparagraphs (D) and (E), respec-  
11 tively;

12 (C) by inserting after subparagraph (A)  
13 the following:

14 “(B) the Attorney General may appoint or  
15 provide counsel, at Government expense, to  
16 noncitizens in immigration proceedings;

17 “(C) at the beginning of the proceedings or  
18 as expeditiously as possible thereafter, a noncit-  
19 izen shall receive a complete copy of all relevant  
20 documents in the possession of the Department  
21 of Homeland Security, including all documents  
22 (other than documents protected from disclo-  
23 sure by privilege, including national security in-  
24 formation referred to in subparagraph (D), law  
25 enforcement-sensitive information, and informa-

1           tion prohibited from disclosure pursuant to any  
2           other provision of law) contained in the file  
3           maintained by the Government, including infor-  
4           mation with respect to all transactions involving  
5           the noncitizen during the immigration process  
6           (commonly referred to as an ‘A-file’) and all  
7           documents pertaining to the noncitizen that the  
8           Department of Homeland Security has obtained  
9           or received from other government agencies, un-  
10          less the noncitizen waives the right to receive  
11          such documents by executing a knowing and  
12          voluntary written waiver in a language that he  
13          or she understands;” and

14                 (D) in subparagraph (D), as redesignated,  
15                 by striking “, and” and inserting “; and”; and  
16                 (2) by adding at the end the following:

17                 “(8) FAILURE TO PROVIDE NONCITIZEN RE-  
18                 QUIRED DOCUMENTS.—In the absence of a written  
19                 waiver under paragraph (4)(C), a removal pro-  
20                 ceeding may not proceed until the noncitizen—

21                         “(A) has received the documents as re-  
22                         quired under such paragraph; and

23                         “(B) has been provided meaningful time to  
24                         review and assess such documents.”.

25                 (b) RIGHT TO COUNSEL.—

1           (1) IN GENERAL.—Section 292 of the Immigra-  
2           tion and Nationality Act (8 U.S.C. 1362) is amend-  
3           ed to read as follows:

4   **“SEC. 292. RIGHT TO COUNSEL.**

5           “(a) IN GENERAL.—In any proceeding conducted  
6           under section 235, 236, 238, 240, 241, or any other sec-  
7           tion of this Act, and in any appeal proceedings before the  
8           Attorney General from any such proceedings, the noncit-  
9           izen concerned shall have the privilege of being rep-  
10          resented by such counsel authorized to practice in such  
11          proceedings, as the noncitizen shall choose.

12          “(b) ACCESS TO COUNSEL.—

13                 “(1) IN GENERAL.—The Attorney General may  
14                 appoint or provide counsel to a noncitizen in any  
15                 proceeding conducted under section 235, 236, 238,  
16                 240, or 241 or any other section of this Act.

17                 “(2) DETENTION AND BORDER FACILITIES.—  
18                 The Secretary of Homeland Security shall ensure  
19                 that noncitizens have access to counsel inside all im-  
20                 migration detention and border facilities.

21                 “(c) CHILDREN AND VULNERABLE INDIVIDUALS.—  
22                 Notwithstanding subsection (b), at the beginning of pro-  
23                 ceedings or as expeditiously as possible, the Attorney Gen-  
24                 eral shall appoint, at the expense of the Government,  
25                 counsel to represent any noncitizen financially unable to

1 obtain adequate representation in such proceedings, in-  
2 cluding any noncitizen who has been determined by the  
3 Secretary of Homeland Security or the Attorney General  
4 to be—

5           “(1) a child;

6           “(2) a particularly vulnerable individual, includ-  
7 ing—

8                 “(A) a person with a disability;

9                 “(B) a victim of abuse, torture, or violence;

10           and

11                 “(C) a pregnant or lactating woman; or

12           “(3) the parent of a United States citizen  
13 minor.

14           “(d) **EXTENSION TO CONSOLIDATED CASES.**—If the  
15 Attorney General has consolidated the case of any noncit-  
16 izen for whom counsel was appointed under subsection (c)  
17 with that of any other noncitizen, and such other noncit-  
18 izen does not have counsel, the counsel appointed under  
19 subsection (c) shall be appointed to represent such other  
20 noncitizen unless there is a demonstrated conflict of inter-  
21 est.”.

22           (2) **RULEMAKING.**—Not later than 180 days  
23 after the date of enactment of this Act, the Attorney  
24 General shall promulgate regulations to implement

1 subsection (c) of section 292 of the Immigration and  
2 Nationality Act, as added by paragraph (1).

3 (c) IMMIGRATION COUNSEL FUND.—

4 (1) IN GENERAL.—Chapter 9 of title II of the  
5 Immigration and Nationality Act (8 U.S.C. 1351 et  
6 seq.) is amended by adding at the end the following:

7 **“SEC. 295. IMMIGRATION COUNSEL FUND.**

8 “(a) IN GENERAL.—There is established in the gen-  
9 eral fund of the Treasury a separate account to be known  
10 as the ‘Immigration Counsel Fund’.

11 “(b) DEPOSITS.—Notwithstanding any other provi-  
12 sion of this Act, there shall be deposited as offsetting re-  
13 ceipts into the Immigration Counsel Account all sur-  
14 charges collected under subsection (c) for the purpose of  
15 providing access to counsel as required or authorized  
16 under this Act, to remain available until expended.

17 “(c) SURCHARGE.—In any case in which a fee is  
18 charged pursuant to the immigration laws, a surcharge of  
19 \$25 shall be imposed and collected.

20 “(d) REPORT.—Not later than 2 years after the date  
21 of the enactment of this section, and biennially thereafter,  
22 the Secretary of Homeland Security shall submit to Con-  
23 gress a report on the status of the Immigration Counsel  
24 Account, including—

1           “(1) the balance in the Immigration Counsel  
2     Account; and

3           “(2) any recommendation with respect to modi-  
4     fications to the surcharge under subsection (c) nec-  
5     essary to ensure that the receipts collected for the  
6     subsequent 2 years equal, as closely as possible, the  
7     cost of providing access to counsel as required or au-  
8     thorized under this Act.”.

9           (2) TABLE OF CONTENTS.—The table of con-  
10    tents for the Immigration and Nationality Act (8  
11    U.S.C. 1101 et seq.) is amended by inserting after  
12    the item relating to section 294 the following:

“Sec. 295. Immigration Counsel Account.”.

13          (d) MOTIONS TO REOPEN.—Section 240(c)(7)(C) of  
14    the Immigration and Nationality Act (8 U.S.C.  
15    1229a(c)(7)(C)) is amended by adding at the end the fol-  
16    lowing:

17                   “(v) SPECIAL RULE FOR CHILDREN  
18                   AND OTHER VULNERABLE NONCITIZENS.—  
19                   If the Attorney General fails to appoint  
20                   counsel for a noncitizen in violation of sec-  
21                   tion 292(c)—

22                           “(I) no limitation under this  
23                           paragraph with respect to the filing of  
24                           any motion to reopen shall apply to  
25                           the noncitizen; and

1                                   “(II) the filing of a motion to re-  
2                                   open by the noncitizen shall stay the  
3                                   removal of the noncitizen.”.

4 **SEC. 4107. FACILITATING SAFE AND EFFICIENT REPATRI-**  
5 **ATION.**

6           (a) UNITED STATES SUPPORT FOR REINTEGRA-  
7 TION.—The Secretary of State, in consultation with the  
8 Secretary and the Administrator of the United States  
9 Agency for International Development, shall coordinate  
10 with the governments of El Salvador, Guatemala, Hon-  
11 duras, and any other country in Central America the Sec-  
12 retary of State considers appropriate, to promote the suc-  
13 cessful reintegration of families, unaccompanied noncit-  
14 izen children, and other noncitizens repatriated to their  
15 countries of origin by assisting in the development and  
16 funding of programs in such countries that—

17                   (1) provide comprehensive reintegration services  
18                   at the municipal level for repatriated noncitizens, in-  
19                   cluding family reunification and access to medical  
20                   and psychosocial services;

21                   (2) support the establishment of educational  
22                   and vocational centers for repatriated noncitizens  
23                   that provide skills training relevant to national and  
24                   local economic needs;

1           (3) promote the hiring of repatriated nonciti-  
2           zens in the private sector, including through stra-  
3           tegic partnerships with specific industries and busi-  
4           nesses;

5           (4) support the issuance of appropriate docu-  
6           ments to repatriated noncitizens, including identi-  
7           fication documents, documents relating to edu-  
8           cational attainment, and documents certifying skill  
9           attainment; and

10          (5) monitor repatriated unaccompanied noncit-  
11          izen children to ensure their adequate screening and  
12          processing in the United States.

13          (b) ELIGIBILITY OF CITIZENS AND NATIONALS OF  
14          REPATRIATION COUNTRY.—Paragraphs (1), (2), and (3)  
15          of subsection (a) shall not necessarily exclude citizens or  
16          nationals of the countries of origin.

17          (c) CONSULTATION WITH NONGOVERNMENTAL OR-  
18          GANIZATIONS.—In assisting in the development of pro-  
19          grams under subsection (a), the Secretary of State shall  
20          consult with nongovernmental organizations in the coun-  
21          tries concerned and in the United States that have experi-  
22          ence in—

23                (1) integrating repatriated individuals and fam-  
24                ilies;



1           (2) protecting and ensuring the welfare of unac-  
2           companied noncitizen children; and

3           (3) promoting economic development and skills  
4           acquisition.

5   **Subtitle B—Protecting Family Val-**  
6   **ues and Monitoring and Caring**  
7   **for Unaccompanied Noncitizen**  
8   **Children After Arrival**

9   **SEC. 4201. DEFINITION OF LOCAL EDUCATIONAL AGENCY.**

10       In this subtitle, the term “local educational agency”  
11 has the meaning given the term in section 8101 of the  
12 Elementary and Secondary Education Act of 1965 (20  
13 U.S.C. 7801).

14   **SEC. 4202. RESPONSIBILITY OF SPONSOR FOR IMMIGRA-**  
15                   **TION COURT COMPLIANCE AND CHILD WELL-**  
16                   **BEING.**

17       (a) **IN GENERAL.**—The Secretary of Health and  
18 Human Services, in consultation with the Attorney Gen-  
19 eral, shall establish procedures to ensure that a legal ori-  
20 entation program is provided to each sponsor (including  
21 parents, legal guardians, and close relatives) of an unac-  
22 companied noncitizen child before the unaccompanied non-  
23 citizen child is placed with the sponsor.

1 (b) PROGRAM ELEMENTS.—A program under sub-  
2 section (a) shall provide information to sponsors regarding  
3 each of the following:

4 (1) The basic procedures of immigration hear-  
5 ings.

6 (2) The rights and obligations of the unaccom-  
7 panied noncitizen child relating to immigration hear-  
8 ings, including the consequences of filing frivolous  
9 legal claims and of failing to appear for proceedings.

10 (3) The obligation of the sponsor—

11 (A) to ensure that the unaccompanied non-  
12 citizen child appears at immigration court pro-  
13 ceedings;

14 (B) to notify the court of any change of  
15 address of the unaccompanied noncitizen child  
16 and other relevant information; and

17 (C) to address the needs of the unaccom-  
18 panied noncitizen child, including providing ac-  
19 cess to health care and enrolling the child in an  
20 educational institution.

21 (4) Legal protections available to unaccom-  
22 panied noncitizen children and the procedures for re-  
23 questing such protections.

1           (5) Legal resources available to unaccompanied  
2           noncitizen children and lists of potential legal serv-  
3           ices providers.

4           (6) The importance of reporting potential child  
5           traffickers and other persons seeking to victimize or  
6           exploit unaccompanied noncitizen children, or other-  
7           wise engage such unaccompanied noncitizen children  
8           in criminal, harmful, or dangerous activity.

9           (7) Any other subject the Secretary of Health  
10          and Human Services or the Attorney General con-  
11          siders necessary and appropriate.

12 **SEC. 4203. FUNDING TO SCHOOL DISTRICTS FOR UNACCOM-**  
13 **PANIED NONCITIZEN CHILDREN.**

14          (a) GRANTS AUTHORIZED.—The Secretary of Edu-  
15          cation shall award grants, on a competitive basis, to eligi-  
16          ble local educational agencies or consortia of neighboring  
17          local educational agencies described in subsection (b), to  
18          enable the local educational agencies or consortia to en-  
19          hance opportunities for, and provide services to, immi-  
20          grant children, including unaccompanied noncitizen chil-  
21          dren, in the area served by the local educational agencies  
22          or consortia.

23          (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

24                (1) IN GENERAL.—A local educational agency  
25          or a consortium of neighboring local educational

1 agencies is eligible for a grant under subsection (a)  
2 if, during the fiscal year for which a grant is award-  
3 ed under this section, there are 50 or more unac-  
4 companied noncitizen children enrolled in the public  
5 schools served by the local educational agency or the  
6 consortium.

7 (2) DETERMINATIONS OF NUMBER OF UNAC-  
8 COMPANIED NONCITIZEN CHILDREN.—The Secretary  
9 of Education shall determine the number of unac-  
10 companied noncitizen children for purposes of para-  
11 graph (1) based on the most accurate data available  
12 that is provided to the Secretary of Education by the  
13 Director of the Office of Refugee Resettlement or  
14 the Department of Homeland Security.

15 (c) APPLICATIONS.—A local educational agency or a  
16 consortia of neighboring local educational agencies desir-  
17 ing a grant under this section shall submit an application  
18 to the Secretary of Education at such time, in such man-  
19 ner, and containing such information as the Secretary of  
20 Education may require, including a description of how the  
21 grant will be used to enhance opportunities for, and pro-  
22 vide services to, immigrant children and youth (including  
23 unaccompanied noncitizen children) and their families.

1 **SEC. 4204. SCHOOL ENROLLMENT.**

2 To be eligible for funding under the Elementary and  
3 Secondary Education Act of 1965 (20 U.S.C. 6301 et  
4 seq.), a local educational agency shall take measures—

5 (1) to ensure that an unaccompanied noncitizen  
6 child in the area served by the local educational  
7 agency is enrolled in school not later than 7 days  
8 after the date on which a request for enrollment is  
9 made; and

10 (2) to remove barriers to enrollment and full  
11 participation in educational programs and services  
12 offered by the local educational agency for unaccom-  
13 panied noncitizen children (including barriers related  
14 to documentation, age, and language), which shall  
15 include reviewing and revising policies that may have  
16 a negative effect on unaccompanied noncitizen chil-  
17 dren.

18 **Subtitle C—Admission and Protec-**  
19 **tion of Refugees, Asylum Seek-**  
20 **ers, and Other Vulnerable Indi-**  
21 **viduals**

22 **SEC. 4301. ELIMINATION OF TIME LIMITS ON ASYLUM AP-**  
23 **PLICATIONS.**

24 Section 208(a)(2) of the Immigration and Nationality  
25 Act (8 U.S.C. 1158(a)(2)) is amended—

1           (1) in subparagraph (A), by inserting “or the  
2           Secretary” after “Attorney General” each place it  
3           appears;

4           (2) by striking subparagraphs (B) and (D);

5           (3) by redesignating subparagraph (C) as sub-  
6           paragraph (B);

7           (4) in subparagraph (B), as redesignated, by  
8           striking “subparagraph (D)” and inserting “sub-  
9           paragraphs (C) and (D)”; and

10          (5) by inserting after subparagraph (B), as re-  
11          designated, the following:

12                 “(C) CHANGED CIRCUMSTANCES.—Not-  
13                 withstanding subparagraph (B), an application  
14                 for asylum of a noncitizen may be considered if  
15                 the noncitizen demonstrates, to the satisfaction  
16                 of the Attorney General or the Secretary, the  
17                 existence of changed circumstances that materi-  
18                 ally affect the noncitizen’s eligibility for asylum.

19                 “(D) MOTION TO REOPEN CERTAIN MERI-  
20                 TORIOUS CLAIMS.—Notwithstanding subpara-  
21                 graph (B) of section 240(c)(7), during the 2-  
22                 year period beginning on the date of the enact-  
23                 ment of this Act, a noncitizen may file a motion  
24                 to reopen an asylum claim or a motion to re-

1 open removal proceedings to reapply for asylum  
2 as relief from removal if the noncitizen—

3 “(i) was denied asylum based solely  
4 on a failure to meet the 1-year application  
5 filing deadline in effect on the date on  
6 which the application was filed;

7 “(ii) was granted withholding of re-  
8 moval to the noncitizen’s country of na-  
9 tionality (or, in the case of a person having  
10 no nationality, to the country of last habit-  
11 ual residence) under section 241(b)(3);

12 “(iii) has not obtained lawful perma-  
13 nent residence in the United States pursu-  
14 ant to any other provision of law;

15 “(iv) is not subject to the safe third  
16 country exception under subparagraph (A)  
17 or to a bar to asylum under subsection  
18 (b)(2); and

19 “(v) was not denied asylum as a mat-  
20 ter of discretion.”.

21 **SEC. 4302. INCREASING ANNUAL NUMERICAL LIMITATION**  
22 **ON U VISAS.**

23 Section 214(p) of the Immigration and Nationality  
24 Act (8 U.S.C. 1184(p)) is amended in paragraph (2)(A)  
25 by striking “10,000” and inserting “30,000”.

1 **SEC. 4303. EMPLOYMENT AUTHORIZATION FOR ASYLUM**  
2 **SEEKERS AND OTHER INDIVIDUALS.**

3 (a) ASYLUM SEEKERS.—Section 208(d)(2) of the Im-  
4 migration and Nationality Act (8 U.S.C. 1158(d)(2)) is  
5 amended to read as follows:

6 “(2) EMPLOYMENT AUTHORIZATION.—

7 “(A) ELIGIBILITY.—The Secretary of  
8 Homeland Security shall authorize employment  
9 for an applicant for asylum who is not in deten-  
10 tion and whose application for asylum has not  
11 been determined to be frivolous.

12 “(B) APPLICATION.—

13 “(i) IN GENERAL.—An applicant for  
14 asylum (unless otherwise eligible for em-  
15 ployment authorization) shall not be grant-  
16 ed employment authorization under this  
17 paragraph until the end of a period of days  
18 determined by the Secretary of Homeland  
19 Security by regulation, but which shall not  
20 exceed 180 days, after the filing of the ap-  
21 plication for asylum.

22 “(ii) DATE OF FILING.—For purposes  
23 of this subparagraph, an application for  
24 asylum shall be considered to be filed on  
25 the date on which the applicant submits  
26 the application to the Secretary of Home-



1 land Security or the Attorney General, as  
2 applicable.

3 “(C) TERM.—Employment authorization  
4 for an applicant for asylum shall be valid until  
5 the date on which there is a final denial of the  
6 asylum application, including any administra-  
7 tive or judicial review.”.

8 (b) INDIVIDUALS GRANTED WITHHOLDING OF RE-  
9 MOVAL OR APPLYING FOR WITHHOLDING OF REMOVAL.—  
10 Section 241(b)(3) of the Immigration and Nationality Act  
11 (8 U.S.C. 1231(b)(3)) is amended by adding at the end  
12 the following:

13 “(D) EMPLOYMENT AUTHORIZATION.—

14 “(i) IN GENERAL.—The Secretary of  
15 Homeland Security shall authorize employ-  
16 ment for a noncitizen who is not in deten-  
17 tion and who has been granted—

18 “(I) withholding of removal  
19 under this paragraph; or

20 “(II) withholding or deferral of  
21 removal under the Convention against  
22 Torture and Other Cruel, Inhuman or  
23 Degrading Treatment or Punishment,  
24 done at New York December 10,  
25 1984.

1                   “(ii) TERM.—Employment authoriza-  
2                   tion for a noncitizen described in clause (i)  
3                   shall be—

4                               “(I) valid for a period of 2 years;  
5                   and

6                               “(II) renewable for additional 2-  
7                   year periods for the duration of such  
8                   withholding or deferral of removal sta-  
9                   tus.”.

10                   “(iii) APPLICANT ELIGIBILITY.—

11                               “(I) IN GENERAL.—The Sec-  
12                   retary of Homeland Security shall au-  
13                   thorize employment for a noncitizen  
14                   who is not in detention, and whose ap-  
15                   plication for withholding of removal  
16                   under this paragraph or withholding  
17                   or deferral of removal under the Con-  
18                   vention against Torture and Other  
19                   Cruel, Inhuman or Degrading Treat-  
20                   ment or Punishment, done at New  
21                   York December 10, 1984, has not  
22                   been determined to be frivolous.

23                               “(II) APPLICATION.—

24                                       “(aa) IN GENERAL.—A non-  
25                   citizen described in subclause (I)

1 shall not be granted employment  
2 authorization under this clause  
3 until the end of a period of days  
4 determined by the Secretary of  
5 Homeland Security by regulation,  
6 but which shall not exceed 180  
7 days, after the filing of an appli-  
8 cation described in such sub-  
9 clause.

10 “(bb) DATE OF FILING.—  
11 For purposes of this clause, an  
12 application under subclause (I)  
13 shall be considered to be filed on  
14 the date on which the applicant  
15 submits the application to the At-  
16 torney General.

17 “(III) TERM.—Employment au-  
18 thorization for a noncitizen described  
19 in subclause (I) shall be valid until  
20 the date on which there is a final de-  
21 nial of the application under subclause  
22 (I), including any administrative or  
23 judicial review.”.

1 **SEC. 4304. ENHANCED PROTECTION FOR INDIVIDUALS**  
2 **SEEKING T VISAS, U VISAS, AND PROTECTION**  
3 **UNDER VAWA.**

4 (a) EMPLOYMENT AUTHORIZATION FOR T VISA AP-  
5 PPLICANTS.—Section 214(o) (8 U.S.C. 1184(o)) is amend-  
6 ed by adding at the end the following:

7 “(8) Notwithstanding any provision of this Act  
8 relating to eligibility for employment in the United  
9 States, the Secretary of Homeland Security shall  
10 grant employment authorization to a noncitizen who  
11 has filed a nonfrivolous application for non-  
12 immigrant status under section 101(a)(15)(T),  
13 which authorization shall begin on the date that is  
14 the earlier of—

15 “(A) the date on which the noncitizen’s ap-  
16 plication for such status is approved; or

17 “(B) a date determined by the Secretary  
18 that is not later than 180 days after the date  
19 on which the noncitizen filed the application.”.

20 (b) INCREASED ACCESSIBILITY AND EMPLOYMENT  
21 AUTHORIZATION FOR U VISA APPLICANTS.—Section  
22 214(p) of the Immigration and Nationality Act (8 U.S.C.  
23 1184(p)) is amended—

24 (1) in paragraph (6), by striking the last sen-  
25 tence; and

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

1           “(8) EMPLOYMENT AUTHORIZATION.—Notwith-  
2           standing any provision of this Act relating to eligi-  
3           bility for employment in the United States, the Sec-  
4           retary of Homeland Security shall grant employment  
5           authorization to a noncitizen who has filed an appli-  
6           cation for nonimmigrant status under section  
7           101(a)(15)(U), which authorization shall begin on  
8           the date that is the earlier of—

9                   “(A) the date on which the noncitizen’s pe-  
10                  tition for such status is approved; or

11                   “(B) a date determined by the Secretary  
12                  that is not later than 180 days after the date  
13                  on which the noncitizen filed the petition.”.

14           (c) PROHIBITION ON REMOVAL OF CERTAIN VICTIMS  
15 WITH PENDING PETITIONS AND APPLICATIONS.—

16           (1) IN GENERAL.—Section 240 of the Immigra-  
17           tion and Nationality Act (8 U.S.C. 1229a) is amend-  
18           ed—

19                   (A) by redesignating subsection (e) as sub-  
20                  section (f); and

21                   (B) by inserting after subsection (d) the  
22                  following:

23           “(e) PROHIBITION ON REMOVAL OF CERTAIN VIC-  
24           TIMS WITH PENDING PETITIONS AND APPLICATIONS.—

1           “(1) IN GENERAL.—A noncitizen described in  
2 paragraph (2) shall not be removed from the United  
3 States under this section or any other provision of  
4 law until the date on which there is a final denial  
5 of the noncitizen’s application for status, including  
6 any administrative or judicial review.

7           “(2) NONCITIZENS DESCRIBED.—A noncitizen  
8 described in this paragraph is a noncitizen who—

9                   “(A) has a pending nonfrivolous applica-  
10 tion or petition under—

11                           “(i) subparagraph (T) or (U) of sec-  
12 tion 101(a)(15);

13                           “(ii) section 106;

14                           “(iii) section 240A(b)(2); or

15                           “(iv) section 244(a)(3) (as in effect on  
16 March 31, 1997); or

17                           “(B) is a VAWA self-petitioner, as defined  
18 in section 101(a)(51), and has a pending appli-  
19 cation for relief under a provision referred to in  
20 any of subparagraphs (A) through (G) of such  
21 section.”.

22           (2) CONFORMING AMENDMENT.—Section  
23 240(b)(7) of the Immigration and Nationality Act (8  
24 U.S.C. 1229a(b)(7)) is amended by striking “sub-  
25 section (e)(1)” and inserting “subsection (f)(1)”.

1 (d) PROHIBITION ON DETENTION OF CERTAIN VIC-  
2 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—  
3 Section 236 of the Immigration and Nationality Act (8  
4 U.S.C. 1226) is amended by adding at the end the fol-  
5 lowing:

6 “(f) DETENTION OF CERTAIN VICTIMS WITH PEND-  
7 ING PETITIONS AND APPLICATIONS.—

8 “(1) PRESUMPTION OF RELEASE.—

9 “(A) IN GENERAL.—Notwithstanding any  
10 other provision of this Act, there shall be a pre-  
11 sumption that a noncitizen described in para-  
12 graph (2) should be released from detention.

13 “(B) REBUTTAL.—The Secretary of  
14 Homeland Security may rebut the presumption  
15 of release based on clear and convincing evi-  
16 dence, including credible and individualized in-  
17 formation, that—

18 “(i) the use of alternatives to deten-  
19 tion will not reasonably ensure the appear-  
20 ance of the noncitizen at removal pro-  
21 ceedings; or

22 “(ii) the noncitizen is a threat to an-  
23 other person or the community.

24 “(C) PENDING CRIMINAL CHARGE.—A  
25 pending criminal charge against a noncitizen

1           may not be the sole factor to justify the contin-  
2           ued detention of the noncitizen.

3           “(2) NONCITIZEN DESCRIBED.—A noncitizen  
4           described in this paragraph is a noncitizen who—

5                   “(A) has a pending application, which has  
6           not been found to be frivolous, under—

7                           “(i) subparagraph (T) or (U) of sec-  
8                           tion 101(a)(15);

9                           “(ii) section 106;

10                           “(iii) section 240A(b)(2); or

11                           “(iv) section 244(a)(3) (as in effect on  
12                           March 31, 1997); or

13                           “(B) is a VAWA self-petitioner, as defined  
14                           in section 101(a)(51), has a pending petition  
15                           for relief, and can demonstrate prima facie eli-  
16                           gibility under a provision referred to in any of  
17                           subparagraphs (A) through (G) of such sec-  
18                           tion.”.

19 **SEC. 4305. ALTERNATIVES TO DETENTION.**

20           Section 236 of the Immigration and Nationality Act  
21           (8 U.S.C. 1226), as amended by section 4304, is further  
22           amended by adding at the end the following:

23           “(g) ALTERNATIVES TO DETENTION.—

24                   “(1) IN GENERAL.—The Secretary of Homeland  
25           Security shall establish programs that provide alter-



1 natives to detaining noncitizens, which shall offer a  
2 continuum of supervision mechanisms and options,  
3 including community-based supervision programs  
4 and community support.

5 “(2) CONTRACTS WITH NONGOVERNMENTAL  
6 ORGANIZATIONS.—The Secretary of Homeland Secu-  
7 rity may contract with nongovernmental community-  
8 based organizations to provide services for programs  
9 under paragraph (1), including case management  
10 services, appearance assistance services, and screen-  
11 ing of detained noncitizens.”.

12 **SEC. 4306. NOTIFICATION OF PROCEEDINGS.**

13 (a) WRITTEN RECORD OF ADDRESS.—Section 239(a)  
14 of the Immigration and Nationality Act (8 U.S.C.  
15 1229(a)) is amended—

16 (1) in paragraph (1)(F), by inserting “the Sec-  
17 retary of Homeland Security or” before “the Attor-  
18 ney General” each place such term appears; and

19 (2) in paragraph (2)(A) by striking “the noncit-  
20 izen or to the noncitizen’s counsel of record” and in-  
21 serting “the noncitizen and to the noncitizen’s coun-  
22 sel of record”.

1 **SEC. 4307. CONVERSION OF CERTAIN PETITIONS.**

2 Section 2 of Public Law 110–242 (8 U.S.C. 1101  
3 note) is amended by striking subsection (b) and inserting  
4 the following:

5 “(b) DURATION.—The authority under subsection (a)  
6 shall expire on the date on which the numerical limitation  
7 specified under section 1244(c) of the National Defense  
8 Authorization Act for Fiscal Year 2008 (Public Law 110–  
9 181; 8 U.S.C. 1157 note) is reached.”.

10 **SEC. 4308. IMPROVEMENTS TO APPLICATION PROCESS FOR**  
11 **AFGHAN SPECIAL IMMIGRANT VISAS.**

12 Subsection (b) of section 602 of the Afghan Allies  
13 Protection Act of 2009 (8 U.S.C. 1101 note) is amend-  
14 ed—

15 (1) in paragraph (2)(A)(ii), by inserting “for  
16 the first time” after “September 30, 2015”; and

17 (2) in paragraph (4)(A) by inserting “, includ-  
18 ing Chief of Mission approval,” after “so that all  
19 steps”.

20 **SEC. 4309. SPECIAL IMMIGRANT STATUS FOR CERTAIN SUR-**  
21 **VIVING SPOUSES AND CHILDREN.**

22 (a) IN GENERAL.—Section 101(a)(27)(D) of the Im-  
23 migration and Nationality Act (8 U.S.C. 1101(a)(27)(D))  
24 is amended—



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1 (C) in the matter preceding subclause (I),  
2 as redesignated, by striking “An alien is de-  
3 scribed” and inserting the following:

4 “(i) IN GENERAL.—A noncitizen is de-  
5 scribed”;

6 (D) in clause (i)(I), as redesignated, by  
7 striking “who had a petition for classification  
8 approved” and inserting “who had submitted  
9 an application to the Chief of Mission”; and

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

11 “(ii) EMPLOYMENT REQUIREMENTS.—  
12 An application by a surviving spouse or  
13 child of a principal noncitizen shall be sub-  
14 ject to employment requirements set forth  
15 in subparagraph (A) as of the date of the  
16 principal noncitizen’s filing of an applica-  
17 tion for the first time, or if no application  
18 has been filed, the employment require-  
19 ments as of the date of the principal non-  
20 citizen’s death.”.

21 (2) CONFORMING AMENDMENTS.—Section 602  
22 of the Afghan Allies Protection Act of 2009 (8  
23 U.S.C. 1101 note) is amended—

1 (A) in the paragraph and subparagraph  
2 headings, by striking “ALIENS” each place it  
3 appears and inserting “NONCITIZENS”;

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

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

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

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

12 (F) by striking “alien’s” each place it ap-  
13 pears and inserting “noncitizen’s”.

14 (c) SPECIAL IMMIGRANT STATUS FOR CERTAIN  
15 IRAQIS.—

16 (1) IN GENERAL.—Section 1244(b)(3) of the  
17 Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157  
18 note) is amended—

19 (A) by striking “described in subsection  
20 (b)” and inserting “in this subsection”;

21 (B) in subparagraph (B), by redesignating  
22 clauses (i) and (ii) as subclauses (I) and (II),  
23 respectively, and moving such subclauses 2 ems  
24 to the right;

1 (C) by redesignating subparagraphs (A)  
2 and (B) as clauses (i) and (ii), respectively, and  
3 moving such clauses 2 ems to the right;

4 (D) in the matter preceding clause (i), as  
5 redesignated, by striking “An alien is de-  
6 scribed” and inserting the following:

7 “(A) IN GENERAL.—A noncitizen is de-  
8 scribed”;

9 (E) in subparagraph (A)(i), as redesi-  
10 gnated, by striking “who had a petition for clas-  
11 sification approved” and inserting “who sub-  
12 mitted an application to the Chief of Mission”;  
13 and

14 (F) by adding at the end the following:

15 “(B) EMPLOYMENT REQUIREMENTS.—An  
16 application by a surviving spouse or child of a  
17 principal noncitizen shall be subject to employ-  
18 ment requirements set forth in paragraph (1)  
19 as of the date of the principal noncitizen’s filing  
20 of an application for the first time, or if the  
21 principal noncitizen did not file an application,  
22 the employment requirements as of the date of  
23 the principal noncitizen’s death.”.

1           (2) CONFORMING AMENDMENTS.—The Refugee  
2           Crisis in Iraq Act of 2007 (8 U.S.C. 1157 note) is  
3           amended by—

4                   (A) in the subsection headings, by striking  
5                   “ALIENS” each place it appears and inserting  
6                   “NONCITIZENS”;

7                   (B) in the paragraph headings, by striking  
8                   “ALIENS” each place it appears and inserting  
9                   “NONCITIZENS”;

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

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

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

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

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

20           (d) EFFECTIVE DATE.—The amendments made by  
21           this section shall be effective on the date of the enactment  
22           of this Act and shall have retroactive effect.





1           (4) the noncitizen clears a background check  
2           and appropriate screening, as determined by the  
3           Secretary.

4           (b) NONCITIZENS DESCRIBED.—A noncitizen de-  
5           scribed in this subsection is a noncitizen who—

6           (1)(A) is a citizen or national of Syria or a  
7           stateless person who has habitually resided in Syria;

8           (B) was employed by or on behalf of (including  
9           under a contract, cooperative agreement or grant  
10          with) the United States Government in Syria, for a  
11          period of not less than 1 year beginning on January  
12          1, 2014; and

13          (C) obtained a favorable written recommenda-  
14          tion from a U.S. citizen supervisor who was in the  
15          chain of command of the United States Armed  
16          Forces unit or U.S. Government entity that was  
17          supported by the noncitizen; or

18          (2)(A) is the spouse or a child of a principal  
19          noncitizen described in paragraph (1); and

20          (B)(i) is following or accompanying to join the  
21          principal noncitizen in the United States; or

22          (ii) due to the death of the principal noncitizen,  
23          a petition to follow or accompany to join the prin-  
24          cipal noncitizen in the United States—

1 (I) was or would be revoked, terminated,  
2 or otherwise rendered null; and

3 (II) would have been approved if the prin-  
4 cipal noncitizen had survived.

5 (c) NUMERICAL LIMITATIONS.—

6 (1) IN GENERAL.—Except as otherwise pro-  
7 vided in this subsection, the total number of prin-  
8 cipal noncitizens who may be provided special immi-  
9 grant status under this section may not exceed  
10 5,000 in any of the first 5 fiscal years beginning  
11 after the date of the enactment of this Act.

12 (2) EXEMPTION FROM NUMERICAL LIMITA-  
13 TIONS.—Noncitizens provided special immigrant sta-  
14 tus under this section shall not be counted against  
15 any numerical limitation under section 201(d),  
16 202(a), or 203(b)(4) of the Immigration and Na-  
17 tionality Act (8 U.S.C. 1151(d), 1152(a), and  
18 1153(b)(4)).

19 (3) CARRY FORWARD.—If the numerical limita-  
20 tion set forth in paragraph (1) is not reached during  
21 a fiscal year, the numerical limitation under such  
22 paragraph for the following fiscal year shall be in-  
23 creased by a number equal to the difference be-  
24 tween—

1 (A) the number of visas authorized under  
2 paragraph (1) for such fiscal year; and

3 (B) the number of principal noncitizens  
4 provided special immigrant status under this  
5 section during such fiscal year.

6 (d) VISA FEES AND TRAVEL DOCUMENT  
7 ISSUANCE.—

8 (1) IN GENERAL.—A noncitizen described in  
9 subsection (b) may not be charged any fee in con-  
10 nection with an application for, or the issuance of,  
11 a special immigrant visa under this section.

12 (2) The Secretary of State shall ensure that a  
13 noncitizen who is issued a special immigrant visa  
14 under this section is provided with an appropriate  
15 travel document necessary for admission to the  
16 United States.

17 (e) PROTECTION OF NONCITIZENS.—The Secretary  
18 of State, in consultation with the head of any other appro-  
19 priate Federal agency, shall make a reasonable effort to  
20 provide protection to each noncitizen described in sub-  
21 section (b) who is seeking special immigrant status under  
22 this section or to immediately remove such noncitizen from  
23 Syria, if possible, if the Secretary of State determines,  
24 after consultation, that such noncitizen is in imminent  
25 danger.

1 (f) APPLICATION PROCESS.—

2 (1) REPRESENTATION.—A noncitizen applying  
3 for admission to the United States as a special im-  
4 migrant under this section may be represented dur-  
5 ing the application process, including for relevant  
6 interviews and examinations, by an attorney or other  
7 accredited representative. Such representation shall  
8 not be at the expense of the United States Govern-  
9 ment.

10 (2) COMPLETION.—

11 (A) IN GENERAL.—The Secretary of State  
12 and the Secretary, in consultation with the Sec-  
13 retary of Defense, shall ensure that applications  
14 for special immigrant visas under this section  
15 are processed in such a manner so as to ensure  
16 that all steps under the control of the respective  
17 departments incidental to the issuance of such  
18 visas, including required screenings and back-  
19 ground checks, are completed not later than  
20 270 days after the date on which an eligible  
21 noncitizen submits all required materials to  
22 apply for such visa.

23 (B) RULE OF CONSTRUCTION.—Notwith-  
24 standing subparagraph (A), the Secretary of  
25 State, the Secretary, or the Secretary of De-

1           fense may take longer than 270 days to com-  
2           plete the steps incidental to issuing a visa under  
3           this section if the Secretary of State, the Sec-  
4           retary, or the Secretary of Defense, or a des-  
5           ignee—

6                       (i) determines that the satisfaction of  
7                       national security concerns requires addi-  
8                       tional time; and

9                       (ii) notifies the applicant of such de-  
10                      termination.

11           (3) APPEAL.—A noncitizen whose petition for  
12           status as a special immigrant is rejected or re-  
13           voked—

14                      (A) shall receive a written decision that  
15                      provides, to the maximum extent feasible, infor-  
16                      mation describing the basis for the denial, in-  
17                      cluding the facts and inferences underlying the  
18                      individual determination; and

19                      (B) shall be provided not more than 1  
20                      written appeal per rejection or denial, which—

21                              (i) shall be submitted to the authority  
22                              that issued the denial not more than 120  
23                              days after the date on which the applicant  
24                              receives a decision pursuant to subpara-  
25                              graph (A);

1 (ii) may request the reopening of such  
2 decision; and

3 (iii) shall provide additional informa-  
4 tion, clarify existing information, or ex-  
5 plain any unfavorable information.

6 (g) ELIGIBILITY FOR OTHER IMMIGRANT CLASSI-  
7 FICATION.—A noncitizen may not be denied the oppor-  
8 tunity to apply for admission under this section solely be-  
9 cause such noncitizen—

10 (1) qualifies as an immediate relative of a cit-  
11 izen of the United States; or

12 (2) is eligible for admission to the United  
13 States under any other immigrant classification.

14 (h) PROCESSING MECHANISMS.—The Secretary of  
15 State shall use existing refugee processing mechanisms in  
16 Iraq and in other countries, as appropriate, in the region  
17 in which noncitizens described in subsection (b) may apply  
18 and interview for admission to the United States as special  
19 immigrants.

20 (i) RESETTLEMENT SUPPORT.—A noncitizen who is  
21 granted special immigrant status under this section shall  
22 be eligible for the same resettlement assistance, entitle-  
23 ment programs, and other benefits as are available to refu-  
24 gees admitted under section 207 of the Immigration and  
25 Nationality Act (8 U.S.C. 1157).

1 (j) AUTHORITY TO CARRY OUT ADMINISTRATIVE  
2 MEASURES.—The Secretary, the Secretary of State, and  
3 the Secretary of Defense shall implement any additional  
4 administrative measures they consider necessary and ap-  
5 propriate—

6 (1) to ensure the prompt processing of applica-  
7 tions under this section;

8 (2) to preserve the integrity of the program es-  
9 tablished under this section; and

10 (3) to protect the national security interests of  
11 the United States related to such program.

12 (k) REPORT TO CONGRESS.—

13 (1) IN GENERAL.—Not later than January 30  
14 each year, the Inspector General of the Department  
15 of State shall submit a report on the implementation  
16 of the Syrian special immigrant status program  
17 under this section for the preceding calendar year  
18 to—

19 (A) the Committee on the Judiciary, the  
20 Committee on Foreign Relations, and the Com-  
21 mittee on Armed Services of the Senate; and

22 (B) the Committee on the Judiciary, the  
23 Committee on Foreign Relations, and the Com-  
24 mittee on Armed Services of the House of Rep-  
25 resentatives.

1           (2) ELEMENTS.—Each report required by para-  
2 graph (1) shall include, for the applicable calendar  
3 year, the following:

4           (A) The number of petitions filed under  
5 such program.

6           (B) The number of such petitions pending  
7 adjudication.

8           (C) The number of such petitions pending  
9 visa interview.

10          (D) The number of such petitions pending  
11 security checks.

12          (E) The number of such petitions that  
13 were denied.

14          (F) The number of cases under such pro-  
15 gram that have exceeded the mandated proc-  
16 essing time and relevant case numbers.

17          (G) A description of any obstacle discov-  
18 ered that would hinder effective implementation  
19 of such program.

20          (3) CONSULTATION.—In preparing a report  
21 under subsection (a), the Inspector General shall  
22 consult with—

23           (A) the Department of State, Bureau of  
24 Consular Affairs, Visa Office;



1 (B) the Department of State, Bureau of  
2 Near Eastern Affairs and South and Central  
3 Asian Affairs, Executive Office;

4 (C) the Department of Homeland Security,  
5 U.S. Citizenship and Immigration Services;

6 (D) the Department of Defense; and

7 (E) nongovernmental organizations pro-  
8 viding legal aid in the special immigrant visa  
9 application process.

10 (4) FORM.—Each report required by paragraph  
11 (1) shall be submitted in unclassified form, but may  
12 include a classified annex.

13 (5) PUBLICATION.—Each report submitted  
14 under this subsection shall be made available to the  
15 public on the internet website of the Department of  
16 State.

17 (l) RULEMAKING.—Not later than 90 days after the  
18 date of the enactment of this Act, the Secretary, in con-  
19 sultation with the Secretary of Defense and the Secretary  
20 of State, shall promulgate regulations to carry out this  
21 section, including establishing requirements for back-  
22 ground checks.

23 (m) SAVINGS PROVISION.—Nothing in this section  
24 may be construed to affect the authority of the Secretary  
25 under section 1059 of the National Defense Authorization

1 Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C.  
2 1101 note).

3 **SEC. 4311. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums  
5 as may be necessary to carry out this subtitle and the  
6 amendments made by this subtitle, including, in addition  
7 to annual funds derived from fee accounts of U.S. Citizen-  
8 ship and Immigration Services, such sums as may be nec-  
9 essary to reduce the backlog of asylum applications to the  
10 Refugee, Asylum and International Operations Direc-  
11 torate.

12 **TITLE V—EMPLOYMENT AU-**  
13 **THORIZATION AND PRO-**  
14 **TECTING WORKERS FROM EX-**  
15 **PLOITATION**

16 **SEC. 5101. COMMISSION ON EMPLOYMENT AUTHORIZA-**  
17 **TION.**

18 (a) ESTABLISHMENT.—Not later than the date that  
19 is 180 days after the date of the enactment of this Act,  
20 the President, in conjunction with the President pro tem-  
21 pore of the Senate and the Speaker of the House of Rep-  
22 resentatives, shall establish the Employment Authoriza-  
23 tion Commission (referred to in this section as the “Com-  
24 mission”).

25 (b) COMPOSITION.—

1           (1) IN GENERAL.—The Commission shall be  
2 composed of 10 members, of whom—

3           (A) 6 members shall be appointed by the  
4 President and shall include representatives of  
5 the employer, labor, and civil rights commu-  
6 nities;

7           (B) 2 members shall be appointed by the  
8 President pro tempore of the Senate, of  
9 whom—

10           (i) 1 shall be appointed upon the rec-  
11 ommendation of the leader in the Senate to  
12 represent the interests of employees who  
13 experience discrimination in the course of  
14 their employer or potential employer's  
15 verification of their employment authoriza-  
16 tion; and

17           (ii) 1 shall be appointed upon the rec-  
18 ommendation of the leader in the Senate to  
19 represent the interests of employers; and

20           (C) 2 members shall be appointed by the  
21 Speaker of the House of Representatives, of  
22 whom—

23           (i) 1 shall be appointed upon the rec-  
24 ommendation of the leader in the House of  
25 Representatives to represent the interests

1 of employees who experience discrimination  
2 in the course of their employer or potential  
3 employer's verification of their employment  
4 authorization; and

5 (ii) 1 shall be appointed upon the rec-  
6 ommendation of the leader in the House of  
7 Representatives to represent the interests  
8 of employers.

9 (2) QUALIFICATIONS FOR APPOINTMENT.—The  
10 members of the Commission shall be distinguished  
11 individuals who are noted for their knowledge and  
12 experience in the field of employment verification.

13 (3) TIME OF APPOINTMENT.—The appoint-  
14 ments required under paragraph (1) shall be made  
15 not later than 180 days after the date of the enact-  
16 ment of this Act.

17 (4) CHAIR.—At the first meeting of the Com-  
18 mission, a majority of the members of the Commis-  
19 sion present and voting, including at least 6 mem-  
20 bers of the Commission, shall elect the Chair of the  
21 Commission.

22 (5) VACANCIES.—Any vacancy of the Commis-  
23 sion shall not affect its powers, but shall be filled in  
24 the manner in which the original appointment was  
25 made.

1 (6) RULES AND PROCEDURES.—

2 (A) ESTABLISHMENT.—The Commission  
3 shall establish the rules and procedures of the  
4 Commission, which shall require the approval of  
5 at least 6 members of the Commission.

6 (B) RECOMMENDATIONS AND DECI-  
7 SIONS.—All recommendations and decisions of  
8 the Commission shall require the approval of at  
9 least 6 members of the Commission. Individual  
10 members may provide minority or dissenting  
11 opinions.

12 (c) DUTIES.—

13 (1) IN GENERAL.—The Commission shall—

14 (A) make recommendations to the Presi-  
15 dent, the Secretary, and Congress regarding  
16 policies to verify the eligibility of noncitizens for  
17 employment in the United States;

18 (B) evaluate methods for verification of  
19 employment eligibility that respect—

20 (i) the rights of employment-author-  
21 ized individuals to work in the United  
22 States; and

23 (ii) the freedom from discrimination  
24 based on race or national origin of all  
25 workers; and

1           (C) review error rates for the E-Verify pro-  
2           gram, including the impact on various popu-  
3           lations by national origin, race, gender, and so-  
4           cioeconomic background.

5           (2) PUBLIC HEARINGS.—

6           (A) IN GENERAL.—The Commission shall  
7           convene at least 1 public hearing on verification  
8           for employment of foreign nationals in the  
9           United States.

10          (B) REPORT.—The Commission shall pro-  
11          vide a summary of each hearing convened pur-  
12          suant to subparagraph (A) to the President, the  
13          Secretary, and Congress.

14          (d) ACCESS TO INFORMATION.—The Immigrant and  
15          Employee Rights Section of the Department of Justice  
16          shall furnish information to the Commission regarding  
17          employee complaints, mediations, and investigations in-  
18          volving the employment eligibility verification practices of  
19          employers.

20          (e) REPORT.—Not later than 180 days after all mem-  
21          bers of the Commission have been appointed pursuant to  
22          subsection (b), the Commission shall submit a report to  
23          the President, the Secretary, and Congress that in-  
24          cludes—

1           (1) specific policy recommendations for achiev-  
2           ing and maintaining the goals specified in subsection  
3           (c);

4           (2) recommendations for improvements to exist-  
5           ing employment verification systems, such as the I-  
6           9 process and E-Verify, to ensure that workers are  
7           not denied employment on the basis of false  
8           positives.

9           (f) TRAVEL EXPENSES.—Members of the Commis-  
10          sion shall be allowed travel expenses, including per diem  
11          in lieu of subsistence at rates authorized for employees  
12          of agencies under subchapter I of chapter 57 of title 5,  
13          United States Code, while away from their homes or reg-  
14          ular places of business in the performance of services for  
15          the Commission.

16          (g) ADMINISTRATIVE SUPPORT.—The Secretary shall  
17          provide the Commission such staff and administrative  
18          services as may be necessary and appropriate for the Com-  
19          mission to perform its functions. Any employee of the ex-  
20          ecutive branch of Government may be detailed to the Com-  
21          mission without reimbursement to the agency of that em-  
22          ployee and such detail shall be without interruption or loss  
23          of civil service or status or privilege.

24          (h) COMPTROLLER GENERAL REVIEW.—The Comp-  
25          troller General of the United States shall review the rec-

1 ommendations in the report submitted pursuant to sub-  
2 section (e) to determine—

3 (1) which recommendations are most likely to  
4 improve existing employment verification systems;  
5 and

6 (2) whether such recommendations are feasible  
7 within existing budget constraints.

8 (i) TERMINATION.—The Commission shall terminate  
9 on the date that is 2 years after the date of the enactment  
10 of this Act.

11 **SEC. 5102. POWER ACT.**

12 (a) PROTECTION FOR VICTIMS OF LABOR AND EM-  
13 PLOYMENT VIOLATIONS.—Section 101(a)(15)(U) of the  
14 Immigration and Nationality Act (8 U.S.C.  
15 1101(a)(15)(U)) is amended—

16 (1) in clause (i)—

17 (A) by amending subclause (I) to read as  
18 follows:

19 “(I) the noncitizen—

20 “(aa) has suffered substantial  
21 abuse or harm as a result of having  
22 been a victim of criminal activity de-  
23 scribed in clause (iii);



1                   “(bb) has suffered substantial  
2                   abuse or harm related to a violation  
3                   described in clause (iv);

4                   “(cc) is a victim of criminal ac-  
5                   tivity described in clause (iii) and  
6                   would suffer extreme hardship upon  
7                   removal; or

8                   “(dd) has suffered a violation de-  
9                   scribed in clause (iv) and would suffer  
10                  extreme hardship upon removal;”;

11                  (B) in subclause (II), by inserting “, or a  
12                  labor or employment violation resulting in a  
13                  workplace claim described in clause (iv)” before  
14                  the semicolon at the end;

15                  (C) in subclause (III)—

16                  (i) by striking “ or State judge, to the  
17                  Service” and inserting “, State, or local  
18                  judge, to the Department of Homeland Se-  
19                  curity, to the Equal Employment Oppor-  
20                  tunity Commission, to the Department of  
21                  Labor, to the National Labor Relations  
22                  Board”; and

23                  (ii) by inserting “, or investigating,  
24                  prosecuting, or seeking civil remedies for a  
25                  labor or employment violation related to a

1 workplace claim described in clause (iv)”

2 before the semicolon at the end; and

3 (D) in subclause (IV)—

4 (i) by inserting “(aa)” after “(IV)”;

5 (ii) by inserting “or” after the semi-  
6 colon at the end; and

7 (iii) by adding at the end the fol-  
8 lowing:

9 “(bb) a workplace claim described in clause  
10 (iv) resulted from a labor or employment viola-  
11 tion;”;

12 (2) in clause (ii)(II), by striking “and” at the  
13 end;

14 (3) in clause (iii), by striking “or” at the end  
15 and inserting “and” and

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

17 “(iv) if the labor or employment violation re-  
18 lated to a workplace claim, the noncitizen—

19 “(I) has filed, is a material witness in, or  
20 is likely to be helpful in the investigation of, a  
21 bona fide workplace claim (as defined in section  
22 274A(e)(10)(B)(i)(II)); and

23 “(II) reasonably fears, has been threatened  
24 with, or has been the victim of, an action in-  
25 volving force, physical restraint, retaliation, or

1 abuse of the immigration or other legal process  
2 against the noncitizen or another person by the  
3 employer in relation to acts underlying the  
4 workplace claim or related to the filing of the  
5 workplace claim; or”.

6 (b) REQUIREMENTS APPLICABLE TO U NON-  
7 IMMIGRANT VISAS.—Section 214(p) of the Immigration  
8 and Nationality Act (8 U.S.C. 1184(p)), as amended by  
9 section 4304, is further amended—

10 (1) in paragraph (1)—

11 (A) by striking “The petition” and insert-  
12 ing the following:

13 “(A) IN GENERAL.—The petition”;

14 (B) by inserting “or investigating, pros-  
15 ecuting, or seeking civil remedies for workplace  
16 claims described in section 101(a)(15)(U)(iv)”  
17 after “section 101(a)(15)(U)(iii)” each place  
18 such term appears; and

19 (C) by adding at the end the following:

20 “(B) FEES.—A noncitizen petitioning for,  
21 or having status under, section 101(a)(15)(U)  
22 may not be required to submit any fee (or re-  
23 quest any fee waiver) in connection with such  
24 petition or status, including fees associated with

1 biometric services or an application for advance  
2 permission to enter as a nonimmigrant.

3 “(C) CONFIDENTIALITY OF INFORMA-  
4 TION.—The Secretary of Homeland Security  
5 and the Attorney General may not use the in-  
6 formation furnished pursuant to a petition for  
7 status under section 101(a)(15)(U) for pur-  
8 poses of initiating or carrying out a removal  
9 proceeding.”;

10 (2) in paragraph (6)—

11 (A) by inserting “or workplace claims de-  
12 scribed in section 101(a)(15)(U)(iv)” after “de-  
13 scribed in section 101(a)(15)(U)(iii)”;

14 (B) by inserting “or workplace claim”  
15 after “prosecution of such criminal activity”;  
16 and

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

18 “(9) TEMPORARY PROTECTION FOR VICTIMS  
19 OF CRIME, LABOR, AND EMPLOYMENT VIOLA-  
20 TIONS.—Notwithstanding any other provision of law,  
21 the Secretary of Homeland Security may permit a  
22 noncitizen to temporarily remain in the United  
23 States, and grant such noncitizen employment au-  
24 thorization, if the Secretary determines that the  
25 noncitizen—

1           “(A) has filed for relief under section  
2           101(a)(15)(U); or

3           “(B)(i) has filed, or is a material witness  
4           to, a bona fide workplace claim (as defined in  
5           section 274A(e)(10)(B)(i)(II)); and

6           “(ii) has been helpful, is being helpful, or  
7           is likely to be helpful to—

8           “(I) a Federal, State, or local law en-  
9           forcement official;

10           “(II) a Federal, State, or local pros-  
11           ecutor;

12           “(III) a Federal, State, or local judge;

13           “(IV) the Department of Homeland  
14           Security;

15           “(V) the Equal Employment Oppor-  
16           tunity Commission;

17           “(VI) the Department of Labor, in-  
18           cluding the Occupational Safety and  
19           Health Administration;

20           “(VII) the National Labor Relations  
21           Board;

22           “(VIII) the head official of a State or  
23           local government department of labor,  
24           workforce commission, or human relations  
25           commission or council; or

1                   “(IX) other Federal, State, or local  
2                   authorities investigating, prosecuting, or  
3                   seeking civil remedies related to the work-  
4                   place claim.”.

5           (c) REMOVAL PROCEEDINGS.—Section 239(e) of the  
6 Immigration and Nationality Act (8 U.S.C. 1229(e)) is  
7 amended—

8           (1) in paragraph (1)—

9                   (A) by striking “In cases where” and in-  
10                  serting “If”; and

11                  (B) by inserting “or as a result of informa-  
12                  tion provided to the Department of Homeland  
13                  Security in retaliation against individuals for  
14                  exercising or attempting to exercise their em-  
15                  ployment rights or other legal rights” after  
16                  “paragraph (2)”; and

17           (2) in paragraph (2), by adding at the end the  
18           following:

19                   “(C) At a facility about which a workplace  
20                  claim has been filed or is contemporaneously  
21                  filed.”.

22           (d) ADJUSTMENT OF STATUS FOR VICTIMS OF  
23 CRIMES.—Section 245(m)(1) of the Immigration and Na-  
24 tionality Act (8 U.S.C. 1255(m)(1)) is amended—

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

4           (2) by inserting “or an investigation or prosecu-  
5           tion regarding a workplace claim” after “prosecu-  
6           tion”.

7           (e) UNLAWFUL EMPLOYMENT OF NONCITIZENS.—  
8           Section 274A(e) of the Immigration and Nationality Act  
9           (8 U.S.C. 1324a(e)) is amended by adding at the end the  
10          following:

11           “(10) CONDUCT IN ENFORCEMENT ACTIONS.—

12           “(A) DEFINITIONS.—In this paragraph:

13           “(i) MATERIAL WITNESS.—The term  
14           ‘material witness’ means an individual who  
15           presents a declaration from an attorney in-  
16           vestigating, prosecuting, or defending the  
17           workplace claim or from the presiding offi-  
18           cer overseeing the workplace claim attest-  
19           ing that, to the best of the declarant’s  
20           knowledge and belief, reasonable cause ex-  
21           ists to believe that the testimony of the in-  
22           dividual will be relevant to the outcome of  
23           the workplace claim.

24           “(ii) WORKPLACE CLAIM.—The term  
25           ‘workplace claim’ means any written or

1 oral claim, charge, complaint, or grievance  
2 filed with, communicated to, or submitted  
3 to the employer, a Federal, State, or local  
4 agency or court, or an employee represent-  
5 ative related to the violation of applicable  
6 Federal, State, and local labor laws, in-  
7 cluding laws concerning wages and hours,  
8 labor relations, family and medical leave,  
9 occupational health and safety, civil rights,  
10 or nondiscrimination.

11 “(B) ENFORCEMENT ACTION.—If the Sec-  
12 retary of Homeland Security conducts an en-  
13 forcement action at a facility about which a  
14 workplace claim has been filed or is contem-  
15 poraneously filed, or as a result of information  
16 provided to the Department of Homeland Secu-  
17 rity in retaliation against employees for exer-  
18 cising their rights related to a workplace claim,  
19 the Secretary shall ensure that—

20 “(i) any noncitizens arrested or de-  
21 tained who are necessary for the investiga-  
22 tion or prosecution of workplace claim vio-  
23 lations or criminal activity (as described in  
24 subparagraph (T) or (U) of section



1 101(a)(15)) are not removed from the  
2 United States until after the Secretary—

3 “(I) notifies the appropriate law  
4 enforcement agency with jurisdiction  
5 over such violations or criminal activ-  
6 ity; and

7 “(II) provides such agency with  
8 the opportunity to interview such non-  
9 citizens; and

10 “(ii) noncitizens entitled to a stay of  
11 removal or abeyance of removal pro-  
12 ceedings under this section are not re-  
13 moved.

14 “(C) PROTECTIONS FOR VICTIMS OF  
15 CRIME, LABOR, AND EMPLOYMENT VIOLA-  
16 TIONS.—

17 “(i) STAY OF REMOVAL OR ABEYANCE  
18 OF REMOVAL PROCEEDINGS.—Any noncit-  
19 izen against whom removal proceedings  
20 have been initiated under chapter 4 of title  
21 II, who has filed a workplace claim, who is  
22 a material witness in any pending or an-  
23 ticipated proceeding involving a bona fide  
24 workplace claim, or who has filed for relief  
25 under section 101(a)(15)(U), shall be enti-

1 tled to a stay of removal or an abeyance of  
2 removal proceedings and to employment  
3 authorization until the later of the resolu-  
4 tion of the workplace claim or the denial of  
5 relief under section 101(a)(15)(U) after  
6 exhaustion of administrative appeals unless  
7 the Secretary establishes, by a preponder-  
8 ance of the evidence in proceedings before  
9 the immigration judge presiding over such  
10 noncitizen’s removal hearing, that—

11 “(I) the noncitizen has been con-  
12 victed of a felony or;

13 “(II) the workplace claim was  
14 filed in bad faith with the intent to  
15 delay or avoid the noncitizen’s re-  
16 moval.

17 “(ii) DURATION.—Any stay of re-  
18 moval or abeyance of removal proceedings  
19 and employment authorization issued pur-  
20 suant to clause (i)—

21 “(I) shall remain valid until the  
22 resolution of the workplace claim or  
23 the denial of relief under section  
24 101(a)(15)(U) after the exhaustion of  
25 administrative appeals; and

1                   “(II) shall be extended by the  
2                   Secretary of Homeland Security for a  
3                   period not to exceed 10 additional  
4                   years upon determining that—

5                   “(aa) such relief would en-  
6                   able the noncitizen asserting a  
7                   workplace claim to pursue the  
8                   claim to resolution;

9                   “(bb) the deterrent goals of  
10                  any statute underlying a work-  
11                  place claim would be served; or

12                  “(cc) such extension would  
13                  otherwise further the interests of  
14                  justice.”.

15                  (f) CHANGE OF NONIMMIGRANT CLASSIFICATION.—  
16                  Section 384(a)(1) of the Illegal Immigration Reform and  
17                  Immigrant Responsibility Act of 1996 (8 U.S.C.  
18                  1367(a)(1)) is amended—

19                  (1) in subparagraph (E), by striking “physical  
20                  or mental abuse and the criminal activity,” and in-  
21                  serting “abuse and the criminal activity or work-  
22                  place claim;”;

23                  (2) in subparagraph (F), by striking the comma  
24                  at the end and inserting “; or”; and

1           (3) by inserting after subparagraph (F) the fol-  
2           lowing:

3                   “(G) the noncitizen’s employer,”.

4   **SEC. 5103. ADDITIONAL CIVIL PENALTY.**

5           Section 274A of the Immigration and Nationality Act  
6 (8 U.S.C. 1324a) is amended—

7           (1) in subsection (a)—

8                   (A) by redesignating paragraph (7) as  
9                   paragraph (8); and

10                  (B) by inserting after paragraph (6) the  
11                  following:

12                   “(7) **ADDITIONAL CIVIL PENALTIES.**—An em-  
13                  ployer is subject to an additional civil penalty under  
14                  subsection (e)(12) if—

15                          “(A) the employer engages in a civil viola-  
16                          tion of Federal, State, or local labor laws, in-  
17                          cluding—

18                                  “(i) laws concerning wages and hours,  
19                                  labor relations, family and medical leave,  
20                                  occupational health and safety, civil rights,  
21                                  or nondiscrimination; and

22                                  “(ii) a finding by the agency enforcing  
23                                  such law in the course of a final settlement  
24                                  of such violation; and

1           “(B) such violation takes place with re-  
2           spect to an unauthorized worker.”;

3           (2) in subsection (e), as amended by sections  
4           5102(f), by adding at the end the following:

5           “(11) **ADDITIONAL CIVIL PENALTIES.**—An  
6           order under this subsection for a violation of sub-  
7           section (a)(7) shall require the employer—

8           “(A) to cease and desist from such viola-  
9           tion; and

10           “(B) to pay a civil penalty in an amount  
11           not to exceed \$5,000 for each unauthorized  
12           noncitizen with respect to whom a violation of  
13           such subsection occurred.”; and

14           (3) in subsection (f)(2), by striking “(1)(A) or  
15           (2)” and inserting “(1)(A), (2), or (7)”.

16 **SEC. 5104. CONTINUED APPLICATION OF WORKFORCE AND**  
17 **LABOR PROTECTION REMEDIES.**

18           Section 274A(e) of the Immigration and Nationality  
19           Act, as amended by section 5102(e) and 5103(2), is fur-  
20           ther amended by adding at the end the following:

21           “(12) **RIGHTS, REMEDIES, AND RELIEF.**—Not-  
22           withstanding an employee’s status as an unauthor-  
23           ized noncitizen during the time of relevant employ-  
24           ment or during the back pay period or the failure of  
25           the employer or employee to comply with the re-

1 requirements under this section or with any other pro-  
2 vision of Federal law relating to the unlawful em-  
3 ployment of noncitizens—

4 “(A) all rights, remedies, and relief pro-  
5 vided under any Federal, State, or local law re-  
6 lating to workplace rights, including reinstatement  
7 and back pay, are available to such em-  
8 ployee; and

9 “(B) a court may not prohibit such an em-  
10 ployee from pursuing other causes of action giv-  
11 ing rise to liability in a civil action.”.

12 **SEC. 5105. PROHIBITION ON DISCRIMINATION BASED ON**  
13 **NATIONAL ORIGIN OR CITIZENSHIP STATUS.**

14 (a) IN GENERAL.—Section 274B(a) of the Immigra-  
15 tion and Nationality Act (8 U.S.C. 1324b(a)) is amended  
16 to read as follows:

17 “(a) PROHIBITION ON DISCRIMINATION BASED ON  
18 NATIONAL ORIGIN OR CITIZENSHIP STATUS.—

19 “(1) IN GENERAL.—Except as provided in para-  
20 graphs (2) and (3), it is an unfair immigration-re-  
21 lated employment practice for a person, other entity,  
22 or employment agency to discriminate against any  
23 individual (other than an unauthorized noncitizen  
24 (as defined in section 274A(h)(3)) because of such

1 individual's national origin or citizenship status,  
2 with respect to—

3 “(A) the hiring of the individual for em-  
4 ployment;

5 “(B) the verification of the individual's eli-  
6 gibility to work in the United States; or

7 “(C) the discharging of the individual from  
8 employment.

9 “(2) EXCEPTIONS.—Paragraph (1) shall not  
10 apply to—

11 “(A) a person, other entity, or employer  
12 that employs 3 or fewer employees (other than  
13 an employment agency);

14 “(B) a person's or entity's discrimination  
15 based upon an individual's national origin if the  
16 discrimination with respect to that employer,  
17 person, or entity and that individual is covered  
18 under section 703 of the Civil Rights Act of  
19 1964 (42 U.S.C. 2000e-2), unless the discrimi-  
20 nation is related to an individual's verification  
21 of employment authorization; or

22 “(C) discrimination based upon an individ-  
23 ual's citizenship status if such discrimination—

1           “(i) is required in order to comply  
2           with a provision of Federal, State, or local  
3           law related to law enforcement;

4           “(ii) is required by a contract with the  
5           Federal Government; or

6           “(iii) is determined by the Secretary  
7           of Homeland Security or the Attorney  
8           General to be essential for an employer to  
9           do business with an agency or department  
10          of the Federal Government or with a  
11          State, Tribal, or local government.

12          “(3) ADDITIONAL EXCEPTION PROVIDING  
13          RIGHT TO PREFER EQUALLY QUALIFIED CITIZENS.—  
14          It is not an unfair immigration-related employment  
15          practice for an employer to prefer to hire, recruit, or  
16          refer for a fee an individual who is a citizen or na-  
17          tional of the United States over another individual  
18          who is a noncitizen if the 2 individuals are equally  
19          qualified.

20          “(4) UNFAIR IMMIGRATION-RELATED EMPLOY-  
21          MENT PRACTICES RELATING TO THE SYSTEM.—It is  
22          an unfair immigration-related employment practice  
23          for a person, other entity, or employment agency—

24                 “(A) to use the employment verification  
25                 system described in section 274A (referred to in



1 this title as the ‘System’) to deny workers’ em-  
2 ployment or post-employment benefits;

3 “(B) to misuse the System to discriminate  
4 based on national origin or citizenship status;

5 “(C) to require an employee or prospective  
6 employee to use any self-verification feature of  
7 the System or provide, as a condition of appli-  
8 cation or employment, any self-verification re-  
9 sults;

10 “(D) to use an immigration status  
11 verification system, service, or method other  
12 than those described in section 274A for pur-  
13 poses of verifying employment eligibility;

14 “(E) to grant access to document  
15 verification or System data, to any individual or  
16 entity not authorized to have such access; or

17 “(F) to fail to take reasonable safeguards  
18 to protect against unauthorized loss, use, alter-  
19 ation, or destruction of System data.

20 “(5) PROHIBITION OF INTIMIDATION OR RETAL-  
21 IATION.—It is an unfair immigration-related employ-  
22 ment practice for a person, other entity, or employ-  
23 ment agency to intimidate, threaten, coerce, or re-  
24 taliate against any individual—

1           “(A) for the purpose of interfering with  
2           any right or privilege secured under this sec-  
3           tion; or

4           “(B) because the individual intends to file,  
5           or has filed, a charge or a complaint, or testi-  
6           fied, assisted, or participated in any manner in  
7           an investigation, proceeding, or hearing under  
8           this section.

9           “(6) TREATMENT OF CERTAIN DOCUMENTARY  
10          PRACTICES AS EMPLOYMENT PRACTICES.—It is an  
11          unfair immigration-related employment practice for  
12          a person, other entity, or employment agency, for  
13          purposes of verifying employment eligibility—

14                 “(A) to request that an individual submit  
15                 specific documents, more documents, or dif-  
16                 ferent documents than are required under sec-  
17                 tion 274A; or

18                 “(B) to refuse to honor documents sub-  
19                 mitted by an individual that reasonably appear  
20                 on their face to be genuine.

21           “(7) PROHIBITION OF WITHHOLDING EMPLOY-  
22          MENT RECORDS.—It is an unfair immigration-re-  
23          lated employment practice for an employer that is  
24          required under Federal, State, or local law to main-  
25          tain records documenting employment, including

1 dates or hours of work and wages received, to fail  
2 to provide such records to any employee to whom the  
3 records pertain, upon request by such employee.

4 “(8) PROFESSIONAL, COMMERCIAL, AND BUSI-  
5 NESS LICENSES.—An individual who is authorized to  
6 be employed in the United States may not be denied  
7 a professional, commercial, or business license on  
8 the basis of his or her immigration status.

9 “(9) EMPLOYMENT AGENCY DEFINED.—In this  
10 section, the term ‘employment agency’ means any  
11 employer, person, entity, or agent of such employer,  
12 person, or entity that regularly undertakes, with or  
13 without compensation, to procure employees for em-  
14 ployers or to procure for employees opportunities to  
15 work for employers.”

16 (b) REFERRAL BY EEOC.—Section 274B(b) of the  
17 Immigration and Nationality Act (8 U.S.C. 1324b(b)) is  
18 amended by adding at the end the following:

19 “(3) REFERRAL BY EEOC.—The Equal Employ-  
20 ment Opportunity Commission shall refer all matters  
21 alleging immigration-related unfair employment  
22 practices filed with the Commission, including those  
23 alleging violations of paragraph (1), (4), (5), or (6)  
24 of subsection (a), to the Immigrant and Employment  
25 Rights Section of the Department of Justice.”

1 (c) FINES.—

2 (1) IN GENERAL.—Section 274B(g)(2)(B)(iv) of  
3 the Immigration and Nationality Act (8 U.S.C.  
4 1324b(g)(2)(B)(iv)) is amended to read as follows:

5 “(iv) to pay the civil penalties set  
6 forth in this clause, which may be adjusted  
7 periodically to account for inflation, includ-  
8 ing—

9 “(I) except as provided in sub-  
10 clauses (II) through (IV), a civil pen-  
11 alty of not less than \$2,000 and not  
12 more than \$5,000 for each individual  
13 subjected to an unfair immigration-re-  
14 lated employment practice;

15 “(II) except as provided in sub-  
16 clauses (III) and (IV), in the case of  
17 an employer, person, or entity pre-  
18 viously subject to 1 order under this  
19 paragraph, a civil penalty of not less  
20 than \$4,000 and not more than  
21 \$10,000 for each individual subjected  
22 to an unfair immigration-related em-  
23 ployment practice;

24 “(III) except as provided in sub-  
25 clause (IV), in the case of an em-

1           ployer, person, or entity previously  
2           subject to more than 1 order under  
3           this paragraph, a civil penalty of not  
4           less than \$8,000 and not more than  
5           \$25,000 for each individual subjected  
6           to an unfair immigration-related em-  
7           ployment practice; and

8                       “(IV) in the case of an unfair im-  
9                       migration-related employment practice  
10                      described in paragraphs (4) through  
11                      (7) of subsection (a), a civil penalty of  
12                      not less than \$500 and not more than  
13                      \$2,000 for each individual subjected  
14                      to an unfair immigration-related em-  
15                      ployment practice.”.

16           (2) EFFECTIVE DATE.—The amendment made  
17           by paragraph (1)—

18                       (A) shall take effect on the date that is 1  
19                       year after the date of the enactment of this Act;  
20                       and

21                       (B) shall apply to violations occurring on  
22                       or after such date of enactment.

23           (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
24           274B(1)(3) (8 U.S.C. 1324b(1)(3)) is amended to read as  
25           follows:



1           “(i) Beginning on January 1, 2022, 55 hours in  
2 any workweek.

3           “(ii) Beginning on January 1, 2023, 50 hours  
4 in any workweek.

5           “(iii) Beginning on January 1, 2024, 45 hours  
6 in any workweek.

7           “(iv) Beginning on January 1, 2025, 40 hours  
8 in any workweek.

9           “(C) With respect to any employer that employs 25  
10 or fewer employees—

11           “(i) the requirement under subparagraph (A)  
12 shall begin on January 1, 2025; and

13           “(ii) the hours specified under subparagraph  
14 (B) shall be as follows:

15           “(I) The number of hours specified under  
16 subparagraph (B)(i) shall begin on January 1,  
17 2025.

18           “(II) The number of hours specified under  
19 subparagraph (B)(ii) shall begin on January 1,  
20 2026.

21           “(III) The number of hours specified  
22 under subparagraph (B)(iii) shall begin on Jan-  
23 uary 1, 2027.

1                   “(IV) The number of hours specified under  
2                   subparagraph (B)(iv) shall begin on January 1,  
3                   2028.”; and

4                   (2) by striking subsection (m).

5                   (b) REMOVING CERTAIN EXEMPTIONS FOR AGRICUL-  
6                   TURAL WORK.—Section 13 of the Fair Labor Standards  
7                   Act of 1938 (29 U.S.C. 213) is amended—

8                   (1) in subsection (a), by amending paragraph  
9                   (6) to read as follows:

10                   “(6) any employee employed in agriculture who  
11                   is the parent, spouse, child, or other member of the  
12                   employer’s immediate family;”;

13                   (2) in subsection (b)—

14                   (A) by striking paragraphs (12) through  
15                   (16); and

16                   (B) by redesignating paragraphs (17),  
17                   (20), (21), (24), (27), (28), (29), and (30) as  
18                   paragraphs (12), (13), (14), (15), (16), (17),  
19                   (18), and (19), respectively; and

20                   (3) by striking subsections (h) through (j).

21                   (c) CONFORMING AMENDMENTS.—

22                   (1) FAIR LABOR STANDARDS ACT OF 1938.—  
23                   Section 13(e)(1)(A) of the Fair Labor Standards  
24                   Act of 1938 (29 U.S.C. 213(e)(1)(A)) is amended by  
25                   striking “none of the employees” and all that follows



1 through and inserting “all of the employees of which  
2 are employed in agriculture and are employed by an  
3 employer who did not, during any calendar quarter  
4 during the preceding calendar year, use more than  
5 500 man-days of agricultural labor (within the  
6 meaning of the exemption under subsection  
7 (a)(6)(A)), as in effect on the day before the date  
8 of the enactment of the U.S. Citizenship Act),”.

9 (2) MIGRANT AND SEASONAL AGRICULTURAL  
10 WORKER PROTECTION ACT.—The Migrant and Sea-  
11 sonal Agricultural Worker Protection Act (Public  
12 Law 97–470) is amended—

13 (A) in section 3 (29 U.S.C. 1802)—

14 (i) in paragraph (8), by amending  
15 subparagraph (B) to read as follows:

16 “(B) The term ‘migrant agricultural worker’  
17 does not include any immediate family member of an  
18 agricultural employer or a farm labor contractor.”.

19 (ii) in paragraph (10), by amending  
20 subparagraph (B) to read as follows:

21 “(B) The term ‘seasonal agricultural worker’  
22 does not include—

23 “(i) any migrant agricultural worker; or

1           “(ii) any immediate family member of an  
2           agricultural employer or a farm labor con-  
3           tractor.”; and

4           (B) in section 4(a) (29 U.S.C. 1803(a)),  
5           by amending paragraph (2) to read as follows:

6           “(2) SMALL BUSINESS EXEMPTION.—Any per-  
7           son, other than a farm labor contractor, who did  
8           not, during any calendar quarter during the pre-  
9           ceding calendar year, use more than 500 man-days  
10          of agricultural labor (within the meaning of the ex-  
11          emption under section 13(a)(6)(A) of the Fair Labor  
12          Standards Act of 1938 (29 U.S.C. 213(a)(6)(A)), as  
13          in effect on the day before the date of the enactment  
14          of the U.S. Citizenship Act).”.

15          (d) EFFECTIVE DATES.—

16               (1) IN GENERAL.—The amendments made by  
17               subsections (a)(2), (b)(1), (b)(3), and (c) shall take  
18               effect on—

19                       (A) January 1, 2025, with respect to an  
20                       employer that employs more than 25 employees;  
21                       and

22                       (B) January 1, 2028, with respect to an  
23                       employer that employs 25 or fewer employees.

24               (2) OTHER AMENDMENTS.—The amendments  
25               made by subsection (b)(2) shall take effect on—

1           (A) January 1, 2022, with respect to an  
2           employer that employs more than 25 employees;  
3           and

4           (B) January 1, 2025, with respect to an  
5           employer that employs 25 or fewer employees.

6 **SEC. 5107. PROTECTIONS FOR MIGRANT AND SEASONAL LA-**  
7 **BORERS.**

8           Section 501 of the Migrant and Seasonal Agricultural  
9 Worker Protection Act (29 U.S.C. 1851) is amended—

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

12           “(a) VIOLATIONS OF THIS ACT.—

13           “(1) IN GENERAL.—Except as otherwise pro-  
14           vided in this section, any person who willfully and  
15           knowingly violates this Act or any regulation under  
16           this Act—

17           “(A) shall be fined not more than \$1,000,  
18           sentenced to prison for a term not to exceed 1  
19           year, or both; and

20           “(B) upon conviction for any subsequent  
21           violation of this Act or any regulation under  
22           this Act, shall be fined not more than \$10,000,  
23           sentenced to prison for a term not to exceed 3  
24           years, or both.

1           “(2) IDENTIFICATION DOCUMENT OFFENSES.—

2           Any person who knowingly destroys, conceals, re-  
3           moves, confiscates, or possesses any actual or pur-  
4           ported passport or other immigration document, or  
5           any other actual or purported government identifica-  
6           tion document of another person or threatens to do  
7           so in furtherance of a violation of this Act shall be  
8           fined under title 18, United States Code, imprisoned  
9           not more than 3 years, or both.

10           “(3) TRAVEL RESTRICTIONS.—Any person who

11           knowingly restricts or attempts to prevent or re-  
12           strict, without lawful authority, a person’s liberty to  
13           move or travel, in furtherance of a violation of this  
14           Act, shall be fined under title 18, United States  
15           Code, imprisoned not more than 5 years, or both.

16           “(4) BODILY INJURY.—If bodily injury results

17           from any acts committed by any person in violation  
18           of this Act, or if such acts include sexual abuse or  
19           an attempt to commit sexual abuse (as described in  
20           section 2242 of title 18, United States Code), or if  
21           such acts include the use, attempted use, or threat-  
22           ened use of a dangerous weapon, explosives, or fire,  
23           the person shall be fined under title 18, United  
24           States Code, imprisoned not more than 10 years, or  
25           both.

1           “(5) DEATH.—If death results from any acts  
2           committed by any person in violation of this Act, or  
3           if such acts include kidnaping or an attempt to kid-  
4           nap, aggravated sexual abuse, or an attempt to com-  
5           mit aggravated sexual abuse, or an attempt to kill,  
6           the person shall be fined under title 18, United  
7           States Code, imprisoned for any term of years or for  
8           life, or both.

9           “(6) SUBSEQUENT VIOLATIONS.—Except to the  
10          extent that a greater maximum penalty is otherwise  
11          provided for in this section, a person who is con-  
12          victed for any subsequent violation of this Act or  
13          any regulation under this Act shall be fined under  
14          title 18, United States Code, imprisoned not more  
15          than 3 years, or both.”; and

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

17          “(c) RECORDKEEPING AND WAGE REQUIRE-  
18          MENTS.—Any person who knowingly and with intent to  
19          defraud violates section 201(a), 201(f), 301(a), or 301(f),  
20          or who knowingly and willfully violates section 202 or 302,  
21          shall be fined under title 18, United States Code, impris-  
22          oned not more than 5 years, or both.

23          “(d) OBSTRUCTION OFFENSES.—Any person who ob-  
24          structs, attempts to obstruct, interferes with, or prevents  
25          the enforcement of this section, shall be subject to the

1 same fines and penalties as those prescribed for the under-  
2 lying offense involved.”.

3 **SEC. 5108. DIRECTIVE TO THE UNITED STATES SEN-**  
4 **TENCING COMMISSION.**

5 (a) IN GENERAL.—Pursuant to its authority under  
6 section 994 of title 28, United States Code, the United  
7 States Sentencing Commission, in accordance with sub-  
8 section (b), shall promulgate sentencing guidelines or  
9 amend existing sentencing guidelines to increase the pen-  
10 alties imposed on persons convicted of offenses under—

11 (1) section 274A of the Immigration and Na-  
12 tionality Act (8 U.S.C. 1324a);

13 (2) section 501 of the Migrant and Seasonal  
14 Agricultural Worker Protection Act (29 U.S.C.  
15 1851);

16 (3) section 16 of the Fair Labor Standards Act  
17 of 1938 (29 U.S.C. 216); and

18 (4) any other Federal law covering conduct  
19 similar to the conduct prohibited under the provi-  
20 sions of law referred to in paragraphs (1) through  
21 (3).

22 (b) REQUIREMENTS.—In carrying out subsection (a),  
23 the Sentencing Commission shall provide sentencing en-  
24 hancements for any person convicted of an offense re-  
25 ferred to in subsection (a) if such offense involves—

- 1 (1) the confiscation of identification documents;
- 2 (2) corruption, bribery, extortion, or robbery;
- 3 (3) sexual abuse;
- 4 (4) serious bodily injury;
- 5 (5) an intent to defraud; or
- 6 (6) a pattern of conduct involving multiple vio-
- 7 lations of law that—
  - 8 (A) creates a risk to the health or safety
  - 9 of any victim; or
  - 10 (B) denies payments due to victims for
  - 11 work completed.

12 **SEC. 5109. LABOR LAW ENFORCEMENT FUND.**

13 (a) IN GENERAL.—Section 286 of the Immigration  
14 and Nationality Act (8 U.S.C. 1356) is amended by add-  
15 ing at the end the following:

16 “(w) LABOR LAW ENFORCEMENT ACCOUNT.—

17 “(1) IN GENERAL.—There is established in the  
18 general fund of the Treasury a separate account,  
19 which shall be known as the ‘Labor Law Enforce-  
20 ment Account’ (referred to in this subsection as the  
21 ‘Account’).

22 “(2) DEPOSITS.—There shall be deposited as  
23 offsetting receipts into the Account penalties im-  
24 posed under section 274A(a)(7).

1           “(3) EXPENDITURES.—Amounts deposited into  
2           the Account shall be made available to the Secretary  
3           of Labor to ensure compliance with workplace laws,  
4           including by random audits of such employers, in in-  
5           dustries that have a history of significant employ-  
6           ment of unauthorized workers or nonimmigrant  
7           workers pursuant to subclauses (a) or (b) of section  
8           101(a)(15)(H)(ii).”.

9           (b) AUTHORIZATION OF APPROPRIATIONS.—

10           (1) IN GENERAL.—There are authorized to be  
11           appropriated such sums as may be necessary to  
12           carry out this title and the amendments made by  
13           this title (other than the amendment made by sub-  
14           section (a)).

15           (2) AVAILABILITY OF FUNDS.—

16           (A) IN GENERAL.—Except as provided in  
17           subparagraph (B), amounts authorized to carry  
18           out the programs, projects, and activities rec-  
19           ommended by the Commission may not be ex-  
20           pended before—

21                   (i) the date that is 60 days after the  
22                   submission of the report required under  
23                   section 5101(e); or



1                   (ii) the date that is 2 years and 60  
2                   days after the date of the enactment of  
3                   this Act.

4                   (B) ADMINISTRATIVE EXPENSES.—Not-  
5                   withstanding subparagraph (A), amounts re-  
6                   ferred to in that subparagraph may be ex-  
7                   pended for minimal administrative expenses di-  
8                   rectly associated with—

9                   (i) convening the public hearings re-  
10                  quired under section 5101(c)(2)(A); and

11                  (ii) preparing and providing sum-  
12                  maries of such hearings in accordance with  
13                  section 5101(c)(2)(B).