

117TH CONGRESS
1ST SESSION

S. 348

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 2021

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

A BILL

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

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

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

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

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

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

TITLE I—EARNED PATH TO CITIZENSHIP AND OTHER REFORMS

Subtitle A—Earned Path to Citizenship

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

Subtitle B—Other Reforms

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

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

- Sec. 2001. Definitions.

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

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

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

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

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

Subtitle C—Managing the Border and Protecting Border Communities

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

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

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

TITLE III—REFORM OF THE IMMIGRANT VISA SYSTEM

Subtitle A—Promoting Family Reunification

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

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

Subtitle B—National Origin-Based Antidiscrimination for Nonimmigrants

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

Subtitle C—Diversity Immigrants

- Sec. 3301. Increasing diversity visas.

Subtitle D—Reforming Employment-Based Immigration

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

Subtitle E—Promoting Immigrant and Refugee Integration

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

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

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

- Sec. 4101. Expanding alternatives to detention.

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

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

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

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

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

TITLE V—EMPLOYMENT AUTHORIZATION AND PROTECTING
WORKERS FROM EXPLOITATION

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

1 SEC. 2. DEFINITIONS.

2 In this Act:

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. Adjustment of status for certain noncitizens who entered the
 United States as children.”.

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

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

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

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

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

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

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

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

12 “(B) was eligible for deferred enforced depart-
 13 ure 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

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

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

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

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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.”.

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

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

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

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

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

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

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

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

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

3 “(2) PAYMENT OF FEES.—

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

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

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

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

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

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

25 “(3) PHYSICAL PRESENCE.—

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

5 “(B) CONTINUOUS PHYSICAL PRESENCE.—

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

12 “(ii) EXCEPTIONS.—

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

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

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

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

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

1 “(iii) EFFECT OF NOTICE TO AP-
2 PEAR.—Issuance of a notice to appear
3 under section 239(a) shall not be consid-
4 ered to interrupt the continuity of a non-
5 citizen’s continuous physical presence in
6 the United States.

7 “(4) WAIVER FOR NONCITIZENS PREVIOUSLY
8 REMOVED.—

9 “(A) IN GENERAL.—With respect to a non-
10 citizen who was removed from or who departed
11 the United States on or after January 20,
12 2017, and who was continuously physically
13 present in the United States for not fewer than
14 3 years immediately preceding the date on
15 which the noncitizen was removed or departed,
16 the Secretary may waive, for humanitarian pur-
17 poses, to ensure family unity, or if such a waiv-
18 er is otherwise in the public interest, the appli-
19 cation of—

20 “(i) paragraph (3)(A); and

21 “(ii) in the case of an applicant for
22 lawful prospective immigrant status under
23 section 245B, if the applicant has not re-
24 entered the United States unlawfully after
25 January 1, 2021, subsection (c)(3).

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

10 “(c) GROUNDS FOR INELIGIBILITY.—

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

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

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

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

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

possession of cannabis or cannabis-related paraphernalia, any offense involving cannabis or cannabis-related paraphernalia that is no longer prosecutable in the State in which the conviction was entered, any offense under State law for which an essential element is the noncitizen's immigration status, any offense involving civil disobedience without violence, and any minor traffic offense) not occurring on the same date, and not arising out of the same act, omission, or scheme of misconduct.

“(B) WAIVERS.—

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

“(I) waive inadmissibility under—

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

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

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

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

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

24 “(bb) 2 misdemeanor of-
25 fenses if, during the 10-year pe-

1 riod preceding such date, the
2 noncitizen has not been convicted
3 of any offense.

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

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

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

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

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

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

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

5 “(i) A lawful permanent resident.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(3) BACKGROUND CHECKS.—

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

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

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

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

20 “(e) ELIGIBILITY FOR OTHER STATUSES.—

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

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

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

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

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

13 “(g) PROCEDURES.—

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

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

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

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

8 “(2) SPOUSES AND CHILDREN.—

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

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

jected to extreme cruelty by the noncitizen (regardless of whether the legal relationship terminates), the spouse or child may apply independently for lawful prospective immigrant status or lawful permanent resident status if he or she is otherwise eligible.

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

“(3) ADJUDICATION.—

“(A) IN GENERAL.—The Secretary shall evaluate each application submitted under section 245B, 245C, 245D, 245E, or 245F to determine whether the applicant meets the applicable requirements.

“(B) ADJUSTMENT OF STATUS IF FAVORABLE DETERMINATION.—If the Secretary determines that a noncitizen meets the requirements of section 245B, 245C, 245D, 245E, or 245F, as applicable, the Secretary shall—

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

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

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

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

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

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

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

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

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

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

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

16 “(E) WITHDRAWAL OF APPLICATION.—

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

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

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

3 “(F) DOCUMENT REQUIREMENTS.—

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

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

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

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

1 “(IV) A uniformed services iden-
2 tification card issued by the Depart-
3 ment of Defense.

4 “(V) Any immigration or other
5 document issued by the United States
6 Government bearing the noncitizen’s
7 name and photograph.

8 “(VI) A State-issued identifica-
9 tion card bearing the noncitizen’s
10 name and photograph.

11 “(VII) Any other evidence that
12 the Secretary determines to be cred-
13 ible.

14 “(ii) DOCUMENTS ESTABLISHING CON-
15 TINUOUS PHYSICAL PRESENCE.—Evidence
16 that the noncitizen has been continuously
17 physically present in the United States
18 may include the following:

19 “(I) Passport entries, including
20 admission stamps on the noncitizen’s
21 passport.

22 “(II) Any document from the De-
23 partment of Justice or the Depart-
24 ment of Homeland Security noting the

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

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

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

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

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

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

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

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

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

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

8 “(XII) Tax receipts.

9 “(XIII) Insurance policies.

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

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

17 “(XVI) Dated bank transactions.

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

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

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

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

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

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

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

5 “(G) SUFFICIENCY OF THE EVIDENCE.—

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

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

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

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

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

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

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

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

14 “(4) REVOCATION.—

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

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

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

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

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

8 “(i) to submit additional evidence; or

9 “(ii) to appear for an interview.

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

17 “(5) ADMINISTRATIVE REVIEW.—

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

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

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

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

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

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

1 limit the authority of the Secretary to cer-
2 tify appeals for review and final decision.

3 “(v) DENIAL OF PETITIONS FOR
4 SPOUSES AND CHILDREN.—A decision to
5 deny, or revoke approval of, a petition sub-
6 mitted by a noncitizen to classify a spouse
7 or child of the noncitizen as the spouse or
8 child of a noncitizen for purposes of sec-
9 tion 245B, 245C, 245D, 245E, or 245F
10 may be appealed under this paragraph.

11 “(C) STAY OF REMOVAL.—Noncitizens
12 seeking administrative review of a denial, or
13 revocation of approval, of an application for sta-
14 tus under section 245B, 245C, 245D, 245E, or
15 245F shall not be removed from the United
16 States before a final decision is rendered estab-
17 lishing ineligibility for such status.

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

21 “(i) the administrative record estab-
22 lished at the time of the determination on
23 the application; and

24 “(ii) any additional newly discovered
25 or previously unavailable evidence.

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

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

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

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

17 “(8) EMPLOYMENT.—

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

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

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

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

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

21 “(9) INFORMATION PRIVACY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) RULEMAKING.—

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

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

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

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

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

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

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

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

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

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

19 **Subtitle B—Other Reforms**

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

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

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

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

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

11 “(1) CERTAIN SONS AND DAUGHTERS.—

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

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

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

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

1 101(a)(15)(V) shall terminate 30 days after the
2 date on which—

3 “(i) the nonimmigrant’s application
4 for an immigrant visa pursuant to the ap-
5 proval of a petition under section 203(a) is
6 denied; or

7 “(ii) the nonimmigrant’s application
8 for adjustment of status under section
9 245, 245B, or 245C pursuant to the ap-
10 proval of such a petition is denied.

11 “(C) PUBLIC BENEFITS.—

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

20 “(ii) HEALTH CARE COVERAGE.—A
21 noncitizen admitted under section
22 101(a)(15)(V)—

23 “(iii) is not entitled to the premium
24 assistance tax credit authorized under sec-
25 tion 36B of the Internal Revenue Code of

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(III) any similar disposition.

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

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

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

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

13 **SEC. 1203. PETTY OFFENSES.**

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

16 (1) in the matter preceding subclause (I), by
 17 striking “to a noncitizen who committed only one
 18 crime”;

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

22 (3) by amending subclause (II) to read as fol-
 23 lows:

24 “(II) the noncitizen committed
 25 not more than 2 crimes, the maximum

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

General shall consider all mitigating and aggravating factors, including—

“(i) the severity of the underlying circumstances, conduct, or violation;

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

“(iii) evidence of rehabilitation, if applicable; and

“(iv) the extent to which the noncitizen’s removal, or the denial of the noncitizen’s application, would adversely affect the noncitizen or the noncitizen’s United States citizen or lawful permanent resident family members.”.

SEC. 1205. JUDICIAL REVIEW.

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

(1) in subsection (a)(2)—

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

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

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

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

9 (2) in subsection (b)—

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

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

21 (3) in subsection (f)—

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

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

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

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

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

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

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

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

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

9 “(4) STANDARD FOR JUDICIAL REVIEW.—

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

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

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

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

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

8 “(5) REMEDIAL POWERS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

under this paragraph to permit the Secretary to evaluate an allegation of an unwritten policy or practice or to take corrective action. In determining whether to issue such a stay, the court shall take into account any harm the stay may cause to the claimant.”.

SEC. 1206. MODIFICATIONS TO NATURALIZATION PROVISIONS.

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

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

“(g) For purposes of this chapter, the phrases ‘lawfully admitted for permanent residence’, ‘lawfully admitted to the United States for permanent residence’, and ‘lawful admission for permanent residence’ shall refer to a noncitizen who—

“(1) was granted the status of lawful permanent resident;

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

1 “(3) for good cause shown.”; and

2 (2) in section 319 (8 U.S.C. 1430)—

3 (A) in the section heading, by striking

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

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

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

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

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

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

24 (1) in subsection (b)(1)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(v) in addition—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (2) GOVERNMENT CONTRACTING EXEMPTION.—

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

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

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

20 (3) HIRING RULES EXEMPTION.—

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

1 this title without regard to the number of such
 2 employees, their ratio to permanent full-time
 3 employees, and the duration of their employ-
 4 ment.

5 (B) SAVINGS PROVISION.—Nothing in
 6 chapter 71 of title 5, United States Code, shall
 7 affect the authority of any Department man-
 8 agement official to hire term, temporary limited
 9 or part-time employees under this paragraph.

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

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

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

23 (1) in subparagraph (B)(ii), by striking “, or”
 24 and inserting a semicolon at the end;

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

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

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

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

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

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

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

6 **SEC. 2001. DEFINITIONS.**

7 In this title:

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

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

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

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

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

25 (A) asylum status;

1 (B) refugee status;

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) to combat corruption and impunity;

20 (3) to improve access to justice;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (4) to defend human rights by supporting—

8 (A) human rights ombudsman offices;

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (iii) assistance to canine units;

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

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

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

20 (C) the reform of bank secrecy laws;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (3) strengthening food security by supporting—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (2) shall be conducted in local languages;

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

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

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

5 (a) DESIGNATED PROCESSING CENTERS.—

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

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

17 (A) El Salvador;

18 (B) Guatemala;

19 (C) Honduras; and

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

24 (b) PERSONNEL.—

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

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

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

12 (c) OPERATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 speciation systems and other technologies identi-
2 fied in the plan; and

3 (D) associated costs for any necessary in-
4 frastructure enhancements or configuration
5 changes at each port of entry.

6 (c) SMALL BUSINESS OPPORTUNITIES.—The acquisi-
7 tion plan required under subsection (b)(9) shall promote,
8 to the extent practicable, opportunities for entities that
9 qualify as small business concerns (as defined under sec-
10 tion 3(a) of the Small Business Act (15 U.S.C. 632(a))).

11 (d) MODERNIZATION OF PORT OF ENTRY INFRA-
12 STRUCTURE.—The Secretary is authorized to develop and
13 implement a plan that—

14 (1) identifies infrastructure improvements at
15 ports of entry that would—

16 (A) enhance the ability to process asylum
17 seekers;

18 (B) facilitate daily pedestrian and vehic-
19 ular trade and traffic; and

20 (C) detect, interdict, disrupt, and prevent
21 fentanyl, other synthetic opioids, and other nar-
22 cotics and psychoactive substances and associ-
23 ated contraband from entering the United
24 States;

1 (2) describes circumstances in which effective
2 technology in use at certain ports of entry smart
3 cannot be implemented at other ports of entry, in-
4 cluding—

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

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

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

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

1 **SEC. 2302. DEPLOYING SMART TECHNOLOGY AT THE**
2 **SOUTHERN BORDER.**

3 (a) IN GENERAL.—The Secretary is authorized to de-
4 velop and implement a strategy to manage and secure the
5 southern border of the United States by deploying smart
6 technology—

7 (1) to enhance situational awareness along the
8 border; and

9 (2) to counter transnational criminal networks.

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

12 (1) a comprehensive assessment of the physical
13 barriers, levees, technologies, tools, and other devices
14 that are currently in use along the southern border
15 of the United States;

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

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

1 (4) an explanation for why each technology,
2 tool, or other device was recommended to achieve
3 and maintain situational awareness of the southern
4 border, including—

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

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

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

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

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

24 (7) performance measures that can be used to
25 evaluate the effectiveness of each technology de-

1 ployed and of U.S. Border Patrol operations in each
2 sector.

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

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

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

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

12 (A) effective in serving a legitimate agency
13 purpose;

14 (B) the least intrusive means of serving
15 such purpose; and

16 (C) cost effective;

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

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

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

2 (a) MANDATORY TRAINING AND CONTINUING EDU-
3 CATION TO PROMOTE AGENT AND OFFICER SAFETY AND
4 PROFESSIONALISM.—The Secretary is authorized to es-
5 tablish policies and guidelines to ensure that every agent
6 and officer of U.S. Customs and Border Protection and
7 U.S. Immigration and Customs Enforcement receives
8 training upon onboarding regarding accountability, stand-
9 ards for professional and ethical conduct, and oversight.

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

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

17 (2) interaction with vulnerable populations; and

18 (3) standards of professional and ethical con-
19 duct.

20 (c) CONTINUING EDUCATION.—

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

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

4 (A) the protection of the civil, constitu-
5 tional, human, and privacy rights of individuals;
6 and

7 (B) use of force policies applicable to
8 agents and officers.

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

13 (d) MEDICAL TRAINING FOR U.S. BORDER PATROL
14 AGENTS.—

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

18 (A) in subsection (l)—

19 (i) by striking “The Commissioner”
20 and inserting the following:

21 “(1) CONTINUING EDUCATION.—The Commis-
22 sioner”; and

23 (ii) by adding at the end the fol-
24 lowing:

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

3 “(A) IN GENERAL.—

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

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

24 “(iii) OBLIGATED OVERTIME.—A U.S.
25 Border Patrol agent shall not accrue any

1 debt of obligated overtime hours that the
2 agent may have incurred, pursuant to sec-
3 tion 5550(b) of title 5, United States
4 Code, in order to achieve or maintain a
5 paramedic certification.

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

13 “(v) SERVICE COMMITMENT.—Any
14 U.S. Border Patrol agent who completes a
15 certification preparation program pursuant
16 to clause (i) shall—

17 “(I) complete 1 year of service as
18 a U.S. Border Patrol agent following
19 the completion of EMT training;

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

1 “(III) reimburse U.S. Customs
2 and Border Protection in an amount
3 equal to the product of—

4 “(aa) the cost of providing
5 such training to such agent; mul-
6 tiplied by

7 “(bb) the percentage of the
8 service required under subclauses
9 (I) and (II) that the agent failed
10 to complete.

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

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

22 “(ii) PARAMEDIC CERTIFICATION.—A
23 U.S. Border Patrol agent who has com-
24 pleted paramedic training pursuant to sub-
25 paragraph (A)(i) and has a current, State-

1 issued or State-recognized certification as
2 a paramedic shall receive, in addition to
3 the pay to which the agent is otherwise en-
4 titled under this section (except for sub-
5 paragraph (A)), an amount equal to 10
6 percent of such pay.

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

19 “(I) 5 percent of such pay for an
20 EMT certification; and

21 “(II) 10 percent of such pay for
22 a paramedic certification.

23 “(C) AVAILABILITY OF MEDICALLY
24 TRAINED BORDER PATROL AGENTS.—Not later
25 than 6 months after the date of the enactment

1 of the U.S. Citizenship Act, the Commissioner
2 of U.S. Customs and Border Protection shall—

3 “(i) ensure that—

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

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

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

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

24 “(D) MEDICAL SUPPLIES.—

1 “(i) MINIMUM LIST.—The Commis-
2 sioner of U.S. Customs and Border Protec-
3 tion shall provide minimum medical sup-
4 plies to each U.S. Border Patrol agent
5 with an EMT or paramedic certification
6 and to each U.S. Border Patrol sector, in-
7 cluding all remote stations and forward op-
8 erating bases, for use while on patrol, in-
9 cluding—

10 “(I) supplies designed for chil-
11 dren;

12 “(II) first aid kits; and

13 “(III) oral hydration, such as
14 water.

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

22 “(E) MOTOR VEHICLES.—The Commis-
23 sioner of U.S. Customs and Border Protection
24 shall make available appropriate motor vehicles
25 to U.S. Border Patrol agents with current EMT

1 or paramedic certifications to enable them to
2 provide necessary emergency medical assistance.

3 “(F) GAO REPORT.—Not later than 3
4 years after the date of the enactment of the
5 U.S. Citizenship Act, the Comptroller General
6 of the United States shall—

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

13 “(ii) provide a recommendation to
14 Congress as to whether—

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

22 “(II) additional incentive modi-
23 fications are needed to achieve or
24 maintain the goal, including pay dif-
25 ferentials; and

1 “(III) the 10 percent goal is
 2 properly scoped to materially con-
 3 tribute to the preservation of life and
 4 the effectiveness and efficiency of U.S.
 5 Border Patrol operations, including
 6 whether the number is too high or too
 7 low.”; and

8 (B) in subsection (r), by striking “section,
 9 the terms” and inserting the following: “sec-
 10 tion—

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

13 “(2) the terms”.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—
 15 There are authorized to be appropriated such sums
 16 as may be necessary to carry out section 411(l)(2)
 17 of the Homeland Security Act of 2002, as added by
 18 paragraph (1).

19 (e) IDENTIFYING AND TREATING INDIVIDUALS EX-
 20 PERIENCING MEDICAL DISTRESS.—

21 (1) ONLINE TRAINING.—

22 (A) IN GENERAL.—Beginning on the date
 23 that is 90 days after the date of the enactment
 24 of this Act, the Commissioner of U.S. Customs
 25 and Border Protection shall require all U.S.

1 Border Patrol agents, including agents with
 2 EMT or paramedic certification, to complete an
 3 online training program that meets nationally
 4 recognized standards for the medical care of
 5 children to enable U.S. Border Patrol agents—

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

8 (ii) to ensure the timely transport of
 9 sick or injured children to an appropriate
 10 medical provider.

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

16 (2) VOICE ACCESS TO MEDICAL PROFES-
 17 SIONALS.—

18 (A) IN GENERAL.—The Commissioner of
 19 U.S. Customs and Border Protection shall en-
 20 sure that all remote U.S. Border Patrol sta-
 21 tions, forward operating bases, and remote
 22 ports of entry along the southern border of the
 23 United States have 24-hour voice access to a
 24 medical command physician whose board certifi-
 25 cation includes the ability to perform this role

1 or a mid-level health care provider with pedi-
2 atric training for consultations regarding the
3 medical needs of individuals, including children,
4 taken into custody near the United States bor-
5 der.

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

11 (f) COMMERCIAL DRIVER PROGRAM.—

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

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

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

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

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

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

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

11 (ii) not fewer than 1 bus is assigned
 12 to the sector.

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

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

23 (4) USE OF OFFICIAL DUTY TIME.—A U.S.
 24 Border Patrol agent shall be credited with work time

1 for the process of obtaining and maintaining a com-
2 mercial driver's license under paragraph (1).

3 (5) REPORTS TO CONGRESS.—The Secretary
4 shall submit quarterly reports regarding the average
5 length of detainees' stay at U.S. Border Patrol sta-
6 tions to—

7 (A) the Committee on Homeland Security
8 and Governmental Affairs of the Senate; and

9 (B) the Committee on Homeland Security
10 of the House of Representatives.

11 **SEC. 2305. GAO STUDY OF WAIVER OF ENVIRONMENTAL**
12 **AND OTHER LAWS.**

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

1 **SEC. 2306. ESTABLISHMENT OF BORDER COMMUNITY**
 2 **STAKEHOLDER ADVISORY COMMITTEE.**

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

6 **“SEC. 416. BORDER COMMUNITY STAKEHOLDER ADVISORY**
 7 **COMMITTEE.**

8 “(a) DEFINITIONS.—In this section:

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

13 “(2) BORDER COMMUNITY STAKEHOLDER.—
 14 The term ‘border community stakeholder’ means an
 15 individual who has ownership interests or resides
 16 near an international land border of the United
 17 States, including—

18 “(A) an individual who owns land within
 19 10 miles of an international land border of the
 20 United States;

21 “(B) a business leader of a company oper-
 22 ating within 100 miles of a land border of the
 23 United States;

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

1 “(D) a representative of an Indian Tribe
2 possessing Tribal lands on a land border of the
3 United States; and

4 “(E) a representative of a human rights or
5 civil rights organization operating near a land
6 border of the United States.

7 “(b) ESTABLISHMENT.—The Secretary shall estab-
8 lish, within the Department, the Border Community
9 Stakeholder Advisory Committee.

10 “(c) DUTIES.—

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

19 “(2) RECOMMENDATIONS.—The Advisory Com-
20 mittee shall develop, at the request of the Secretary,
21 recommendations regarding policies, protocols, pro-
22 grams, and rulemaking pertaining to border security
23 and immigration enforcement that may impact bor-
24 der communities.

25 “(d) MEMBERSHIP.—

1 “(1) APPOINTMENT.—

2 “(A) IN GENERAL.—The Secretary shall
3 appoint the members of the Advisory Com-
4 mittee.

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

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

10 “(ii) 3 individuals with significant ex-
11 pertise and experience in immigration law,
12 civil rights, and civil liberties, particularly
13 relating to the interests of residents of bor-
14 der communities.

15 “(2) TERM OF OFFICE.—

16 “(A) TERMS.—The term of each member
17 of the Advisory Committee shall be 2 years.
18 The Secretary may reappoint members for addi-
19 tional terms.

20 “(B) REMOVAL.—The Secretary may re-
21 view the participation of a member of the Advi-
22 sory Committee and remove such member for
23 cause at any time.

24 “(3) PROHIBITION ON COMPENSATION.—The
25 members of the Advisory Committee may not receive

1 pay, allowances, or benefits from the Federal Gov-
2 ernment by reason of their service on the Advisory
3 Committee.

4 “(4) MEETINGS.—

5 “(A) IN GENERAL.—The Secretary shall
6 require the Advisory Committee to meet at least
7 semiannually and may convene additional meet-
8 ings as necessary.

9 “(B) PUBLIC MEETINGS.—At least 1 of
10 the meetings described in subparagraph (A)
11 shall be open to the public.

12 “(C) ATTENDANCE.—The Advisory Com-
13 mittee shall maintain a record of the persons
14 present at each meeting.

15 “(5) MEMBER ACCESS TO SENSITIVE SECURITY
16 INFORMATION.—

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

24 “(B) RESTRICTIONS ON USE.—The mem-
25 ber shall protect the sensitive security informa-

1 tion referred to in subparagraph (A) in accord-
 2 ance with part 1520 of title 49, Code of Fed-
 3 eral Regulations.

4 “(6) CHAIRPERSON.—A stakeholder representa-
 5 tive on the Advisory Committee who is elected by the
 6 appointed membership of the Advisory Committee
 7 shall chair the Advisory Committee.

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

11 (b) APPROPRIATIONS.—There are authorized to be
 12 appropriated such sums as may be necessary to implement
 13 this section.

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

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

18 **SEC. 2307. RESCUE BEACONS.**

19 Section 411(o) of the Homeland Security Act of 2002
 20 (6 U.S.C. 211(o)) is amended by adding at the end the
 21 following:

22 “(3) RESCUE BEACONS.—Beginning on October
 23 1, 2021, in carrying out subsection (c)(8), the Com-
 24 missioner shall purchase, deploy, and maintain addi-
 25 tional self-powering, 9–1–1 cellular relay rescue bea-

1 cons along the southern border of the United States
 2 at appropriate locations, as determined by the Com-
 3 missioner, to effectively mitigate migrant deaths.”.

4 **SEC. 2308. USE OF FORCE.**

5 (a) DEPARTMENT OF HOMELAND SECURITY POLI-
 6 CIES.—

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

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

15 (A) focus law enforcement efforts and tac-
 16 tics on protecting public safety and national se-
 17 curity that are consistent with our Nation’s val-
 18 ues; and

19 (B) leverage best practices and technology
 20 to provide such protection.

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

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

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

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

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

12 (b) CONTRACTS.—The Commissioner is authorized to
 13 enter into such contracts as may be necessary to carry
 14 out this section.

15 **Subtitle D—Improving Border In-**
 16 **frastructure for Families and**
 17 **Children; Cracking Down on**
 18 **Criminal Organizations**

19 **SEC. 2401. HUMANITARIAN AND MEDICAL STANDARDS FOR**
 20 **INDIVIDUALS IN U.S. CUSTOMS AND BORDER**
 21 **PROTECTION CUSTODY.**

22 (a) IN GENERAL.—The Secretary, in coordination
 23 with the Secretary of Health and Human Services, and
 24 in consultation with nongovernmental experts in the deliv-
 25 ery of humanitarian response and health care, shall de-

1 develop 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.”.

**TITLE III—REFORM OF THE
IMMIGRANT VISA SYSTEM
Subtitle A—Promoting Family
Reunification**

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

(a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-
MIGRANTS.—Section 201(c) of the Immigration and Na-
tionality Act (8 U.S.C. 1151(c)) is amended to read as
follows:

“(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
IMMIGRANTS.—

“(1) IN GENERAL.—The worldwide level of fam-
ily-sponsored immigrants under this subsection for a
fiscal year is equal to the sum of—

“(A) 480,000;

“(B) the number computed under para-
graph (2); and

“(C) the number computed under para-
graph (3).

“(2) UNUSED VISA NUMBERS FROM PREVIOUS
FISCAL YEAR.—The number computed under this
paragraph for a fiscal year is the difference, if any,
between—

1 “(A) the worldwide level of employment-
2 based immigrant visas established for the pre-
3 vious fiscal year; and

4 “(B) the number of visas issued under sec-
5 tion 203(b) during the previous fiscal year.

6 “(3) UNUSED VISA NUMBERS FROM FISCAL
7 YEARS 1992 THROUGH 2020.—The number computed
8 under this paragraph is the difference, if any, be-
9 tween—

10 “(A) the difference, if any, between—

11 “(i) the sum of the worldwide levels of
12 family-sponsored immigrant visas estab-
13 lished for fiscal years 1992 through 2020;
14 and

15 “(ii) the number of visas issued under
16 section 203(a) during such fiscal years;
17 and

18 “(B) the number of visas resulting from
19 the calculation under subparagraph (A) that
20 were issued after fiscal year 2020 under section
21 203(a).”.

22 (b) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
23 IMMIGRANTS.—Section 201(d) of the Immigration and
24 Nationality Act (8 U.S.C. 1151(d)) is amended to read
25 as follows:

1 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
2 IMMIGRANTS.—

3 “(1) IN GENERAL.—The worldwide level of em-
4 ployment-based immigrants under this subsection for
5 a fiscal year is equal to the sum of—

6 “(A) 170,000;

7 “(B) the number computed under para-
8 graph (2); and

9 “(C) the number computed under para-
10 graph (3).

11 “(2) UNUSED VISA NUMBERS FROM PREVIOUS
12 FISCAL YEAR.—The number computed under this
13 paragraph for a fiscal year is the difference, if any,
14 between—

15 “(A) the worldwide level of family-spon-
16 sored immigrant visas established for the pre-
17 vious fiscal year; and

18 “(B) the number of visas issued under sec-
19 tion 203(a) during the previous fiscal year.

20 “(3) UNUSED VISA NUMBERS FROM FISCAL
21 YEARS 1992 THROUGH 2020.—The number computed
22 under this paragraph is the difference, if any, be-
23 tween—

24 “(A) the difference, if any, between—

1 “(i) the sum of the worldwide levels of
 2 employment-based immigrant visas estab-
 3 lished for each of fiscal years 1992
 4 through 2020; and

5 “(ii) the number of visas issued under
 6 section 203(b) during such fiscal years;
 7 and

8 “(B) the number of visas resulting from
 9 the calculation under subparagraph (A) that
 10 were issued after fiscal year 2020 under section
 11 203(b).”.

12 (c) EFFECTIVE DATE.—The amendments made by
 13 this section shall apply to each fiscal year beginning with
 14 fiscal year 2022.

15 **SEC. 3102. RECLASSIFICATION OF SPOUSES AND MINOR**
 16 **CHILDREN OF LAWFUL PERMANENT RESI-**
 17 **DENTS AS IMMEDIATE RELATIVES.**

18 (a) IN GENERAL.—Section 201(b)(2) of the Immi-
 19 gration and Nationality Act (8 U.S.C. 1151(b)(2)) is
 20 amended to read as follows:

21 “(2) IMMEDIATE RELATIVES.—

22 “(A) IN GENERAL.—

23 “(i) IMMEDIATE RELATIVE DE-
 24 FINED.—In this Act, the term ‘immediate
 25 relative’ includes—

1 “(I) a child, spouse, and parent
2 of a citizen of the United States, ex-
3 cept that, in the case of parents, such
4 citizen of the United States shall be
5 at least 21 years of age;

6 “(II) a child or spouse of a law-
7 ful permanent resident; and

8 “(III) for each family member of
9 a citizen of the United States or law-
10 ful permanent resident described in
11 subclauses (I) and (II), the family
12 member’s spouse or child who is ac-
13 companying or following to join the
14 family member.

15 “(ii) PREVIOUSLY ISSUED VISA.—A
16 noncitizen admitted under section 211(a)
17 on the basis of a prior issuance of a visa
18 under section 203(a) to his or her imme-
19 diate relative accompanying parent is an
20 immediate relative.

21 “(iii) PARENTS AND CHILDREN.—A
22 noncitizen who was the child or parent of
23 a citizen of the United States or a child of
24 a lawful permanent resident on the date of
25 the death of the United States citizen or

1 lawful permanent resident is an immediate
2 relative if the noncitizen files a petition
3 under section 204(a)(1)(A)(ii) not later
4 than 2 years after such date or before at-
5 taining 21 years of age.

6 “(iv) SPOUSES.—A noncitizen who
7 was the spouse of a citizen of the United
8 States or lawful permanent resident for
9 not less than 2 years on the date of death
10 of the United States citizen or lawful per-
11 manent resident (or, if married for less
12 than 2 years on such date, proves by a pre-
13 ponderance of the evidence that the mar-
14 riage was entered into in good faith and
15 not solely for the purpose of obtaining an
16 immigration benefit and the noncitizen was
17 not legally separated from the citizen of
18 the United States or lawful permanent
19 resident on such date) and each child of
20 such noncitizen shall be considered, for
21 purposes of this subsection, an immediate
22 relative after such date if the spouse files
23 a petition under section 204(a)(1)(A)(ii)
24 before the date on which the spouse remar-
25 ries.

1 “(v) SPECIAL RULE.—For purposes of
 2 this subparagraph, a noncitizen who has
 3 filed a petition under clause (iii) or (iv) of
 4 section 204(a)(1)(A) remains an immediate
 5 relative if the United States citizen or law-
 6 ful permanent resident spouse or parent
 7 loses United States citizenship or lawful
 8 permanent residence on account of the
 9 abuse.

10 “(B) BIRTH DURING TEMPORARY VISIT
 11 ABROAD.—A noncitizen born to a lawful perma-
 12 nent resident during a temporary visit abroad is
 13 an immediate relative.”.

14 (b) ALLOCATION OF IMMIGRANT VISAS.—Section
 15 203(a) of the Immigration and Nationality Act (8 U.S.C.
 16 1153(a)) is amended—

17 (1) in paragraph (1), by striking “23,400” and
 18 inserting “26.5 percent of such worldwide level”;

19 (2) by striking paragraph (2) and inserting the
 20 following:

21 “(2) UNMARRIED SONS AND UNMARRIED
 22 DAUGHTERS OF LAWFUL PERMANENT RESIDENTS.—
 23 Qualified immigrants who are the unmarried sons or
 24 unmarried daughters (but are not the children) of
 25 lawful permanent residents shall be allocated visas in

1 a number not to exceed 16.8 percent of such world-
 2 wide level, plus any visas not required for the class
 3 specified in paragraph (1).”;

4 (3) in paragraph (3), by striking “23,400” and
 5 inserting “16.8 percent of such worldwide level”;
 6 and

7 (4) in paragraph (4), by striking “65,000” and
 8 inserting “39.9 percent of such worldwide level”.

9 (c) CONFORMING AMENDMENTS.—

10 (1) RULES FOR DETERMINING WHETHER CER-
 11 TAIN NONCITIZENS ARE IMMEDIATE RELATIVES.—
 12 Section 201(f) of the Immigration and Nationality
 13 Act (8 U.S.C. 1151(f)) is amended—

14 (A) in paragraph (1), by striking “para-
 15 graphs (2) and (3),” and inserting “paragraph
 16 (2),”;

17 (B) by striking paragraph (2);

18 (C) by redesignating paragraphs (3) and
 19 (4) as paragraphs (2) and (3), respectively; and

20 (D) in paragraph (3), as redesignated by
 21 subparagraph (C), by striking “through (3)”
 22 and inserting “and (2)”.

23 (2) ALLOCATION OF IMMIGRATION VISAS.—Sec-
 24 tion 203(h) of the Immigration and Nationality Act
 25 (8 U.S.C. 1153(h)) is amended—

1 (A) in paragraph (1)—

2 (i) in the matter preceding subpara-
3 graph (A), by striking “subsections
4 (a)(2)(A) and (d)” and inserting “sub-
5 section (d)”;

6 (ii) in subparagraph (A), by striking
7 “becomes available for such noncitizen (or,
8 in the case of subsection (d), the date on
9 which an immigrant visa number became
10 available for the noncitizen’s parent),” and
11 inserting “became available for the nonciti-
12 zen’s parent,”; and

13 (iii) in subparagraph (B), by striking
14 “applicable”;

15 (B) by amending paragraph (2) to read as
16 follows:

17 “(2) PETITION DESCRIBED.—The petition de-
18 scribed in this paragraph is a petition filed under
19 section 204 for classification of a noncitizen’s parent
20 under subsection (a), (b), or (c).”; and

21 (C) in paragraph (3), by striking “sub-
22 sections (a)(2)(A) and (d)” and inserting “sub-
23 section (d)”.

(3) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (i), by inserting “or lawful permanent resident” after “citizen of the United States”;

(II) in clause (ii), by striking “described in the second sentence of section 201(b)(2)(A)(i) also” and inserting “, noncitizen child, or noncitizen parent described in section 201(b)(2)(A)”;

(III) in clause (iii)—

(aa) in subclause (I)(aa), by inserting “or lawful permanent resident” after “citizen”; and

(bb) in subclause (II)(aa)—

(AA) in subitems (AA) and (BB), by inserting “or lawful permanent resident;” after “citizen of the United States” each place it appears; and

1 (BB) in subitem (CC),
2 by inserting “or lawful per-
3 manent resident” after
4 “United States citizen” each
5 place it appears and by in-
6 serting “or lawful perma-
7 nent resident” after “citi-
8 zenship”;

9 (IV) in clause (iv)—

10 (aa) by striking “citizen of
11 the United States” and inserting
12 “United States citizen or lawful
13 permanent resident parent”;

14 (bb) by inserting “or lawful
15 permanent resident” after
16 “United States citizen”;

17 (cc) by inserting “or lawful
18 permanent resident” after “citi-
19 zenship”;

20 (dd) by striking “citizen
21 parent may” and inserting
22 “United States citizen or lawful
23 permanent resident parent may”;

24 (ee) by striking “citizen par-
25 ent.” and inserting “United

1 States citizen or lawful perma-
 2 nent resident parent.”; and

3 (ff) by striking “residence
 4 includes” and inserting “resi-
 5 dence with a parent includes”;

6 (V) in clause (v)(I), by inserting
 7 “or lawful permanent resident” after
 8 “citizen”;

9 (VI) in clause (vi)—

10 (aa) by inserting “or lawful
 11 permanent resident status” after
 12 “renunciation of citizenship”;
 13 and

14 (bb) by inserting “or lawful
 15 permanent resident” after “abus-
 16 er’s citizenship”; and

17 (VII) in clause (viii)(I)—

18 (aa) by striking “citizen of
 19 the United States” and inserting
 20 “United States citizen or lawful
 21 permanent resident”; and

22 (bb) by inserting “or lawful
 23 permanent resident” after “the
 24 citizen”;

25 (ii) by striking subparagraph (B);

1 (iii) in subparagraph (C), by striking
 2 “subparagraph (A)(iii), (A)(iv), (B)(ii), or
 3 (B)(iii)” and inserting “clause (iii) or (iv)
 4 of subparagraph (A)”;

5 (iv) in subparagraph (D)—

6 (I) in clause (i)(I), by striking
 7 “clause (iv) of section 204(a)(1)(A) or
 8 section 204(a)(1)(B)(iii)” each place
 9 it appears and inserting “subpara-
 10 graph (A)(iv)”;

11 (II) in clause (ii), by striking
 12 “subparagraph (A)(iii), (A)(iv), (B)(ii)
 13 or (B)(iii)” and inserting “clause (iii)
 14 or (iv) of subparagraph (A)”;

15 (III) in clause (iv), by striking
 16 “subparagraph (A)(iii), (A)(iv),
 17 (B)(ii), or (B)(iii)” and inserting
 18 “clause (iii) or (iv) of subparagraph
 19 (A)”;

20 (IV) in clause (v), by striking “or
 21 (B)(iii)”;

22 (v) in subparagraph (J)—

23 (I) by striking “or clause (ii) or
 24 (iii) of subparagraph (B)”;

1 (II) by striking “subparagraphs
 2 (C) and (D)” and inserting “subpara-
 3 graphs (B) and (C)”; and
 4 (vi) by redesignating subparagraphs
 5 (C) through (L) as subparagraphs (B)
 6 through (K), respectively;
 7 (B) in subsection (a), by striking para-
 8 graph (2);
 9 (C) in subsection (h)—
 10 (i) in the first sentence, by striking
 11 “or a petition filed under subsection
 12 (a)(1)(B)(ii) pursuant to conditions de-
 13 scribed in subsection (a)(1)(A)(iii)(1)”;
 14 and
 15 (ii) in the second sentence—
 16 (I) by striking “section
 17 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii)”
 18 and inserting “subsection
 19 (a)(1)(A)(iii)”; and
 20 (II) by striking “section
 21 204(a)(1)(A) or in section
 22 204(a)(1)(B)(iii)” and inserting “sub-
 23 section (a)(1)(A)”;

1 (D) in subsection (i)(1), by striking “sub-
 2 section (a)(4)(D)” and inserting “subsection
 3 (a)(1)(D)”;

4 (E) in subsection (j), by striking “sub-
 5 section (a)(1)(D)” and inserting “subsection
 6 (a)(1)(E)”;

7 (F) in subsection l(1)—

8 (i) by striking “who resided in the
 9 United States at the time of the death of
 10 the qualifying relative and who continues
 11 to reside in the United States”;

12 (ii) by striking “any related applica-
 13 tions,” and inserting “any related applica-
 14 tions (including affidavits of support),”.

15 (4) ADDITIONAL CONFORMING AMENDMENTS.—

16 (A) Section 101(a) of the Immigration and
 17 Nationality Act (8 U.S.C. 1101(a)) is amend-
 18 ed—

19 (i) in paragraph (50), by striking “,
 20 204(a)(1)(B)(ii)(II)(aa)(BB),”;

21 (ii) in paragraph (51)—

22 (I) by striking subparagraph (B);

23 and

1 (II) by redesignating subpara-
 2 graphs (C) through (G) as subpara-
 3 graphs (B) through (F), respectively.

4 (B) Section 212(a)(4)(C)(i) of the Immi-
 5 gration and Nationality Act (8 U.S.C.
 6 1182(a)(4)(C)(i)) is amended—

7 (i) by striking subclause (II); and

8 (ii) by redesignating subclause (III) as
 9 subclause (II).

10 (C) Section 240(c)(7)(C)(iv)(I) of the Im-
 11 migration and Nationality Act (8 U.S.C.
 12 1229a(c)(7)(C)(iv)(I)) is amended by striking “,
 13 clause (ii) or (iii) of section 204(a)(1)(B),”.

14 **SEC. 3103. ADJUSTMENT OF FAMILY-SPONSORED PER-**
 15 **COUNTRY LIMITS.**

16 Section 202(a) of the Immigration and Nationality
 17 Act (8 U.S.C. 1152(a)) is amended—

18 (1) in paragraph (2), by striking “7 percent (in
 19 the case of a single foreign state) or 2 percent” and
 20 inserting “20 percent (in the case of a single foreign
 21 state) or 5 percent”; and

22 (2) by amending paragraph (4) to read as fol-
 23 lows:

24 “(4) LIMITING PASS DOWN FOR CERTAIN COUN-
 25 TRIES SUBJECT TO SUBSECTION (e).—In the case of

1 a foreign state or dependent area to which sub-
 2 section (e) applies, if the total number of visas
 3 issued under section 203(a)(2) exceeds the max-
 4 imum number of visas that may be made available
 5 to immigrants of the state or area under section
 6 203(a)(2) consistent with subsection (e) (determined
 7 without regard to this paragraph), in applying para-
 8 graphs (3) and (4) of section 203(a) under sub-
 9 section (e)(2) all visas shall be deemed to have been
 10 required for the classes specified in paragraphs (1)
 11 and (2) of such section.”.

12 **SEC. 3104. PROMOTING FAMILY UNITY.**

13 (a) REPEAL OF 3-YEAR, 10-YEAR, AND PERMANENT
 14 BARS.—Section 212(a)(9) of the Immigration and Nation-
 15 ality Act (8 U.S.C. 1182(a)(9)) is amended to read as fol-
 16 lows:

17 “(9) NONCITIZENS PREVIOUSLY REMOVED.—

18 “(A) ARRIVING NONCITIZEN.—Any noncit-
 19 izen who has been ordered removed under sec-
 20 tion 235(b)(1) or at the end of proceedings
 21 under section 240 initiated upon the nonciti-
 22 zen’s arrival in the United States and who
 23 again seeks admission within 5 years of the
 24 date of such removal (or within 20 years in the
 25 case of a second or subsequent removal or at

1 any time in the case of a noncitizen convicted
2 of an aggravated felony) is inadmissible.

3 “(B) OTHER NONCITIZENS.—Any noncit-
4 izen not described in subparagraph (A) who
5 seeks admission within 10 years of the date of
6 such noncitizen’s departure or removal (or with-
7 in 20 years of such date in the case of a second
8 or subsequent removal or at any time in the
9 case of a noncitizen convicted of an aggravated
10 felony) is inadmissible if the noncitizen—

11 “(i) has been ordered removed under
12 section 240 or any other provision of law;
13 or

14 “(ii) departed the United States while
15 an order of removal was outstanding.

16 “(C) EXCEPTION.—Subparagraphs (A)
17 and (B) shall not apply to a noncitizen seeking
18 admission within a period if, prior to the date
19 of the noncitizen’s reembarkation at a place
20 outside the United States or attempt to be ad-
21 mitted from foreign contiguous territory, the
22 Secretary of Homeland Security has consented
23 to the noncitizen’s reapplying for admission.”.

1 (b) MISREPRESENTATION OF CITIZENSHIP.—The
2 Immigration and Nationality Act (8 U.S.C. 1101 et seq.)
3 is amended—

4 (1) in section 212(a)(6)(C) (8 U.S.C.
5 1182(a)(6)(C)), by amending clause (ii) to read as
6 follows:

7 “(ii) MISREPRESENTATION OF CITI-
8 ZENSHIP.—

9 “(I) IN GENERAL.—Any noncit-
10 izen who willfully misrepresents, or
11 has willfully misrepresented, himself
12 or herself to be a citizen of the United
13 States for any purpose or benefit
14 under this Act (including section
15 274A) or any Federal or State law is
16 inadmissible.

17 “(II) EXCEPTION.—In the case
18 of a noncitizen who was under the age
19 of 21 years at the time of making a
20 misrepresentation described in sub-
21 clause (I), the noncitizen shall not be
22 considered to be inadmissible under
23 any provision of this subsection based
24 on such misrepresentation.”; and

1 (2) in section 237(a)(3) (8 U.S.C. 1227(a)(3)),
 2 by amending subparagraph (D) to read as follows:

3 “(D) MISREPRESENTATION OF CITIZEN-
 4 SHIP.—

5 “(i) IN GENERAL.—Any noncitizen
 6 who willfully misrepresents, or has willfully
 7 misrepresented, himself or herself to be a
 8 citizen of the United States for any pur-
 9 pose or benefit under this Act (including
 10 section 274A) or any Federal or State law
 11 is deportable.

12 “(ii) EXCEPTION.—In the case of a
 13 noncitizen who was under the age of 21
 14 years at the time of making a misrepresen-
 15 tation described in clause (i), the noncit-
 16 izen shall not be considered to be deport-
 17 able under any provision of this subsection
 18 based on such misrepresentation.”.

19 **SEC. 3105. RELIEF FOR ORPHANS, WIDOWS, AND WID-**
 20 **OWERS.**

21 (a) PROCESSING OF IMMIGRANT VISAS AND DERIVA-
 22 TIVE PETITIONS.—

23 (1) IN GENERAL.—Section 204(b) of the Immi-
 24 gration and Nationality Act (8 U.S.C. 1154(b)) is
 25 amended—

1 (A) by striking “(b) After an investiga-
 2 tion” and inserting the following:

3 “(b) APPROVAL OF PETITION.—

4 “(1) IN GENERAL.—After an investigation”;
 5 and

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

7 “(2) DEATH OF QUALIFYING RELATIVE.—

8 “(A) IN GENERAL.—A noncitizen described
 9 in subparagraph (C) the qualifying relative of
 10 whom dies before the completion of immigrant
 11 visa processing may have an immigrant visa ap-
 12 plication adjudicated as if such death had not
 13 occurred.

14 “(B) CONTINUED VALIDITY OF VISA.—An
 15 immigrant visa issued to a noncitizen before the
 16 death of his or her qualifying relative shall re-
 17 main valid after such death.

18 “(C) NONCITIZEN DESCRIBED.—A noncit-
 19 izen described in this subparagraph is a noncit-
 20 izen who, at the time of the death of his or her
 21 qualifying relative, was—

22 “(i) an immediate relative (as de-
 23 scribed in section 201(b)(2)(A));

“(ii) a family-sponsored immigrant
(as described in subsection (a) or (d) of
section 203);

“(iii) a derivative beneficiary of an
employment-based immigrant under section
203(b) (as described in section 203(d)); or

“(iv) the spouse or child of a refugee
(as described in section 207(c)(2)) or an
asylee (as described in section
208(b)(3)).”.

(2) TRANSITION PERIOD.—

(A) IN GENERAL.—Notwithstanding a de-
nial or revocation of an application for an immi-
grant visa for a noncitizen the qualifying rel-
ative of whom dies before the date of the enact-
ment of this Act, such application may be re-
newed by the noncitizen by a motion to reopen,
without fee.

(B) INAPPLICABILITY OF BARS TO
ENTRY.—Notwithstanding section 212(a)(9) of
the Immigration and Nationality Act (8 U.S.C.
1182(a)(9)), the application for an immigrant
visa of a noncitizen the qualifying relative of
whom died before the date of the enactment of
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-

nized as a parent in the relevant jurisdiction regardless of any genetic or gestational relationship; and

“(3) the spouse of a parent at the time of birth, in any case in which—

“(A) at least 1 parent is a legally recognized parent; and

“(B) the marriage occurred before the child’s birth and is recognized in the United States, regardless of where the parents reside.”.

Subtitle B—National Origin-Based Antidiscrimination for Non-immigrants

SEC. 3201. EXPANSION OF NONDISCRIMINATION PROVISION.

Section 202(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(1)(A)) is amended—

(1) by inserting “or a nonimmigrant visa, admission or other entry into the United States, or the approval or revocation of any immigration benefit” after “immigrant visa”;

(2) by inserting “religion,” after “sex,”; and

(3) by inserting “, except if expressly required by statute, or if a statutorily authorized benefit takes into consideration such factors” before the period at the end.

1 **SEC. 3202. TRANSFER AND LIMITATIONS ON AUTHORITY TO**
2 **SUSPEND OR RESTRICT THE ENTRY OF A**
3 **CLASS OF NONCITIZENS.**

4 Section 212(f) of the Immigration and Nationality
5 Act (8 U.S.C. 1182(f)) is amended to read as follows:

6 “(f) AUTHORITY TO SUSPEND OR RESTRICT THE
7 ENTRY OF A CLASS OF NONCITIZENS.—

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 if the Secretary of State, in consultation with the
10 Secretary of Homeland Security, determines, based
11 on specific and credible facts, that the entry of any
12 noncitizens or any class of noncitizens into the
13 United States would undermine the security or pub-
14 lic safety of the United States, or the preservation
15 of human rights, democratic processes or institu-
16 tions, or international stability, the President may
17 temporarily—

18 “(A) suspend the entry of such noncitizens
19 or class of noncitizens as immigrants or non-
20 immigrants; or

21 “(B) impose any restriction on the entry of
22 such noncitizens that the President considers
23 appropriate.

24 “(2) LIMITATIONS.—In carrying out paragraph
25 (1), the President, the Secretary of State, and the
26 Secretary of Homeland Security shall—

1 “(A) issue a suspension or restriction only
2 to the extent required to address specific acts
3 implicating a compelling government interest in
4 a factor identified in paragraph (1);

5 “(B) narrowly tailor the suspension or re-
6 striction, using the least restrictive means, to
7 achieve such compelling government interest;

8 “(C) specify the duration of the suspension
9 or restriction and set forth evidence justifying
10 such duration;

11 “(D) consider waivers to any class-based
12 restriction or suspension and apply a rebuttable
13 presumption in favor of granting family-based
14 and humanitarian waivers; and

15 “(E) comply with all provisions of this Act,
16 including section 202(a)(1)(A).

17 “(3) CONGRESSIONAL NOTIFICATION.—

18 “(A) IN GENERAL.—Prior to the President
19 exercising the authority under paragraph (1),
20 the Secretary of State and the Secretary of
21 Homeland Security shall consult Congress and
22 provide Congress with specific evidence sup-
23 porting the need for the suspension or restric-
24 tion and its proposed duration.

1 “(B) BRIEFING AND REPORT.—Not later
2 than 48 hours after the President exercises the
3 authority under paragraph (1), the Secretary of
4 State and the Secretary of Homeland Security
5 shall provide a briefing and submit a written re-
6 port to the appropriate committees of Congress
7 that describes—

8 “(i) the action taken pursuant to
9 paragraph (1) and the specified objective
10 of such action; and

11 “(ii) the estimated number of individ-
12 uals who will be impacted by such action;

13 “(I) the constitutional and legis-
14 lative authority under which such ac-
15 tion took place; and

16 “(II) the circumstances necessi-
17 tating such action, including how such
18 action complies with paragraph (2)
19 and any intelligence informing such
20 action.

21 “(C) TERMINATION.—If the briefing and
22 report described in subparagraph (B) are not
23 provided to the appropriate committees of Con-
24 gress during the 48-hour period after the Presi-
25 dent exercises the authority under paragraph

1 (1), the suspension or restriction shall imme-
2 diately terminate absent intervening congres-
3 sional action.

4 “(D) PUBLICATION.—The Secretary of
5 State and the Secretary of Homeland Security
6 shall publicly announce and publish an unclassi-
7 fied version of the report described in subpara-
8 graph (B) in the Federal Register.

9 “(4) JUDICIAL REVIEW.—

10 “(A) IN GENERAL.—Notwithstanding any
11 other provision of law, an individual or entity
12 who is present in the United States and has
13 been harmed by a violation of this subsection
14 may file an action in an appropriate district
15 court of the United States to seek declaratory
16 or injunctive relief.

17 “(B) CLASS ACTION.—Nothing in this Act
18 may be construed to preclude an action filed
19 pursuant to subparagraph (A) from proceeding
20 as a class action.

21 “(5) TREATMENT OF COMMERCIAL AIRLINES.—

22 If the Secretary of Homeland Security finds that a
23 commercial airline has failed to comply with regula-
24 tions of the Secretary relating to requirements of
25 airlines for the detection of fraudulent documents

1 used by passengers traveling to the United States
2 (including the training of personnel in such detec-
3 tion), the Secretary may suspend the entry of some
4 or all noncitizens transported to the United States
5 by such airline.

6 “(6) REPORTING REQUIREMENTS.—

7 “(A) IN GENERAL.—Not later than 30
8 days after the date on which the President exer-
9 cises the authority under this subsection, and
10 every 30 days thereafter until the conclusion of
11 such an exercise of authority, the Secretary of
12 State, in coordination with the Secretary of
13 Homeland Security and the heads of other rel-
14 evant Federal agencies, shall submit to the ap-
15 propriate committees of Congress a report that
16 includes the following:

17 “(i) For each country affected by such
18 a suspension or restriction—

19 “(I) the total number of individ-
20 uals who applied for a visa,
21 disaggregated by visa category;

22 “(II) the total number of such
23 visa applicants who were approved,
24 disaggregated by visa category;

1 “(III) the total number of such
2 visa applicants who were refused,
3 disaggregated by visa category, and
4 the reasons they were refused;

5 “(IV) the total number of such
6 visa applicants whose applications re-
7 main pending, disaggregated by visa
8 category;

9 “(V) the total number of such
10 visa applicants who were granted a
11 waiver, disaggregated by visa cat-
12 egory;

13 “(VI) the total number of such
14 visa applicants who were denied a
15 waiver, disaggregated by visa cat-
16 egory, and the reasons such waiver re-
17 quests were denied; and

18 “(VII) the total number of refu-
19 gees admitted.

20 “(ii) Specific evidence supporting the
21 need for the continued exercise of presi-
22 dential authority under this subsection, in-
23 cluding the information described in para-
24 graph (3)(B).

1 “(B) EFFECT OF NONCOMPLIANCE.—If a
2 report required by subparagraph (A) is not
3 timely submitted, the suspension or restriction
4 shall immediately terminate absent intervening
5 congressional action.

6 “(C) FINAL REPORT.—Not later than 30
7 days after the conclusion of a suspension or re-
8 striction under this subsection, the Secretary of
9 State, in coordination with the Secretary of
10 Homeland Security and the heads of other rel-
11 evant Federal agencies, shall submit to the ap-
12 propriate committees of Congress a report that
13 includes, for the entire period of the suspension
14 or restriction, the information described clauses
15 (i) and (ii) of subparagraph (A).

16 “(D) FORM; AVAILABILITY.—Each report
17 required by this paragraph shall be made pub-
18 licly available on an internet website in unclas-
19 sified form.

20 “(7) RULE OF CONSTRUCTION.—Nothing in
21 this subsection may be construed to authorize the
22 President, the Secretary of State, or the Secretary
23 of Homeland Security to act in a manner incon-
24 sistent with the policy decisions expressed in the im-
25 migration laws.

1 “(8) APPROPRIATE COMMITTEES OF CONGRESS
2 DEFINED.—In this subsection, the term ‘appropriate
3 committees of Congress’ means—

4 “(A) the Select Committee on Intelligence,
5 the Committee on Foreign Relations, the Com-
6 mittee on the Judiciary, and the Committee on
7 Homeland Security and Governmental Affairs
8 of the Senate; and

9 “(B) the Permanent Select Committee on
10 Intelligence, the Committee on Foreign Affairs,
11 the Committee on the Judiciary, and the Com-
12 mittee on Homeland Security of the House of
13 Representatives.”.

14 **Subtitle C—Diversity Immigrants**

15 **SEC. 3301. INCREASING DIVERSITY VISAS.**

16 Section 201(e) of the Immigration and Nationality
17 Act (8 U.S.C. 1151(e)) is amended by striking “55,000”
18 and inserting “80,000”.

19 **Subtitle D—Reforming** 20 **Employment-Based Immigration**

21 **SEC. 3401. DOCTORAL STEM GRADUATES FROM ACCRED-** 22 **ITED UNITED STATES UNIVERSITIES.**

23 (a) IN GENERAL.—Section 201(b)(1) of the Immi-
24 gration and Nationality Act (8 U.S.C. 1151(b)(1)), as

1 amended by section 3106, is further amended by adding
2 at the end the following:

3 “(G) Noncitizens who have earned a doctoral
4 degree in a field of science, technology, engineering,
5 or mathematics from an accredited United States in-
6 stitution of higher education.”.

7 (b) DEFINITIONS.—Section 204 of the Immigration
8 and Nationality Act (8 U.S.C. 1154) is amended by add-
9 ing at the end the following:

10 “(m) DOCTORAL STEM GRADUATES FROM ACCRED-
11 ITED UNITED STATES UNIVERSITIES.—For purposes of
12 section 201(b)(1)—

13 “(1) the term ‘field of science, technology, engi-
14 neering, or mathematics’—

15 “(A) means a field included in the Depart-
16 ment of Education’s Classification of Instruc-
17 tional Programs taxonomy within the summary
18 groups of computer and information sciences
19 and support services, engineering, mathematics
20 and statistics, physical sciences, and the sum-
21 mary group subsets of accounting and related
22 services and taxation; and

23 “(B) may include, at the discretion of the
24 Secretary of Homeland Security, other fields
25 not specifically referred to in subparagraph (A)

1 if the accredited United States institution of
 2 higher education verifies that the core cur-
 3 rriculum 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)”; and

7 (B) by striking paragraph (5); and

8 (2) by amending subsection (e) to read as fol-
9 lows:

10 “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—

11 If the total number of immigrant visas made available
12 under section 203(a) to natives of any single foreign state
13 or dependent area is expected to exceed the numerical lim-
14 itation specified in subsection (a)(2) in any fiscal year, im-
15 migrant visas to natives of that state or area under section
16 203(a) shall be allocated (to the extent practicable and
17 otherwise consistent with this section and section 203) so
18 that, except as provided in subsection (a)(4), the propor-
19 tion of the visa numbers made available under each of
20 paragraphs (1) through (4) of section 203(a) is equal to
21 the ratio of the total number of visas made available under
22 the respective paragraph to the total number of visas made
23 available under section 203(a).”.

1 (c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the
 2 Chinese Student Protection Act of 1992 (8 U.S.C. 1255
 3 note) is amended—

4 (1) in subsection (a), by striking “subsection
 5 (e)” and inserting “subsection (d)”;

6 (2) by striking subsection (d); and

7 (3) by redesignating subsection (e) as sub-
 8 section (d).

9 (d) EFFECTIVE DATE.—The amendments made by
 10 this section shall apply to fiscal year 2022 and each subse-
 11 quent fiscal year.

12 **SEC. 3404. INCREASED IMMIGRANT VISAS FOR OTHER**
 13 **WORKERS.**

14 Section 203(b) of the Immigration and Nationality
 15 Act (8 U.S.C. 1153(b)) is amended—

16 (1) in paragraph (1) by striking “28.6” and in-
 17 serting “23.55”;

18 (2) in paragraph (2)(A) by striking “28.6” and
 19 inserting “23.55”;

20 (3) in paragraph (3)—

21 (A) in subparagraph (A), in the matter be-
 22 fore clause (i), by striking “28.6” and inserting
 23 “41.2”; and

24 (B) in subparagraph (B), by striking
 25 “10,000” and inserting “40,000”;

1 (4) in paragraph (4), by striking “7.1” and in-
2 serting “5.85”; and

3 (5) in paragraph (5)(A), in the matter before
4 clause (i), by striking “7.1” and inserting “5.85”.

5 **SEC. 3405. FLEXIBLE ADJUSTMENTS TO EMPLOYMENT-**
6 **BASED IMMIGRANT VISA PROGRAM.**

7 Section 203(b) of the Immigration and Nationality
8 Act (8 U.S.C. 1153(b)), as amended by section 3404, is
9 further amended by adding at the end the following:

10 “(7) GEOGRAPHIC AND LABOR MARKET AD-
11 JUSTMENTS.—The Secretary of Homeland Security,
12 in consultation with the Secretary of Labor, may es-
13 tablish, by regulation, a procedure for temporarily
14 limiting the admission of immigrants described in
15 paragraphs (2) and (3) in geographic areas or labor
16 market sectors that are experiencing high levels of
17 unemployment.”.

18 **SEC. 3406. REGIONAL ECONOMIC DEVELOPMENT IMMI-**
19 **GRANT VISA PILOT PROGRAM.**

20 (a) PILOT PROGRAM FOR REGIONAL ECONOMIC DE-
21 VELOPMENT VISAS.—Notwithstanding the numerical limi-
22 tations in the Immigration and Nationality Act (8 U.S.C.
23 1101 et seq.), the Secretary may establish a pilot program
24 for the annual admission of not more than 10,000 admis-
25 sible immigrants whose employment is essential to the eco-

1 nomic development strategies of the cities or counties in
2 which they will live or work.

3 (b) LABOR CERTIFICATION.—The requirements of
4 section 212(a)(5) of the Immigration and Nationality Act
5 (8 U.S.C. 1182(a)(5)) shall apply to the pilot program au-
6 thorized under this section.

7 (c) DURATION.—The Secretary shall determine the
8 duration of the pilot program authorized under this sec-
9 tion, which may not exceed 5 years.

10 (d) RULEMAKING.—The Secretary, in consultation
11 with the Secretary of Labor, shall issue regulations to im-
12 plement the pilot program authorized under this section.

13 **SEC. 3407. WAGE-BASED CONSIDERATION OF TEMPORARY**
14 **WORKERS.**

15 Section 212(p) is amended by adding at the end the
16 following:

17 “(5) In determining the order in which visas shall be
18 made available to nonimmigrants described in section
19 101(a)(15)(H)(i)(b), and to any other category of non-
20 immigrants deemed appropriate by the Secretary of
21 Homeland Security, the Secretary of Homeland Security,
22 in consultation with the Secretary of Labor, may issue
23 regulations to establish procedures for prioritizing such
24 visas based on the wages offered by employers.”.

1 **SEC. 3408. CLARIFYING DUAL INTENT FOR POSTSEC-**
2 **ONDARY STUDENTS.**

3 (a) IN GENERAL.—Section 101(a)(15)(F)(i) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1101(a)(15)(F)(i)) is amended by striking “an alien hav-
6 ing a residence in a foreign country which he has no inten-
7 tion of abandoning, who is a bona fide student qualified
8 to pursue a full course of study and who” and inserting
9 “a noncitizen who is a bona fide student qualified to pur-
10 sue a full course of study, who (except for a student quali-
11 fied to pursue a full course of study at an institution of
12 higher education) has a residence in a foreign country
13 which the noncitizen has no intention of abandoning, and
14 who”.

15 (b) CONFORMING AMENDMENTS.—Section 214 of the
16 Immigration and Nationality Act (8 U.S.C. 1184) is
17 amended—

18 (1) in subsection (b), by striking “(other than
19 a nonimmigrant” and inserting “(other than a non-
20 immigrant described in section 101(a)(15)(F) if the
21 noncitizen is qualified to pursue a full course of
22 study at an institution of higher education, other
23 than a nonimmigrant”); and

24 (2) in subsection (h), by inserting “(F) (if the
25 noncitizen is qualified to pursue a full course of

1 study at an institution of higher education),” before
 2 “H(i)(b)”.

3 **SEC. 3409. H-4 VISA REFORM.**

4 (a) PROTECTING CHILDREN WITH H-4 VISAS WHO
 5 AGE OUT OF STATUS.—

6 (1) IN GENERAL.—Section 214(g)(4) of the Im-
 7 migration and Nationality Act (8 U.S.C. 1184(g)(4))
 8 is amended to read as follows:

9 “(4)(A) Except as provided in subparagraphs
 10 (B) and (C), the period of authorized admission of
 11 a nonimmigrant described in section
 12 101(a)(15)(H)(i)(b) may not exceed 6 years.

13 “(B) The Secretary of Homeland Security may
 14 grant an extension of nonimmigrant status under
 15 section 101(a)(15)(H)(i)(b) to a nonimmigrant until
 16 such nonimmigrant’s application for adjustment of
 17 status has been processed if such nonimmigrant—

18 “(i) is the beneficiary of a petition filed
 19 under section 204(a) for a preference status
 20 under paragraph (1), (2), or (3) of section
 21 203(b); and

22 “(ii) is eligible to be granted such status.

23 “(C) A child of a nonimmigrant described in
 24 subparagraph (B) who accompanied or followed to
 25 join such nonimmigrant may apply for and receive

1 an extension of his or her nonimmigrant status re-
2 gardless of age, if—

3 “(i) the nonimmigrant parent described in
4 subparagraph (B) maintains his or her non-
5 immigrant status; and

6 “(ii) the child was younger than 18 years
7 of age when he or she was first granted non-
8 immigrant status as a noncitizen accompanying
9 or following to join such nonimmigrant par-
10 ent.”.

11 (2) CONFORMING AMENDMENT.—Section
12 203(h) of the Immigration and Nationality Act (8
13 U.S.C. 1153(h)) is amended by adding at the end
14 the following:

15 “(5) H-4 VISA HOLDERS.—Notwithstanding
16 paragraph (1), a determination of whether a non-
17 immigrant described in section 214(g)(4)(C) satisfies
18 the age requirement for purposes of a derivative visa
19 or adjustment of status application under paragraph
20 (1), (2), or (3) of section 203(b) shall be made using
21 the age of the nonimmigrant on the date on which
22 the petitioner files a petition on behalf of the parent
23 beneficiary with the Secretary of Homeland Security
24 (or the Secretary of State, if applicable), unless the
25 filing of the petition was preceded by the filing of a

1 labor certification with the Secretary of Labor, in
 2 which case that date shall be used to identify the
 3 age of such nonimmigrant.”.

4 (b) WORK AUTHORIZATION FOR H-4 NON-
 5 IMMIGRANTS.—Section 214 of the Immigration and Na-
 6 tionality Act (8 U.S.C. 1184), as amended by subsection
 7 (a)(1), is further amended by adding at the end the fol-
 8 lowing:

9 “(s) WORK AUTHORIZATION FOR H-4 NON-
 10 IMMIGRANTS.—The Secretary of Homeland Security shall
 11 authorize a nonimmigrant spouse or child who is accom-
 12 panying or following to join a nonimmigrant described in
 13 section 101(a)(15)(H)(i)(b) to engage in employment in
 14 the United States and shall provide such nonimmigrant
 15 spouse or child with an ‘employment authorized’ endorse-
 16 ment or other appropriate work permit.”.

17 **SEC. 3410. EXTENSIONS RELATED TO PENDING PETITIONS.**

18 Section 214 of the Immigration and Nationality Act
 19 (8 U.S.C. 1184), as amended by sections 1204(b),
 20 3107(b), 3408(b), and 3409, is further amended by add-
 21 ing at the end the following:

22 “(t) EXTENSION OF STATUS IN CASES OF LENGTHY
 23 ADJUDICATIONS.—

24 “(1) EXEMPTION FROM LIMITATIONS.—Not-
 25 withstanding subsections (c)(2)(D), (g)(4), and

(m)(1)(B)(i), the authorized stay of a noncitizen who was previously issued a visa or otherwise provided nonimmigrant status under subparagraph (F), (H)(i)(B), (L), or (O) of section 101(a)(15) may be extended pursuant to paragraph (2) if 365 days or more have elapsed since the filing of—

“(A) an application for labor certification under section 212(a)(5)(A) if certification is required or used by a noncitizen to obtain status under section 203(b); or

“(B) a petition described in section 204(b) to obtain immigrant status under section 203(b).

“(2) EXTENSION OF STATUS.—The Secretary of Homeland Security shall extend the stay of a noncitizen who qualifies for an extension under paragraph (1) in 1-year increments until a final decision is made—

“(A) to deny the application described in paragraph (1)(A) or, in a case in which such application is granted, to deny a petition described in paragraph (1)(B) filed on behalf of the noncitizen pursuant to such grant;

“(B) to deny the petition described in paragraph (1)(B); or

1 “(C) to grant or deny the noncitizen’s ap-
 2 plication for an immigrant visa or adjustment
 3 of status to that of a noncitizen lawfully admit-
 4 ted for permanent residence.

5 “(3) WORK AUTHORIZATION.—The Secretary of
 6 Homeland Security shall authorize any noncitizen
 7 whose stay is extended under this subsection to en-
 8 gage in employment in the United States and pro-
 9 vide such noncitizen with an ‘employment authorized
 10 endorsement’ or other appropriate work permit.”.

11 **Subtitle E—Promoting Immigrant** 12 **and Refugee Integration**

13 **SEC. 3501. DEFINITION OF FOUNDATION.**

14 In this subtitle, the term “Foundation” means the
 15 United States Citizenship and Integration Foundation es-
 16 tablished under section 3502.

17 **SEC. 3502. UNITED STATES CITIZENSHIP AND INTEGRATION** 18 **FOUNDATION.**

19 (a) ESTABLISHMENT.—The Secretary, acting
 20 through the Director of U.S. Citizenship and Immigration
 21 Services, shall establish a nonprofit corporation or a not-
 22 for-profit, public benefit, or similar entity, which shall be
 23 known as the “United States Citizenship and Integration
 24 Foundation”.

1 (b) GIFTS TO FOUNDATION.—To carry out the pur-
2 poses set forth in subsection (c), the Foundation may—

3 (1) solicit, accept, and make gifts of money and
4 other property in accordance with section 501(c)(3)
5 of the Internal Revenue Code of 1986;

6 (2) engage in coordinated work with the De-
7 partment of Homeland Security, including U.S. Citi-
8 zenship and Immigration Services; and

9 (3) accept, hold, administer, invest, and spend
10 any gift, devise, or bequest of real or personal prop-
11 erty made to the Foundation.

12 (c) PURPOSES.—The purposes of the Foundation
13 are—

14 (1) to spur innovation in the promotion and ex-
15 pansion of citizenship preparation programs for law-
16 ful permanent residents;

17 (2) to evaluate and identify best practices in
18 citizenship promotion and preparation and to make
19 recommendations to the Secretary about how to
20 bring such best practices to scale;

21 (3) to support direct assistance for noncitizens
22 seeking lawful permanent resident status or natu-
23 ralization as a United States citizen; and

24 (4) to coordinate immigrant integration with
25 State and local entities.

1 (d) ACTIVITIES.—The Foundation shall carry out the
2 purposes described in subsection (c) by—

3 (1) making United States citizenship instruc-
4 tion and naturalization application services acces-
5 sible to low-income and other underserved lawful
6 permanent resident populations;

7 (2) developing, identifying, and sharing best
8 practices in United States citizenship promotion and
9 preparation;

10 (3) supporting innovative and creative solutions
11 to barriers faced by noncitizens seeking naturaliza-
12 tion;

13 (4) increasing the use of, and access to, tech-
14 nology in United States citizenship preparation pro-
15 grams;

16 (5) engaging communities receiving immigrants
17 in the United States citizenship and civic integration
18 process;

19 (6) fostering public education and awareness;

20 (7) coordinating the immigrant integration ef-
21 forts of the Foundation with such efforts of U.S.
22 Citizenship and Immigration Services; and

23 (8) awarding grants to State and local govern-
24 ments under section 3503.

25 (e) COUNCIL OF DIRECTORS.—

1 (1) MEMBERS.—To the extent consistent with
2 section 501(c)(3) of the Internal Revenue Code of
3 1986, the Foundation shall have a council of direc-
4 tors (referred to in this section as the “Council”),
5 which shall be comprised of—

6 (A) the Director of U.S. Citizenship and
7 Immigration Services; and

8 (B) 10 individuals appointed by the Direc-
9 tor of U.S. Citizenship and Immigration Serv-
10 ices.

11 (2) QUALIFICATIONS.—In appointing individ-
12 uals under paragraph (1)(B), the Director of U.S.
13 Citizenship and Immigration Services shall consider
14 individuals with experience in national private and
15 public nonprofit organizations that promote and as-
16 sist lawful permanent residents with naturalization.

17 (3) TERMS.—A member of the Council de-
18 scribed in paragraph (1)(B) shall be appointed for a
19 term of 4 years, except that, of the members first
20 appointed, 5 members shall be appointed for a term
21 of 2 years, which may be followed by renewable 4-
22 year terms.

23 (f) EXECUTIVE DIRECTOR.—

24 (1) IN GENERAL.—The Council shall, by major-
25 ity vote, appoint for 6-year renewable terms an exec-

1 utive director of the Foundation, who shall oversee
2 the day-to-day operations of the Foundation.

3 (2) RESPONSIBILITIES.—The executive director
4 shall carry out the purposes described in subsection
5 (c) on behalf of the Foundation by—

6 (A) accepting, holding, administering, in-
7 vesting, and spending any gift, devise, or be-
8 quest of real or personal property made to the
9 Foundation;

10 (B) entering into contracts and other fi-
11 nancial assistance agreements with individuals,
12 public or private organizations, professional so-
13 cieties, and government agencies to carry out
14 the purposes of the Foundation;

15 (C) entering into such other contracts,
16 leases, cooperative agreements, and other trans-
17 actions as the executive director considers ap-
18 propriate to carry out the activities of the
19 Foundation; and

20 (D) charging such fees for professional
21 services furnished by the Foundation as the ex-
22 ecutive director considers reasonable and appro-
23 priate.

1 (g) **TIMELINE.**—The Foundation shall be established
2 and operational not later than 1 year after the date of
3 the enactment of this Act.

4 **SEC. 3503. PILOT PROGRAM TO PROMOTE IMMIGRANT IN-**
5 **TEGRATION AT STATE AND LOCAL LEVELS.**

6 (a) **GRANTS AUTHORIZED.**—The Chief of the Office
7 of Citizenship of U.S. Citizenship and Immigration Serv-
8 ices (referred to in this section as the “Chief”) shall estab-
9 lish a pilot program through which the Chief may award
10 grants, on a competitive basis, to States and local govern-
11 ments and other qualifying entities in collaboration with
12 States and local governments—

13 (1) to establish new immigrant councils to carry
14 out programs to integrate new immigrants; and

15 (2) to carry out programs to integrate new im-
16 migrants.

17 (b) **QUALIFYING ENTITIES.**—Qualifying entities
18 under this section may include—

19 (1) an educational institution;

20 (2) a private organization;

21 (3) a community-based organization; or

22 (4) a nonprofit organization.

23 (c) **APPLICATION.**—A State or local government, or
24 other qualifying entity in collaboration with a State or
25 local government, seeking a grant under this section shall

1 submit an application to the Chief at such time, in such
 2 manner, and containing such information as the Chief
 3 may reasonably require, including—

4 (1) a proposal to carry out 1 or more activities
 5 described in subsection (d)(3);

6 (2) the estimated number of new immigrants
 7 residing in the geographic area of the applicant; and

8 (3) a description of the challenges in intro-
 9 ducing and integrating new immigrants into the
 10 State or local community.

11 (d) ACTIVITIES.—A grant awarded under this sub-
 12 section shall be used—

13 (1) to form a new immigrant council, which
 14 shall—

15 (A) consist of not fewer than 15 individ-
 16 uals and not more than 19 representatives of
 17 the State or local government or qualifying or-
 18 ganization, as applicable;

19 (B) include, to the extent practicable, rep-
 20 resentatives from—

21 (i) business;

22 (ii) faith-based organizations;

23 (iii) civic organizations;

24 (iv) philanthropic organizations;

1 (v) nonprofit organizations, including
 2 nonprofit organizations with legal and ad-
 3 vocacy experience working with immigrant
 4 communities;

5 (vi) key education stakeholders, such
 6 as State educational agencies, local edu-
 7 cational agencies (as defined in section
 8 8101 of the Elementary and Secondary
 9 Education Act of 1965 (20 U.S.C. 7801)),
 10 community colleges, and teachers;

11 (vii) State adult education offices;

12 (viii) State or local public libraries;

13 and

14 (ix) State or local governments; and

15 (C) meet not less frequently than quar-
 16 terly;

17 (2) to provide subgrants to local communities,
 18 city governments, municipalities, nonprofit organiza-
 19 tions (including veterans' and patriotic organiza-
 20 tions), or other qualifying entities;

21 (3) to develop, implement, expand, or enhance
 22 a comprehensive plan to introduce and integrate new
 23 immigrants into the applicable State by—

24 (A) improving English language skills;

1 (B) engaging caretakers with limited
 2 English proficiency in their child's education
 3 through interactive parent and child literacy ac-
 4 tivities;

5 (C) improving and expanding access to
 6 workforce training programs;

7 (D) teaching United States history, civics
 8 education, and citizenship rights and respon-
 9 sibilities;

10 (E) promoting an understanding of the
 11 form of government and history of the United
 12 States and the principles of the Constitution of
 13 the United States;

14 (F) improving financial literacy; and

15 (G) focusing on other key areas of impor-
 16 tance to integration in United States society;
 17 and

18 (4) to engage communities receiving immigrants
 19 in the citizenship and civic integration process by—

20 (A) increasing local service capacity;

21 (B) building meaningful connections be-
 22 tween new immigrants and long-time residents;

23 (C) communicating the contributions of
 24 communities receiving new immigrants; and

1 (D) engaging leaders from all sectors of
2 the community.

3 (e) REPORTING AND EVALUATION.—

4 (1) ANNUAL REPORT.—Not less frequently than
5 annually, each recipient of a grant under this section
6 shall submit to the Chief a report that describes, for
7 the preceding calendar year—

8 (A) the activities undertaken by the grant
9 recipient, including the manner in which such
10 activities meet the goals of the Foundation and
11 the comprehensive plan referred to in sub-
12 section (d)(3);

13 (B) the geographic area being served;

14 (C) the estimated number of immigrants in
15 such area; and

16 (D) the primary languages spoken in such
17 area.

18 (2) ANNUAL EVALUATION.—Not less frequently
19 than annually, the Chief shall conduct an evaluation
20 of the grant program under this section—

21 (A) to assess and improve the effectiveness
22 of the grant program;

23 (B) to assess the future needs of immi-
24 grants and of State and local governments with
25 respect to immigrants; and

1 (C) to ensure that grantees, recipients, and
2 subgrantees are acting within the scope and
3 purpose of this section.

4 **SEC. 3504. ENGLISH AS A GATEWAY TO INTEGRATION**
5 **GRANT PROGRAM.**

6 (a) AUTHORIZATION.—The Assistant Secretary for
7 Career, Technical, and Adult Education in the Depart-
8 ment of Education (referred to in this section as the “As-
9 sistant Secretary”) shall award English as a Gateway to
10 Integration grants to eligible entities.

11 (b) ELIGIBILITY.—An entity eligible to receive a
12 grant under this section is a State or unit of local govern-
13 ment, a private organization, an educational institution,
14 a community-based organization, or a nonprofit organiza-
15 tion that—

16 (1) in the case of any applicant that has pre-
17 viously received a grant under this section, uses
18 matching funds from non-Federal sources, which
19 may include in-kind contributions, equal to 25 per-
20 cent of the amount received from the English as a
21 Gateway to Integration program to carry out such
22 program;

23 (2) submits to the Assistant Secretary an appli-
24 cation at such time, in such manner, and containing

1 such information as the Assistant Secretary may
2 reasonably require, including—

3 (A) a description of the target population
4 to be served, including demographics, literacy
5 levels, and English language levels of the target
6 population; and

7 (B) the assessment and performance meas-
8 ures that the grant recipient plans to use to
9 evaluate the English language learning progress
10 of students and overall success of the instruc-
11 tion and program;

12 (3) demonstrates collaboration with public and
13 private entities to provide the instruction and assist-
14 ance described in subsection (c)(1);

15 (4) provides English language programs that—

16 (A) teach English language skills to limited
17 English proficient (LEP) individuals who—

18 (i) have less than a United States
19 high school diploma; or

20 (ii) are parents who are caretakers of
21 young children;

22 (B) support and promote the social, eco-
23 nomic, and civic integration of adult English
24 language learners and their families;

1 (C) equip adult English language learners
 2 for ongoing, independent study and learning be-
 3 yond the classroom or formal instruction; and

4 (D) incorporate the use of technology to
 5 help students develop digital literacy skills; and
 6 (5) is located in—

7 (A) 1 of the 10 States with the highest
 8 rate of foreign-born residents; or

9 (B) a State that has experienced a large
 10 increase in the population of immigrants during
 11 the most recent 10-year period, based on data
 12 compiled by the Office of Immigration Statistics
 13 or the Census Bureau.

14 (c) USE OF FUNDS.—

15 (1) IN GENERAL.—Funds awarded under this
 16 section shall be used to provide English language in-
 17 struction to adult English language learners. Such
 18 instruction shall advance the integration of students
 19 to help them—

20 (A) build their knowledge of United States
 21 history and civics;

22 (B) prepare for United States citizenship
 23 and the naturalization process;

24 (C) gain digital literacy;

1 (D) understand and navigate the early
 2 childhood, K–12, and postsecondary education
 3 systems;

4 (E) gain financial literacy;

5 (F) build an understanding of the housing
 6 market and systems in the United States;

7 (G) learn about and access the United
 8 States, State, and local health care systems;

9 (H) prepare for a high school equivalency
 10 diploma or postsecondary training or education;
 11 and

12 (I) prepare for and secure employment.

13 (2) DESIGN OF PROGRAM.—Funds awarded
 14 under this section shall be used to support an in-
 15 structional program that may include the following
 16 elements:

17 (A) English language instruction in a
 18 classroom setting, provided that such setting is
 19 in a geographic location accessible to the popu-
 20 lation served.

21 (B) Online English language instruction
 22 and distance learning platforms.

23 (C) Educational support and specialized
 24 instruction for English language learners with
 25 low levels of literacy in their first language.

1 (D) Other online and digital components,
2 including the use of mobile phones.

3 (d) CERTIFICATION.—To receive a payment under
4 this section, a participating entity shall submit to the As-
5 sistant Secretary a certification that the proposed uses of
6 grant funds by the entity are consistent with this section
7 and meet all necessary criteria determined by the Assist-
8 ant Secretary.

9 (e) ANNUAL REPORT AND EVALUATION.—Not later
10 than 90 days after the end of each fiscal year for which
11 an entity receives grant funds under this section, the enti-
12 ty shall submit to the Assistant Secretary the following:

13 (1) A report that describes—

14 (A) the activities undertaken by the entity
15 that were funded entirely or partially by the
16 grant funds;

17 (B) the geographic area served by the
18 grant funds;

19 (C) the number of immigrants in such
20 area;

21 (D) the primary languages spoken in such
22 area;

23 (E) the number of adult English language
24 learners receiving assistance that was funded

1 entirely or partially by grant funds received by
 2 the entity; and

3 (F) a breakdown of the costs of the in-
 4 struction services provided and the average per
 5 capita cost of providing such instruction.

6 (2) An evaluation of any program of the entity
 7 using grant funds under this section, including—

8 (A) an assessment of—

9 (i) the effectiveness of such program
 10 and recommendations for improving the
 11 program; and

12 (ii) whether the English language in-
 13 struction needs of the geographic area
 14 served have been met; and

15 (B) in the case of an assessment under
 16 subparagraph (A)(ii) that such needs have not
 17 been met, a description of the additional assist-
 18 ance required to meet such needs.

19 (f) DEFINITIONS.—In this section:

20 (1) ADULT ENGLISH LANGUAGE LEARNER.—

21 The term “adult English language learner” refers to
 22 an individual age 16 years and older who is not en-
 23 rolled in secondary school and who is limited English
 24 proficient.

1 (2) ENGLISH LANGUAGE LEARNER; LIMITED
 2 ENGLISH PROFICIENT.—The terms “English lan-
 3 guage learner” and “limited English proficient” de-
 4 scribe an individual who does not speak English as
 5 their primary language and who has a limited ability
 6 to read, speak, write, or understand English.

7 (3) STATE.—The term “State” means each of
 8 the several States, the District of Columbia, the
 9 Commonwealth of Puerto Rico, the United States
 10 Virgin Islands, Guam, American Samoa, and the
 11 Commonwealth of the Northern Mariana Islands.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
 13 authorized to be appropriated to carry out this section
 14 \$100,000,000 for fiscal years 2022 through 2023.

15 **SEC. 3505. WORKFORCE DEVELOPMENT AND SHARED**
 16 **PROSPERITY GRANT PROGRAM.**

17 (a) DECLARATION OF POLICY.—It is the policy of the
 18 United States—

19 (1) that adults have adequate and equitable ac-
 20 cess to education and workforce programs that—

21 (A) help them learn basic skills in reading,
 22 writing, mathematics, and the English lan-
 23 guage; and

24 (B) equip them with occupational skills
 25 needed to secure or advance in employment, fill

1 employer needs, and support themselves and
2 their families;

3 (2) that helping adults with limited skills to at-
4 tain industry-recognized postsecondary credentials
5 strengthens the economy; and

6 (3) that workforce programs for adults with
7 limited skills should incorporate an integrated edu-
8 cation and training approach that allows adults to
9 acquire basic skills while pursuing occupational or
10 industry-specific training.

11 (b) AUTHORIZATION.—The Assistant Secretary for
12 Career, Technical, and Adult Education at the Depart-
13 ment of Education (referred to in this section as the “As-
14 sistant Secretary”) shall award Workforce Development
15 and Shared Prosperity grants, on a competitive basis, to
16 States or local governments, or other qualifying entities
17 described in subsection (c) in collaboration with States
18 and local governments.

19 (c) QUALIFYING ENTITIES.—Qualifying entities
20 under this section may include—

- 21 (1) an educational institution;
- 22 (2) a private organization;
- 23 (3) a community-based organization; or
- 24 (4) a nonprofit organization.

1 (d) ELIGIBILITY.—A State or local government, or a
2 qualifying entity in collaboration with a State or local gov-
3 ernment, is eligible to receive a grant under this section
4 provided that the State or local government or entity—

5 (1) supports and promotes the economic inte-
6 gration of immigrants and refugees and their fami-
7 lies;

8 (2) has expertise in workforce development and
9 adult education for the purpose of developing and
10 implementing State or local programs of integrated
11 education and training;

12 (3) in carrying out the grant program, has, or
13 collaborates with at least 1 entity that has—

14 (A) expertise in workforce development for
15 immigrants and refugees; and

16 (B) expertise in adult education of immi-
17 grants and refugees;

18 (4) uses matching funds from non-Federal
19 sources, which may include in-kind contributions,
20 equal to 25 percent of the amount received from the
21 Workforce Development and Shared Prosperity
22 grant program; and

23 (5) submits to the Assistant Secretary an appli-
24 cation at such time, in such manner, and containing

1 such information as the Assistant Secretary may
2 reasonably require, including—

3 (A) a description of the target population
4 to be served, including demographics, English
5 language levels, educational levels, and skill lev-
6 els;

7 (B) the specific integrated education and
8 training instructional model to be implemented;

9 (C) how the program will be designed and
10 implemented by educators with expertise in
11 adult education, English language instruction,
12 and occupational skills training;

13 (D) how the program will prepare students
14 to receive a high school equivalency credential;

15 (E) how the program will prepare students
16 to receive a postsecondary credential;

17 (F) the occupations or industries for which
18 the program will prepare students for employ-
19 ment;

20 (G) evidence of employer demand for the
21 skills or occupational training offered by the
22 grant program;

23 (H) the extent to which the program re-
24 duces the time required for students to acquire
25 English and workforce skills;

1 (I) how the program will increase digital
2 literacy skills;

3 (J) how the program will provide student
4 support services, including guidance counseling,
5 so as to promote student success; and

6 (K) the assessment and performance meas-
7 ures that the grant recipient plans to use to
8 evaluate—

9 (i) the progress of adult learners in
10 acquiring basic skills such as reading, writ-
11 ing, mathematics, and the English lan-
12 guage; and

13 (ii) the success of the grant program
14 in preparing students for employment and
15 in helping them find employment or ad-
16 vance in employment.

17 (e) CERTIFICATION.—To receive a payment under
18 this section, a participating entity shall submit to the As-
19 sistant Secretary a certification that the proposed uses of
20 grant funds by the entity are consistent with this section
21 and meet all necessary criteria determined by the Assist-
22 ant Secretary.

23 (f) TECHNICAL ASSISTANCE.—The Assistant Sec-
24 retary shall provide technical assistance to adult education

1 providers on how to provide integrated education and
2 training.

3 (g) ANNUAL REPORT AND EVALUATION.—Not later
4 than 90 days after the end of each fiscal year for which
5 an entity receives grant funds under this section, the enti-
6 ty shall submit to the Assistant Secretary the following:

7 (1) A report that describes—

8 (A) the activities undertaken by the entity
9 that were funded entirely or partially by the
10 grant funds;

11 (B) the geographic area served by the
12 grant funds;

13 (C) the number of immigrants in such
14 area;

15 (D) the primary languages spoken in such
16 area; and

17 (E) a breakdown of the costs of each of
18 the services provided and the average per capita
19 cost of providing such services.

20 (2) An evaluation of any program of the entity
21 using grant funds under this section, including—

22 (A) an assessment of—

23 (i) the effectiveness of such program
24 and recommendations for improving the
25 program; and

1 (ii) whether the adult education and
 2 workforce development needs of the geo-
 3 graphic area served have been met; and

4 (B) in the case of an assessment under
 5 subparagraph (A)(ii) that such needs have not
 6 been met, a description of the additional assist-
 7 ance required to meet such needs.

8 (h) DEFINITIONS.—In this section:

9 (1) ADULT EDUCATION.—The term “adult edu-
 10 cation” means academic instruction and education
 11 services below the postsecondary level that increase
 12 an individual’s ability to read, write, speak, and un-
 13 derstand English and perform mathematical or other
 14 activities necessary to attain a secondary school di-
 15 ploma or its recognized equivalent, to transition to
 16 postsecondary education and training, or to obtain
 17 employment.

18 (2) INTEGRATED EDUCATION AND TRAINING.—
 19 The term “integrated education and training”
 20 means instruction that provides adult education, lit-
 21 eracy, and English language activities concurrently
 22 and contextually with workforce preparation activi-
 23 ties and workforce training for a specific occupation
 24 or occupational cluster for the purpose of edu-
 25 cational and career advancement.

1 (3) STATE.—The term “State” means each of
2 the several States, the District of Columbia, the
3 Commonwealth of Puerto Rico, the United States
4 Virgin Islands, Guam, American Samoa, and the
5 Commonwealth of the Northern Mariana Islands.

6 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$100,000,000 for fiscal years 2022 through 2023.

9 **SEC. 3506. EXISTING CITIZENSHIP EDUCATION GRANTS.**

10 (a) IN GENERAL.—There is authorized to be appro-
11 priated to the Secretary not less than \$25,000,000 for the
12 purpose of awarding grants to public or private nonprofit
13 entities for citizenship education and training (as de-
14 scribed in number 97.010 of the Catalog of Federal Do-
15 mestic Assistance), to remain available until expended.

16 (b) CONSIDERATION OF GRANT RECIPIENTS.—With
17 respect to grants administered and awarded to public or
18 private nonprofit organizations by the Secretary, unless
19 otherwise required by law, in making determinations about
20 such grants, the Secretary may not consider an entity’s
21 enrollment in or use of the E-Verify Program described
22 in section 403(a) of the Illegal Immigration Reform and
23 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
24 note).

1 **SEC. 3507. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**
2 **CANTS.**

3 (a) **ESTABLISHMENT.**—The Secretary shall establish,
4 within U.S. Citizenship and Immigration Services, a pro-
5 gram to award grants, on a competitive basis, to eligible
6 nonprofit organizations to carry out a program described
7 in subsection (c) for the purpose of assisting applicants
8 for status under sections 245B, 245C, 245D, 245E, and
9 245F of the Immigration and Nationality Act.

10 (b) **ELIGIBLE NONPROFIT ORGANIZATION.**—A non-
11 profit organization eligible to receive a grant under this
12 section is a nonprofit tax-exempt organization, including
13 a community, faith-based, or other immigrant-serving or-
14 ganization, the staff of which has demonstrated qualifica-
15 tions, experience, and expertise in providing quality serv-
16 ices to immigrants, refugees, noncitizens granted asylum,
17 or noncitizens applying for such statuses.

18 (c) **USE OF FUNDS.**—Grant funds awarded under
19 this section may be used for the design and implementa-
20 tion of programs that provide—

21 (1) information to the public relating to eligi-
22 bility for and benefits of lawful prospective immi-
23 grant status under section 245B of the Immigration
24 and Nationality Act, particularly to individuals who
25 may be eligible for such status;

1 (2) assistance, within the scope of authorized
2 practice of immigration law, to individuals in sub-
3 mitting applications for lawful prospective immi-
4 grant status, including—

5 (A) screening prospective applicants to as-
6 sess eligibility for such status;

7 (B) completing applications and petitions,
8 including providing assistance in obtaining the
9 requisite documents and supporting evidence;

10 (C) applying for any waivers for which ap-
11 plicants and qualifying family members may be
12 eligible; and

13 (D) providing any other assistance that the
14 Secretary or grantees consider useful or nec-
15 essary in applying for lawful prospective immi-
16 grant status;

17 (3) assistance, within the scope of authorized
18 practice of immigration law, to individuals seeking to
19 adjust their status to that of a lawful permanent
20 resident under section 245C, 245D, 245E, or 245F
21 of the Immigration and Nationality Act;

22 (4) instruction to individuals with respect to—

23 (A) the rights and responsibilities of
24 United States citizenship; and

1 (B) civics and civics-based English as a
 2 second language; and

3 (5) assistance, within the scope of authorized
 4 practice of immigration law, to individuals seeking to
 5 apply for United States citizenship.

6 (d) SOURCE OF GRANT FUNDS.—To carry out this
 7 section, the Secretary may use not more than \$50,000,000
 8 from the Immigration Examinations Fee Account pursu-
 9 ant to section 286(m) of the Immigration and Nationality
 10 Act (U.S.C. 1356(m)).

11 (e) AVAILABILITY OF APPROPRIATIONS.—Any
 12 amounts appropriated to carry out this section shall re-
 13 main available until expended.

14 **SEC. 3508. STUDY ON FACTORS AFFECTING EMPLOYMENT**
 15 **OPPORTUNITIES FOR IMMIGRANTS AND REF-**
 16 **UGEES WITH PROFESSIONAL CREDENTIALS**
 17 **OBTAINED IN FOREIGN COUNTRIES.**

18 (a) IN GENERAL.—The Secretary of Labor, in coordi-
 19 nation with the Secretary of State, the Secretary of Edu-
 20 cation, the Secretary of Health and Human Services, the
 21 Secretary of Commerce, the Secretary, the Administrator
 22 of the Internal Revenue Service, and the Commissioner of
 23 the Social Security Administration, shall conduct a study
 24 on the factors affecting employment opportunities in the
 25 United States for applicable immigrants and refugees with

1 professional credentials obtained in countries other than
2 the United States.

3 (b) ELEMENTS.—The study required by subsection
4 (a) shall include the following:

5 (1) An analysis of the employment history of
6 applicable immigrants and refugees admitted to the
7 United States during the most recent 5-year period
8 for which data are available at the time of the study,
9 including, to the extent practicable—

10 (A) an analysis of the employment held by
11 applicable immigrants and refugees before im-
12 migrating to the United States as compared to
13 the employment obtained in the United States,
14 if any, since the arrival of such applicable immi-
15 grants and refugees; and

16 (B) a consideration of the occupational and
17 professional credentials and academic degrees
18 held by applicable immigrants and refugees be-
19 fore immigrating to the United States.

20 (2) An assessment of any barrier that prevents
21 applicable immigrants and refugees from using occu-
22 pational experience obtained outside the United
23 States to obtain employment in the United States.

24 (3) An analysis of existing public and private
25 resources available to assist applicable immigrants

1 and refugees who have professional experience and
2 qualifications obtained outside the United States in
3 using such professional experience and qualifications
4 to obtain skills-appropriate employment opportuni-
5 ties in the United States.

6 (4) Policy recommendations for better enabling
7 applicable immigrants and refugees who have profes-
8 sional experience and qualifications obtained outside
9 the United States to use such professional experi-
10 ence and qualifications to obtain skills-appropriate
11 employment opportunities in the United States.

12 (c) COLLABORATION WITH NONPROFIT ORGANIZA-
13 TIONS AND STATE AGENCIES.—In conducting the study
14 required by subsection (a), the Secretary of Labor shall
15 seek to collaborate with relevant nonprofit organizations
16 and State agencies to use the existing data and resources
17 of such entities.

18 (d) APPLICABLE IMMIGRANTS AND REFUGEES.—In
19 this section, the term “applicable immigrants and refu-
20 gees” means—

21 (1) noncitizens who are lawfully present and
22 authorized to be employed in the United States; and

23 (2) citizens of the United States born outside
24 the United States and its outlying possessions.

1 **SEC. 3509. IN-STATE TUITION RATES FOR REFUGEES,**
2 **ASYLEES, AND CERTAIN SPECIAL IMMI-**
3 **GRANTS.**

4 (a) IN GENERAL.—The Higher Education Act of
5 1965 (20 U.S.C. 1001 et seq.) is amended by inserting
6 after section 135 the following:

7 **“SEC. 135A. IN-STATE TUITION RATES FOR REFUGEES,**
8 **ASYLEES, AND CERTAIN SPECIAL IMMI-**
9 **GRANTS.**

10 “(a) REQUIREMENT.—In the case of a noncitizen de-
11 scribed in subsection (b) whose domicile is in a State that
12 receives assistance under this Act, such State shall not
13 charge such noncitizen tuition for attendance at a public
14 institution of higher education in the State at a rate that
15 is greater than the rate charged for residents of the State.

16 “(b) NONCITIZEN DESCRIBED.—A noncitizen is de-
17 scribed in this subsection if the noncitizen was granted—

18 “(1) refugee status and admitted to the United
19 States under section 207 of the Immigration and
20 Nationality Act (8 U.S.C. 1157);

21 “(2) asylum under section 208 of such Act (8
22 U.S.C. 1158); or

23 “(3) special immigrant status under section
24 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) pur-
25 suant to—

1 “(A) section 1244 of the National Defense
2 Authorization Act for Fiscal Year 2008 (8
3 U.S.C. 1157 note);

4 “(B) section 1059 of the National Defense
5 Authorization Act for Fiscal Year 2006 (8
6 U.S.C. 1101 note); or

7 “(C) section 602 of the Afghan Allies Pro-
8 tection Act of 2009 (8 U.S.C. 1101 note).

9 “(c) LIMITATIONS.—The requirement under sub-
10 section (a) shall apply with respect to a noncitizen only
11 until the noncitizen has established residency in the State,
12 and only with respect to the first State in which the non-
13 citizen was first domiciled after being admitted into the
14 United States as a refugee or special immigrant or being
15 granted asylum.

16 “(d) EFFECTIVE DATE.—This section shall take ef-
17 fect at each public institution of higher education in a
18 State that receives assistance under this Act for the first
19 period of enrollment at such institution that begins after
20 January 1, 2021.”.

21 (b) CONFORMING AMENDMENT.—The table of con-
22 tents for the Higher Education Act of 1965 (20 U.S.C.
23 1001 et seq.) is amended by inserting after the item relat-
24 ing to section 135 the following:

“Sec. 135A. In-State tuition rates for refugees, asylees, and certain special im-
migrants.”.

1 **SEC. 3510. WAIVER OF ENGLISH REQUIREMENT FOR SEN-**
2 **IOR NEW AMERICANS.**

3 Section 312 (8 U.S.C. 1423) is amended by striking
4 subsection (b) and inserting the following:

5 “(b) The requirements under subsection (a) shall not
6 apply to any person who—

7 “(1) is unable to comply with such require-
8 ments because of physical or mental disability, in-
9 cluding developmental or intellectual disability; or

10 “(2) on the date on which the person’s applica-
11 tion for naturalization is submitted under section
12 334—

13 “(A) is older than 65 years of age; and

14 “(B) has been living in the United States
15 for 1 or more periods totaling not less than 5
16 years after being lawfully admitted for perma-
17 nent residence.

18 “(c) The requirement under subsection (a)(1) shall
19 not apply to any person who, on the date on which the
20 person’s application for naturalization is submitted under
21 section 334—

22 “(1) is older than 50 years of age and has been
23 living in the United States for 1 or more periods to-
24 taling not less than 20 years after being lawfully ad-
25 mitted for permanent residence;

1 “(2) is older than 55 years of age and has been
 2 living in the United States for 1 or more periods to-
 3 taling not less than 15 years after being lawfully ad-
 4 mitted for permanent residence; or

5 “(3) is older than 60 years of age and has been
 6 living in the United States for 1 or more periods to-
 7 taling not less than 10 years after being lawfully ad-
 8 mitted for permanent residence.

9 “(d) The Secretary of Homeland Security may waive,
 10 on a case-by-case basis, the requirement under subsection
 11 (a)(2) for any person who, on the date on which the per-
 12 son’s application for naturalization is submitted under sec-
 13 tion 334—

14 “(1) is older than 60 years of age; and

15 “(2) has been living in the United States for 1
 16 or more periods totaling not less than 10 years after
 17 being lawfully admitted for permanent residence.”.

18 **SEC. 3511. NATURALIZATION FOR CERTAIN UNITED STATES**

19 **HIGH SCHOOL GRADUATES.**

20 (a) IN GENERAL.—Title III of the Immigration and
 21 Nationality Act (8 U.S.C. 1401 et seq.) is amended by
 22 inserting after section 320 the following:

1 **“SEC. 321. CITIZENSHIP FOR CERTAIN UNITED STATES**
 2 **HIGH SCHOOL GRADUATES.**

3 “(a) REQUIREMENTS CONSIDERED SATISFIED.—In
 4 the case of a noncitizen described in subsection (b), the
 5 noncitizen shall be considered to have satisfied the require-
 6 ments of section 312(a).

7 “(b) NONCITIZEN DESCRIBED.—A noncitizen is de-
 8 scribed in this subsection if the noncitizen submits an ap-
 9 plication for naturalization under section 334 that con-
 10 tains the following:

11 “(1) Transcripts from public or private schools
 12 in the United States that demonstrate the following:

13 “(A) The noncitizen completed grades 9
 14 through 12 in the United States and graduated
 15 with a high school diploma.

16 “(B) The noncitizen completed a cur-
 17 riculum that reflects knowledge of United
 18 States history, government, and civics.

19 “(2) A copy of the noncitizen’s high school di-
 20 ploma.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
 22 for the Immigration and Nationality Act (8 U.S.C. 1101
 23 et seq.) is amended by inserting after the item relating
 24 to section 320 the following:

“Sec. 321. Citizenship for certain United States high school graduates.”.

1 (c) APPLICABILITY.—The amendments made by this
2 section shall take effect on the date of the enactment of
3 this Act and shall apply to applicants for naturalization
4 who apply for naturalization on or after such date.

5 (d) REGULATIONS.—Not later than 180 days after
6 the date of the enactment of this Act, the Secretary shall
7 promulgate regulations to carry out this section and the
8 amendments made by this section.

9 **SEC. 3512. NATURALIZATION CEREMONIES.**

10 (a) IN GENERAL.—The Chief of the Office of Citizen-
11 ship of U.S. Citizenship and Immigration Services, in con-
12 sultation with the Director of the National Park Service,
13 the Archivist of the United States, and other appropriate
14 Federal officials, shall develop and implement a strategy
15 to enhance public awareness of naturalization ceremonies.

16 (b) VENUES.—In developing the strategy under sub-
17 section (a), the Chief of the Office of Citizenship of U.S.
18 Citizenship and Immigration Services shall consider the
19 use of outstanding and historic locations as venues for se-
20 lect naturalization ceremonies.

21 **SEC. 3513. NATIONAL CITIZENSHIP PROMOTION PROGRAM.**

22 (a) ESTABLISHMENT.—Not later than 1 year after
23 the date of the enactment of this Act, the Secretary shall
24 establish a program to promote United States citizenship.

1 (b) ACTIVITIES.—As part of the program required by
2 subsection (a), the Secretary shall carry out outreach ac-
3 tivities in accordance with subsection (c).

4 (c) OUTREACH.—The Secretary shall—

5 (1) develop outreach materials targeted to non-
6 citizens who have been lawfully admitted for perma-
7 nent residence to encourage such noncitizens to
8 apply to become citizens of the United States;

9 (2) make such outreach materials available
10 through—

11 (A) public service announcements;

12 (B) advertisements; and

13 (C) such other media as the Secretary con-
14 siderers 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 (C) Legal protections available to nonciti-
2 zens and the procedures for requesting such
3 protections.

4 (D) Legal resources available to nonciti-
5 zens and lists of potential legal services pro-
6 viders.

7 (E) Any other subject the Attorney Gen-
8 eral considers necessary and appropriate.

9 (3) ELIGIBILITY.—A noncitizen shall be given
10 access to legal orientation programs under this sub-
11 section regardless of the noncitizen's current immi-
12 gration status, prior immigration history, or poten-
13 tial for immigration relief.

14 (b) EXPANSION OF THE INFORMATION HELP DESK
15 PROGRAM FOR NONDETAINED NONCITIZENS IN REMOVAL
16 PROCEEDINGS.—The Attorney General shall expand the
17 information help desk program to all immigration courts
18 so as to provide noncitizens who are not detained and who
19 have pending asylum claims access to information relating
20 to their immigration status.

21 **SEC. 4106. IMPROVING COURT EFFICIENCY AND REDUCING**
22 **COSTS BY INCREASING ACCESS TO LEGAL IN-**
23 **FORMATION.**

24 (a) APPOINTMENT OF COUNSEL IN CERTAIN CASES;
25 RIGHT TO REVIEW CERTAIN DOCUMENTS IN REMOVAL

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-

tion prohibited from disclosure pursuant to any other provision of law) contained in the file maintained by the Government, including information with respect to all transactions involving the noncitizen during the immigration process (commonly referred to as an ‘A-file’) and all documents pertaining to the noncitizen that the Department of Homeland Security has obtained or received from other government agencies, unless the noncitizen waives the right to receive such documents by executing a knowing and voluntary written waiver in a language that he or she understands;” and

(D) in subparagraph (D), as redesignated, by striking “, and” and inserting “; and”; and (2) by adding at the end the following:

“(8) FAILURE TO PROVIDE NONCITIZEN REQUIRED DOCUMENTS.—In the absence of a written waiver under paragraph (4)(C), a removal proceeding may not proceed until the noncitizen—

“(A) has received the documents as required under such paragraph; and

“(B) has been provided meaningful time to review and assess such documents.”.

(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-

open removal proceedings to reapply for asylum
as relief from removal if the noncitizen—

“(i) was denied asylum based solely
on a failure to meet the 1-year application
filing deadline in effect on the date on
which the application was filed;

“(ii) was granted withholding of re-
moval to the noncitizen’s country of na-
tionality (or, in the case of a person having
no nationality, to the country of last habit-
ual residence) under section 241(b)(3);

“(iii) has not obtained lawful perma-
nent residence in the United States pursu-
ant to any other provision of law;

“(iv) is not subject to the safe third
country exception under subparagraph (A)
or to a bar to asylum under subsection
(b)(2); and

“(v) was not denied asylum as a mat-
ter of discretion.”.

**SEC. 4302. INCREASING ANNUAL NUMERICAL LIMITATION
ON U VISAS.**

Section 214(p) of the Immigration and Nationality
Act (8 U.S.C. 1184(p)) is amended in paragraph (2)(A)
by striking “10,000” and inserting “30,000”.

1 **SEC. 4303. EMPLOYMENT AUTHORIZATION FOR ASYLUM**
2 **SEEKERS AND OTHER INDIVIDUALS.**

3 (a) ASYLUM SEEKERS.—Section 208(d)(2) of the Im-
4 migration and Nationality Act (8 U.S.C. 1158(d)(2)) is
5 amended to read as follows:

6 “(2) EMPLOYMENT AUTHORIZATION.—

7 “(A) ELIGIBILITY.—The Secretary of
8 Homeland Security shall authorize employment
9 for an applicant for asylum who is not in deten-
10 tion and whose application for asylum has not
11 been determined to be frivolous.

12 “(B) APPLICATION.—

13 “(i) IN GENERAL.—An applicant for
14 asylum (unless otherwise eligible for em-
15 ployment authorization) shall not be grant-
16 ed employment authorization under this
17 paragraph until the end of a period of days
18 determined by the Secretary of Homeland
19 Security by regulation, but which shall not
20 exceed 180 days, after the filing of the ap-
21 plication for asylum.

22 “(ii) DATE OF FILING.—For purposes
23 of this subparagraph, an application for
24 asylum shall be considered to be filed on
25 the date on which the applicant submits
26 the application to the Secretary of Home-

1 land Security or the Attorney General, as
 2 applicable.

3 “(C) TERM.—Employment authorization
 4 for an applicant for asylum shall be valid until
 5 the date on which there is a final denial of the
 6 asylum application, including any administra-
 7 tive or judicial review.”.

8 (b) INDIVIDUALS GRANTED WITHHOLDING OF RE-
 9 MOVAL OR APPLYING FOR WITHHOLDING OF REMOVAL.—
 10 Section 241(b)(3) of the Immigration and Nationality Act
 11 (8 U.S.C. 1231(b)(3)) is amended by adding at the end
 12 the following:

13 “(D) EMPLOYMENT AUTHORIZATION.—

14 “(i) IN GENERAL.—The Secretary of
 15 Homeland Security shall authorize employ-
 16 ment for a noncitizen who is not in deten-
 17 tion and who has been granted—

18 “(I) withholding of removal
 19 under this paragraph; or

20 “(II) withholding or deferral of
 21 removal under the Convention against
 22 Torture and Other Cruel, Inhuman or
 23 Degrading Treatment or Punishment,
 24 done at New York December 10,
 25 1984.

1 “(ii) TERM.—Employment authoriza-
2 tion for a noncitizen described in clause (i)
3 shall be—

4 “(I) valid for a period of 2 years;

5 and

6 “(II) renewable for additional 2-
7 year periods for the duration of such
8 withholding or deferral of removal sta-
9 tus.”.

10 “(iii) APPLICANT ELIGIBILITY.—

11 “(I) IN GENERAL.—The Sec-
12 retary of Homeland Security shall au-
13 thorize employment for a noncitizen
14 who is not in detention, and whose ap-
15 plication for withholding of removal
16 under this paragraph or withholding
17 or deferral of removal under the Con-
18 vention against Torture and Other
19 Cruel, Inhuman or Degrading Treat-
20 ment or Punishment, done at New
21 York December 10, 1984, has not
22 been determined to be frivolous.

23 “(II) APPLICATION.—

24 “(aa) IN GENERAL.—A non-
25 citizen described in subclause (I)

1 shall not be granted employment
2 authorization under this clause
3 until the end of a period of days
4 determined by the Secretary of
5 Homeland Security by regulation,
6 but which shall not exceed 180
7 days, after the filing of an appli-
8 cation described in such sub-
9 clause.

10 “(bb) DATE OF FILING.—

11 For purposes of this clause, an
12 application under subclause (I)
13 shall be considered to be filed on
14 the date on which the applicant
15 submits the application to the At-
16 torney General.

17 “(III) TERM.—Employment au-
18 thorization for a noncitizen described
19 in subclause (I) shall be valid until
20 the date on which there is a final de-
21 nial of the application under subclause
22 (I), including any administrative or
23 judicial review.”.

1 **SEC. 4304. ENHANCED PROTECTION FOR INDIVIDUALS**
2 **SEEKING T VISAS, U VISAS, AND PROTECTION**
3 **UNDER VAWA.**

4 (a) EMPLOYMENT AUTHORIZATION FOR T VISA AP-
5 PPLICANTS.—Section 214(o) (8 U.S.C. 1184(o)) is amend-
6 ed by adding at the end the following:

7 “(8) Notwithstanding any provision of this Act
8 relating to eligibility for employment in the United
9 States, the Secretary of Homeland Security shall
10 grant employment authorization to a noncitizen who
11 has filed a nonfrivolous application for non-
12 immigrant status under section 101(a)(15)(T),
13 which authorization shall begin on the date that is
14 the earlier of—

15 “(A) the date on which the noncitizen’s ap-
16 plication for such status is approved; or

17 “(B) a date determined by the Secretary
18 that is not later than 180 days after the date
19 on which the noncitizen filed the application.”.

20 (b) INCREASED ACCESSIBILITY AND EMPLOYMENT
21 AUTHORIZATION FOR U VISA APPLICANTS.—Section
22 214(p) of the Immigration and Nationality Act (8 U.S.C.
23 1184(p)) is amended—

24 (1) in paragraph (6), by striking the last sen-
25 tence; and

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

1 “(8) EMPLOYMENT AUTHORIZATION.—Notwith-
 2 standing any provision of this Act relating to eligi-
 3 bility for employment in the United States, the Sec-
 4 retary of Homeland Security shall grant employment
 5 authorization to a noncitizen who has filed an appli-
 6 cation for nonimmigrant status under section
 7 101(a)(15)(U), which authorization shall begin on
 8 the date that is the earlier of—

9 “(A) the date on which the noncitizen’s pe-
 10 tition for such status is approved; or

11 “(B) a date determined by the Secretary
 12 that is not later than 180 days after the date
 13 on which the noncitizen filed the petition.”.

14 (c) PROHIBITION ON REMOVAL OF CERTAIN VICTIMS
 15 WITH PENDING PETITIONS AND APPLICATIONS.—

16 (1) IN GENERAL.—Section 240 of the Immigra-
 17 tion and Nationality Act (8 U.S.C. 1229a) is amend-
 18 ed—

19 (A) by redesignating subsection (e) as sub-
 20 section (f); and

21 (B) by inserting after subsection (d) the
 22 following:

23 “(e) PROHIBITION ON REMOVAL OF CERTAIN VIC-
 24 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—

1 “(1) IN GENERAL.—A noncitizen described in
 2 paragraph (2) shall not be removed from the United
 3 States under this section or any other provision of
 4 law until the date on which there is a final denial
 5 of the noncitizen’s application for status, including
 6 any administrative or judicial review.

7 “(2) NONCITIZENS DESCRIBED.—A noncitizen
 8 described in this paragraph is a noncitizen who—

9 “(A) has a pending nonfrivolous applica-
 10 tion or petition under—

11 “(i) subparagraph (T) or (U) of sec-
 12 tion 101(a)(15);

13 “(ii) section 106;

14 “(iii) section 240A(b)(2); or

15 “(iv) section 244(a)(3) (as in effect on
 16 March 31, 1997); or

17 “(B) is a VAWA self-petitioner, as defined
 18 in section 101(a)(51), and has a pending appli-
 19 cation for relief under a provision referred to in
 20 any of subparagraphs (A) through (G) of such
 21 section.”.

22 (2) CONFORMING AMENDMENT.—Section
 23 240(b)(7) of the Immigration and Nationality Act (8
 24 U.S.C. 1229a(b)(7)) is amended by striking “sub-
 25 section (e)(1)” and inserting “subsection (f)(1)”.

1 (d) PROHIBITION ON DETENTION OF CERTAIN VIC-
2 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—
3 Section 236 of the Immigration and Nationality Act (8
4 U.S.C. 1226) is amended by adding at the end the fol-
5 lowing:

6 “(f) DETENTION OF CERTAIN VICTIMS WITH PEND-
7 ING PETITIONS AND APPLICATIONS.—

8 “(1) PRESUMPTION OF RELEASE.—

9 “(A) IN GENERAL.—Notwithstanding any
10 other provision of this Act, there shall be a pre-
11 sumption that a noncitizen described in para-
12 graph (2) should be released from detention.

13 “(B) REBUTTAL.—The Secretary of
14 Homeland Security may rebut the presumption
15 of release based on clear and convincing evi-
16 dence, including credible and individualized in-
17 formation, that—

18 “(i) the use of alternatives to deten-
19 tion will not reasonably ensure the appear-
20 ance of the noncitizen at removal pro-
21 ceedings; or

22 “(ii) the noncitizen is a threat to an-
23 other person or the community.

24 “(C) PENDING CRIMINAL CHARGE.—A
25 pending criminal charge against a noncitizen

1 may not be the sole factor to justify the contin-
2 ued detention of the noncitizen.

3 “(2) NONCITIZEN DESCRIBED.—A noncitizen
4 described in this paragraph is a noncitizen who—

5 “(A) has a pending application, which has
6 not been found to be frivolous, under—

7 “(i) subparagraph (T) or (U) of sec-
8 tion 101(a)(15);

9 “(ii) section 106;

10 “(iii) section 240A(b)(2); or

11 “(iv) section 244(a)(3) (as in effect on
12 March 31, 1997); or

13 “(B) is a VAWA self-petitioner, as defined
14 in section 101(a)(51), has a pending petition
15 for relief, and can demonstrate prima facie eli-
16 gibility under a provision referred to in any of
17 subparagraphs (A) through (G) of such sec-
18 tion.”.

19 **SEC. 4305. ALTERNATIVES TO DETENTION.**

20 Section 236 of the Immigration and Nationality Act
21 (8 U.S.C. 1226), as amended by section 4304, is further
22 amended by adding at the end the following:

23 “(g) ALTERNATIVES TO DETENTION.—

24 “(1) IN GENERAL.—The Secretary of Homeland
25 Security shall establish programs that provide alter-

1 natives to detaining noncitizens, which shall offer a
 2 continuum of supervision mechanisms and options,
 3 including community-based supervision programs
 4 and community support.

5 “(2) CONTRACTS WITH NONGOVERNMENTAL
 6 ORGANIZATIONS.—The Secretary of Homeland Secu-
 7 rity may contract with nongovernmental community-
 8 based organizations to provide services for programs
 9 under paragraph (1), including case management
 10 services, appearance assistance services, and screen-
 11 ing of detained noncitizens.”.

12 **SEC. 4306. NOTIFICATION OF PROCEEDINGS.**

13 (a) WRITTEN RECORD OF ADDRESS.—Section 239(a)
 14 of the Immigration and Nationality Act (8 U.S.C.
 15 1229(a)) is amended—

16 (1) in paragraph (1)(F), by inserting “the Sec-
 17 retary of Homeland Security or” before “the Attor-
 18 ney General” each place such term appears; and

19 (2) in paragraph (2)(A) by striking “the noncit-
 20 izen or to the noncitizen’s counsel of record” and in-
 21 serting “the noncitizen and to the noncitizen’s coun-
 22 sel of record”.

1 **SEC. 4307. CONVERSION OF CERTAIN PETITIONS.**

2 Section 2 of Public Law 110–242 (8 U.S.C. 1101
3 note) is amended by striking subsection (b) and inserting
4 the following:

5 “(b) DURATION.—The authority under subsection (a)
6 shall expire on the date on which the numerical limitation
7 specified under section 1244(c) of the National Defense
8 Authorization Act for Fiscal Year 2008 (Public Law 110–
9 181; 8 U.S.C. 1157 note) is reached.”.

10 **SEC. 4308. IMPROVEMENTS TO APPLICATION PROCESS FOR**
11 **AFGHAN SPECIAL IMMIGRANT VISAS.**

12 Subsection (b) of section 602 of the Afghan Allies
13 Protection Act of 2009 (8 U.S.C. 1101 note) is amend-
14 ed—

15 (1) in paragraph (2)(A)(ii), by inserting “for
16 the first time” after “September 30, 2015”; and

17 (2) in paragraph (4)(A) by inserting “, includ-
18 ing Chief of Mission approval,” after “so that all
19 steps”.

20 **SEC. 4309. SPECIAL IMMIGRANT STATUS FOR CERTAIN SUR-**
21 **VIVING SPOUSES AND CHILDREN.**

22 (a) IN GENERAL.—Section 101(a)(27)(D) of the Im-
23 migration and Nationality Act (8 U.S.C. 1101(a)(27)(D))
24 is amended—

(1) by striking “an immigrant who is an employee” and inserting the following: “an immigrant who—

“(i) is an employee”; and

(2) by striking “grant such status;” and inserting the following: “grant such status; or

“(ii) is the surviving spouse or child of an employee of the United States Government abroad: *Provided*, That the employee performed faithful service for a total of not less than 15 years or was killed in the line of duty;”.

(b) SPECIAL IMMIGRANT STATUS FOR SURVIVING SPOUSES AND CHILDREN.—

(1) IN GENERAL.—Section 602(b)(2)(C) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(A) in clause (ii), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively;

(B) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right;

1 (C) in the matter preceding subclause (I),
2 as redesignated, by striking “An alien is de-
3 scribed” and inserting the following:

4 “(i) IN GENERAL.—A noncitizen is de-
5 scribed”;

6 (D) in clause (i)(I), as redesignated, by
7 striking “who had a petition for classification
8 approved” and inserting “who had submitted
9 an application to the Chief of Mission”; and

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

11 “(ii) EMPLOYMENT REQUIREMENTS.—
12 An application by a surviving spouse or
13 child of a principal noncitizen shall be sub-
14 ject to employment requirements set forth
15 in subparagraph (A) as of the date of the
16 principal noncitizen’s filing of an applica-
17 tion for the first time, or if no application
18 has been filed, the employment require-
19 ments as of the date of the principal non-
20 citizen’s death.”.

21 (2) CONFORMING AMENDMENTS.—Section 602
22 of the Afghan Allies Protection Act of 2009 (8
23 U.S.C. 1101 note) is amended—

1 (A) in the paragraph and subparagraph
 2 headings, by striking “ALIENS” each place it
 3 appears and inserting “NONCITIZENS”;

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

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

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

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

12 (F) by striking “alien’s” each place it ap-
 13 pears and inserting “noncitizen’s”.

14 (c) SPECIAL IMMIGRANT STATUS FOR CERTAIN
 15 IRAQIS.—

16 (1) IN GENERAL.—Section 1244(b)(3) of the
 17 Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157
 18 note) is amended—

19 (A) by striking “described in subsection
 20 (b)” and inserting “in this subsection”;

21 (B) in subparagraph (B), by redesignating
 22 clauses (i) and (ii) as subclauses (I) and (II),
 23 respectively, and moving such subclauses 2 ems
 24 to the right;

1 (C) by redesignating subparagraphs (A)
2 and (B) as clauses (i) and (ii), respectively, and
3 moving such clauses 2 ems to the right;

4 (D) in the matter preceding clause (i), as
5 redesignated, by striking “An alien is de-
6 scribed” and inserting the following:

7 “(A) IN GENERAL.—A noncitizen is de-
8 scribed”;

9 (E) in subparagraph (A)(i), as redesign-
10 nated, 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 **SEC. 4310. SPECIAL IMMIGRANT STATUS FOR CERTAIN SYR-**
2 **SIANS WHO WORKED FOR THE UNITED STATES**
3 **GOVERNMENT IN SYRIA.**

4 (a) IN GENERAL.—Subject to subsection (c)(1), for
5 purposes of the Immigration and Nationality Act (8
6 U.S.C. 1101 et seq.), the Secretary may provide any non-
7 citizen described in subsection (b) with the status of a spe-
8 cial immigrant under section 101(a)(27) of that Act (8
9 U.S.C. 1101(a)(27)) if—

10 (1) the noncitizen, or an agent acting on behalf
11 of the noncitizen, submits a petition to the Secretary
12 under section 204 of that Act (8 U.S.C. 1154) for
13 classification under section 203(b)(4) of that Act (8
14 U.S.C. 1153(b)(4));

15 (2) the noncitizen is otherwise eligible to receive
16 an immigrant visa;

17 (3) the noncitizen is otherwise admissible to the
18 United States for permanent residence (excluding
19 the grounds for inadmissibility specified in section
20 212(a)(4) of that Act (8 U.S.C. 1182(a)(4))), except
21 that an applicant for admission to the United States
22 under this section may not be considered inadmis-
23 sible based solely on membership in, participation in,
24 or support provided to, the Syrian Democratic
25 Forces or other partner organizations, as determined
26 by the Secretary of Defense; and

1 (4) the noncitizen clears a background check
2 and appropriate screening, as determined by the
3 Secretary.

4 (b) NONCITIZENS DESCRIBED.—A noncitizen de-
5 scribed in this subsection is a noncitizen who—

6 (1)(A) is a citizen or national of Syria or a
7 stateless person who has habitually resided in Syria;

8 (B) was employed by or on behalf of (including
9 under a contract, cooperative agreement or grant
10 with) the United States Government in Syria, for a
11 period of not less than 1 year beginning on January
12 1, 2014; and

13 (C) obtained a favorable written recommenda-
14 tion from a U.S. citizen supervisor who was in the
15 chain of command of the United States Armed
16 Forces unit or U.S. Government entity that was
17 supported by the noncitizen; or

18 (2)(A) is the spouse or a child of a principal
19 noncitizen described in paragraph (1); and

20 (B)(i) is following or accompanying to join the
21 principal noncitizen in the United States; or

22 (ii) due to the death of the principal noncitizen,
23 a petition to follow or accompany to join the prin-
24 cipal noncitizen in the United States—

1 (I) was or would be revoked, terminated,
2 or otherwise rendered null; and

3 (II) would have been approved if the prin-
4 cipal noncitizen had survived.

5 (c) NUMERICAL LIMITATIONS.—

6 (1) IN GENERAL.—Except as otherwise pro-
7 vided in this subsection, the total number of prin-
8 cipal noncitizens who may be provided special immi-
9 grant status under this section may not exceed
10 5,000 in any of the first 5 fiscal years beginning
11 after the date of the enactment of this Act.

12 (2) EXEMPTION FROM NUMERICAL LIMITA-
13 TIONS.—Noncitizens provided special immigrant sta-
14 tus under this section shall not be counted against
15 any numerical limitation under section 201(d),
16 202(a), or 203(b)(4) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1151(d), 1152(a), and
18 1153(b)(4)).

19 (3) CARRY FORWARD.—If the numerical limita-
20 tion set forth in paragraph (1) is not reached during
21 a fiscal year, the numerical limitation under such
22 paragraph for the following fiscal year shall be in-
23 creased by a number equal to the difference be-
24 tween—

1 (A) the number of visas authorized under
2 paragraph (1) for such fiscal year; and

3 (B) the number of principal noncitizens
4 provided special immigrant status under this
5 section during such fiscal year.

6 (d) VISA FEES AND TRAVEL DOCUMENT
7 ISSUANCE.—

8 (1) IN GENERAL.—A noncitizen described in
9 subsection (b) may not be charged any fee in con-
10 nection with an application for, or the issuance of,
11 a special immigrant visa under this section.

12 (2) The Secretary of State shall ensure that a
13 noncitizen who is issued a special immigrant visa
14 under this section is provided with an appropriate
15 travel document necessary for admission to the
16 United States.

17 (e) PROTECTION OF NONCITIZENS.—The Secretary
18 of State, in consultation with the head of any other appro-
19 priate Federal agency, shall make a reasonable effort to
20 provide protection to each noncitizen described in sub-
21 section (b) who is seeking special immigrant status under
22 this section or to immediately remove such noncitizen from
23 Syria, if possible, if the Secretary of State determines,
24 after consultation, that such noncitizen is in imminent
25 danger.

1 (f) APPLICATION PROCESS.—

2 (1) REPRESENTATION.—A noncitizen applying
3 for admission to the United States as a special im-
4 migrant under this section may be represented dur-
5 ing the application process, including for relevant
6 interviews and examinations, by an attorney or other
7 accredited representative. Such representation shall
8 not be at the expense of the United States Govern-
9 ment.

10 (2) COMPLETION.—

11 (A) IN GENERAL.—The Secretary of State
12 and the Secretary, in consultation with the Sec-
13 retary of Defense, shall ensure that applications
14 for special immigrant visas under this section
15 are processed in such a manner so as to ensure
16 that all steps under the control of the respective
17 departments incidental to the issuance of such
18 visas, including required screenings and back-
19 ground checks, are completed not later than
20 270 days after the date on which an eligible
21 noncitizen submits all required materials to
22 apply for such visa.

23 (B) RULE OF CONSTRUCTION.—Notwith-
24 standing subparagraph (A), the Secretary of
25 State, the Secretary, or the Secretary of De-

fense may take longer than 270 days to complete the steps incidental to issuing a visa under this section if the Secretary of State, the Secretary, or the Secretary of Defense, or a designee—

(i) determines that the satisfaction of national security concerns requires additional time; and

(ii) notifies the applicant of such determination.

(3) APPEAL.—A noncitizen whose petition for status as a special immigrant is rejected or revoked—

(A) shall receive a written decision that provides, to the maximum extent feasible, information describing the basis for the denial, including the facts and inferences underlying the individual determination; and

(B) shall be provided not more than 1 written appeal per rejection or denial, which—

(i) shall be submitted to the authority that issued the denial not more than 120 days after the date on which the applicant receives a decision pursuant to subparagraph (A);

1 (ii) may request the reopening of such
2 decision; and

3 (iii) shall provide additional informa-
4 tion, clarify existing information, or ex-
5 plain any unfavorable information.

6 (g) ELIGIBILITY FOR OTHER IMMIGRANT CLASSI-
7 FICATION.—A noncitizen may not be denied the oppor-
8 tunity to apply for admission under this section solely be-
9 cause such noncitizen—

10 (1) qualifies as an immediate relative of a cit-
11 izen of the United States; or

12 (2) is eligible for admission to the United
13 States under any other immigrant classification.

14 (h) PROCESSING MECHANISMS.—The Secretary of
15 State shall use existing refugee processing mechanisms in
16 Iraq and in other countries, as appropriate, in the region
17 in which noncitizens described in subsection (b) may apply
18 and interview for admission to the United States as special
19 immigrants.

20 (i) RESETTLEMENT SUPPORT.—A noncitizen who is
21 granted special immigrant status under this section shall
22 be eligible for the same resettlement assistance, entitle-
23 ment programs, and other benefits as are available to refu-
24 gees admitted under section 207 of the Immigration and
25 Nationality Act (8 U.S.C. 1157).

1 (j) AUTHORITY TO CARRY OUT ADMINISTRATIVE
2 MEASURES.—The Secretary, the Secretary of State, and
3 the Secretary of Defense shall implement any additional
4 administrative measures they consider necessary and ap-
5 propriate—

6 (1) to ensure the prompt processing of applica-
7 tions under this section;

8 (2) to preserve the integrity of the program es-
9 tablished under this section; and

10 (3) to protect the national security interests of
11 the United States related to such program.

12 (k) REPORT TO CONGRESS.—

13 (1) IN GENERAL.—Not later than January 30
14 each year, the Inspector General of the Department
15 of State shall submit a report on the implementation
16 of the Syrian special immigrant status program
17 under this section for the preceding calendar year
18 to—

19 (A) the Committee on the Judiciary, the
20 Committee on Foreign Relations, and the Com-
21 mittee on Armed Services of the Senate; and

22 (B) the Committee on the Judiciary, the
23 Committee on Foreign Affairs, and the Com-
24 mittee on Armed Services of the House of Rep-
25 resentatives.

1 (2) ELEMENTS.—Each report required by para-
2 graph (1) shall include, for the applicable calendar
3 year, the following:

4 (A) The number of petitions filed under
5 such program.

6 (B) The number of such petitions pending
7 adjudication.

8 (C) The number of such petitions pending
9 visa interview.

10 (D) The number of such petitions pending
11 security checks.

12 (E) The number of such petitions that
13 were denied.

14 (F) The number of cases under such pro-
15 gram that have exceeded the mandated proc-
16 essing time and relevant case numbers.

17 (G) A description of any obstacle discov-
18 ered that would hinder effective implementation
19 of such program.

20 (3) CONSULTATION.—In preparing a report
21 under subsection (a), the Inspector General shall
22 consult with—

23 (A) the Department of State, Bureau of
24 Consular Affairs, Visa Office;

1 (B) the Department of State, Bureau of
2 Near Eastern Affairs and South and Central
3 Asian Affairs, Executive Office;

4 (C) the Department of Homeland Security,
5 U.S. Citizenship and Immigration Services;

6 (D) the Department of Defense; and

7 (E) nongovernmental organizations pro-
8 viding legal aid in the special immigrant visa
9 application process.

10 (4) FORM.—Each report required by paragraph
11 (1) shall be submitted in unclassified form, but may
12 include a classified annex.

13 (5) PUBLICATION.—Each report submitted
14 under this subsection shall be made available to the
15 public on the internet website of the Department of
16 State.

17 (l) RULEMAKING.—Not later than 90 days after the
18 date of the enactment of this Act, the Secretary, in con-
19 sultation with the Secretary of Defense and the Secretary
20 of State, shall promulgate regulations to carry out this
21 section, including establishing requirements for back-
22 ground checks.

23 (m) SAVINGS PROVISION.—Nothing in this section
24 may be construed to affect the authority of the Secretary
25 under section 1059 of the National Defense Authorization

1 Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C.
2 1101 note).

3 **SEC. 4311. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out this subtitle and the
6 amendments made by this subtitle, including, in addition
7 to annual funds derived from fee accounts of U.S. Citizen-
8 ship and Immigration Services, such sums as may be nec-
9 essary to reduce the backlog of asylum applications to the
10 Refugee, Asylum and International Operations Direc-
11 torate.

12 **TITLE V—EMPLOYMENT AU-**
13 **THORIZATION AND PRO-**
14 **TECTING WORKERS FROM EX-**
15 **PLOITATION**

16 **SEC. 5101. COMMISSION ON EMPLOYMENT AUTHORIZA-**
17 **TION.**

18 (a) ESTABLISHMENT.—Not later than the date that
19 is 180 days after the date of the enactment of this Act,
20 the President, in conjunction with the President pro tem-
21 pore of the Senate and the Speaker of the House of Rep-
22 resentatives, shall establish the Employment Authoriza-
23 tion Commission (referred to in this section as the “Com-
24 mission”).

25 (b) COMPOSITION.—

1 (1) IN GENERAL.—The Commission shall be
2 composed of 10 members, of whom—

3 (A) 6 members shall be appointed by the
4 President and shall include representatives of
5 the employer, labor, and civil rights commu-
6 nities;

7 (B) 2 members shall be appointed by the
8 President pro tempore of the Senate, of
9 whom—

10 (i) 1 shall be appointed upon the rec-
11 ommendation of the leader in the Senate to
12 represent the interests of employees who
13 experience discrimination in the course of
14 their employer or potential employer's
15 verification of their employment authoriza-
16 tion; and

17 (ii) 1 shall be appointed upon the rec-
18 ommendation of the leader in the Senate to
19 represent the interests of employers; and

20 (C) 2 members shall be appointed by the
21 Speaker of the House of Representatives, of
22 whom—

23 (i) 1 shall be appointed upon the rec-
24 ommendation of the leader in the House of
25 Representatives to represent the interests

1 of employees who experience discrimination
2 in the course of their employer or potential
3 employer's verification of their employment
4 authorization; and

5 (ii) 1 shall be appointed upon the rec-
6 ommendation of the leader in the House of
7 Representatives to represent the interests
8 of employers.

9 (2) QUALIFICATIONS FOR APPOINTMENT.—The
10 members of the Commission shall be distinguished
11 individuals who are noted for their knowledge and
12 experience in the field of employment verification.

13 (3) TIME OF APPOINTMENT.—The appoint-
14 ments required under paragraph (1) shall be made
15 not later than 180 days after the date of the enact-
16 ment of this Act.

17 (4) CHAIR.—At the first meeting of the Com-
18 mission, a majority of the members of the Commis-
19 sion present and voting, including at least 6 mem-
20 bers of the Commission, shall elect the Chair of the
21 Commission.

22 (5) VACANCIES.—Any vacancy of the Commis-
23 sion shall not affect its powers, but shall be filled in
24 the manner in which the original appointment was
25 made.

1 (6) RULES AND PROCEDURES.—

2 (A) ESTABLISHMENT.—The Commission
3 shall establish the rules and procedures of the
4 Commission, which shall require the approval of
5 at least 6 members of the Commission.

6 (B) RECOMMENDATIONS AND DECISIONS.—All recommendations and decisions of
7 the Commission shall require the approval of at
8 least 6 members of the Commission. Individual
9 members may provide minority or dissenting
10 opinions.
11

12 (c) DUTIES.—

13 (1) IN GENERAL.—The Commission shall—

14 (A) make recommendations to the Presi-
15 dent, the Secretary, and Congress regarding
16 policies to verify the eligibility of noncitizens for
17 employment in the United States;

18 (B) evaluate methods for verification of
19 employment eligibility that respect—

20 (i) the rights of employment-author-
21 ized individuals to work in the United
22 States; and

23 (ii) the freedom from discrimination
24 based on race or national origin of all
25 workers; and

1 (C) review error rates for the E-Verify pro-
2 gram, including the impact on various popu-
3 lations by national origin, race, gender, and so-
4 cioeconomic background.

5 (2) PUBLIC HEARINGS.—

6 (A) IN GENERAL.—The Commission shall
7 convene at least 1 public hearing on verification
8 for employment of foreign nationals in the
9 United States.

10 (B) REPORT.—The Commission shall pro-
11 vide a summary of each hearing convened pur-
12 suant to subparagraph (A) to the President, the
13 Secretary, and Congress.

14 (d) ACCESS TO INFORMATION.—The Immigrant and
15 Employee Rights Section of the Department of Justice
16 shall furnish information to the Commission regarding
17 employee complaints, mediations, and investigations in-
18 volving the employment eligibility verification practices of
19 employers.

20 (e) REPORT.—Not later than 180 days after all mem-
21 bers of the Commission have been appointed pursuant to
22 subsection (b), the Commission shall submit a report to
23 the President, the Secretary, and Congress that in-
24 cludes—

1 (1) specific policy recommendations for achiev-
2 ing and maintaining the goals specified in subsection
3 (c);

4 (2) recommendations for improvements to exist-
5 ing employment verification systems, such as the I-
6 9 process and E-Verify, to ensure that workers are
7 not denied employment on the basis of false
8 positives.

9 (f) TRAVEL EXPENSES.—Members of the Commis-
10 sion shall be allowed travel expenses, including per diem
11 in lieu of subsistence at rates authorized for employees
12 of agencies under subchapter I of chapter 57 of title 5,
13 United States Code, while away from their homes or reg-
14 ular places of business in the performance of services for
15 the Commission.

16 (g) ADMINISTRATIVE SUPPORT.—The Secretary shall
17 provide the Commission such staff and administrative
18 services as may be necessary and appropriate for the Com-
19 mission to perform its functions. Any employee of the ex-
20 ecutive branch of Government may be detailed to the Com-
21 mission without reimbursement to the agency of that em-
22 ployee and such detail shall be without interruption or loss
23 of civil service or status or privilege.

24 (h) COMPTROLLER GENERAL REVIEW.—The Comp-
25 troller General of the United States shall review the rec-

ommendations in the report submitted pursuant to sub-
section (e) to determine—

(1) which recommendations are most likely to
improve existing employment verification systems;
and

(2) whether such recommendations are feasible
within existing budget constraints.

(i) TERMINATION.—The Commission shall terminate
on the date that is 2 years after the date of the enactment
of this Act.

SEC. 5102. POWER ACT.

(a) PROTECTION FOR VICTIMS OF LABOR AND EM-
PLOYMENT VIOLATIONS.—Section 101(a)(15)(U) of the
Immigration and Nationality Act (8 U.S.C.
1101(a)(15)(U)) is amended—

(1) in clause (i)—

(A) by amending subclause (I) to read as
follows:

“(I) the noncitizen—

“(aa) has suffered substantial
abuse or harm as a result of having
been a victim of criminal activity de-
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

101(a)(15)) are not removed from the
United States until after the Secretary—

“(I) notifies the appropriate law
enforcement agency with jurisdiction
over such violations or criminal activ-
ity; and

“(II) provides such agency with
the opportunity to interview such non-
citizens; and

“(ii) noncitizens entitled to a stay of
removal or abeyance of removal pro-
ceedings under this section are not re-
moved.

“(C) PROTECTIONS FOR VICTIMS OF
CRIME, LABOR, AND EMPLOYMENT VIOLA-
TIONS.—

“(i) STAY OF REMOVAL OR ABEYANCE
OF REMOVAL PROCEEDINGS.—Any noncit-
izen against whom removal proceedings
have been initiated under chapter 4 of title
II, who has filed a workplace claim, who is
a material witness in any pending or an-
ticipated proceeding involving a bona fide
workplace claim, or who has filed for relief
under section 101(a)(15)(U), shall be enti-

1 tled to a stay of removal or an abeyance of
2 removal proceedings and to employment
3 authorization until the later of the resolu-
4 tion of the workplace claim or the denial of
5 relief under section 101(a)(15)(U) after
6 exhaustion of administrative appeals unless
7 the Secretary establishes, by a preponder-
8 ance of the evidence in proceedings before
9 the immigration judge presiding over such
10 noncitizen’s removal hearing, that—

11 “(I) the noncitizen has been con-
12 victed of a felony or;

13 “(II) the workplace claim was
14 filed in bad faith with the intent to
15 delay or avoid the noncitizen’s re-
16 moval.

17 “(ii) DURATION.—Any stay of re-
18 moval or abeyance of removal proceedings
19 and employment authorization issued pur-
20 suant to clause (i)—

21 “(I) shall remain valid until the
22 resolution of the workplace claim or
23 the denial of relief under section
24 101(a)(15)(U) after the exhaustion of
25 administrative appeals; and

1 “(II) shall be extended by the
 2 Secretary of Homeland Security for a
 3 period not to exceed 10 additional
 4 years upon determining that—

5 “(aa) such relief would en-
 6 able the noncitizen asserting a
 7 workplace claim to pursue the
 8 claim to resolution;

9 “(bb) the deterrent goals of
 10 any statute underlying a work-
 11 place claim would be served; or

12 “(cc) such extension would
 13 otherwise further the interests of
 14 justice.”.

15 (f) CHANGE OF NONIMMIGRANT CLASSIFICATION.—
 16 Section 384(a)(1) of the Illegal Immigration Reform and
 17 Immigrant Responsibility Act of 1996 (8 U.S.C.
 18 1367(a)(1)) is amended—

19 (1) in subparagraph (E), by striking “physical
 20 or mental abuse and the criminal activity,” and in-
 21 serting “abuse and the criminal activity or work-
 22 place claim;”;

23 (2) in subparagraph (F), by striking the comma
 24 at the end and inserting “; or”; and

1 (3) by inserting after subparagraph (F) the fol-
 2 lowing:

3 “(G) the noncitizen’s employer,”.

4 **SEC. 5103. ADDITIONAL CIVIL PENALTY.**

5 Section 274A of the Immigration and Nationality Act
 6 (8 U.S.C. 1324a) is amended—

7 (1) in subsection (a)—

8 (A) by redesignating paragraph (7) as
 9 paragraph (8); and

10 (B) by inserting after paragraph (6) the
 11 following:

12 “(7) ADDITIONAL CIVIL PENALTIES.—An em-
 13 ployer is subject to an additional civil penalty under
 14 subsection (e)(12) if—

15 “(A) the employer engages in a civil viola-
 16 tion of Federal, State, or local labor laws, in-
 17 cluding—

18 “(i) laws concerning wages and hours,
 19 labor relations, family and medical leave,
 20 occupational health and safety, civil rights,
 21 or nondiscrimination; and

22 “(ii) a finding by the agency enforcing
 23 such law in the course of a final settlement
 24 of such violation; and

1 “(B) such violation takes place with re-
2 spect to an unauthorized worker.”;

3 (2) in subsection (e), as amended by section
4 5102(f), by adding at the end the following:

5 “(11) ADDITIONAL CIVIL PENALTIES.—An
6 order under this subsection for a violation of sub-
7 section (a)(7) shall require the employer—

8 “(A) to cease and desist from such viola-
9 tion; and

10 “(B) to pay a civil penalty in an amount
11 not to exceed \$5,000 for each unauthorized
12 noncitizen with respect to whom a violation of
13 such subsection occurred.”; and

14 (3) in subsection (f)(2), by striking “(1)(A) or
15 (2)” and inserting “(1)(A), (2), or (7)”.

16 **SEC. 5104. CONTINUED APPLICATION OF WORKFORCE AND**
17 **LABOR PROTECTION REMEDIES.**

18 Section 274A(e) of the Immigration and Nationality
19 Act, as amended by sections 5102(e) and 5103(2), is fur-
20 ther amended by adding at the end the following:

21 “(12) RIGHTS, REMEDIES, AND RELIEF.—Not-
22 withstanding an employee’s status as an unauthor-
23 ized noncitizen during the time of relevant employ-
24 ment or during the back pay period or the failure of
25 the employer or employee to comply with the re-

quirements under this section or with any other provision of Federal law relating to the unlawful employment of noncitizens—

“(A) all rights, remedies, and relief provided under any Federal, State, or local law relating to workplace rights, including reinstatement and back pay, are available to such employee; and

“(B) a court may not prohibit such an employee from pursuing other causes of action giving rise to liability in a civil action.”.

SEC. 5105. PROHIBITION ON DISCRIMINATION BASED ON NATIONAL ORIGIN OR CITIZENSHIP STATUS.

(a) IN GENERAL.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended to read as follows:

“(a) PROHIBITION ON DISCRIMINATION BASED ON NATIONAL ORIGIN OR CITIZENSHIP STATUS.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), it is an unfair immigration-related employment practice for a person, other entity, or employment agency to discriminate against any individual (other than an unauthorized noncitizen (as defined in section 274A(h)(3))) because of such

1 individual's national origin or citizenship status,
2 with respect to—

3 “(A) the hiring of the individual for em-
4 ployment;

5 “(B) the verification of the individual's eli-
6 gibility to work in the United States; or

7 “(C) the discharging of the individual from
8 employment.

9 “(2) EXCEPTIONS.—Paragraph (1) shall not
10 apply to—

11 “(A) a person, other entity, or employer
12 that employs 3 or fewer employees (other than
13 an employment agency);

14 “(B) a person's or entity's discrimination
15 based upon an individual's national origin if the
16 discrimination with respect to that employer,
17 person, or entity and that individual is covered
18 under section 703 of the Civil Rights Act of
19 1964 (42 U.S.C. 2000e–2), unless the discrimi-
20 nation is related to an individual's verification
21 of employment authorization; or

22 “(C) discrimination based upon an individ-
23 ual's citizenship status if such discrimination—

1 “(i) is required in order to comply
 2 with a provision of Federal, State, or local
 3 law related to law enforcement;

4 “(ii) is required by a contract with the
 5 Federal Government; or

6 “(iii) is determined by the Secretary
 7 of Homeland Security or the Attorney
 8 General to be essential for an employer to
 9 do business with an agency or department
 10 of the Federal Government or with a
 11 State, Tribal, or local government.

12 “(3) ADDITIONAL EXCEPTION PROVIDING
 13 RIGHT TO PREFER EQUALLY QUALIFIED CITIZENS.—
 14 It is not an unfair immigration-related employment
 15 practice for an employer to prefer to hire, recruit, or
 16 refer for a fee an individual who is a citizen or na-
 17 tional of the United States over another individual
 18 who is a noncitizen if the 2 individuals are equally
 19 qualified.

20 “(4) UNFAIR IMMIGRATION-RELATED EMPLOY-
 21 MENT PRACTICES RELATING TO THE SYSTEM.—It is
 22 an unfair immigration-related employment practice
 23 for a person, other entity, or employment agency—

24 “(A) to use the employment verification
 25 system described in section 274A (referred to in

1 this title as the ‘System’) to deny workers’ em-
 2 ployment or post-employment benefits;

3 “(B) to misuse the System to discriminate
 4 based on national origin or citizenship status;

5 “(C) to require an employee or prospective
 6 employee to use any self-verification feature of
 7 the System or provide, as a condition of appli-
 8 cation or employment, any self-verification re-
 9 sults;

10 “(D) to use an immigration status
 11 verification system, service, or method other
 12 than those described in section 274A for pur-
 13 poses of verifying employment eligibility;

14 “(E) to grant access to document
 15 verification or System data, to any individual or
 16 entity not authorized to have such access; or

17 “(F) to fail to take reasonable safeguards
 18 to protect against unauthorized loss, use, alter-
 19 ation, or destruction of System data.

20 “(5) PROHIBITION OF INTIMIDATION OR RETAL-
 21 IATION.—It is an unfair immigration-related employ-
 22 ment practice for a person, other entity, or employ-
 23 ment agency to intimidate, threaten, coerce, or re-
 24 taliate against any individual—

1 “(A) for the purpose of interfering with
2 any right or privilege secured under this sec-
3 tion; or

4 “(B) because the individual intends to file,
5 or has filed, a charge or a complaint, or testi-
6 fied, assisted, or participated in any manner in
7 an investigation, proceeding, or hearing under
8 this section.

9 “(6) TREATMENT OF CERTAIN DOCUMENTARY
10 PRACTICES AS EMPLOYMENT PRACTICES.—It is an
11 unfair immigration-related employment practice for
12 a person, other entity, or employment agency, for
13 purposes of verifying employment eligibility—

14 “(A) to request that an individual submit
15 specific documents, more documents, or dif-
16 ferent documents than are required under sec-
17 tion 274A; or

18 “(B) to refuse to honor documents sub-
19 mitted by an individual that reasonably appear
20 on their face to be genuine.

21 “(7) PROHIBITION OF WITHHOLDING EMPLOY-
22 MENT RECORDS.—It is an unfair immigration-re-
23 lated employment practice for an employer that is
24 required under Federal, State, or local law to main-
25 tain records documenting employment, including

1 dates or hours of work and wages received, to fail
2 to provide such records to any employee to whom the
3 records pertain, upon request by such employee.

4 “(8) PROFESSIONAL, COMMERCIAL, AND BUSI-
5 NESS LICENSES.—An individual who is authorized to
6 be employed in the United States may not be denied
7 a professional, commercial, or business license on
8 the basis of his or her immigration status.

9 “(9) EMPLOYMENT AGENCY DEFINED.—In this
10 section, the term ‘employment agency’ means any
11 employer, person, entity, or agent of such employer,
12 person, or entity that regularly undertakes, with or
13 without compensation, to procure employees for em-
14 ployers or to procure for employees opportunities to
15 work for employers.”.

16 (b) REFERRAL BY EEOC.—Section 274B(b) of the
17 Immigration and Nationality Act (8 U.S.C. 1324b(b)) is
18 amended by adding at the end the following:

19 “(3) REFERRAL BY EEOC.—The Equal Employ-
20 ment Opportunity Commission shall refer all matters
21 alleging immigration-related unfair employment
22 practices filed with the Commission, including those
23 alleging violations of paragraph (1), (4), (5), or (6)
24 of subsection (a), to the Immigrant and Employment
25 Rights Section of the Department of Justice.”.

1 (c) FINES.—

2 (1) IN GENERAL.—Section 274B(g)(2)(B)(iv) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1324b(g)(2)(B)(iv)) is amended to read as follows:

5 “(iv) to pay the civil penalties set
6 forth in this clause, which may be adjusted
7 periodically to account for inflation, includ-
8 ing—

9 “(I) except as provided in sub-
10 clauses (II) through (IV), a civil pen-
11 alty of not less than \$2,000 and not
12 more than \$5,000 for each individual
13 subjected to an unfair immigration-re-
14 lated employment practice;

15 “(II) except as provided in sub-
16 clauses (III) and (IV), in the case of
17 an employer, person, or entity pre-
18 viously subject to 1 order under this
19 paragraph, a civil penalty of not less
20 than \$4,000 and not more than
21 \$10,000 for each individual subjected
22 to an unfair immigration-related em-
23 ployment practice;

24 “(III) except as provided in sub-
25 clause (IV), in the case of an em-

1 ployer, person, or entity previously
2 subject to more than 1 order under
3 this paragraph, a civil penalty of not
4 less than \$8,000 and not more than
5 \$25,000 for each individual subjected
6 to an unfair immigration-related em-
7 ployment practice; and

8 “(IV) in the case of an unfair im-
9 migration-related employment practice
10 described in paragraphs (4) through
11 (7) of subsection (a), a civil penalty of
12 not less than \$500 and not more than
13 \$2,000 for each individual subjected
14 to an unfair immigration-related em-
15 ployment practice.”.

16 (2) EFFECTIVE DATE.—The amendment made
17 by paragraph (1)—

18 (A) shall take effect on the date that is 1
19 year after the date of the enactment of this Act;
20 and

21 (B) shall apply to violations occurring on
22 or after such date of enactment.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
24 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended to read as
25 follows:

1 “(3) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out
3 this subsection—

4 “(A) \$10,000,000 for each fiscal year (be-
5 ginning with fiscal year 1991); and

6 “(B) an additional \$40,000,000 for each of
7 fiscal years 2022 through 2024.”.

8 **SEC. 5106. FAIRNESS FOR FARMWORKERS.**

9 (a) IN GENERAL.—Section 7 of the Fair Labor
10 Standards Act of 1938 (29 U.S.C. 207) is amended—

11 (1) in subsection (a), by adding at the end the
12 following:

13 “(3)(A) Except as provided in subparagraph (C), be-
14 ginning on January 1, 2022, no employer shall employ any
15 employee employed in agriculture who in any workweek
16 is engaged in commerce or in the production of goods for
17 commerce, or is employed in an enterprise engaged in
18 commerce or in the production of goods for commerce for
19 a workweek that is longer than the hours specified under
20 subparagraph (B), unless such employee receives com-
21 pensation for employment in excess of the hours specified
22 in such subparagraph at a rate not less than 150 percent
23 of the regular rate at which the employee is employed.

24 “(B) The hours specified in this subparagraph are,
25 subject to subparagraph (C), as follows:

1 “(i) Beginning on January 1, 2022, 55 hours in
2 any workweek.

3 “(ii) Beginning on January 1, 2023, 50 hours
4 in any workweek.

5 “(iii) Beginning on January 1, 2024, 45 hours
6 in any workweek.

7 “(iv) Beginning on January 1, 2025, 40 hours
8 in any workweek.

9 “(C) With respect to any employer that employs 25
10 or fewer employees—

11 “(i) the requirement under subparagraph (A)
12 shall begin on January 1, 2025; and

13 “(ii) the hours specified under subparagraph
14 (B) shall be as follows:

15 “(I) The number of hours specified under
16 subparagraph (B)(i) shall begin on January 1,
17 2025.

18 “(II) The number of hours specified under
19 subparagraph (B)(ii) shall begin on January 1,
20 2026.

21 “(III) The number of hours specified
22 under subparagraph (B)(iii) shall begin on Jan-
23 uary 1, 2027.

1 “(IV) The number of hours specified under
 2 subparagraph (B)(iv) shall begin on January 1,
 3 2028.”; and

4 (2) by striking subsection (m).

5 (b) REMOVING CERTAIN EXEMPTIONS FOR AGRICUL-
 6 TURAL WORK.—Section 13 of the Fair Labor Standards
 7 Act of 1938 (29 U.S.C. 213) is amended—

8 (1) in subsection (a), by amending paragraph
 9 (6) to read as follows:

10 “(6) any employee employed in agriculture who
 11 is the parent, spouse, child, or other member of the
 12 employer’s immediate family;”;

13 (2) in subsection (b)—

14 (A) by striking paragraphs (12) through
 15 (16); and

16 (B) by redesignating paragraphs (17),
 17 (20), (21), (24), (27), (28), (29), and (30) as
 18 paragraphs (12), (13), (14), (15), (16), (17),
 19 (18), and (19), respectively; and

20 (3) by striking subsections (h) through (j).

21 (c) CONFORMING AMENDMENTS.—

22 (1) FAIR LABOR STANDARDS ACT OF 1938.—
 23 Section 13(c)(1)(A) of the Fair Labor Standards
 24 Act of 1938 (29 U.S.C. 213(c)(1)(A)) is amended by
 25 striking “none of the employees” and all that follows

1 through and inserting “all of the employees of which
 2 are employed in agriculture and are employed by an
 3 employer who did not, during any calendar quarter
 4 during the preceding calendar year, use more than
 5 500 man-days of agricultural labor (within the
 6 meaning of the exemption under subsection
 7 (a)(6)(A)), as in effect on the day before the date
 8 of the enactment of the U.S. Citizenship Act),”.

9 (2) MIGRANT AND SEASONAL AGRICULTURAL
 10 WORKER PROTECTION ACT.—The Migrant and Sea-
 11 sonal Agricultural Worker Protection Act (Public
 12 Law 97–470) is amended—

13 (A) in section 3 (29 U.S.C. 1802)—

14 (i) in paragraph (8), by amending
 15 subparagraph (B) to read as follows:

16 “(B) The term ‘migrant agricultural worker’
 17 does not include any immediate family member of an
 18 agricultural employer or a farm labor contractor.”;
 19 and

20 (ii) in paragraph (10), by amending
 21 subparagraph (B) to read as follows:

22 “(B) The term ‘seasonal agricultural worker’
 23 does not include—

24 “(i) any migrant agricultural worker; or

1 “(ii) any immediate family member of an
 2 agricultural employer or a farm labor con-
 3 tractor.”; and

4 (B) in section 4(a) (29 U.S.C. 1803(a)),
 5 by amending paragraph (2) to read as follows:

6 “(2) SMALL BUSINESS EXEMPTION.—Any per-
 7 son, other than a farm labor contractor, who did
 8 not, during any calendar quarter during the pre-
 9 ceding calendar year, use more than 500 man-days
 10 of agricultural labor (within the meaning of the ex-
 11 emption under section 13(a)(6)(A) of the Fair Labor
 12 Standards Act of 1938 (29 U.S.C. 213(a)(6)(A)), as
 13 in effect on the day before the date of the enactment
 14 of the U.S. Citizenship Act).”.

15 (d) EFFECTIVE DATES.—

16 (1) IN GENERAL.—The amendments made by
 17 subsections (a)(2), (b)(1), (b)(3), and (c) shall take
 18 effect on—

19 (A) January 1, 2025, with respect to an
 20 employer that employs more than 25 employees;
 21 and

22 (B) January 1, 2028, with respect to an
 23 employer that employs 25 or fewer employees.

24 (2) OTHER AMENDMENTS.—The amendments
 25 made by subsection (b)(2) shall take effect on—

1 (A) January 1, 2022, with respect to an
2 employer that employs more than 25 employees;
3 and

4 (B) January 1, 2025, with respect to an
5 employer that employs 25 or fewer employees.

6 **SEC. 5107. PROTECTIONS FOR MIGRANT AND SEASONAL LA-**
7 **BORERS.**

8 Section 501 of the Migrant and Seasonal Agricultural
9 Worker Protection Act (29 U.S.C. 1851) is amended—
10 (1) by amending subsection (a) to read as fol-
11 lows:

12 “(a) VIOLATIONS OF THIS ACT.—

13 “(1) IN GENERAL.—Except as otherwise pro-
14 vided in this section, any person who willfully and
15 knowingly violates this Act or any regulation under
16 this Act—

17 “(A) shall be fined not more than \$1,000,
18 sentenced to prison for a term not to exceed 1
19 year, or both; and

20 “(B) upon conviction for any subsequent
21 violation of this Act or any regulation under
22 this Act, shall be fined not more than \$10,000,
23 sentenced to prison for a term not to exceed 3
24 years, or both.

1 “(2) IDENTIFICATION DOCUMENT OFFENSES.—

2 Any person who knowingly destroys, conceals, re-
3 moves, confiscates, or possesses any actual or pur-
4 ported passport or other immigration document, or
5 any other actual or purported government identifica-
6 tion document of another person or threatens to do
7 so in furtherance of a violation of this Act shall be
8 fined under title 18, United States Code, imprisoned
9 not more than 3 years, or both.

10 “(3) TRAVEL RESTRICTIONS.—Any person who
11 knowingly restricts or attempts to prevent or re-
12 strict, without lawful authority, a person’s liberty to
13 move or travel, in furtherance of a violation of this
14 Act, shall be fined under title 18, United States
15 Code, imprisoned not more than 5 years, or both.

16 “(4) BODILY INJURY.—If bodily injury results
17 from any acts committed by any person in violation
18 of this Act, or if such acts include sexual abuse or
19 an attempt to commit sexual abuse (as described in
20 section 2242 of title 18, United States Code), or if
21 such acts include the use, attempted use, or threat-
22 ened use of a dangerous weapon, explosives, or fire,
23 the person shall be fined under title 18, United
24 States Code, imprisoned not more than 10 years, or
25 both.

1 “(5) DEATH.—If death results from any acts
2 committed by any person in violation of this Act, or
3 if such acts include kidnaping or an attempt to kid-
4 nap, aggravated sexual abuse, or an attempt to com-
5 mit aggravated sexual abuse, or an attempt to kill,
6 the person shall be fined under title 18, United
7 States Code, imprisoned for any term of years or for
8 life, or both.

9 “(6) SUBSEQUENT VIOLATIONS.—Except to the
10 extent that a greater maximum penalty is otherwise
11 provided for in this section, a person who is con-
12 victed for any subsequent violation of this Act or
13 any regulation under this Act shall be fined under
14 title 18, United States Code, imprisoned not more
15 than 3 years, or both.”; and

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

17 “(c) RECORDKEEPING AND WAGE REQUIRE-
18 MENTS.—Any person who knowingly and with intent to
19 defraud violates section 201(a), 201(f), 301(a), or 301(f),
20 or who knowingly and willfully violates section 202 or 302,
21 shall be fined under title 18, United States Code, impris-
22 oned not more than 5 years, or both.

23 “(d) OBSTRUCTION OFFENSES.—Any person who ob-
24 structs, attempts to obstruct, interferes with, or prevents
25 the enforcement of this section, shall be subject to the

1 same fines and penalties as those prescribed for the under-
2 lying offense involved.”.

3 **SEC. 5108. DIRECTIVE TO THE UNITED STATES SEN-**
4 **TENCING COMMISSION.**

5 (a) IN GENERAL.—Pursuant to its authority under
6 section 994 of title 28, United States Code, the United
7 States Sentencing Commission, in accordance with sub-
8 section (b), shall promulgate sentencing guidelines or
9 amend existing sentencing guidelines to increase the pen-
10 alties imposed on persons convicted of offenses under—

11 (1) section 274A of the Immigration and Na-
12 tionality Act (8 U.S.C. 1324a);

13 (2) section 501 of the Migrant and Seasonal
14 Agricultural Worker Protection Act (29 U.S.C.
15 1851);

16 (3) section 16 of the Fair Labor Standards Act
17 of 1938 (29 U.S.C. 216); and

18 (4) any other Federal law covering conduct
19 similar to the conduct prohibited under the provi-
20 sions of law referred to in paragraphs (1) through
21 (3).

22 (b) REQUIREMENTS.—In carrying out subsection (a),
23 the Sentencing Commission shall provide sentencing en-
24 hancements for any person convicted of an offense re-
25 ferred to in subsection (a) if such offense involves—

- 1 (1) the confiscation of identification documents;
- 2 (2) corruption, bribery, extortion, or robbery;
- 3 (3) sexual abuse;
- 4 (4) serious bodily injury;
- 5 (5) an intent to defraud; or
- 6 (6) a pattern of conduct involving multiple vio-
- 7 lations of law that—
- 8 (A) creates a risk to the health or safety
- 9 of any victim; or
- 10 (B) denies payments due to victims for
- 11 work completed.

12 **SEC. 5109. LABOR LAW ENFORCEMENT FUND.**

13 (a) IN GENERAL.—Section 286 of the Immigration
 14 and Nationality Act (8 U.S.C. 1356) is amended by add-
 15 ing at the end the following:

16 “(w) LABOR LAW ENFORCEMENT ACCOUNT.—

17 “(1) IN GENERAL.—There is established in the
 18 general fund of the Treasury a separate account,
 19 which shall be known as the ‘Labor Law Enforce-
 20 ment Account’ (referred to in this subsection as the
 21 ‘Account’).

22 “(2) DEPOSITS.—There shall be deposited as
 23 offsetting receipts into the Account penalties im-
 24 posed under section 274A(a)(7).

1 “(3) EXPENDITURES.—Amounts deposited into
2 the Account shall be made available to the Secretary
3 of Labor to ensure compliance with workplace laws,
4 including by random audits of such employers, in in-
5 dustries that have a history of significant employ-
6 ment of unauthorized workers or nonimmigrant
7 workers pursuant to subclause (a) or (b) of section
8 101(a)(15)(H)(ii).”.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There are authorized to be
11 appropriated such sums as may be necessary to
12 carry out this title and the amendments made by
13 this title (other than the amendment made by sub-
14 section (a)).

15 (2) AVAILABILITY OF FUNDS.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), amounts authorized to carry
18 out the programs, projects, and activities rec-
19 ommended by the Commission may not be ex-
20 pended before—

21 (i) the date that is 60 days after the
22 submission of the report required under
23 section 5101(e); or

1 (ii) the date that is 2 years and 60
2 days after the date of the enactment of
3 this Act.

4 (B) ADMINISTRATIVE EXPENSES.—Not-
5 withstanding subparagraph (A), amounts re-
6 ferred to in that subparagraph may be ex-
7 pended for minimal administrative expenses di-
8 rectly associated with—

9 (i) convening the public hearings re-
10 quired under section 5101(c)(2)(A); and

11 (ii) preparing and providing sum-
12 maries of such hearings in accordance with
13 section 5101(c)(2)(B).

○