

118TH CONGRESS  
1ST SESSION

# H. R. 2758

To amend the Immigration and Nationality Act to make the exception for returning workers permanent, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2023

Mr. HIGGINS of Louisiana introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to make the exception for returning workers permanent, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Returning Worker Ac-  
5 countability Act of 2023”.

6 **SEC. 2. RETURNING WORKER EXCEPTION MADE PERMA-**  
7 **NENT.**

8 Section 214(g)(9) of the Immigration and Nationality  
9 Act (8 U.S.C. 1184(g)(9)) is amended—

1           (1) in subparagraph (A), by striking “who has  
2           already been counted toward the numerical limita-  
3           tion of paragraph (1)(B) during fiscal year 2019,  
4           2020, or 2021 shall not again be counted toward  
5           such limitation during fiscal year 2022” and insert-  
6           ing “shall not be counted toward the numerical limi-  
7           tation of paragraph (1)(B) for a fiscal year if that  
8           alien has already been counted toward such limita-  
9           tion during any of the 3 fiscal years immediately  
10          preceding that fiscal year and shall satisfy the re-  
11          quirements under subparagraph (D)”;

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

13                   “(D) The requirement under this subpara-  
14                   graph is as follows:

15                           “(i) An alien shall participate in the  
16                           biometric entry and exit system (as such  
17                           term is defined in section 7208(b) of the  
18                           Intelligence Reform and Terrorism Preven-  
19                           tion Act of 2004 (8 U.S.C. 1365b(b))).  
20                           Any information collected by reason of par-  
21                           ticipation in such system shall be shared  
22                           with the Biometric Identification  
23                           Transnational Migration Alert Program of  
24                           US Immigration and Customs Enforce-  
25                           ment and the Office of Biometric Identity

1 Management of the Department of Home-  
2 land Security.

3 “(ii) The information referred to in  
4 clause (i) shall be used to investigate an  
5 alien who has been counted toward the nu-  
6 merical limitation of paragraph (1)(B) for  
7 a fiscal year, and to determine if that alien  
8 has ever used an alias while working or  
9 present in the United States. If an alias is  
10 identified, that alien shall be evaluated to  
11 determine if the alien poses a national se-  
12 curity threat, if the alien has a criminal  
13 history, and if the alien is inadmissible.”.

14 **SEC. 3. ENHANCED VETTING.**

15 The Secretary of Homeland Security shall use the bi-  
16 ometric data to vet named workers against supporting evi-  
17 dence (including copies of passport, current and previous  
18 visas, entry documents) and identify any aliases. If an  
19 alias is identified, the Secretary shall vet named workers  
20 and aliases for potential national security threat, criminal  
21 history, and inadmissibility. If the alien is found to violate  
22 the factors, the alien shall not be banned from partici-  
23 pating in the H-2B program.

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