Strengthening the Family (in this resolution referred to as the ''Geneva Consensus Declaration'') and applauds the signatory countries for their dedication to advancing women's health, protecting life at every stage while affirming that there is no international right to abortion, and upholding the importance of the family as foundational to society;

(2) declares that the principles affirming women's health, the dignity of every life, and the family recognized by the Geneva Consensus Declaration remain universally valid;

(3) welcomes opportunities to strengthen support for the Geneva Consensus Declaration;

(4) will defend the sovereignty of every country to adopt national policies that promote women's health, protect the right to life, and strengthen the family, as enshrined in the Geneva Consensus Declaration;

(5) will work with the executive branch to ensure that the United States does not conduct or fund abortions, abortion lobbying, or coercive family planning in foreign countries, consistent with longstanding Federal law; and

(6) urges the signatory countries to the Geneva Consensus Declaration to defend the universal principles affirming the value of every life and the family expressed in the Declaration.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table.

SA 2. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 3. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 4. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 5. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 6. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 7. Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 8. Ms. ERNST (for herself and Mr. GRASSLEY) proposed an amendment to the bill S. 5, supra.

SA 9. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 10. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 11. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 12. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 13. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 14. Mr. CORNYN (for himself and Mr. BUDD) submitted an amendment intended to be proposed to amendment SA 8 proposed by Ms. ERNST (for herself and Mr. GRASSLEY) to the bill S. 5, supra; which was ordered to lie on the table.

SA 15. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. SOUTHERN BORDER WALL CONSTRUCTION FUND.

(a) SHORT TITLE.—This section may be cited as the ''Build the Wall Act of 2025''.

(b) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''Southern Border Wall Construction Fund'' (referred to in this section as the ''Fund'').

(c) DEPOSITS.—Notwithstanding any other provision of law, there shall be immediately deposited into the Fund all of the unobligated amounts in the Coronavirus State and local fiscal recovery funds established under sections 602 and 603 of the Social Security Act (42 U.S.C. 802 and 803).

(d) USE OF FUNDS.—Amounts in the Fund shall be used by the Secretary of Homeland Security to construct and maintain physical barriers along the southern international border of the United States.

SA 2. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENLISTMENT OF CERTAIN ALIENS AND CLARIFICATION OF NATURALIZATION PROCESS FOR SUCH ALIEN ENLISTEES.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this section that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) ARMED FORCES.—The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101 of title 10, United States Code.

(3) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(4) MILITARY DEPARTMENT.—The term ''military department'' has the meaning given such term in section 101 of title 10, United States Code.

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' has the meaning given such term in section 101 of title 10, United States Code.

(b) ENLISTMENT IN THE ARMED FORCES FOR CERTAIN ALIENS.—Subsection (b)(1) of section 504 of chapter 31 of title 10, United States Code, is amended by adding at the end the following:

''(D)(i) An alien who—

''(I) subject to clause (ii), has been continuously physically present in the United States for five years;

''(II) has completed, to the satisfaction of the Secretary of Defense or the Secretary concerned, the same security or suitability vetting processes as are required of qualified individuals seeking enlistment in an armed force;

''(III) meets all other standards set forth for enlistment in an armed force as are required of qualified individuals; and

''(IV)(aa) has received a grant of deferred action pursuant to the Deferred Action for Childhood Arrivals policy of the Department of Homeland Security, or successor policy, regardless of whether a court order terminates such policy;

''(bb) has been granted temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a); or

''(cc) is the beneficiary of an approved petition for an immigrant visa, but has been unable to adjust status to that of an alien lawfully admitted for permanent residence pursuant to section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) because a visa number has not become available or the beneficiary turned 21 years of age prior to a visa becoming available.

''(ii) An alien described in clause (i) who has departed the United States during the five-year period referred to in subclause (I) of that clause shall be eligible to enlist if the absence of the alien was pursuant to advance approval of travel by the Secretary of Homeland Security and within the scope of such travel authorization.''.

(c) STAY OF REMOVAL PROCEEDINGS.—Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following:

''(e) If an alien described in section 504(b)(1)(D) of chapter 31 of title 10, United States Code, who is subject to a ground of removability has served honorably in the Armed Forces, and if separated from such service, was never separated except under honorable conditions, the Secretary of Homeland Security shall grant such alien an administrative stay of removal under section 241(c)(2) until the earlier of—

''(1) the date on which the head of the military department (as defined in section 101 of title 10, United States Code) under which the alien served determines that the alien did not serve honorably in active-duty status, and if separated from such service, that such separation was not under honorable conditions as required by sections 328 and 329; or

''(2) the date on which the alien's application for naturalization under section 328 or 329 has been denied or revoked and all administrative appeals have been exhausted.''.

(d) TIMELY DETERMINATION BY THE SECRETARY OF DEFENSE.—Not later than 90 days after receiving a request by an alien who has enlisted in the Armed Forces pursuant to section 504(b)(1)(D) of chapter 31 of title 10, United States Code, for a certification of service in the Armed Forces, the head of the military department under which the alien served shall issue a determination certifying whether the alien has served honorably in an active-duty status, and whether separation from such service was under honorable conditions as required by sections 328 and 329 of the Immigration and Nationality Act (8

U.S.C. 1439, 1440), unless the head of the military department concerned requires additional time to vet national security or counter-intelligence concerns.

(e) MEDICAL EXCEPTION.—An alien who otherwise meets the qualifications for enlistment under section 504(b)(1)(D) of title 10, United States Code, but who, after reporting for initial entry training, has not successfully completed such training primarily for medical reasons shall be considered to have separated from service in the Armed Forces under honorable conditions for purposes of sections 328 and 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), if such medical reasons are certified by the head of the military department under which the individual so served.

(f) GOOD MORAL CHARACTER.—In determining whether an alien who has enlisted in the Armed Forces pursuant to section 504(b)(1)(D) of chapter 31 of title 10, United States Code, has good moral character for purposes of section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), the Secretary of Homeland Security—

(1) shall consider the alien's honorable service in the Armed Forces; and

(2) may make a finding of good moral character notwithstanding—

(A)(i) any single misdemeanor offense, if the alien has not been convicted of any offense during the 5-year period preceding the date on which the alien applies for naturalization; or

(ii) not more than 2 misdemeanor offenses, if the alien has not been convicted of any offense during the 10-year period preceding the date on which the alien applies for naturalization.

(g) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—The Secretary of Homeland Security or the Secretary of Defense may not disclose or use for purposes of immigration enforcement information provided in—

(A) documentation filed under this section or an amendment made by this section; or

(B) enlistment applications filed, or inquiries made, under section 504(b)(1)(D) of title 10, United States Code.

(2) TREATMENT OF RECORDS.—

(A) IN GENERAL.—Documentation filed under this section or an amendment made by this section—

(i) shall be collected pursuant to section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''); and

(ii) may not be disclosed under subsection (b)(7) of that section for purposes of immigration enforcement.

(B) DESTRUCTION.—In the case of an alien who attempts to enlist under section 504(b)(1)(D) of title 10, United States Code, but does not successfully do so (except in the case of an alien described in subsection (e)), the Secretary of Homeland Security and the Secretary of Defense shall destroy information provided in documentation filed under this section or an amendment made by this section not later than 60 days after the date on which the alien concerned is denied enlistment or fails to complete basic training, as applicable.

(3) REFERRALS PROHIBITED.—The Secretary of Homeland Security or the Secretary of Defense (or any designee of the Secretary of Homeland Security or the Secretary of Defense), based solely on information provided in an application for naturalization submitted by an alien who has enlisted in the Armed Forces under section 504(b)(1)(D) of title 10, United States Code, or an enlistment application filed or an inquiry made under that section, may not refer the individual concerned to U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

(4) LIMITED EXCEPTION.—Notwithstanding paragraphs (1) through (3), information provided in an application for naturalization submitted by an individual who has enlisted in the Armed Forces under section 504(b)(1)(D) of title 10, United States Code, may be shared with Federal security and law enforcement agencies—

(A) for assistance in the consideration of an application for naturalization;

(B) to identify or prevent fraudulent claims;

(C) for national security purposes pursuant to section 6611 of the National Defense Authorization Act for Fiscal Year 2020 (50 U.S.C. 3352f); or

(D) for the investigation or prosecution of any Federal crime, except any offense, other than a fraud or false statement offense, that is—

(i) related to immigration status; or

(ii) a petty offense (as defined in section 19 of title 18, United States Code).

(5) PENALTY.—Any person who knowingly and willfully uses, publishes, or examines, or permits such use, publication, or examination of, any information produced or provided by, or collected from, any source or person under this section or an amendment made by this section, and in violation of this subsection, shall be guilty of a misdemeanor and fined not more than $5,000.

(h) RULE OF CONSTRUCTION.—Nothing in this section or an amendment made by this section may be construed to modify—

(1) except as otherwise specifically provided in this section, the process prescribed by sections 328 and 329A of the Immigration and Nationality Act (8 U.S.C. 1439, 1440–1) by which a person may naturalize, or be granted posthumous United States citizenship, through service in the Armed Forces; or

(2) the qualifications for original enlistment in any component of the Armed Forces otherwise prescribed by law or the Secretary of Defense.

SA 3. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PAROLE FOR CERTAIN VETERANS.

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

(1) in subparagraph (A), by striking ''subparagraph (B) or'' and inserting ''subparagraphs (B) and (C) and'';

(2) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(3) by adding at the end the following:

''(C)(i) The Secretary of Homeland Security may parole any alien qualified under clause (ii) into the United States—

''(I) at the discretion of the Secretary;

''(II) on a case-by-case basis; and

''(III) temporarily under such conditions as the Secretary may prescribe.

''(ii) To qualify for parole under clause (i) an alien applying for admission to the United States shall—

''(I) be a veteran (as defined in section 101 of title 38, United States Code);

''(II) seek parole to receive health care furnished by the Secretary of Veterans Affairs under chapter 17 of title 38, United States Code; and

''(III) be outside of the United States pursuant to having been ordered removed or voluntarily departed from the United States under section 240B.

''(iii) Parole of an alien under clause (i) shall not be regarded as an admission of the alien.

''(iv) If the Secretary of Homeland Security determines that the purposes of such parole have been served the alien shall forthwith return or be returned to the custody from which the alien was paroled.

''(v) Parole shall not be available under clause (i) for an alien who is inadmissible due to a criminal conviction—

''(I)(aa) for a crime of violence (as defined in section 16(a) of title 18, United States Code), excluding a purely political offense; or

''(bb) for a crime that endangers the national security of the United States; and

''(II) for which the alien has served a term of imprisonment of at least 5 years.''.

SA 4. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE II—VETERANS VISA AND PROTECTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Veterans Visa and Protection Act of 2025''.

SEC. 202. DEFINITIONS.

In this title:

(1) ARMED FORCES.—The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101 of title 10, United States Code.

(2) CRIME OF VIOLENCE.—The term ''crime of violence'' means an offense defined in section 16(a) of title 18, United States Code—

(A) that is not a purely political offense; and

(B) for which a noncitizen has served a term of imprisonment of at least 5 years.

(3) ELIGIBLE VETERAN.—

(A) IN GENERAL.—The term ''eligible veteran'' means a veteran who—

(i) is a noncitizen; and

(ii) meets the criteria described in section 203(e).

(B) INCLUSION.—The term ''eligible veteran'' includes a veteran who—

(i) was removed from the United States; or

(ii) is abroad and is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(4) NONCITIZEN.—The term ''noncitizen'' means an individual who is not a citizen or national of the United States.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(6) SERVICE MEMBER.—The term ''service member'' means an individual who is serving as a member of—

(A) a regular or reserve component of the Armed Forces on active duty; or

(B) a reserve component of the Armed Forces in an active status.

(7) VETERAN.—The term ''veteran'' has the meaning given the term in section 101 of title 38, United States Code.

SEC. 203. RETURN OF ELIGIBLE VETERANS REMOVED FROM THE UNITED STATES; ADJUSTMENT OF STATUS.

(a) PROGRAM FOR ADMISSION AND ADJUSTMENT OF STATUS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a program and an application procedure that allows—

(1) eligible veterans outside the United States to be admitted to the United States as aliens lawfully admitted for permanent residence (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); and

(2) eligible veterans in the United States to adjust status to that of aliens lawfully admitted for permanent residence.

(b) VETERANS ORDERED REMOVED.—

(1) IN GENERAL.—With respect to noncitizen veterans who are the subjects of final orders of removal, including noncitizen veterans who are outside the United States, not later than 180 days after the date of the enactment of this Act, the Attorney General shall—

(A) reopen the removal proceedings of each such noncitizen veteran; and

(B) make a determination with respect to whether each such noncitizen veteran is an eligible veteran.

(2) RESCISSION OF REMOVAL ORDER.—In the case of a determination under paragraph (1)(B) that a noncitizen veteran is an eligible veteran, the Attorney General shall—

(A) rescind the order of removal;

(B) adjust the status of the eligible veteran to that of an alien lawfully admitted for permanent residence; and

(C) terminate removal proceedings.

(c) VETERANS IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—With respect to noncitizen veterans the removal proceedings of whom are pending as of the date of the enactment of this Act, not later than 180 days after the date of the enactment of this Act, the Attorney General shall make a determination with respect to whether each such noncitizen veteran is an eligible veteran.

(2) TERMINATION OF PROCEEDINGS.—In the case of a determination under paragraph (1) that a noncitizen veteran is an eligible veteran, the Attorney General shall—

(A) adjust the status of the eligible veteran to that of an alien lawfully admitted for permanent residence; and

(B) terminate removal proceedings.

(d) NO NUMERICAL LIMITATIONS.—Nothing in this section or in any other provision of law may be construed to apply a numerical limitation to the number of veterans who may be eligible to receive a benefit under this section.

(e) ELIGIBILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, including sections 212 and 237 of the Immigration and Nationality Act (8 U.S.C. 1182 and 1227), a noncitizen veteran shall be eligible to participate in the program established under subsection (a) or for adjustment of status under subsection (b) or (c), as applicable, if the Secretary or the Attorney General, as applicable, determines that the noncitizen veteran—

(A) was not removed or ordered removed from the United States based on a conviction for—

(i) a crime of violence; or

(ii) a crime that endangers the national security of the United States for which the noncitizen veteran has served a term of imprisonment of at least 5 years; and

(B) is not inadmissible to, or deportable from, the United States based on a conviction for a crime described in subparagraph (A).

(2) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (1)—

(A) for humanitarian purposes;

(B) to ensure family unity;

(C) based on exceptional service in the Armed Forces; or

(D) if a waiver is otherwise in the public interest.

SEC. 204. PROTECTING VETERANS AND SERVICE MEMBERS FROM REMOVAL.

Notwithstanding any other provision of law, including section 237 of the Immigration and Nationality Act (8 U.S.C. 1227), a noncitizen who is a veteran or service member may not be removed from the United States unless the noncitizen has been convicted for a crime of violence.

SEC. 205. NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES.

(a) IN GENERAL.—Subject to subsection (b), a noncitizen who has obtained the status of an alien lawfully admitted for permanent residence pursuant to section 203 shall be eligible for naturalization through service in the Armed Forces under sections 328 and 329 of the Immigration and Nationality Act (8 U.S.C. 1439 and 1440).

(b) SPECIAL RULES.—

(1) GOOD MORAL CHARACTER.—In determining whether a noncitizen described in subsection (a) is a person of good moral character, the Secretary shall disregard the one or more grounds on which the noncitizen was—

(A) removed or ordered removed from the United States; or

(B) rendered inadmissible to, or deportable from, the United States.

(2) PERIODS OF ABSENCE.—The Secretary shall disregard any period of absence from the United States of a noncitizen described in subsection (a) due to the noncitizen having been removed from, or being inadmissible to, the United States if the noncitizen satisfies the applicable requirement relating to continuous residence or physical presence.

SEC. 206. ACCESS TO MILITARY BENEFITS.

A noncitizen who has obtained the status of an alien lawfully admitted for permanent residence pursuant to section 203 shall be eligible for all military and veterans benefits for which the noncitizen would have been eligible had the noncitizen not been ordered removed or removed from the United States, voluntarily departed the United States, or rendered inadmissible to, or deportable from, the United States, as applicable.

SEC. 207. IMPLEMENTATION.

(a) IDENTIFICATION.—The Secretary shall identify noncitizen service members and veterans at risk of removal from the United States by—

(1) before initiating a removal proceeding against a noncitizen, asking the noncitizen whether he or she is serving, or has served, as a member of—

(A) a regular or reserve component of the Armed Forces on active duty; or

(B) a reserve component of the Armed Forces in an active status;

(2) requiring U.S. Immigration and Customs Enforcement personnel to seek supervisory approval before initiating a removal proceeding against a service member or veteran; and

(3) keeping records of any service member or veteran who has been—

(A) the subject of a removal proceeding;

(B) detained by the Director of U.S. Immigration and Customs Enforcement; or

(C) removed from the United States.

(b) RECORD ANNOTATION.—

(1) IN GENERAL.—In the case of a noncitizen service member or veteran identified under subsection (a), the Secretary shall annotate all immigration and naturalization records of the Department of Homeland Security relating to the noncitizen—

(A) to reflect that the noncitizen is a service member or veteran; and

(B) to afford an opportunity to track the outcomes for the noncitizen.

(2) CONTENTS OF ANNOTATION.—Each annotation under paragraph (1) shall include—

(A) the branch of military service in which the noncitizen is serving or has served;

(B) whether the noncitizen is serving, or has served, during a period of military hostilities described in section 329 of the Immigration and Nationality Act (8 U.S.C. 1440);

(C) the immigration status of the noncitizen on the date of enlistment;

(D) whether the noncitizen is serving honorably or was separated under honorable conditions;

(E) the ground on which removal of the noncitizen from the United States was sought; and

(F) in the case of a noncitizen the removal proceedings of whom were initiated on the basis of a criminal conviction, the crime for which the noncitizen was convicted.

SEC. 208. REGULATIONS.

Not later than 90 days after the date of the enactment of this title, the Secretary shall promulgate regulations to implement this title.

SA 5. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. IDENTIFYING ALIENS CONNECTED TO THE ARMED FORCES.

(a) IN GENERAL.—Upon the application by an alien for an immigration benefit or the placement of an alien in an immigration enforcement proceeding, the Secretary of Homeland Security shall—

(1) determine whether the alien is serving, or has served, as a member of—

(A) a regular or reserve component of the Armed Forces of the United States on active duty; or

(B) a reserve component of the Armed Forces in an active status; and

(2) with respect to the immigration and naturalization records of the Department of Homeland Security relating to an alien who is serving, or has served, as a member of the Armed Forces described in paragraph (1), annotate such records—

(A) to reflect that membership; and

(B) to afford an opportunity to track the outcomes for each such alien.

(b) PROHIBITION ON USE OF INFORMATION FOR REMOVAL.—Information gathered under subsection (a) may not be used for the purpose of removing an alien from the United States.

SA 6. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. SUSPENSION OF ENTRY OF ALIENS.

(a) SHORT TITLE.—This section may be cited as the ''Border Safety and Security Act of 2025''.

(b) DEFINITIONS.—In this section:

(1) IN GENERAL.—Except as otherwise provided, the terms used in this section have the meanings given such terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) COVERED ALIEN.—The term ''covered alien'' means an alien seeking entry to the United States who is inadmissible under paragraph (6) or (7) of section 212(a) of the

Immigration and Nationality Act (8 U.S.C. 1182(a)).

(3) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note).

(c) AUTHORITY TO SUSPEND ENTRY OF ALIENS AT BORDERS OF THE UNITED STATES.—Notwithstanding any other provision of law, if the Secretary of Homeland Security determines, in the discretion of the Secretary, that the suspension of the entry of covered aliens at an international land or maritime border of the United States is necessary in order to achieve operational control over such border, the Secretary may prohibit, in whole or in part, the entry of covered aliens at such border for such period as the Secretary determines is necessary for such purpose.

(d) REQUIRED SUSPENSION OF ENTRY OF ALIENS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall prohibit the entry of covered aliens for any period during which the Secretary cannot—

(1) detain such covered aliens in accordance with section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)); or

(2) place such covered aliens in a program consistent with section 235(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(2)(C)).

(e) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—The attorney general of a State, or another authorized State officer, alleging a violation of a subsection (d) that affects such State or its residents, may bring an action against the Secretary of Homeland Security on behalf of the residents of such State in an appropriate United States district court to obtain appropriate injunctive relief.

SA 7. Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 3 and all that follows through page 8, line 9.

SA 8. Ms. ERNST (for herself and Mr. GRASSLEY) proposed an amendment to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; as follows:

Beginning on page 2, strike line 15 and all that follows through page 3, line 2, and insert the following:

''(ii) is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, or shoplifting offense, or any crime that results in death or serious bodily injury to another person,'';

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following:

''(2) DEFINITION.—For purposes of paragraph (1)(E), the terms 'burglary', 'theft', 'larceny', 'shoplifting', and 'serious bodily injury' have the meanings given such terms in the jurisdiction in which the acts occurred.

SA 9. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. APPROPRIATIONS.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2025:

U.S. CUSTOMS AND BORDER PROTECTION

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, $1,090,000,000, to remain available until September 30, 2027, to increase drug interdiction and processing capabilities at land borders of the United States, of which $960,000,000 shall be for technology improvements and upgrades, which may include the procurement and deployment of large-scale, small-scale, and handheld non-intrusive inspection scanning systems at ports of entry along the land borders of the United States and upgrades to the information technology infrastructure upon which these systems and associated software are operated; of which $30,000,000 shall be for technological and procedural improvements to the process of analyzing and adjudicating images from non-intrusive inspection scanning technology at land ports of entry, which may include support for the continued development of anomaly detection algorithms to enhance detection of illegal drugs at land ports of entry; and of which $100,000,000 shall be for other technology and infrastructure upgrades that the Commissioner for U.S. Customs and Border Protection deems necessary for the agency's drug interdiction work: *Provided*, That such amount is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Customs and Border Protection for operations and support, $285,000,000, to remain available until September 30, 2027, for increasing outbound inspection capabilities, including disrupting the flow of firearms and currency out of the United States, of which $10,000,000 shall be for supporting the creation of a structured outbound inspection program within the Office of Field Operations that includes a comprehensive outbound inspection policy and performance metrics to measure the impact of outbound inspections; $275,000,000 shall be for outbound inspections infrastructure projects at the land borders of the United States, including technology and connectivity improvements at rural ports of entry and safety and technology upgrades to outbound inspection lanes at ports of entry: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, $223,000,000, to remain available until September 30, 2027, to expand efforts to interdict fentanyl and other illegal drugs, and disrupt networks operated by transnational criminal organizations within the United States, of which $113,000,000 shall be for additional Homeland Security Investigations special agents; of which $80,000,000 shall be for the implementation of Homeland Security Investigations' Strategy for Combating Illicit Opioids; and of which $30,000,000 shall be for joint surge operations along the land borders of the United States by Homeland Security Investigations and U.S. Customs and Border Protection: *Provided,* That such amount is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 10. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. BORDER SECURITY TECHNOLOGY ALONG THE NORTHERN BORDER.

There is appropriated to the Department of Homeland Security, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2025, $1,000,000,000, which shall be expended to aquire border security technology assets to be deployed along the international border between the United States and Canada.

SA 11. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. OPERATION STONEGARDEN.

There is appropriated to the Department of Homeland Security, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2025, $100,000,000 for Operation Stonegarden, of which not less than $25,000,000 shall be reserved for grants to States other than California, Arizona, New Mexico, or Texas.

SA 12. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. DEPLOYMENT OF BORDER SECURITY TECHNOLOGY.

The Secretary of Homeland Security shall ensure that the appropriate amount of border security technology is piloted, tested, and deployed along the northern and southern borders of the United States.

SA 13. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. RESPONDING TO INCREASING ACTIVITY ALONG THE NORTHEN BORDER.

(a) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on the Judiciary of the House of Representatives;

(5) the Committee on Homeland Security of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—In response to increasing activity along the northern United States border, the Commissioner for U.S. Customs and Border Protection shall—

(1) update the Northern Border Strategy Implementation Plan to address staffing levels and telecommunications challenges;

(2) review the table of operations with respect to the northern border; and

(3) provide a brief to the appropriate congressional committees regarding northern border operations, which shall include information regarding—

(A) staffing levels at each U.S. Border Patrol sector along the northern border;

(B) border security technology requirements and investments made and planned, including the use of autonomous systems; and

(C) challenges for telecommunications and signal transmission posed by mountainous areas along the northern border.

(c) TECHNOLOGY NEEDS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner for U.S. Border Protection shall—

(1) complete an assessment of the border security technology needs across the northern border; and

(2) submit a report to the appropriate congressional committees that identifies such needs and sets forth a plan to address such needs.

SA 14. Mr. CORNYN (for himself and Mr. BUDD) submitted an amendment intended to be proposed to amendment SA 8 proposed by Ms. ERNST (for herself and Mr. GRASSLEY) to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

''(ii) is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person,'';

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following:

''(2) DEFINITION.—For purposes of paragraph (1)(E), the terms 'burglary', 'theft', 'larceny', 'shoplifting', 'assault of a law enforcement officer', and 'serious bodily injury' have the meanings given such terms in the jurisdiction in which the acts occurred.

SA 15. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

DIVISION A—DETENTION AND ADJUSTMENT OF STATUS OF CERTAIN ALIENS

TITLE I—DETENTION OF CERTAIN ALIENS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Laken Riley Act''.

SEC. 102. DETENTION OF CERTAIN ALIENS WHO COMMIT THEFT.

Section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''or'';

(B) in subparagraph (D), by striking the comma at the end and inserting '', or''; and

(C) by inserting after subparagraph (D) the following:

''(E)(i) is inadmissible under paragraph (6)(A), (6)(C), or (7) of section 212(a); and

''(ii) is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, or shoplifting offense,'';

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following:

''(2) DEFINITION.—For purposes of paragraph (1)(E), the terms 'burglary', 'theft', 'larceny', and 'shoplifting' have the meaning given such terms in the jurisdiction in which the acts occurred.

''(3) DETAINER.—The Secretary of Homeland Security shall issue a detainer for an alien described in paragraph (1)(E) and, if the alien is not otherwise detained by Federal, State, or local officials, shall effectively and expeditiously take custody of the alien.''.

SEC. 103. ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.

(a) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.—The attorney general of a State, or other authorized State officer, alleging a violation of the detention and removal requirements under paragraph (1) or (2) that harms such State or its residents shall have standing to bring an action against the Secretary of Homeland Security on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this paragraph to the greatest extent practicable. For purposes of this paragraph, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of $100.''.

(b) APPREHENSION AND DETENTION OF ALIENS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226), as amended by this title, is further amended—

(1) in subsection (e)—

(A) by striking ''or release''; and

(B) by striking ''grant, revocation, or denial'' and insert ''revocation or denial''; and

(2) by adding at the end the following:

''(f) ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.—The attorney general of a State, or other authorized State officer, alleging an action or decision by the Attorney General or Secretary of Homeland Security under this section to release any alien or grant bond or parole to any alien that harms such State or its residents shall have standing to bring an action against the Attorney General or Secretary of Homeland Security on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this subsection to the greatest extent practicable. For purposes of this subsection, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of $100.''.

(c) PENALTIES.—Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended by adding at the end the following:

''(e) ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.—The attorney general of a State, or other authorized State officer, alleging a violation of the requirement to discontinue granting visas to citizens, subjects, nationals, and residents as described in subsection (d) that harms such State or its residents shall have standing to bring an action against the Secretary of State on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this subsection to the greatest extent practicable. For purposes of this subsection, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of $100.''.

(d) CERTAIN CLASSES OF ALIENS.—Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) by adding at the end the following:

''(C) The attorney general of a State, or other authorized State officer, alleging a violation of the limitation under subparagraph (A) that parole solely be granted on a case-by-case basis and solely for urgent humanitarian reasons or a significant public benefit, that harms such State or its residents shall have standing to bring an action against the Secretary of Homeland Security on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this subparagraph to the greatest extent practicable. For purposes of this subparagraph, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of $100.''.

(e) DETENTION.—Section 241(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(2)) is amended—

(1) by striking ''During the removal period,'' and inserting the following:

''(A) IN GENERAL.—During the removal period,''; and

(2) by adding at the end the following:

''(B) ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.—The attorney general of a State, or other authorized State officer, alleging a violation of the detention requirement under subparagraph (A) that harms such State or its residents shall have standing to bring an action against the Secretary of Homeland Security on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this subparagraph to the greatest extent practicable. For purposes of this subparagraph, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of $100.''.

(f) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f) of the Immigration and Nationality Act (8 U.S.C. 1252(f)) is amended by adding at the end following:

''(3) CERTAIN ACTIONS.—Paragraph (1) shall not apply to an action brought pursuant to section 235(b)(3), subsections (e) or (f) of section 236, or section 241(a)(2)(B).''.

TITLE II—CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN INDIVIDUALS WHO ARE LONG-TERM UNITED STATES RESIDENTS AND WHO ENTERED THE UNITED STATES AS CHILDREN

SEC. 201. DEFINITIONS.

In this title:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this section that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) DACA.—The term ''DACA'' means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals program announced by President Obama on June 15, 2012.

(3) DISABILITY.—The term ''disability'' has the meaning given such term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(5) ELEMENTARY SCHOOL; HIGH SCHOOL; SECONDARY SCHOOL.—The terms ''elementary school'', ''high school'', and ''secondary school'' have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(7) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education''—

(A) except as provided in subparagraph (B), has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(B) does not include an institution of higher education outside of the United States.

(8) PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—The term ''permanent resident status on a conditional basis'' means status as an alien lawfully admitted for permanent residence on a conditional basis under this section.

(9) POVERTY LINE.—The term ''poverty line'' has the meaning given such term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(10) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(11) UNIFORMED SERVICES.—The term ''Uniformed Services'' has the meaning given the term ''uniformed services'' in section 101(a) of title 10, United States Code.

SEC. 202. PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence under this subsection, to have obtained such status on a conditional basis subject to the provisions under this title.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible or deportable from the United States or is in temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), if—

(A) the alien has been continuously physically present in the United States since the date that is 4 years before the date of the enactment of this Act;

(B) the alien was younger than 18 years of age on the date on which the alien initially entered the United States;

(C) subject to paragraphs (2) and (3), the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iii) has not been convicted of—

(I) any offense under Federal or State law, other than a State offense for which an essential element is the alien's immigration status, that is punishable by a maximum term of imprisonment of more than 1 year; or

(II) 3 or more offenses under Federal or State law, other than State offenses for which an essential element is the alien's immigration status, for which the alien was convicted on different dates for each of the 3 offenses and imprisoned for an aggregate of 90 days or more; and

(D) the alien—

(i) has been admitted to an institution of higher education;

(ii) has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general education development certificate recognized under State law or a high school equivalency diploma in the United States; or

(iii) is enrolled in secondary school or in an education program assisting students in—

(I) obtaining a regular high school diploma or its recognized equivalent under State law; or

(II) in passing a general educational development exam, a high school equivalence diploma examination, or other similar State-authorized exam.

(2) WAIVER.—With respect to any benefit under this title, the Secretary may waive the grounds of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes or family unity or if the waiver is otherwise in the public interest.

(3) TREATMENT OF EXPUNGED CONVICTIONS.—An expunged conviction shall not automatically be treated as an offense under paragraph (1). The Secretary shall evaluate expunged convictions on a case-by-case basis according to the nature and severity of the offense to determine whether, under the particular circumstances, the Secretary determines that the alien should be eligible for cancellation of removal, adjustment to permanent resident status on a conditional basis, or other adjustment of status.

(4) DACA RECIPIENTS.—The Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who was granted DACA unless the alien has engaged in conduct since the alien was granted DACA that would make the alien ineligible for DACA.

(5) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may require an alien applying for permanent resident status on a conditional basis under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) if the alien—

(i)(I) is younger than 18 years of age;

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

(III) is in foster care or otherwise lacking any parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

(iv)(I) during the 12-month period immediately preceding the date on which the alien files an application under this section, accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

(6) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who are unable to provide such biometric or biographic data because of a physical impairment.

(7) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis under this section; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such status.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary grants such alien permanent resident status on a conditional basis under this section.

(8) MEDICAL EXAMINATION.—

(A) REQUIREMENT.—An alien applying for permanent resident status on a conditional basis under this section shall undergo a medical examination.

(B) POLICIES AND PROCEDURES.—The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of the examination required under subparagraph (A).

(9) MILITARY SELECTIVE SERVICE.—An alien applying for permanent resident status on a conditional basis under this section shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. 3801 et seq.), if the alien is subject to registration under such Act.

(c) DETERMINATION OF CONTINUOUS PRESENCE.—

(1) TERMINATION OF CONTINUOUS PERIOD.—Any period of continuous physical presence in the United States of an alien who applies for permanent resident status on a conditional basis under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), an alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (b)(1)(A) if the alien has departed from the United States for any period exceeding 90 days or for any periods, in the aggregate, exceeding 180 days.

(B) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in subparagraph (A) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(C) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under subparagraph (A).

(d) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—

(1) IN GENERAL.—The Secretary or the Attorney General may not remove an alien who appears prima facie eligible for relief under this section.

(2) ALIENS SUBJECT TO REMOVAL.—The Secretary shall provide a reasonable opportunity to apply for relief under this section to any alien who requests such an opportunity or who appears prima facie eligible for such relief if the alien—

(A) is in removal proceedings;

(B) is the subject of a final removal order; or

(C) is the subject of a voluntary departure order.

(3) CERTAIN ALIENS ENROLLED IN ELEMENTARY OR SECONDARY SCHOOL.—

(A) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of an alien who—

(i) meets all the requirements under subparagraphs (A), (B), and (C) of subsection (b)(1), subject to paragraphs (2) and (3) of such subsection;

(ii) is at least 5 years of age; and

(iii) is enrolled in an elementary school, a secondary school, or an early childhood education program.

(B) COMMENCEMENT OF REMOVAL PROCEEDINGS.—The Secretary may not commence removal proceedings for an alien described in subparagraph (A).

(C) EMPLOYMENT.—An alien whose removal is stayed pursuant to subparagraph (A) or who may not be placed in removal proceedings pursuant to subparagraph (B) shall, upon application to the Secretary, be granted an employment authorization document.

(D) LIFT OF STAY.—The Secretary or Attorney General may not lift the stay granted to an alien pursuant to subparagraph (A) unless the alien ceases to meet the requirements under such subparagraph.

(e) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be granted permanent resident status on a conditional basis under this title.

SEC. 203. TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.

(a) PERIOD OF STATUS.—Permanent resident status on a conditional basis is—

(1) valid for a period of 8 years, unless such period is extended by the Secretary; and

(2) subject to termination under subsection (c).

(b) NOTICE OF REQUIREMENTS.—At the time an alien obtains permanent resident status on a conditional basis, the Secretary shall provide notice to the alien regarding the provisions of this title and the requirements to have the conditional basis of such status removed.

(c) TERMINATION OF STATUS.—The Secretary may terminate the permanent resident status on a conditional basis of an alien only if the Secretary—

(1) determines that the alien ceases to meet the requirements under paragraph

(3)(C) of section 202(b)(1), subject to paragraphs (2) and (3) of section 202(b); and

(2) prior to the termination, provides the alien—

(A) notice of the proposed termination; and

(B) the opportunity for a hearing to provide evidence that the alien meets such requirements or otherwise contest the termination.

(d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

(1) IN GENERAL.—Except as provided in paragraph (1), an alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied shall return to the immigration status that the alien had immediately before receiving permanent resident status on a conditional basis or applying for such status, as appropriate.

(2) SPECIAL RULE FOR TEMPORARY PROTECTED STATUS.—An alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied and who had temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) immediately before receiving or applying for such permanent resident status on a conditional basis, as appropriate, may not return to such temporary protected status if—

(A) the relevant designation under section 244(b) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)) has been terminated; or

(B) the Secretary determines that the reason for terminating the permanent resident status on a conditional basis renders the alien ineligible for such temporary protected status.

SEC. 204. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.

(a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall remove the conditional basis of an alien's permanent resident status granted under this title and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) is described in paragraph (1)(C) of section 202(b), subject to paragraphs (2) and (3) of section 202(b);

(B) has not abandoned the alien's residence in the United States; and

(C)(i) has acquired a degree from an institution of higher education or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States;

(ii) has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge; or

(iii) has been employed for periods totaling at least 3 years and at least 75 percent of the time that the alien has had a valid employment authorization, except that any period during which the alien is not employed while having a valid employment authorization and is enrolled in an institution of higher education, a secondary school, or an education program described in section 202(b)(1)(D)(iii), shall not count toward the time requirements under this clause.

(2) HARDSHIP EXCEPTION.—The Secretary shall remove the conditional basis of an alien's permanent resident status and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) satisfies the requirements under subparagraphs (A) and (B) of paragraph (1);

(B) demonstrates compelling circumstances for the inability to satisfy the requirements under subparagraph (C) of such paragraph; and

(C) demonstrates that—

(i) the alien has a disability;

(ii) the alien is a full-time caregiver of a minor child; or

(iii) the removal of the alien from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child who is a national of the United States or is lawfully admitted for permanent residence.

(3) CITIZENSHIP REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the conditional basis of an alien's permanent resident status granted under this title may not be removed unless the alien demonstrates that the alien satisfies the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(B) EXCEPTION.—Subparagraph (A) shall not apply to an alien who is unable to meet the requirements under such section 312(a) due to disability.

(4) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may require aliens applying for lawful permanent resident status under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) if the alien—

(i)(I) is younger than 18 years of age;

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

(III) is in foster care or otherwise lacking any parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

(iv)(I) during the 12-month period immediately preceding the date on which the alien files an application under this section, the alien accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

(5) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not remove the conditional basis of an alien's permanent resident status unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric data because of a physical impairment.

(6) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(i) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the alien's permanent resident status; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of such conditional basis.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary removes the conditional basis of the alien's permanent resident status.

(b) TREATMENT FOR PURPOSES OF NATURALIZATION.—

(1) IN GENERAL.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien granted permanent resident status on a conditional basis shall be considered to have been admitted to the United States, and be present in the United States, as an alien lawfully admitted for permanent residence.

(2) LIMITATION ON APPLICATION FOR NATURALIZATION.—An alien may not apply for naturalization while the alien is in permanent resident status on a conditional basis.

SEC. 205. DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status on a conditional basis may include, as proof of identity—

(1) a passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint;

(2) the alien's birth certificate and an identity card that includes the alien's name and photograph;

(3) a school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school;

(4) a Uniformed Services identification card issued by the Department of Defense;

(5) any immigration or other document issued by the United States Government bearing the alien's name and photograph; or

(6) a State-issued identification card bearing the alien's name and photograph.

(b) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under section 202(b)(1)(A), or to establish that an alien has not abandoned residence in the United States, as required under section 204(a)(1)(B), the alien may submit documents to the Secretary, including—

(1) employment records that include the employer's name and contact information;

(2) records from any educational institution the alien has attended in the United States;

(3) records of service from the Uniformed Services;

(4) official records from a religious entity confirming the alien's participation in a religious ceremony;

(5) passport entries;

(6) a birth certificate for a child who was born in the United States;

(7) automobile license receipts or registration;

(8) deeds, mortgages, or rental agreement contracts;

(9) tax receipts;

(10) insurance policies;

(11) remittance records;

(12) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

(13) copies of money order receipts for money sent in or out of the United States;

(14) dated bank transactions; or

(15) 2 or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien's continuous physical presence in the United States, that contain—

(A) the name, address, and telephone number of the affiant; and

(B) the nature and duration of the relationship between the affiant and the alien.

(c) DOCUMENTS ESTABLISHING INITIAL ENTRY INTO THE UNITED STATES.—To establish under section 202(b)(1)(B) that an alien was younger than 18 years of age on the date on which the alien initially entered the United States, an alien may submit documents to the Secretary, including—

(1) an admission stamp on the alien's passport;

(2) records from any educational institution the alien has attended in the United States;

(3) any document from the Department of Justice or the Department of Homeland Security stating the alien's date of entry into the United States;

(4) hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization;

(5) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

(6) employment records that include the employer's name and contact information;

(7) official records from a religious entity confirming the alien's participation in a religious ceremony;

(8) a birth certificate for a child who was born in the United States;

(9) automobile license receipts or registration;

(10) deeds, mortgages, or rental agreement contracts;

(11) tax receipts;

(12) travel records;

(13) copies of money order receipts sent in or out of the country;

(14) dated bank transactions;

(15) remittance records; or

(16) insurance policies.

(d) DOCUMENTS ESTABLISHING ADMISSION TO AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has been admitted to an institution of higher education, the alien shall submit to the Secretary a document from the institution of higher education certifying that the alien—

(1) has been admitted to the institution; or

(2) is currently enrolled in the institution as a student.

(e) DOCUMENTS ESTABLISHING RECEIPT OF A DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has acquired a degree from an institution of higher education in the United States, the alien shall submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree.

(f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—To establish that an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general educational development certificate recognized under State law or a high school equivalency diploma in the United States, the alien shall submit to the Secretary—

(1) a high school diploma, certificate of completion, or other alternate award;

(2) a high school equivalency diploma or certificate recognized under State law; or

(3) evidence that the alien passed a State-authorized exam, including the general educational development exam, in the United States.

(g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in section 202(b)(1)(D)(iii), 202(d)(3)(A)(iii), or 204(a)(1)(C), the alien shall submit school records from the United States school that the alien is currently attending that include—

(1) the name of the school; and

(2) the alien's name, periods of attendance, and current grade or educational level.

(h) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under section 202(b)(5)(B) or 204(a)(4)(B), the alien shall submit to the Secretary the following relevant documents:

(1) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien shall provide proof of identity, as described in subsection (a), that establishes that the alien is younger than 18 years of age.

(2) DOCUMENTS TO ESTABLISH INCOME.—To establish the alien's income, the alien shall provide—

(A) employment records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;

(B) bank records; or

(C) at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien.

(3) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien was in foster care, lacks parental or familial support, is homeless, or has a serious, chronic disability, the alien shall provide at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—

(A) a statement that the alien is in foster care, otherwise lacks any parental or other familiar support, is homeless, or has a serious, chronic disability, as appropriate;

(B) the name, address, and telephone number of the affiant; and

(C) the nature and duration of the relationship between the affiant and the alien.

(4) DOCUMENTS TO ESTABLISH UNPAID MEDICAL EXPENSE.—To establish that the alien has debt as a result of unreimbursed medical expenses, the alien shall provide receipts or other documentation from a medical provider that—

(A) bear the provider's name and address;

(B) bear the name of the individual receiving treatment; and

(C) document that the alien has accumulated $10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien.

(i) DOCUMENTS ESTABLISHING QUALIFICATION FOR HARDSHIP EXEMPTION.—To establish that an alien satisfies one of the criteria for the hardship exemption set forth in section 204(a)(2)(C), the alien shall submit to the Secretary at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that warrant the exemption, that contain—

(1) the name, address, and telephone number of the affiant; and

(2) the nature and duration of the relationship between the affiant and the alien.

(j) DOCUMENTS ESTABLISHING SERVICE IN THE UNIFORMED SERVICES.—To establish that an alien has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge, the alien shall submit to the Secretary—

(1) a Department of Defense form DD–214;

(2) a National Guard Report of Separation and Record of Service form 22;

(3) personnel records for such service from the appropriate Uniformed Service; or

(4) health records from the appropriate Uniformed Service.

(k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

(1) IN GENERAL.—An alien may satisfy the employment requirement under section 204(a)(1)(C)(iii) by submitting records that—

(A) establish compliance with such employment requirement; and

(B) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(2) OTHER DOCUMENTS.—An alien who is unable to submit the records described in paragraph (1) may satisfy the employment requirement by submitting at least 2 types of reliable documents that provide evidence of employment, including—

(A) bank records;

(B) business records;

(C) employer records;

(D) records of a labor union, day labor center, or organization that assists workers in employment;

(E) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work, that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien; and

(F) remittance records.

(l) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status on a conditional basis is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

SEC. 206. RULEMAKING.

(a) INITIAL PUBLICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish regulations implementing this title in the Federal Register. Such regulations shall allow eligible individuals to immediately apply affirmatively for the relief available under section 202 without being placed in removal proceedings.

(b) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations published pursuant to subsection (a) shall be effective, on an interim basis, immediately upon publication in the Federal Register, but may be subject to change and revision after public notice and opportunity for a period of public comment.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which interim regulations are published pursuant to this section, the Secretary shall publish final regulations implementing this title.

(d) PAPERWORK REDUCTION ACT.—The requirements under chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act''), shall not apply to any action to implement this title.

SEC. 207. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—The Secretary may not disclose or use information provided in applications filed under this title or in requests for DACA for the purpose of immigration enforcement.

(b) REFERRALS PROHIBITED.—The Secretary may not refer any individual who has been granted permanent resident status on a conditional basis or who was granted DACA to

U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

(c) LIMITED EXCEPTION.—Notwithstanding subsections (a) and (b), information provided in an application for permanent resident status on a conditional basis or a request for DACA may be shared with Federal security and law enforcement agencies—

(1) for assistance in the consideration of an application for permanent resident status on a conditional basis;

(2) to identify or prevent fraudulent claims;

(3) for national security purposes; or

(4) for the investigation or prosecution of any felony not related to immigration status.

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 208. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect as if included in the original enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

DIVISION B—AGRICULTURAL WORKERS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Laken Riley Act''.

TITLE I—SECURING THE DOMESTIC AGRICULTURAL WORKFORCE

Subtitle A—Temporary Status for Certified Agricultural Workers

SEC. 1101. CERTIFIED AGRICULTURAL WORKER STATUS.

(a) REQUIREMENTS FOR CERTIFIED AGRICULTURAL WORKER STATUS.—

(1) PRINCIPAL ALIENS.—The Secretary may grant certified agricultural worker status to an alien who submits a completed application, including the required processing fees, before the end of the period set forth in subsection (c) and who—

(A) performed agricultural labor or services in the United States for at least 1,035 hours (or 180 work days) during the 2-year period preceding the date of the introduction of this Act;

(B) on the date of the introduction of this Act—

(i) is inadmissible or deportable from the United States; or

(ii) is under a grant of deferred enforced departure, has been paroled into the United States, or has temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a);

(C) subject to section 1104, has been continuously present in the United States since the date of the introduction of this Act and until the date on which the alien is granted certified agricultural worker status; and

(D) is not otherwise ineligible for certified agricultural worker status as provided in subsection (b).

(2) DEPENDENT SPOUSE AND CHILDREN.—The Secretary may grant certified agricultural dependent status to the spouse or child of an alien granted certified agricultural worker status under paragraph (1) if the spouse or child is not ineligible for certified agricultural dependent status as provided in subsection (b).

(b) GROUNDS FOR INELIGIBILITY.—

(1) GROUNDS OF INADMISSIBILITY.—Except as provided in paragraph (3), an alien is ineligible for certified agricultural worker or certified agricultural dependent status if the Secretary determines that the alien is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except that in determining inadmissibility—

(A) paragraphs (4), (5), (7), and (9)(B) of such section shall not apply;

(B) subparagraphs (A), (C), (D), (F), and (G) of such section 212(a)(6) and paragraphs (9)(C) and (10)(B) of such section 212(a) shall not apply unless based on the act of unlawfully entering the United States after the date of introduction of this Act; and

(C) paragraphs (6)(B) and (9)(A) of such section 212(a) shall not apply unless the relevant conduct began on or after the date of filing of the application for certified agricultural worker status.

(2) ADDITIONAL CRIMINAL BARS.—Except as provided in paragraph (3), an alien is ineligible for certified agricultural worker status or certified agricultural dependent status if the Secretary determines that (other than any offense under State law for which an essential element is the alien's immigration status, simple possession of cannabis or cannabis-related paraphernalia, any offense involving cannabis or cannabis-related paraphernalia which is no longer prosecutable in the State in which the conviction was entered, any offense involving civil disobedience without violence, and any minor traffic offense) the alien has been convicted of—

(A) any felony offense;

(B) an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) at the time of the conviction);

(C) 2 misdemeanor offenses involving moral turpitude (as described in section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)(I))), unless an offense is waived by the Secretary under paragraph (3)(B); or

(D) 3 or more misdemeanor offenses not occurring on the same date, and not arising out of the same act, omission, or scheme of misconduct.

(3) WAIVERS FOR CERTAIN GROUNDS OF INADMISSIBILITY.—For humanitarian purposes, family unity, or if otherwise in the public interest, the Secretary may waive the grounds of inadmissibility under—

(A) paragraph (1), (6)(E), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); or

(B) subparagraphs (A) and (D) of section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), unless inadmissibility is based on a conviction that would otherwise render the alien ineligible under subparagraph (A), (B), or (D) of paragraph (2).

(c) APPLICATION.—

(1) APPLICATION PERIOD.—Except as provided in paragraph (2), the Secretary shall accept initial applications for certified agricultural worker status during the 18-month period beginning on the date on which the interim final rule is published in the Federal Register pursuant to section 1122(a).

(2) EXTENSION.—If the Secretary determines, during the initial period described in paragraph (1), that additional time is required to process initial applications for certified agricultural worker status or for other good cause, the Secretary may extend the period for accepting applications for up to an additional 12 months.

(3) SUBMISSION OF APPLICATIONS.—

(A) IN GENERAL.—An alien may file an application with the Secretary under this section with the assistance of an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations. The Secretary shall also create a procedure for accepting applications filed by qualified designated entities with the consent of the applicant.

(B) FARM SERVICE AGENCY OFFICES.—The Secretary, in consultation with the Secretary of Agriculture, shall establish a process for the filing of applications under this section at Farm Service Agency offices throughout the United States.

(4) EVIDENCE OF APPLICATION FILING.—As soon as practicable after receiving an application for certified agricultural worker status, the Secretary shall provide the applicant with a document acknowledging the receipt of such application. Such document shall serve as interim proof of the alien's authorization to accept employment in the United States and shall be accepted by an employer as evidence of employment authorization under section 274A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(C)), if the employer is employing the holder of such document to perform agricultural labor or services, pending a final administrative decision on the application.

(5) EFFECT OF PENDING APPLICATION.—During the period beginning on the date on which an alien applies for certified agricultural worker status under this subtitle, and ending on the date on which the Secretary makes a final administrative decision regarding such application, the alien and any dependents included in the application—

(A) may apply for advance parole, which shall be granted upon demonstrating a legitimate need to travel outside the United States for a temporary purpose;

(B) may not be detained by the Secretary or removed from the United States unless the Secretary makes a prima facie determination that such alien is, or has become, ineligible for certified agricultural worker status;

(C) may not be considered unlawfully present under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)); and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))).

(6) WITHDRAWAL OF APPLICATION.—The Secretary shall, upon receipt of a request from the applicant to withdraw an application for certified agricultural worker status under this subtitle, cease processing of the application, and close the case. Withdrawal of the application shall not prejudice any future application filed by the applicant for any immigration benefit under this Act or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(7) PROCESSING FEE.—A principal alien, his or her spouse, or his or her child who submits an application for certified agricultural worker states under this subtitle shall pay a $250 processing fee, which shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(d) ADJUDICATION AND DECISION.—

(1) IN GENERAL.—Subject to section 1123, the Secretary shall render a decision on an application for certified agricultural worker status not later than 180 days after the date the application is filed.

(2) NOTICE.—Before denying an application for certified agricultural worker status, the Secretary shall provide the alien with—

(A) written notice that describes the basis for ineligibility or the deficiencies in the evidence submitted; and

(B) at least 90 days to contest ineligibility or submit additional evidence.

(3) AMENDED APPLICATION.—An alien whose application for certified agricultural worker

status is denied under this section may submit an amended application for such status to the Secretary if the amended application is submitted within the application period described in subsection (c) and contains all the required information and fees that were missing from the initial application.

(e) ALTERNATIVE H–2A STATUS.—An alien who does not meet the required period of agricultural labor or services under subsection (a)(1)(A), but is otherwise eligible for certified agricultural worker status under such subsection, shall be eligible for classification as a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) upon approval of a petition submitted by a sponsoring employer, if the alien has performed at least 575 hours or 100 work days of agricultural labor or services during the 3-year period preceding the date of the introduction of this Act. The Secretary shall create a procedure to provide for such classification without requiring the alien to depart the United States and obtain a visa abroad.

SEC. 1102. TERMS AND CONDITIONS OF CERTIFIED STATUS.

(a) IN GENERAL.—

(1) APPROVAL.—Upon approval of an application for certified agricultural worker status, or an extension of such status pursuant to section 1103, the Secretary shall issue—

(A) documentary evidence of such status to the applicant; and

(B) documentary evidence of certified agricultural dependent status to any qualified dependent included on such application.

(2) DOCUMENTARY EVIDENCE.—In addition to any other features and information as the Secretary may prescribe, the documentary evidence described in paragraph (1)—

(A) shall be machine-readable and tamper-resistant;

(B) shall contain a digitized photograph;

(C) shall serve as a valid travel and entry document for purposes of applying for admission to the United States; and

(D) shall be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)).

(3) VALIDITY PERIOD.—Certified agricultural worker and certified agricultural dependent status shall be valid for 5½ years beginning on the date of approval.

(4) TRAVEL AUTHORIZATION.—An alien with certified agricultural worker or certified agricultural dependent status may—

(A) travel within and outside of the United States, including commuting to the United States from a residence in a foreign country; and

(B) be admitted to the United States upon return from travel abroad without first obtaining a visa if the alien is in possession of—

(i) valid, unexpired documentary evidence of certified agricultural worker or certified agricultural worker dependent status as described in subsection (a); or

(ii) a travel document that has been approved by the Secretary and was issued to the alien after the alien's original documentary evidence was lost, stolen, or destroyed.

(b) ABILITY TO CHANGE STATUS.—

(1) CHANGE TO CERTIFIED AGRICULTURAL WORKER STATUS.—Notwithstanding section 1101(a), an alien with valid certified agricultural dependent status may apply to change to certified agricultural worker status, at any time, if the alien—

(A) submits a completed application, including the required processing fees; and

(B) is not ineligible for certified agricultural worker status under section 1101(b).

(2) CLARIFICATION.—Nothing in this title prohibits an alien granted certified agricultural worker or certified agricultural dependent status from changing status to any other immigrant or nonimmigrant classification for which the alien may be eligible.

(c) PUBLIC BENEFITS, TAX BENEFITS, AND HEALTH CARE SUBSIDIES.—Aliens granted certified agricultural worker or certified agricultural dependent status—

(1) shall be considered lawfully present in the United States for all purposes for the duration of their status;

(2) shall be eligible for Federal means-tested public benefits to the same extent as other individuals who are not qualified aliens under section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641);

(3) are entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 (26 U.S.C. 36B);

(4) shall not be subject to the rules applicable to individuals who are not lawfully present set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)); and

(5) shall not be subject to the rules applicable to individuals not lawfully present set forth in section 5000A(d)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 5000A(d)(3)).

(d) REVOCATION OF STATUS.—

(1) IN GENERAL.—The Secretary may revoke certified agricultural worker or certified agricultural dependent status if, after providing notice to the alien and the opportunity to provide evidence to contest the proposed revocation, the Secretary determines that the alien no longer meets the eligibility requirements for such status under section 1101(b).

(2) INVALIDATION OF DOCUMENTATION.—Upon the Secretary's final determination to revoke an alien's certified agricultural worker or certified agricultural dependent status, any documentation issued by the Secretary to such alien under subsection (a) shall automatically be rendered invalid for any purpose except for departure from the United States.

SEC. 1103. EXTENSIONS OF CERTIFIED STATUS.

(a) REQUIREMENTS FOR EXTENSIONS OF STATUS.—

(1) PRINCIPAL ALIENS.—The Secretary may extend certified agricultural worker status for additional periods of 5 ½ years to an alien who submits a completed application, including the required processing fees, within the 120-day period beginning 60 days before the expiration of the fifth year of the immediately preceding grant of certified agricultural worker status, if the alien—

(A) except as provided in section 1126(c), has performed agricultural labor or services in the United States for at least 690 hours (or 120 work days) for each of the prior 5 years in which the alien held certified agricultural worker status; and

(B) has not become ineligible for certified agricultural worker status under section 1101(b).

(2) DEPENDENT SPOUSE AND CHILDREN.—The Secretary may grant or extend certified agricultural dependent status to the spouse or child of an alien granted an extension of certified agricultural worker status under paragraph (1) if the spouse or child is not ineligible for certified agricultural dependent status under section 1101(b).

(3) WAIVER FOR LATE FILINGS.—The Secretary may waive an alien's failure to timely file before the expiration of the 120-day period described in paragraph (1) if the alien demonstrates that the delay was due to extraordinary circumstances beyond the alien's control or for other good cause.

(b) STATUS FOR WORKERS WITH PENDING APPLICATIONS.—

(1) IN GENERAL.—Certified agricultural worker status of an alien who timely files an application to extend such status under subsection (a) (and the status of the alien's dependents) shall be automatically extended through the date on which the Secretary makes a final administrative decision regarding such application.

(2) DOCUMENTATION OF EMPLOYMENT AUTHORIZATION.—As soon as practicable after receipt of an application to extend certified agricultural worker status under subsection (a), the Secretary shall issue a document to the alien acknowledging the receipt of such application. An employer of the worker may not refuse to accept such document as evidence of employment authorization under section 274A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(C)), pending a final administrative decision on the application.

(c) NOTICE.—Prior to denying an application to extend certified agricultural worker status, the Secretary shall provide the alien with—

(1) written notice that describes the basis for ineligibility or the deficiencies of the evidence submitted; and

(2) at least 90 days to contest ineligibility or submit additional evidence.

SEC. 1104. DETERMINATION OF CONTINUOUS PRESENCE.

(a) EFFECT OF NOTICE TO APPEAR.—The continuous presence in the United States of an applicant for certified agricultural worker status under section 1101 shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(b) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an alien shall be considered to have failed to maintain continuous presence in the United States under this subtitle if the alien departed the United States for any period exceeding 90 days, or for any periods, in the aggregate, exceeding 180 days.

(2) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in paragraph (1) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a spouse, parent, son or daughter, grandparent, or sibling of the alien.

(3) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary shall not be counted toward any period of departure from the United States under paragraph (1).

SEC. 1105. EMPLOYER OBLIGATIONS.

(a) RECORD OF EMPLOYMENT.—An employer of an alien in certified agricultural worker status shall provide such alien with a written record of employment each year during which the alien provides agricultural labor or services to such employer as a certified agricultural worker.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—If the Secretary determines, after notice and an opportunity for a hearing, that an employer of an alien with certified agricultural worker status has knowingly failed to provide the record of employment required under subsection (a), or has provided a false statement of material fact in such a record, the employer shall be subject to a civil penalty in an amount not to exceed $400 per violation.

(2) LIMITATION.—The penalty under paragraph (1) for failure to provide employment

records shall not apply unless the alien has provided the employer with evidence of employment authorization described in section 1102 or 1103.

(3) DEPOSIT OF CIVIL PENALTIES.—Civil penalties collected under this paragraph shall be deposited into the Immigration Examinations Fee Account under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

SEC. 1106. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) ADMINISTRATIVE REVIEW.—The Secretary shall establish a process by which an applicant may seek administrative review of a denial of an application for certified agricultural worker status under this subtitle, an application to extend such status, or a revocation of such status.

(b) ADMISSIBILITY IN IMMIGRATION COURT.—Each record of an alien's application for certified agricultural worker status under this subtitle, application to extend such status, revocation of such status, and each record created pursuant to the administrative review process under subsection (a) is admissible in immigration court, and shall be included in the administrative record.

(c) JUDICIAL REVIEW.—Notwithstanding any other provision of law, judicial review of the Secretary's decision to deny an application for certified agricultural worker status, an application to extend such status, or the decision to revoke such status, shall be limited to the review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

Subtitle B—Optional Earned Residence for Long-Term Workers

SEC. 1111. OPTIONAL ADJUSTMENT OF STATUS FOR LONG-TERM AGRICULTURAL WORKERS.

(a) REQUIREMENTS FOR ADJUSTMENT OF STATUS.—

(1) PRINCIPAL ALIENS.—The Secretary may adjust the status of an alien from that of a certified agricultural worker to that of a lawful permanent resident if the alien submits a completed application, including the required processing and penalty fees, and the Secretary determines that—

(A) except as provided in section 1126(c), the alien performed agricultural labor or services for not less than 575 hours or 100 work days each year—

(i) for at least 10 years; and

(ii) for at least 4 years while in certified agricultural worker status; and

(B) the alien has not become ineligible for certified agricultural worker status under section 1101(b).

(2) DEPENDENT ALIENS.—

(A) IN GENERAL.—The spouse and each child of an alien described in paragraph (1) whose status has been adjusted to that of a lawful permanent resident may be granted lawful permanent residence under this subtitle if—

(i) the qualifying relationship to the principal alien existed on the date on which such alien was granted adjustment of status under this subtitle; and

(ii) the spouse or child is not ineligible for certified agricultural worker dependent status under section 1101(b).

(B) PROTECTIONS FOR SPOUSES AND CHILDREN.—The Secretary shall establish procedures to allow the spouse or child of a certified agricultural worker to self-petition for lawful permanent residence under this subtitle in cases involving—

(i) the death of the certified agricultural worker, so long as the spouse or child submits a petition not later than 2 years after the date of the worker's death; or

(ii) the spouse or a child being battered or subjected to extreme cruelty by the certified agricultural worker.

(3) DOCUMENTATION OF WORK HISTORY.—

(A) IN GENERAL.—An applicant for adjustment of status under this section shall not be required to resubmit evidence of work history that has been previously submitted to the Secretary in connection with an approved extension of certified agricultural worker status.

(B) PRESUMPTION OF COMPLIANCE.—The Secretary shall presume that the work requirement has been met if the applicant attests, under penalty of perjury, that he or she—

(i) has satisfied the requirement;

(ii) demonstrates presence in the United States during the most recent 10-year period; and

(iii) presents documentation demonstrating compliance with the work requirement while the applicant was in certified agricultural worker status.

(b) PENALTY FEE.—In addition to any processing fee that the Secretary may assess in accordance with section 1122(b), a principal alien seeking adjustment of status under this subtitle shall pay a $750 penalty fee, which shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(c) EFFECT OF PENDING APPLICATION.—During the period beginning on the date on which an alien applies for adjustment of status under this subtitle, and ending on the date on which the Secretary makes a final administrative decision regarding such application, the alien and any dependents included on the application—

(1) may apply for advance parole, which shall be granted upon demonstrating a legitimate need to travel outside the United States for a temporary purpose;

(2) may not be detained by the Secretary or removed from the United States unless the Secretary makes a prima facie determination that such alien is, or has become, ineligible for adjustment of status under subsection (a);

(3) may not be considered unlawfully present under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)); and

(4) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))).

(d) EVIDENCE OF APPLICATION FILING.—As soon as practicable after receiving an application for adjustment of status under this subtitle, the Secretary shall provide the applicant with a document acknowledging the receipt of such application. Such document shall serve as interim proof of the alien's authorization to accept employment in the United States and shall be accepted by an employer as evidence of employment authorization under section 274A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(C)), pending a final administrative decision on the application.

(e) WITHDRAWAL OF APPLICATION.—The Secretary shall, upon receipt of a request to withdraw an application for adjustment of status under this subtitle, cease processing of the application, and close the case. Withdrawal of the application shall not prejudice any future application filed by the applicant for any immigration benefit under this Act or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 1112. PAYMENT OF TAXES.

(a) IN GENERAL.—An alien may not be granted adjustment of status under this subtitle unless the applicant has satisfied any applicable Federal tax liability.

(b) COMPLIANCE.—An alien may demonstrate compliance with subsection (a) by submitting such documentation as the Secretary, in consultation with the Secretary of the Treasury, may require by regulation.

SEC. 1113. ADJUDICATION AND DECISION; REVIEW.

(a) IN GENERAL.—Subject to the requirements of section 1123, the Secretary shall render a decision on an application for adjustment of status under this subtitle not later than 180 days after the date on which the application is filed.

(b) NOTICE.—Prior to denying an application for adjustment of status under this subtitle, the Secretary shall provide the alien with—

(1) written notice that describes the basis for ineligibility or the deficiencies of the evidence submitted; and

(2) at least 90 days to contest ineligibility or submit additional evidence.

(c) ADMINISTRATIVE REVIEW.—The Secretary shall establish a process by which an applicant may seek administrative review of a denial of an application for adjustment of status under this subtitle.

(d) JUDICIAL REVIEW.—Notwithstanding any other provision of law, an alien may seek judicial review of a denial of an application for adjustment of status under this title in an appropriate United States district court.

Subtitle C—General Provisions

SEC. 1121. DEFINITIONS.

In this title:

(1) IN GENERAL.—Except as otherwise provided, any term used in this title that is used in the immigration laws shall have the meaning given such term in the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(2) AGRICULTURAL LABOR OR SERVICES.—The term ''agricultural labor or services'' means—

(A) agricultural labor or services (as such term is used in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii))), without regard to whether the labor or services are of a seasonal or temporary nature; and

(B) agricultural employment (as such term is defined in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802)), and including employment with any agricultural cooperative, without regard to whether the specific service or activity is temporary or seasonal.

(3) APPLICABLE FEDERAL TAX LIABILITY.—The term ''applicable Federal tax liability'' means all Federal income taxes assessed in accordance with section 6203 of the Internal Revenue Code of 1986 beginning on the date on which the applicant was authorized to work in the United States as a certified agricultural worker.

(4) APPROPRIATE UNITED STATES DISTRICT COURT.—The term ''appropriate United States district court'' means the United States District Court for the District of Columbia or the United States district court with jurisdiction over the alien's principal place of residence.

(5) CHILD.—The term ''child'' has the meaning given such term in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(6) CONVICTED OR CONVICTION.—The term ''convicted'' or ''conviction'' does not include a judgment that has been expunged or set aside, that resulted in a rehabilitative disposition, or the equivalent.

(7) EMPLOYER.—The term ''employer'' means any person or entity, including any labor contractor or any agricultural association, that employs workers in agricultural labor or services.

(8) QUALIFIED DESIGNATED ENTITY.—The term ''qualified designated entity'' means—

(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

(B) any other entity that the Secretary designates as having substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of application for adjustment of status under title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(10) WORK DAY.—The term ''work day'' means any day in which the individual is employed 5.75 or more hours in agricultural labor or services.

SEC. 1122. RULEMAKING; FEES.

(a) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register, an interim final rule implementing this title. Notwithstanding section 553 of title 5, United States Code, the rule shall be effective, on an interim basis, immediately upon publication, but may be subject to change and revision after public notice and opportunity for comment. The Secretary shall finalize such rule not later than 1 year after the date of the enactment of this Act.

(b) FEES.—

(1) IN GENERAL.—The Secretary may require an alien applying for any benefit under this title to pay a reasonable fee that is commensurate with the cost of processing the application.

(2) FEE WAIVER; INSTALLMENTS.—

(A) IN GENERAL.—The Secretary shall establish procedures to allow an alien to—

(i) request a waiver of any fee that the Secretary may assess under this title if the alien demonstrates to the satisfaction of the Secretary that the alien is unable to pay the prescribed fee; or

(ii) pay any fee or penalty that the Secretary may assess under this title in installments.

(B) CLARIFICATION.—Nothing in this section shall be read to prohibit an employer from paying any fee or penalty that the Secretary may assess under this title on behalf of an alien and the alien's spouse or children.

SEC. 1123. BACKGROUND CHECKS.

(a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant or extend certified agricultural worker or certified agricultural dependent status under subtitle A, or grant adjustment of status to that of a lawful permanent resident under subtitle B, unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who cannot provide all required biometric or biographic data because of a physical impairment.

(b) BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines appropriate to conduct security and law enforcement background checks and to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for status under this title. An alien may not be granted any such status under this title unless security and law enforcement background checks are completed to the satisfaction of the Secretary.

SEC. 1124. PROTECTION FOR CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), for purposes of eligibility for certified agricultural dependent status or lawful permanent resident status under this title, a determination of whether an alien is a child shall be made using the age of the alien on the date on which the initial application for certified agricultural worker status is filed with the Secretary of Homeland Security.

(b) LIMITATION.—Subsection (a) shall apply for no more than 10 years after the date on which the initial application for certified agricultural worker status is filed with the Secretary of Homeland Security.

SEC. 1125. LIMITATION ON REMOVAL.

(a) IN GENERAL.—An alien who appears to be prima facie eligible for status under this title shall be given a reasonable opportunity to apply for such status. Such an alien may not be placed in removal proceedings or removed from the United States until a final administrative decision establishing ineligibility for such status is rendered.

(b) ALIENS IN REMOVAL PROCEEDINGS.—Notwithstanding any other provision of the law, the Attorney General shall (upon motion by the Secretary with the consent of the alien, or motion by the alien) terminate removal proceedings, without prejudice, against an alien who appears to be prima facie eligible for status under this title, and provide such alien a reasonable opportunity to apply for such status.

(c) EFFECT OF FINAL ORDER.—An alien present in the United States who has been ordered removed or has been permitted to depart voluntarily from the United States may, notwithstanding such order or permission to depart, apply for status under this title. Such alien shall not be required to file a separate motion to reopen, reconsider, or vacate the order of removal. If the Secretary approves the application, the Secretary shall notify the Attorney General of such approval, and the Attorney General shall cancel the order of removal. If the Secretary renders a final administrative decision to deny the application, the order of removal or permission to depart shall be effective and enforceable to the same extent as if the application had not been made, only after all available administrative and judicial remedies have been exhausted.

(d) EFFECT OF DEPARTURE.—Section 101(g) of the Immigration and Nationality Act (8 U.S.C. 1101(g)) shall not apply to an alien who departs the United States—

(1) with advance permission to return to the United States granted by the Secretary under this title; or

(2) after having been granted certified agricultural worker status or lawful permanent resident status under this title.

SEC. 1126. DOCUMENTATION OF AGRICULTURAL WORK HISTORY.

(a) BURDEN OF PROOF.—An alien applying for certified agricultural worker status under subtitle A or adjustment of status under subtitle B has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 1101, 1103, or 1111, as applicable. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(b) EVIDENCE.—An alien may meet the burden of proof under subsection (a) by producing sufficient evidence to show the extent of such employment as a matter of just and reasonable inference. Such evidence may include—

(1) an annual record of certified agricultural worker employment as described in section 1105(a), or other employment records from employers;

(2) employment records maintained by collective bargaining associations;

(3) tax records or other government records;

(4) sworn affidavits from individuals who have direct knowledge of the alien's work history; or

(5) any other documentation designated by the Secretary for such purpose.

(c) EXCEPTIONS FOR EXTRAORDINARY CIRCUMSTANCES.—

(1) IMPACT OF COVID–19.—

(A) IN GENERAL.—The Secretary may grant certified agricultural worker status to an alien who is otherwise eligible for such status if such alien is able to only partially satisfy the requirement under section 1101(a)(1)(A) as a result of reduced hours of employment or other restrictions associated with the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19.

(B) LIMITATION.—The exception described in subparagraph (A) shall apply only to agricultural labor or services required to be performed during the period that—

(i) begins on the first day of the public health emergency described in subparagraph (A); and

(ii) ends 90 days after the date on which such public health emergency terminates.

(2) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under section 1103(a)(1)(A) or 1111(a)(1)(A), the Secretary may credit the alien with not more than 690 hours (or 120 work days) of agricultural labor or services in the United States if the alien was unable to perform the required agricultural labor or services due to—

(A) pregnancy, parental leave, illness, disease, disabling injury, or physical limitation of the alien;

(B) injury, illness, disease, or other special needs of the alien's child or spouse;

(C) severe weather conditions that prevented the alien from engaging in agricultural labor or services;

(D) reduced hours of employment or other restrictions associated with a public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

(E) termination from agricultural employment, if the Secretary determines that—

(i) the termination was without just cause; and

(ii) the alien was unable to find alternative agricultural employment after a reasonable job search.

(3) EFFECT OF DETERMINATION.—A determination under paragraph (1)(E) shall not be conclusive, binding, or admissible in a separate or subsequent judicial or administrative action or proceeding between the alien and a current or prior employer of the alien or any other party.

(4) HARDSHIP WAIVER.—

(A) IN GENERAL.—As part of the rulemaking described in section 1122(a), the Secretary shall establish procedures allowing for a partial waiver of the requirement under section 1111(a)(1)(A) for a certified agricultural worker if such worker—

(i) has continuously maintained certified agricultural worker status since the date such status was initially granted;

(ii) has partially completed the requirement under section 1111(a)(1)(A); and

(iii) is no longer able to engage in agricultural labor or services safely and effectively because of—

(I) a permanent disability suffered while engaging in agricultural labor or services; or

(II) deteriorating health or physical ability combined with advanced age.

(B) DISABILITY.—In establishing the procedures described in subparagraph (A), the Secretary shall consult with the Secretary of Health and Human Services and the Commissioner of Social Security to define ''permanent disability'' for purposes of a waiver under subparagraph (A)(iii)(I).

(d) EQUINES.—In determining whether an alien has met the work requirement described in 103(a)(1)(A) or 111(a)(1)(A), the Secretary may credit the alien for performing activities related to equines, including the breeding, grooming, training, care, feeding, management, competition, and racing of equines.

SEC. 1127. EMPLOYER PROTECTIONS.

(a) CONTINUING EMPLOYMENT.—An employer that continues to employ an alien knowing that the alien intends to apply for certified agricultural worker status under subtitle A shall not violate section 274A(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(2)) by continuing to employ the alien for the duration of the application period described in section 1101(c), and with respect to an alien who applies for certified agricultural status, for the duration of the period during which the alien's application is pending final determination.

(b) USE OF EMPLOYMENT RECORDS.—Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for certified agricultural worker or adjustment of status under this title may not be used in a civil or criminal prosecution or investigation of that employer under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) or the Internal Revenue Code of 1986 for the prior unlawful employment of that alien regardless of the outcome of such application.

(c) ADDITIONAL PROTECTIONS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment in support of an application for certified agricultural worker status or adjustment of status under this title shall not be subject to civil and criminal liability pursuant to such section 274A for employing such unauthorized aliens. Records or other evidence of employment provided by employers in response to a request for such records for the purpose of establishing eligibility for status under this title may not be used for any purpose other than establishing such eligibility.

(d) LIMITATION ON PROTECTION.—The protections for employers under this section shall not apply if the employer provides employment records to the alien that are determined to be fraudulent.

SEC. 1128. CORRECTION OF SOCIAL SECURITY RECORDS; CONFORMING AMENDMENTS.

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

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted certified agricultural worker status, certified agricultural dependent status, or lawful permanent resident status under title I of the Affordable and Secure Food Act of 2025,''; and

(4) in the undesignated matter following subparagraph (D), as added by paragraph (3), by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted status under title I of the Affordable and Secure Food Act of 2025.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—

(1) SOCIAL SECURITY ACT.—Section 210(a)(1) of the Social Security Act (42 U.S.C. 410(a)(1)) is amended by inserting before the semicolon the following: ''(other than aliens granted certified agricultural worker status or certified agricultural dependent status under title I of the Affordable and Secure Food Act of 2025''.

(2) INTERNAL REVENUE CODE OF 1986.—Section 3121(b)(1) of the Internal Revenue Code of 1986 is amended by inserting before the semicolon the following: ''(other than aliens granted certified agricultural worker status or certified agricultural dependent status under title I of the Affordable and Secure Food Act of 2025''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to service performed after the date of the enactment of this Act.

(d) AUTOMATED SYSTEM TO ASSIGN SOCIAL SECURITY ACCOUNT NUMBERS.—Section 205(c)(2)(B) of the Social Security Act (42 U.S.C. 405(c)(2)(B)) is amended by adding at the end the following:

''(iv) The Commissioner of Social Security shall, to the extent practicable, coordinate with the Secretary of the Department of Homeland Security to implement an automated system for the Commissioner to assign social security account numbers to aliens granted certified agricultural worker status or certified agricultural dependent status under title I of the Affordable and Secure Food Act of 2025. An alien who is granted such status, and who was not previously assigned a social security account number, shall request assignment of a social security account number and a social security card from the Commissioner through such system. The Secretary shall collect and provide to the Commissioner such information as the Commissioner deems necessary for the Commissioner to assign a social security account number, which information may be used by the Commissioner for any purpose for which the Commissioner is otherwise authorized under Federal law. The Commissioner may maintain, use, and disclose such information only as permitted by the Privacy Act and other Federal law.''.

SEC. 1129. DISCLOSURES AND PRIVACY.

(a) IN GENERAL.—The Secretary may not disclose or use information provided in an application for certified agricultural worker status or adjustment of status under this title (including information provided during administrative or judicial review) for the purpose of immigration enforcement.

(b) REFERRALS PROHIBITED.—The Secretary, based solely on information provided in an application for certified agricultural worker status or adjustment of status under this title (including information provided during administrative or judicial review), may not refer an applicant to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

(c) EXCEPTIONS.—Notwithstanding subsections (a) and (b), information provided in an application for certified agricultural worker status or adjustment of status under this title may be shared with Federal security and law enforcement agencies—

(1) for assistance in the consideration of an application under this title;

(2) to identify or prevent fraudulent claims or schemes;

(3) for national security purposes; or

(4) for the investigation or prosecution of any felony not related to immigration status.

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(e) PRIVACY.—The Secretary shall ensure that appropriate administrative and physical safeguards are in place to protect the security, confidentiality, and integrity of personally identifiable information collected, maintained, and disseminated pursuant to this title.

SEC. 1130. PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.

(a) CRIMINAL PENALTY.—Any person who—

(1) files an application for certified agricultural worker status or adjustment of status under this title and knowingly falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(2) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(b) INADMISSIBILITY.—An alien who is convicted under subsection (a) shall be deemed inadmissible to the United States under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(c) DEPOSIT.—Fines collected under subsection (a) shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

SEC. 1131. DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—Beginning not later than the first day of the application period described in section 1101(c)—

(1) the Secretary of Homeland Security, in cooperation with qualified designated entities, shall broadly disseminate information described in subsection (b); and

(2) the Secretary of Agriculture, in consultation with the Secretary of Homeland Security and the Secretary of Labor, shall disseminate to agricultural employers a document containing the information described in subsection (b) for posting at employer worksites.

(b) INFORMATION DESCRIBED.—The information described in this subsection shall include—

(1) the benefits that aliens may receive under this title; and

(2) the requirements that an alien must meet to receive such benefits.

SEC. 1132. EXEMPTION FROM NUMERICAL LIMITATIONS.

The numerical limitations under title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) shall not apply to the adjustment of aliens to lawful permanent resident status under this title, and such aliens shall not be counted toward any such numerical limitation.

SEC. 1133. REPORTS TO CONGRESS.

Not later than 180 days after the publication of the final rule under section 1122(a), and annually thereafter for the following 10 years, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that identifies, for the previous fiscal year—

(1) the number of principal aliens who applied for certified agricultural worker status under subtitle A, and the number of dependent spouses and children included in such applications;

(2) the number of principal aliens who were granted certified agricultural worker status under subtitle A, and the number of dependent spouses and children who were granted certified agricultural dependent status;

(3) the number of principal aliens who applied for an extension of their certified agricultural worker status under subtitle A, and the number of dependent spouses and children included in such applications;

(4) the number of principal aliens who were granted an extension of certified agricultural worker status under subtitle A, and the number of dependent spouses and children who were granted certified agricultural dependent status under such an extension;

(5) the number of principal aliens who applied for adjustment of status under subtitle B, and the number of dependent spouses and children included in such applications;

(6) the number of principal aliens who were granted lawful permanent resident status under subtitle B, and the number of spouses and children who were granted such status as dependents;

(7) the number of principal aliens included in petitions described in section 1101(e), and the number of dependent spouses and children included in such applications; and

(8) the number of principal aliens who were granted H–2A status pursuant to petitions described in section 1101(e), and the number of dependent spouses and children who were granted H–4 status.

SEC. 1134. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) ESTABLISHMENT.—The Secretary shall establish a program to award grants, on a competitive basis, to eligible nonprofit organizations to assist eligible applicants under this title by providing them with the services described in subsection (c).

(b) ELIGIBLE NONPROFIT ORGANIZATION.—In this section, the term ''eligible nonprofit organization'' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (excluding a recipient of funds under title X of the Economic Opportunity Act of 1964 (42 U.S.C. 2996 et seq.)) that has demonstrated qualifications, experience, and expertise in providing quality services to farm workers or aliens.

(c) USE OF FUNDS.—Grant funds awarded under this section may be used for the design and implementation of programs that provide—

(1) information to the public regarding the eligibility and benefits of certified agricultural worker status authorized under this title; and

(2) assistance, within the scope of authorized practice of immigration law, to individuals submitting applications for certified agricultural worker status or adjustment of status under this title, including—

(A) screening prospective applicants to assess their eligibility for such status;

(B) completing applications, including providing assistance in obtaining necessary documents and supporting evidence; and

(C) providing any other assistance that the Secretary determines useful to assist aliens in applying for certified agricultural worker status or adjustment of status under this title.

(d) SOURCE OF FUNDS.—In addition to any funds appropriated to carry out this section, the Secretary shall use up to $10,000,000 from the Immigration Examinations Fee Account under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to carry out this section.

(e) ELIGIBILITY FOR SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under title X of the Economic Opportunity Act of 1964 (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for status under this title or to an alien granted such status.

SEC. 1135. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary, such sums as may be necessary to implement this title, including any amounts needed for costs associated with the initiation of such implementation, for each of the fiscal years 2024 through 2026.

TITLE II—ENSURING AN AGRICULTURAL WORKFORCE FOR THE FUTURE

Subtitle A—Reforming the H–2A Temporary Worker Program

SEC. 1201. COMPREHENSIVE AND STREAMLINED ELECTRONIC H–2A PLATFORM.

(a) STREAMLINED H–2A PLATFORM.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of Agriculture, the Secretary of State, and United States Digital Service, shall ensure the establishment of an electronic platform through which a petition for an H–2A worker may be filed. Such platform shall—

(A) serve as a single point of access for an employer to input all information and supporting documentation required for obtaining labor certification from the Secretary of Labor and the adjudication of the H–2A petition by the Secretary of Homeland Security;

(B) serve as a single point of access for the Secretary of Homeland Security, the Secretary of Labor, and State workforce agencies to concurrently perform their respective review and adjudicatory responsibilities in the H–2A process;

(C) facilitate communication between employers and agency adjudicators, including by allowing employers to—

(i) receive and respond to notices of deficiency and requests for information;

(ii) submit requests for inspections and licensing;

(iii) receive notices of approval and denial; and

(iv) request reconsideration or appeal of agency decisions; and

(D) provide information to the Secretary of State and U.S. Customs and Border Protection necessary for the efficient and secure processing of H–2A visas and applications for admission.

(2) OBJECTIVES.—In developing the platform described in paragraph (1), the Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of Agriculture, the Secretary of State, and United States Digital Service, shall streamline and improve the H–2A process, including by—

(A) eliminating the need for employers to submit duplicate information and documentation to multiple agencies;

(B) eliminating redundant processes, where a single matter in a petition is adjudicated by more than one agency;

(C) reducing the occurrence of common petition errors, and otherwise improving and expediting the processing of H–2A petitions; and

(D) ensuring compliance with H–2A program requirements and the protection of the wages and working conditions of workers.

(3) REPORTS TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and every 3 months thereafter until the H–2A worker electronic platform is established pursuant to paragraph (1), the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that outlines the status of the electronic platform development.

(b) ONLINE JOB REGISTRY.—The Secretary of Labor shall maintain a national, publicly-accessible online job registry and database of all job orders submitted by H–2A employers. The registry and database shall—

(1) be searchable using relevant criteria, including the types of jobs needed to be filled, the date(s) and location(s) of need, and the employer(s) named in the job order;

(2) provide an interface for workers in English, Spanish, and any other language that the Secretary of Labor determines to be appropriate; and

(3) provide for public access of job orders approved under section 218(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1188(h)(2)).

SEC. 1202. H–2A PROGRAM REQUIREMENTS.

Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended to read as follows:

''SEC. 218. ADMISSION OF TEMPORARY H–2A WORKERS.

''(a) LABOR CERTIFICATION CONDITIONS.—The Secretary of Homeland Security may not approve a petition to admit an H–2A worker unless the Secretary of Labor has certified that—

''(1) there are not sufficient United States workers who are able, willing and qualified, and who will be available at the time and place needed, to perform the agricultural labor or services described in the petition; and

''(2) the employment of the H–2A worker in such labor or services will not adversely affect the wages and working conditions of workers in the United States who are similarly employed.

''(b) H–2A PETITION REQUIREMENTS.—An employer filing a petition for an H–2A worker to perform agricultural labor or services shall attest to and demonstrate compliance, as and when appropriate, with all applicable requirements under this section, including the following:

''(1) NEED FOR LABOR OR SERVICES.—The employer has described the need for agricultural labor or services in a job order that includes a description of the nature and location of the work to be performed, the material terms and conditions of employment, the anticipated period or periods (expected start and end dates) for which the workers will be needed, the number of job opportunities in which the employer seeks to employ the workers, and any other requirement for a job order.

''(2) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer has not and will not displace United States workers employed by the employer during the period of employment of the H–2A worker and during the 60-day period immediately preceding such period of employment in the job for which the employer seeks approval to employ the H–2A worker.

''(3) STRIKE OR LOCKOUT.—Each place of employment described in the petition is not, at the time of filing the petition and until the petition is approved, subject to a strike or lockout in the course of a labor dispute.

''(4) RECRUITMENT OF UNITED STATES WORKERS.—The employer shall engage in the recruitment of United States workers as described in subsection (c) and shall hire such workers who are able, willing and qualified, and who will be available at the time and place needed, to perform the agricultural labor or services described in the petition. The employer may reject a United States worker only for lawful, job-related reasons.

''(5) WAGES, BENEFITS, AND WORKING CONDITIONS.—The employer shall offer and provide, at a minimum, the wages, benefits, and working conditions required by this section to the H–2A worker and all workers who are similarly employed. The employer—

''(A) shall offer such similarly employed workers not less than the same benefits, wages, and working conditions that the employer is offering or will provide to the H–2A worker; and

''(B) may not impose on such similarly employed workers any restrictions or obligations that will not be imposed on the H–2A worker.

''(6) WORKERS' COMPENSATION.—If the job opportunity is not covered by or is exempt

from the State workers' compensation law, the employer shall provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law.

''(7) COMPLIANCE WITH APPLICABLE LAWS.—The employer shall comply with all applicable Federal, State and local laws and regulations.

''(8) COMPLIANCE WITH WORKER PROTECTIONS.—The employer shall comply with section 1204 of the Affordable and Secure Food Act of 2025.

''(9) COMPLIANCE WITH FOREIGN LABOR RECRUITMENT LAWS.—The employer shall comply with subtitle C of title II of the Affordable and Secure Food Act of 2025.

''(c) RECRUITING REQUIREMENTS.—

''(1) IN GENERAL.—The employer may satisfy the recruitment requirement described in subsection (b)(4) by satisfying all of the following:

''(A) JOB ORDER.—As provided in subsection (h)(1), the employer shall complete a job order for posting on the electronic job registry maintained by the Secretary of Labor and for distribution by the appropriate State workforce agency. Such posting shall remain on the job registry as an active job order through the period described in paragraph (2)(B).

''(B) FORMER WORKERS.—At least 45 days before each start date identified in the petition, the employer shall—

''(i) make reasonable efforts to contact any United States worker who the employer or agricultural producer for whom the employer is supplying labor employed in the previous year in the same occupation and area of intended employment for which an H–2A worker is sought (excluding workers who were terminated for cause or abandoned the worksite); and

''(ii) post such job opportunity in a conspicuous location or locations at the place of employment.

''(C) POSITIVE RECRUITMENT.—During the period of recruitment, the employer shall complete any other positive recruitment steps within a multi-State region of traditional or expected labor supply where the Secretary of Labor finds that there are a significant number of qualified United States workers who, if recruited, would be willing to make themselves available for work at the time and place needed.

''(2) PERIOD OF RECRUITMENT.—

''(A) IN GENERAL.—For purposes of this subsection, the period of recruitment begins on the date on which the job order is posted on the online job registry and ends on the date that H–2A workers depart for the employer's place of employment. For a petition involving more than one start date under subsection (h)(1)(C), the end of the period of recruitment shall be determined by the date of departure of the H–2A workers for the final start date identified in the petition.

''(B) REQUIREMENT TO HIRE US WORKERS.—

''(i) IN GENERAL.—Notwithstanding the limitations of subparagraph (A), the employer will provide employment to any qualified United States worker who applies to the employer for any job opportunity included in the petition until the later of—

''(I) the date that is 30 days after the date on which work begins; or

''(II) the date on which—

''(aa) 33 percent of the work contract for the job opportunity has elapsed; or

''(bb) if the employer is a labor contractor, 50 percent of the work contract for the job opportunity has elapsed.

''(ii) STAGGERED ENTRY.—For a petition involving more than one start date under subsection (h)(1)(C), each start date designated in the petition shall establish a separate job opportunity. An employer may not reject a United States worker because the worker is unable or unwilling to fill more than one job opportunity included in the petition.

''(iii) EXCEPTION.—Notwithstanding clause (i), the employer may offer a job opportunity to an H–2A worker instead of an alien granted certified agricultural worker status under title I of the Affordable and Secure Food Act of 2025 if the H–2A worker was employed by the employer in each of 3 years during the 4-year period immediately preceding the date of the enactment of such Act.

''(3) RECRUITMENT REPORT.—

''(A) IN GENERAL.—The employer shall maintain a recruitment report through the applicable period described in paragraph (2)(B) and submit regular updates through the electronic platform on the results of recruitment. The employer shall retain the recruitment report, and all associated recruitment documentation, for a period of 3 years from the date of certification.

''(B) BURDEN OF PROOF.—If the employer asserts that any eligible individual who has applied or been referred is not able, willing or qualified, the employer bears the burden of proof to establish that the individual is not able, willing or qualified because of a lawful, employment-related reason.

''(d) WAGE REQUIREMENTS.—

''(1) IN GENERAL.—Each employer under this section will offer the worker, during the period of authorized employment, wages that are at least the greatest of—

''(A) the agreed-upon collective bargaining wage;

''(B) the adverse effect wage rate (or any successor wage established under paragraph (7));

''(C) the prevailing wage (hourly wage or piece rate); or

''(D) the Federal or State minimum wage.

''(2) ADVERSE EFFECT WAGE RATE DETERMINATIONS.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), the applicable adverse effect wage rate for each State and classification for a calendar year shall be the annual average hourly gross wage for all hired agricultural workers in the State, as reported by the Secretary of Agriculture and the Secretary of Labor based on a wage survey conducted by such secretaries under subparagraph (C). If such wage is not reported, the applicable wage shall be the State or regional annual gross average hourly wage for all hired agricultural workers based on the Agricultural Labor Wage survey conducted pursuant to subparagraph (C).

''(B) LIMITATIONS ON WAGE FLUCTUATIONS.—

''(i) WAGE FREEZE FOR 2024.—For calendar year 2024, the adverse effect wage rate for each State classification under this subsection shall be the adverse effect wage rate that was in effect for H–2A workers in the applicable State on the date of the introduction of the Affordable and Secure Food Act of 2025.

''(ii) WAGE RATE FOR 2025 THROUGH 2033.—For each of the calendar years 2025 through 2033, the adverse effect wage rate for each State classification under this subsection shall be the wage rate calculated under subparagraph (A), except that such wage rate may not—

''(I) be more than 1.5 percent lower than the wage rate in effect for H–2A workers in the applicable State and occupational classification in the immediately preceding calendar year;

''(II) except as provided in subclause (III), be more than 3.25 percent higher than the wage rate in effect for H–2A workers in the applicable State and occupational classification in the immediately preceding calendar year; and

''(III) if the application of clause (II) results in a wage rate that is lower than 110 percent of the applicable Federal or State minimum wage, be more than 4.25 percent higher than the wage rate in effect for H–2A workers in the applicable State and occupational classification in the immediately preceding calendar year.

''(iii) WAGE RATE AFTER 2033.—For any calendar year after 2033, the applicable wage rate described in paragraph (1)(B) shall be the wage rate established pursuant to paragraph (7)(D). Until such wage rate is effective, the adverse effect wage rate for each State classification under this subsection shall be the wage calculated under subparagraph (A), except that such wage may not be more than 0.5 percent lower or 3 percent higher than the wage in effect for H–2A workers in the applicable State classification in the immediately preceding calendar year.

''(C) WAGE SURVEYS AND DATA.—

''(i) AGRICULTURAL LABOR SURVEY.—The Secretary of Labor, in carrying out the responsibilities in setting the adverse effect wage rate under subparagraph (A), shall rely on statistically valid data from the Department of Agriculture National Agricultural Statistics Service's annual findings from the Agricultural Labor Survey (commonly referred to as the 'Farm Labor Survey').

''(ii) FORM; DATA.—The Secretary of Agriculture shall conduct the Agricultural Labor Survey in the form of a quarterly survey of the number of hired agricultural workers, the number of hours worked, and the total gross wages paid by type of worker, including field workers, livestock workers, and supervisors or managers, disaggregated by occupational groups and other workers (who may be classified by the Standard Occupational Classification system).

''(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture and the Secretary of Labor, such sums as may be necessary for the purposes of carrying out this subsection.

''(3) PUBLICATION; WAGES IN EFFECT.—

''(A) PUBLICATION.—Before the first day of each calendar year, the Secretary of Labor shall publish the applicable adverse effect wage rate (or successor wage rate, if any), and prevailing wage, if available, for each State and occupational classification through notice in the Federal Register.

''(B) JOB ORDERS IN EFFECT.—Except as provided in subparagraph (C), publication by the Secretary of Labor of an updated adverse effect wage rate or prevailing wage for a State and occupational classification shall not affect the wage rate guaranteed in any approved job order for which work has commenced at the time of publication.

''(C) EXCEPTION FOR YEAR-ROUND JOBS.—If the Secretary of Labor publishes an updated adverse effect wage rate or prevailing wage for a State and occupational classification concerning a petition described in subsection (i), and the updated wage is higher than the wage rate guaranteed in the work contract, the employer shall pay the updated wage not later than 14 days after publication of the updated wage in the Federal Register.

''(4) PRODUCTIVITY STANDARD REQUIREMENTS.—If an employer requires 1 or more minimum productivity standards as a condition of job retention, such standards shall be specified in the job order and shall be no more than those normally required (at the time of the first petition for H–2A workers) by other employers for the activity in the area of intended employment, unless the Secretary of Labor approves a higher minimum standard resulting from material changes in production methods.

''(5) GUARANTEE OF EMPLOYMENT.—

''(A) OFFER TO WORKER.—The employer shall guarantee the worker employment for the hourly equivalent of at least 80 percent of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the worker less employment than that required under this paragraph, the employer shall pay the worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

''(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) ABANDONMENT OF EMPLOYMENT; TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment without good cause before the end of the contract period, or is terminated for cause, the worker is not entitled to the guarantee of employment described in subparagraph (A).

''(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. The employer shall make efforts to transfer a worker to other comparable employment acceptable to the worker. If such transfer is not affected, the employer shall provide the return transportation required in subsection (f)(2).

''(6) WAGE STANDARDS AFTER 2033.—

''(A) STUDY OF ADVERSE EFFECT WAGE RATE.—Beginning in fiscal year 2031, the Secretary of Agriculture and the Secretary of Labor shall jointly conduct a study that addresses—

''(i) whether the employment of H–2A workers has depressed the wages of United States farm workers;

''(ii) whether an adverse effect wage rate is necessary to protect the wages of United States farm workers in occupations in which H–2A workers are employed;

''(iii) whether alternative wage standards would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(v) recommendations for future wage protection under this section.

''(B) FINAL REPORT.—Not later than October 1, 2032, the Secretary of Agriculture and the Secretary of Labor shall jointly prepare and submit a report to Congress setting forth—

''(i) the findings of the study conducted pursuant to subparagraph (A); and

''(ii) recommendations for future wage protections under this section.

''(C) CONSULTATION.—In conducting the study under subparagraph (A) and preparing the report under subparagraph (B), the Secretary of Agriculture and the Secretary of Labor shall consult with representatives of agricultural employers and an equal number of representatives of agricultural workers, at the national, State and local level.

''(D) WAGE DETERMINATION AFTER 2033.—Upon publication of the report described in subparagraph (B), the Secretary of Labor, in consultation with the Secretary of Agriculture, shall make a rule to establish a process for annually determining the wage rate for purposes of paragraph (1)(B) for fiscal years after 2033. Such process shall be designed to ensure that the employment of H–2A workers does not undermine the wages and working conditions of similarly employed United States workers.

''(e) HOUSING REQUIREMENTS.—Employers shall furnish housing in accordance with regulations established by the Secretary of Labor. Such regulations shall be consistent with the following:

''(1) IN GENERAL.—The employer shall be permitted at the employer's option to provide housing meeting applicable Federal standards for temporary labor camps or to secure housing which meets the local standards for rental and/or public accommodations or other substantially similar class of habitation: Provided, That in the absence of applicable local standards, State standards for rental and/or public accommodations or other substantially similar class of habitation shall be met: Provided further, That in the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(2) FAMILY HOUSING.—Except as otherwise provided in subsection (i)(5), the employer shall provide family housing to workers with families who request it when it is the prevailing practice in the area and occupation of intended employment to provide family housing.

''(3) UNITED STATES WORKERS.—Notwithstanding paragraphs (1) and (2), an employer is not required to provide housing to United States workers who are reasonably able to return to their residence within the same day.

''(4) TIMING OF INSPECTION.—

''(A) IN GENERAL.—The Secretary of Labor or designee shall make a determination as to whether the housing furnished by an employer for a worker meets the requirements imposed by this subsection prior to the date on which the Secretary of Labor is required to make a certification with respect to a petition for the admission of such worker.

''(B) TIMELY INSPECTION.—The Secretary of Labor shall provide a process for—

''(i) an employer to request inspection of housing up to 60 days before the date on which the employer will file a petition under this section; and

''(ii) annual inspection of housing for workers who are engaged in agricultural employment that is not of a seasonal or temporary nature.

''(f) TRANSPORTATION REQUIREMENTS.—

''(1) TRAVEL TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment specified in the job order shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(2) TRAVEL FROM PLACE OF EMPLOYMENT.—For a worker who completes the period of employment specified in the job order or who is terminated without cause, the employer shall provide or pay for the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(3) TRANSPORTATION BETWEEN LIVING QUARTERS AND PLACE OF EMPLOYMENT.—The employer shall provide transportation for a worker between housing provided or secured by the employer and the employer's place of employment at no cost to the worker.

''(4) LIMITATION.—

''(A) AMOUNT OF REIMBURSEMENT.—Except as provided in subparagraph (B), the amount of reimbursement provided under paragraph (1) or (2) to a worker need not exceed the lesser of—

''(i) the actual cost to the worker of the transportation and subsistence involved; or

''(ii) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(B) DISTANCE TRAVELED.—For travel to or from the worker's home country, if the travel distance between the worker's home and the relevant consulate is 50 miles or less, reimbursement for transportation and subsistence may be based on transportation to or from the consulate.

''(g) HEAT ILLNESS PREVENTION PLAN.—

''(1) IN GENERAL.—The employer shall maintain a reasonable plan that describes the employer's procedures for the prevention of heat illness, including appropriate training, access to water and shade, the provision of breaks, and the protocols for emergency response. Such plan shall—

''(A) be in writing in English and, to the extent necessary, any language common to a significant portion of the workers if they are not fluent in English; and

''(B) be posted at a conspicuous location at the worksite and provided to employees prior to the commencement of labor or services.

''(2) CLARIFICATION.—Nothing in this subsection is intended to limit any other Federal or State authority to promulgate, enforce, or maintain health and safety standards related to heat-related illness.

''(3) TEMPLATE.—Not later than 1 year after the date of the enactment of the Affordable and Secure Food Act of 2025, the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall publish, on the website of the Occupational Safety and Health Administration, a template for a Heat Illness Prevention Plan, which employers could use, at their discretion, to help them develop such a plan.

''(h) H–2A PETITION PROCEDURES.—

''(1) SUBMISSION OF PETITION AND JOB ORDER.—

''(A) IN GENERAL.—The employer shall submit information required for the adjudication of the H–2A petition, including a job order, through the electronic platform no more than 75 calendar days and no fewer than 60 calendar days before the employer's first date of need specified in the petition.

''(B) FILING BY AGRICULTURAL ASSOCIATIONS.—An association of agricultural producers that use agricultural services may file an H–2A petition under subparagraph (A). If an association is a joint or sole employer of workers, including agricultural cooperatives, who perform agricultural labor or services, H–2A workers may be used for the approved job opportunities of any of the association's producer members and such workers may be transferred among its producer members to perform the agricultural

labor or services for which the petition was approved.

''(C) PETITIONS INVOLVING STAGGERED ENTRY.—

''(i) IN GENERAL.—Except as provided in clause (ii), an employer may file a petition involving employment in the same occupational classification and same area of intended employment with multiple start dates if—

''(I) the petition involves temporary or seasonal employment and no more than 10 start dates;

''(II) the multiple start dates share a common end date;

''(III) no more than 120 days separate the first start date and the final start date listed in the petition; and

''(IV) the need for multiple start dates arises from variations in labor needs associated with the job opportunity identified in the petition.

''(ii) LABOR CONTRACTORS.—A labor contractor may not file a petition described in clause (i).

''(2) LABOR CERTIFICATION.—

''(A) REVIEW OF JOB ORDER.—

''(i) IN GENERAL.—The Secretary of Labor, in consultation with the relevant State workforce agency, shall review the job order for compliance with this section and notify the employer through the electronic platform of any deficiencies not later than 7 business days from the date the employer submits the necessary information required under paragraph (1)(A). The employer shall be provided 5 business days to respond to any such notice of deficiency.

''(ii) STANDARD.—The job order must include all material terms and conditions of employment, including the requirements of this section, and must be otherwise consistent with the minimum standards provided under Federal, State or local law. In considering the question of whether a specific qualification is appropriate in a job order, the Secretary of Labor shall apply the normal and accepted qualification required by non-H–2A employers in the same or comparable occupations and crops.

''(iii) EMERGENCY PROCEDURES.—The Secretary of Labor shall establish emergency procedures for the curing of deficiencies that cannot be resolved during the period described in clause (i).

''(B) APPROVAL OF JOB ORDER.—

''(i) IN GENERAL.—Upon approval of the job order, the Secretary of Labor shall immediately place for public examination a copy of the job order on the online job registry, and the State workforce agency serving the area of intended employment shall commence the recruitment of United States workers.

''(ii) REFERRAL OF UNITED STATES WORKERS.—The Secretary of Labor and State workforce agency shall keep the job order active until the end of the period described in subsection (c)(2) and shall refer to the employer each United States worker who applies for the job opportunity.

''(C) REVIEW OF INFORMATION FOR DEFICIENCIES.—Not later than 7 business days after the approval of the job order, the Secretary of Labor shall review the information necessary to make a labor certification and notify the employer through the electronic platform if such information does not meet the standards for approval. Such notification shall include a description of any deficiency, and the employer shall be provided 5 business days to cure such deficiency.

''(D) CERTIFICATION AND AUTHORIZATION OF WORKERS.—Not later than 30 days before the date that labor or services are first required to be performed, the Secretary of Labor shall issue the requested labor certification if the Secretary determines that the requirements set forth in this section have been met.

''(E) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—The Secretary of Labor shall by regulation establish a procedure for an employer to request the expedited review of a denial of a labor certification under this section, or the revocation of such a certification. Such procedure shall require the Secretary to expeditiously, but no later than 72 hours after expedited review is requested, issue a de novo determination on a labor certification that was denied in whole or in part because of the availability of able, willing and qualified workers if the employer demonstrates, consistent with subsection (c)(3)(B), that such workers are not actually available at the time or place such labor or services are required.

''(3) PETITION DECISION.—

''(A) IN GENERAL.—Not later than 7 business days after the Secretary of Labor issues the certification, the Secretary of Homeland Security shall issue a decision on the petition and shall transmit a notice of action to the petitioner via the electronic platform.

''(B) APPROVAL.—Upon approval of a petition under this section, the Secretary of Homeland Security shall ensure that such approval is noted in the electronic platform and is available to the Secretary of State and U.S. Customs and Border Protection, as necessary, to facilitate visa issuance and admission.

''(C) PARTIAL APPROVAL.—A petition for multiple named beneficiaries may be partially approved with respect to eligible beneficiaries notwithstanding the ineligibility, or potential ineligibility, of one or more other beneficiaries.

''(D) POST-CERTIFICATION AMENDMENTS.—The Secretary of Labor shall provide a process for amending a request for labor certification in conjunction with an H–2A petition, subsequent to certification by the Secretary of Labor, in cases in which the requested amendment does not materially change the petition (including the job order).

''(4) ROLES OF AGRICULTURAL ASSOCIATIONS.—

''(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual producer member of a joint employer association is determined to have committed an act that results in the denial of a petition with respect to the member, the denial shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge of, or reason to know of, the violation.

''(B) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—

''(i) If an association representing agricultural producers as a joint employer is determined to have committed an act that results in the denial of a petition with respect to the association, the denial shall apply only to the association and does not apply to any individual producer member of the association unless the Secretary of Labor determines that the member participated in, had knowledge of, or reason to know of, the violation.

''(ii) If an association of agricultural producers certified as a sole employer is determined to have committed an act that results in the denial of a petition with respect to the association, no individual producer member of such association may be the beneficiary of the services of H–2A workers in the commodity and occupation in which such aliens were employed by the association which was denied during the period such denial is in force, unless such producer member employs such aliens in the commodity and occupation in question directly or through an association which is a joint employer of such workers with the producer member.

''(5) SPECIAL PROCEDURES.—For occupations with established special procedures that were in place on the date of the enactment of the Affordable and Secure Food Act of 2025, the Secretary of Labor, in consultation with the Secretary of Agriculture and Secretary of Homeland Security, may by regulation establish alternate procedures that reasonably modify program requirements under this section, when the Secretary determines that such modifications are required due to the unique nature of the work involved.

''(6) CONSTRUCTION OCCUPATIONS.—An employer may not file a petition under this section on behalf of a worker if the majority of the worker's duties will fall within a construction or extraction occupational classification.

''(7) EQUINES.—Notwithstanding the requirement under section 101(a)(15)(H)(ii)(A) that the agricultural labor or services performed by an H–2A worker be agricultural, the Secretary of Homeland Security may approve a petition for an H–2A worker to perform activities related to equines, including the breeding, grooming, training, care, feeding, management, competition, and racing of equines, without regard to whether the specific service or activity is of a temporary or seasonal nature.

''(i) NON-TEMPORARY OR NON-SEASONAL NEEDS.—

''(1) IN GENERAL.—Notwithstanding the requirement under section 101(a)(15)(H)(ii)(a) that the agricultural labor or services performed by an H–2A worker be of a temporary or seasonal nature, the Secretary of Homeland Security may, consistent with the provisions of this subsection, approve a petition from a fixed site farm employer for an H–2A worker to perform agricultural services or labor that is not of a temporary or seasonal nature.

''(2) NUMERICAL LIMITATIONS.—

''(A) FIRST 3 FISCAL YEARS.—The total number of aliens who may be issued visas or otherwise provided H–2A nonimmigrant status under paragraph (1) for the first fiscal year during which the first visa is issued under such paragraph and for each of the following 2 fiscal years may not exceed 20,000.

''(B) FISCAL YEARS 4 THROUGH 10.—

''(i) IN GENERAL.—The total number of aliens who may be issued visas or otherwise provided H–2A nonimmigrant status under paragraph (1) for the first fiscal year following the fiscal years referred to in subparagraph (A), and for each of the following 6 fiscal years, may not exceed a numerical limitation jointly imposed by the Secretary of Agriculture and Secretary of Labor in accordance with clause (ii).

''(ii) ANNUAL ADJUSTMENTS.—For each fiscal year referred to in clause (i), the Secretary of Agriculture and the Secretary of Labor, in consultation with the Secretary of Homeland Security, shall establish a numerical limitation for purposes of clause (i), which may not be lower than 20,000 and may not vary by more than 12.5 percent compared to the numerical limitation applicable to the immediately preceding fiscal year. In establishing such numerical limitation, the Secretaries shall consider—

''(I) a demonstrated shortage of agricultural workers;

''(II) the level of unemployment and underemployment of agricultural workers during the preceding fiscal year;

''(III) the number of H–2A workers sought by employers during the preceding fiscal year to engage in agricultural labor or services not of a temporary or seasonal nature;

''(IV) the number of such H–2A workers issued a visa in the most recent fiscal year who remain in the United States in compliance with the terms of such visa;

''(V) the estimated number of United States workers, including workers who obtained certified agricultural worker status under title I of the Affordable and Secure Food Act of 2025, who worked during the preceding fiscal year in agricultural labor or services not of a temporary or seasonal nature;

''(VI) the number of such United States workers who accepted jobs offered by employers using the online job registry during the preceding fiscal year;

''(VII) any growth or contraction of the United States agricultural industry that has increased or decreased the demand for agricultural workers; and

''(VIII) any changes in the real wages paid to agricultural workers in the United States as an indication of a shortage or surplus of agricultural labor.

''(C) SUBSEQUENT FISCAL YEARS.—For each fiscal year following the fiscal years referred to in subparagraph (B), the Secretary of Agriculture and the Secretary of Labor shall jointly determine, in consultation with the Secretary of Homeland Security, and after considering appropriate factors, including the factors listed in subclauses (I) through (VIII) of subparagraph (B)(ii), whether to establish a numerical limitation for such fiscal year. If a numerical limitation is so established—

''(i) such numerical limitation may not be lower than highest number of aliens admitted under this subsection in any of the 3 fiscal years immediately preceding the fiscal year for which the numerical limitation is to be established; and

''(ii) the total number of aliens who may be issued visas or otherwise provided H–2A nonimmigrant status under paragraph (1) for such fiscal year may not exceed such numerical limitation.

''(D) EMERGENCY PROCEDURES.—The Secretary of Agriculture and the Secretary of Labor, in consultation with the Secretary of Homeland Security, shall jointly establish, by regulation, procedures for immediately adjusting a numerical limitation imposed pursuant to subparagraph (B) or (C) to account for significant labor shortages.

''(3) ALLOCATION OF VISAS.—

''(A) BI-ANNUAL ALLOCATION.—The annual allocation of visas described in paragraph (2) shall be evenly allocated between two halves of the fiscal year unless the Secretary of Homeland Security, in consultation with the Secretary of Agriculture and Secretary of Labor, determines that an alternative allocation would better accommodate demand for visas. Any unused visas in the first half of the fiscal year shall be added to the allocation for the subsequent half of the same fiscal year.

''(B) RESERVE FOR DAIRY LABOR OR SERVICES.—

''(i) IN GENERAL.—Of the visa numbers made available in each half of the fiscal year pursuant to subparagraph (A), 50 percent of such visas shall be reserved for employers filing petitions seeking H–2A workers to engage in agricultural labor or services in the dairy industry.

''(ii) EXCEPTION.—If, after 4 months have elapsed in one half of the fiscal year, the Secretary of Homeland Security determines that application of clause (i) will result in visas going unused during that half of the fiscal year, clause (i) shall not apply to visas under this paragraph during the remainder of such calendar half.

''(C) RESERVE FOR SMALL FARMER LABOR OR SERVICES.—

''(i) IN GENERAL.—Except as provided in clause (ii), of the visas made available during each 6-month period of a fiscal year pursuant to subparagraph (A), 20 percent shall be reserved for employers (excluding employers eligible for a reserve under subparagraph (B)) with fewer than 50 domestic employees that file a petition seeking H–2A workers to engage in agricultural labor or services.

''(ii) EXCEPTION.—If, after 4 months have elapsed in ½ of the fiscal year, the Secretary of Homeland Security determines that the application of clause (i) will result in visas going unused during that 6-month period, clause (i) shall not apply to visas under this paragraph during the remainder of such 6-month period.

''(D) LIMITED ALLOCATION FOR CERTAIN SPECIAL PROCEDURES INDUSTRIES.—

''(i) IN GENERAL.—Notwithstanding the numerical limitations under paragraph (2), up to 550 aliens may be issued visas or otherwise provided H–2A nonimmigrant status under paragraph (1) in a fiscal year for range sheep or goat herding.

''(ii) LIMITATION.—The total number of aliens in the United States in valid H–2A status under clause (i) at any one time may not exceed 550.

''(iii) CLARIFICATION.—Any visas issued under this subparagraph may not be considered for purposes of the annual adjustments under subparagraphs (B) and (C) of paragraph (2).

''(4) ANNUAL ROUND TRIP HOME.—

''(A) IN GENERAL.—In addition to the other requirements of this section, an employer shall provide H–2A workers employed under this subsection, at no cost to such workers, with annual round trip travel, including transportation and subsistence during travel, to their homes in their communities of origin. The employer must provide such travel within 14 months of the initiation of the worker's employment, and no more than 14 months can elapse between each required period of travel.

''(B) LIMITATION.—The cost of travel under subparagraph (A) need not exceed the lesser of—

''(i) the actual cost to the worker of the transportation and subsistence involved; or

''(ii) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(5) FAMILY HOUSING.—An employer seeking to employ an H–2A worker pursuant to this subsection shall offer family housing to workers with families if such workers are engaged in agricultural employment that is not of a seasonal or temporary nature. The worker may reject such an offer. The employer may not charge the worker for the worker's housing, except that if the worker accepts family housing, a prorated rent based on the fair market value for such housing may be charged for the worker's family members.

''(6) WORKPLACE SAFETY PLAN FOR YEAR-ROUND EMPLOYEES.—

''(A) IN GENERAL.—If an employer is seeking to employ a worker in agricultural labor or services pursuant to this subsection, the employer shall report all work-related incidents in accordance with the requirements under section 1904.39 of title 29, Code of Federal Regulations, and maintain an effective worksite safety and compliance plan to prevent workplace accidents and otherwise ensure safety. Such plan shall—

''(i) be in writing in English and, to the extent necessary, any language common to a significant portion of the workers if they are not fluent in English; and

''(ii) be posted at a conspicuous location at the worksite and provided to employees prior to the commencement of labor or services.

''(B) CONTENTS OF PLAN.—The Secretary of Labor, in consultation with the Secretary of Agriculture, shall establish by regulation the minimum requirements for the plan described in subparagraph (A). Such plan shall include measures to—

''(i) require workers (other than the employer's family members) whose positions require contact with animals to complete animal care training, including animal handling and job-specific animal care;

''(ii) protect against sexual harassment and violence, resolve complaints involving harassment or violence, and protect against retaliation against workers reporting harassment or violence; and

''(iii) contain other provisions necessary for ensuring workplace safety, as determined by the Secretary of Labor, in consultation with the Secretary of Agriculture.

''(C) CLARIFICATION.—Nothing in this paragraph is intended—

''(i) to apply to persons or entities that are not seeking to employ workers under this section; or

''(ii) to limit any other Federal or State authority to promulgate, enforce, or maintain health and safety standards related to the dairy industry.

''(j) ELIGIBILITY FOR H–2A STATUS AND ADMISSION TO THE UNITED STATES.—

''(1) DISQUALIFICATION.—An alien shall be ineligible for admission to the United States as an H–2A worker pursuant to a petition filed under this section if the alien was admitted to the United States as an H–2A worker within the past 5 years of the date the petition was filed and—

''(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission has expired, unless the alien has good cause for such failure to depart; or

''(B) otherwise violated a term or condition of admission into the United States as an H–2A worker.

''(2) VISA VALIDITY.—A visa issued to an H–2A worker shall be valid for 3 years and shall allow for multiple entries during the approved period of admission.

''(3) PERIOD OF AUTHORIZED STAY; ADMISSION.—

''(A) IN GENERAL.—An alien admissible as an H–2A worker shall be authorized to stay in the United States for the period of employment specified in the petition approved by the Secretary of Homeland Security under this section. The maximum continuous period of authorized stay for an H–2A worker is 36 months.

''(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—In the case of an H–2A worker whose maximum continuous period of authorized stay (including any extensions) has expired, the alien may not again be eligible for such stay until the alien remains outside the United States for a cumulative period of at least 45 days.

''(C) EXCEPTIONS.—The Secretary of Homeland Security shall deduct absences from the United States that take place during an H–2A worker's period of authorized stay from the period that the alien is required to remain outside the United States under subparagraph (B), if the alien or the alien's employer requests such a deduction, and provides clear and convincing proof that the alien qualifies for such a deduction. Such proof shall consist of evidence including, but not limited to, arrival and departure records, copies of tax returns, and records of employment abroad.

''(D) ADMISSION.—In addition to the maximum continuous period of authorized stay, an H–2A worker's authorized period of admission shall include an additional period of 10 days prior to the beginning of the period of employment for the purpose of traveling to the place of employment and 45 days at the end of the period of employment for the purpose of traveling home or seeking an extension of status based on a subsequent offer of employment if the worker has not reached

the maximum continuous period of authorized stay under subparagraph (A) (subject to the exceptions in subparagraph (C)).

''(4) CONTINUING H–2A WORKERS.—

''(A) SUCCESSIVE EMPLOYMENT.—An H–2A worker is authorized to start new or concurrent employment upon the filing of a nonfrivolous H–2A petition, or as of the requested start date, whichever is later if—

''(i) the petition to start new or concurrent employment was filed prior to the expiration of the H–2A worker's period of admission as defined in paragraph (3)(D); and

''(ii) the H–2A worker has not been employed without authorization in the United States from the time of last admission to the United States in H–2A status through the filing of the petition for new employment.

''(B) PROTECTION DUE TO IMMIGRANT VISA BACKLOGS.—Notwithstanding the limitations on the period of authorized stay described in paragraph (3), any H–2A worker who—

''(i) is the beneficiary of an approved petition, filed under subparagraph (E) or (F) of section 204(a)(1) for preference status under section 203(b)(3)(A)(iii); and

''(ii) is eligible to be granted such status but for the annual limitations on visas under section 203(b)(3)(A),

may apply for, and the Secretary of Homeland Security may grant, an extension of such nonimmigrant status until the Secretary of Homeland Security issues a final administrative decision on the alien's application for adjustment of status or the Secretary of State issues a final decision on the alien's application for an immigrant visa.

''(5) ABANDONMENT OF EMPLOYMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an H–2A worker who abandons the employment which was the basis for the worker's authorized stay, without good cause, shall be considered to have failed to maintain H–2A status and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(B) GRACE PERIOD TO SECURE NEW EMPLOYMENT.—An H–2A worker shall not be considered to have failed to maintain H–2A status solely on the basis of a cessation of the employment on which the alien's classification was based for a period of 45 consecutive days, or until the end of the authorized validity period, whichever is shorter, once during each authorized validity period.

''(k) REQUIRED DISCLOSURES.—

''(1) DISCLOSURE OF WORK CONTRACT.—Not later than the time at which an H–2A worker applies for a visa, or not later than the date on which work commences for a worker in corresponding employment, the employer shall provide such worker with a copy of the work contract, which shall include all of the provisions under this section, or, in the absence of such a contract, a copy of the job order and the certification described in subparagraphs (B) and (D) of subsection (h)(2)), which shall be deemed to be the work contract. An H–2A worker moving from one H–2A employer to a subsequent H–2A employer shall be provided with a copy of the new employment contract no later than the time at which an offer of employment is made by the subsequent employer.

''(2) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to H–2A workers, on or before each payday, in one or more written statements—

''(A) the H–2A worker's total earnings for the pay period;

''(B) the H–2A worker's hourly rate of pay, piece rate of pay, or both;

''(C) the hours of employment offered to the H–2A worker and the hours of employment actually worked by the H–2A worker;

''(D) if piece rates of pay are used, the units produced daily by the H–2A worker;

''(E) an itemization of the deductions made from the H–2A worker's wages; and

''(F) any other information required by Federal, State or local law.

''(3) NOTICE OF WORKER RIGHTS.—The employer shall post and maintain, in a conspicuous location at the place of employment, a poster provided by the Secretary of Labor in English, and, to the extent necessary, any language common to a significant portion of the workers if they are not fluent in English, which sets out the rights and protections for workers employed pursuant to this section.

''(l) LABOR CONTRACTORS; FOREIGN LABOR RECRUITERS; PROHIBITION ON FEES.—

''(1) LABOR CONTRACTORS.—

''(A) SURETY BOND.—An employer that is a labor contractor who seeks to employ H–2A workers shall maintain a surety bond in an amount required under subparagraph (B). Such bond shall be payable to the Secretary of Labor or pursuant to the resolution of a civil or criminal proceeding, for the payment of wages and benefits, including any assessment of interest, owed to an H–2A worker or a similarly employed worker, or a worker who has been rejected or displaced in violation of this section.

''(B) AMOUNT OF BOND.—The Secretary of Labor shall annually publish in the Federal Register a schedule of required bond amounts that are determined by such Secretary to be sufficient for labor contractors to discharge financial obligations under this section based on the number of workers the labor contractor seeks to employ and the wages such workers are required to be paid.

''(C) USE OF FUNDS.—Any sums paid to the Secretary under subparagraph (A) that are not paid to a worker because of the inability to do so within a period of 5 years following the date of a violation giving rise to the obligation to pay shall remain available to the Secretary without further appropriation until expended to support the enforcement of this section.

''(2) FOREIGN LABOR RECRUITING.—If the employer has retained the services of a foreign labor recruiter, the employer shall use a foreign labor recruiter registered under section 1251 of the Affordable and Secure Food Act of 2025.

''(3) PROHIBITION AGAINST EMPLOYEES PAYING FEES.—Neither the employer nor its agents shall seek or receive payment of any kind from any worker for any activity related to the H–2A process, including payment of the employer's attorneys' fees, application fees, or recruitment costs. An employer and its agents may receive reimbursement for costs that are the responsibility and primarily for the benefit of the worker, such as government-required passport fees.

''(4) THIRD-PARTY CONTRACTS.—The contract between an employer and any labor contractor or any foreign labor recruiter (or any agent of such labor contractor or foreign labor recruiter) whom the employer engages shall include a term providing for the termination of such contract for cause if the contractor or recruiter, either directly or indirectly, in the placement or recruitment of H–2A workers seeks or receives payments or other compensation from prospective employees. Upon learning that a labor contractor or foreign labor recruiter has sought or collected such payments, the employer shall so terminate any contracts with such contractor or recruiter.

''(m) ENFORCEMENT AUTHORITY.—

''(1) IN GENERAL.—The Secretary of Labor is authorized to take such actions against employers, including issuing subpoenas, imposing appropriate penalties, and seeking monetary and injunctive relief and specific performance of contractual obligations, as may be necessary to ensure compliance with the requirements of this section and with the applicable terms and conditions of employment. The Solicitor of Labor may appear on behalf of and represent the Secretary of Labor in any civil litigation brought under this chapter, but all such litigation shall be subject to the direction and control of the Attorney General.

''(2) COMPLAINT PROCESS.—

''(A) PROCESS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints alleging failure of an employer to comply with the requirements under this section and with the applicable terms and conditions of employment.

''(B) FILING.—A complaint referred to in subparagraph (A) may be filed not later than 2 years after the date of the conduct that is the subject of the complaint.

''(C) COMPLAINT NOT EXCLUSIVE.—A complaint filed under this paragraph is not an exclusive remedy and the filing of such a complaint does not waive any rights or remedies of the aggrieved party under this law or other laws.

''(D) DECISION AND REMEDIES.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer failed to comply with the requirements of this section or the terms and conditions of employment, the Secretary of Labor may require payment of unpaid wages, unpaid benefits, fees assessed in violation of this section, damages, and civil money penalties. The Secretary is also authorized to impose other administrative remedies, including disqualification of the employer from utilizing the H–2A program for a period of up to 5 years in the event of willful or multiple material violations. The Secretary is authorized to permanently disqualify an employer from utilizing the H–2A program upon a subsequent finding involving willful or multiple material violations.

''(E) DISPOSITION OF PENALTIES.—Civil penalties collected under this paragraph shall be deposited into the H–2A Labor Certification Fee Account established under section 1203 of the Affordable and Secure Food Act of 2025.

''(3) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed as limiting the authority of the Secretary of Labor to conduct an investigation—

''(A) under any other law, including any law affecting migrant and seasonal agricultural workers; or

''(B) in the absence of a complaint.

''(4) RETALIATION PROHIBITED.—It is a violation of this subsection for any person to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against, or to cause any person to intimidate, threaten, restrain, coerce, blacklist, or in any manner discriminate against, an employee, including a former employee or an applicant for employment, because the employee—

''(A) has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation under this section, or any rule or regulation relating to this section;

''(B) has filed a complaint concerning the employer's compliance with the requirements under this section or any rule or regulation pertaining to this section;

''(C) cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements under this section or any rule or regulation pertaining to this section; or

''(D) has taken steps to exercise or assert any right or protection under the provisions of this section, or any rule or regulation pertaining to this section, or any other relevant Federal, State, or local law.

''(5) INTERAGENCY COMMUNICATION.—The Secretary of Labor, in consultation with the Secretary of Homeland Security, Secretary of State and the Equal Employment Opportunity Commission, shall establish mechanisms by which the agencies and their components share information, including by public electronic means, regarding complaints, studies, investigations, findings and remedies regarding compliance by employers with the requirements of the H–2A program and other employment-related laws and regulations.

''(n) DEFINITIONS.—In this section:

''(1) DISPLACE.—The term 'displace' means to lay off a similarly employed United States worker, other than for lawful job-related reasons, in the occupation and area of intended employment for the job for which H–2A workers are sought.

''(2) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(3) JOB ORDER.—The term 'job order' means the document containing the material terms and conditions of employment, including obligations and assurances required under this section or any other law.

''(4) ONLINE JOB REGISTRY.—The term 'online job registry' means the online job registry of the Secretary of Labor required under section 1201(b) of the Affordable and Secure Food Act of 2025 (or similar successor registry).

''(5) SIMILARLY EMPLOYED.—The term 'similarly employed', in the case of a worker, means a worker in the same occupational classification as the classification or classifications for which the H–2A worker is sought.

''(6) UNITED STATES WORKER.—The term 'United States worker' means any worker who is—

''(A) a citizen or national of the United States;

''(B) an alien who is lawfully admitted for permanent residence, is admitted as a refugee under section 207, is granted asylum under section 208, or is an immigrant otherwise authorized to be employed in the United States;

''(C) an alien granted certified agricultural worker status under title I of the Affordable and Secure Food Act of 2025; or

''(D) an individual who is not an unauthorized alien (as defined in section 274A(h)(3)) with respect to the employment in which the worker is engaging.

''(o) FEES; AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEES.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee to process petitions under this section. Such fee shall be set at a level that is sufficient to recover the reasonable costs of processing the petition, including the reasonable costs of providing labor certification by the Secretary of Labor.

''(B) DISTRIBUTION.—Fees collected under subparagraph (A) shall be deposited as offsetting receipts into the immigration examinations fee account in section 286(m), except that the portion of fees assessed for the Secretary of Labor shall be deposited into the H–2A Labor Certification Fee Account established pursuant to section 1203(c) of the Affordable and Secure Food Act of 2025.

''(2) APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as necessary for the purposes of—

''(A) recruiting United States workers for labor or services which might otherwise be performed by H–2A workers, including by ensuring that State workforce agencies are sufficiently funded to fulfill their functions under this section;

''(B) enabling the Secretary of Labor to make determinations and certifications under this section and under section 212(a)(5)(A)(i);

''(C) monitoring and enforcing the terms and conditions under which H–2A workers (and United States workers employed by the same employers) are employed in the United States; and

''(D) enabling the Secretary of Agriculture to carry out the Secretary of Agriculture's duties and responsibilities under this section.''.

SEC. 1203. AGENCY ROLES AND RESPONSIBILITIES.

(a) RESPONSIBILITIES OF THE SECRETARY OF LABOR.—With respect to the administration of the H–2A nonimmigrant visa program (referred to in this section as the ''H–2A program''), the Secretary of Labor shall be responsible for—

(1) consulting with State workforce agencies to—

(A) review and process job orders;

(B) facilitate the recruitment and referral of able, willing and qualified United States workers who will be available at the time and place needed;

(C) determine prevailing wages and practices; and

(D) conduct timely inspections to ensure compliance with applicable Federal, State, or local housing standards and Federal regulations for H–2A housing;

(2) determining whether the employer has met the conditions for approval of the H–2A nonimmigrant visa petition described in section 218 of the Immigration and Nationality Act (8 U.S.C. 1188);

(3) determining, in consultation with the Secretary of Agriculture, whether a job opportunity is of a seasonal or temporary nature;

(4) determining whether the employer has complied or will comply with the H–2A program requirements set forth in section 218 of the Immigration and Nationality Act (8 U.S.C. 1188);

(5) processing and investigating complaints consistent with section 218(m) of the Immigration and Nationality Act (8 U.S.C. 1188(m));

(6) referring any matter as appropriate to the Inspector General of the Department of Labor for investigation;

(7) ensuring that guidance to State workforce agencies to conduct wage surveys is regularly updated; and

(8) issuing such rules and regulations as are necessary to carry out the Secretary of Labor's responsibilities under this Act and the amendments made by this Act.

(b) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—With respect to the administration of the H–2A program, the Secretary of Homeland Security shall be responsible for—

(1) adjudicating petitions for the admission of nonimmigrants described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) (referred to in this title as ''H–2A workers''), which shall include an assessment as to whether each beneficiary will be employed in accordance with the terms and conditions of the certification and whether any named beneficiaries qualify for such employment;

(2) transmitting a copy of the final decision on the petition to the employer, and in the case of approved petitions, ensuring that the petition approval is reflected in the electronic platform to facilitate the prompt issuance of a visa by the Department of State (if required) and the admission of the H–2A workers to the United States;

(3) establishing a reliable and secure method through which H–2A workers can access information about their H–2A visa status, including information on pending, approved, or denied petitions to extend such status;

(4) investigating and preventing fraud in the program, including the utilization of H–2A workers for other than allowable agricultural labor or services; and

(5) issuing such rules and regulations as are necessary to carry out the Secretary of Homeland Security's responsibilities under this Act and the amendments made by this Act.

(c) ESTABLISHMENT OF ACCOUNT; USE OF FUNDS.—

(1) ESTABLISHMENT OF ACCOUNT.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''H–2A Labor Certification Fee Account''. Notwithstanding any other provisions of law, there shall be deposited as offsetting receipts into the account all amounts—

(A) collected as a civil penalty under section 218(m)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1188(m)(2)(E)); and

(B) collected as a fee under section 218(o)(1)(B) of such Act (8 U.S.C. 1188(o)(1)(B)).

(2) USE OF FUNDS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, amounts deposited into the H–2A Labor Certification Fee Account shall be available (except as otherwise provided in this paragraph) without fiscal year limitation and without the requirement for specification in appropriations Acts to the Secretary of Labor for use, directly or through grants, contracts, or other arrangements, in such amounts as the Secretary of Labor determines are necessary for the costs of Federal and State administration in carrying out activities in connection with labor certification under section 218 of the Immigration and Nationality Act (8 U.S.C. 1188).

(B) EXAMPLES OF APPROVED COSTS.—Costs authorized under subparagraph (A) may include—

(i) personnel salaries and benefits;

(ii) equipment and infrastructure for adjudication and customer service processes;

(iii) the operation and maintenance of an on-line job registry; and

(iv) program integrity activities.

(C) CONSIDERATIONS.—In determining what amounts to transfer to States for State administration in carrying out activities in connection with labor certification under section 218 of the Immigration and Nationality Act, the Secretary shall—

(i) consider the number of H–2A workers employed in such State; and

(ii) adjust the amount transferred to such State based on the proportion of H–2A workers employed in such State.

(D) AUDITS; CRIMINAL INVESTIGATIONS.—Ten percent of the amounts deposited into the H–2A Labor Certification Fee Account pursuant to paragraph (1) shall be available to the Office of Inspector General of the Department of Labor to conduct audits and criminal investigations relating to foreign labor certification programs.

(3) ADDITIONAL FUNDS.—Amounts available under paragraph (1) shall be available in addition to any other funds appropriated or made available to the Department of Labor under other laws, including section 218(o)(2) of the Immigration and Nationality Act (8 U.S.C. 1188(o)(2)).

SEC. 1204. WORKER PROTECTION AND COMPLIANCE.

(a) EQUALITY OF TREATMENT.—H–2A workers may not be denied any right or remedy under any Federal, State, or local labor or employment law applicable to United States workers engaged in agricultural employment.

(b) APPLICABILITY OF OTHER LAWS.—

(1) MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—H–2A workers shall be considered migrant agricultural workers for purposes of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

(2) WAIVER OF RIGHTS PROHIBITED.—Agreements by H–2A workers to waive or modify any rights or protections under this Act or section 218 of the Immigration and Nationality Act, as amended by section 1202, shall be considered void or contrary to public policy except as provided in a collective bargaining agreement with a bona fide labor organization.

(3) FRIVOLOUS LAWSUITS PROHIBITED.—A legal representative of an H–2A worker who seeks to enforce rights guaranteed under this Act or under section 218 of the Immigration and Nationality Act, as amended by section 1202, shall comply with Rules 8 and 11 of the Federal Rules of Civil Procedure.

(4) DEMAND LETTER PROHIBITIONS.—A legal representative of an H–2A worker, or a class of workers, may not send a demand letter to the employer of such worker, or class of workers, regarding a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) and demanding a monetary payment without a good faith basis that there are sufficient facts to support such an allegation.

(5) THIRD-PARTY LAWSUITS.—All named plaintiffs in a lawsuit against the employer of an H–2A worker shall be a real party in interest and may not be a third party who is not an H–2A worker, except as otherwise expressly permitted under this Act or any other law.

(6) MEDIATION.—

(A) FREE MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under this section between H–2A workers and agricultural employers without charge to the parties.

(B) LAWSUITS.—If an H–2A worker files a civil lawsuit alleging 1 or more violations of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), not later than 60 days after filing proof of service of the complaint, a party to the lawsuit may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute.

(C) NOTICE.—Upon filing a request under subparagraph (B) and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (D), except that nothing in this paragraph shall limit the ability of a court to order preliminary injunctive relief to protect health and safety or to otherwise prevent irreparable harm.

(D) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives a request for assistance under subparagraph (B) unless the parties agree to an extension of such period.

(E) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—Subject to clause (ii), there is authorized to be appropriated to the Federal Mediation and Conciliation Service $5,600,000 for fiscal year 2024 and $4,600,000 for each of the following 10 fiscal years to carry out this subparagraph.

(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized—

(I) to conduct the mediation or other dispute resolution activities from any other account containing amounts available to the Director; and

(II) to reimburse such account with amounts appropriated pursuant to clause (i).

(F) PRIVATE MEDIATION.—If all parties agree, a private mediator may be employed as an alternative to the Federal Mediation and Conciliation Service.

(c) FARM LABOR CONTRACTOR REQUIREMENTS.—

(1) SURETY BONDS.—

(A) REQUIREMENT.—Section 101 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1811), is amended by adding at the end the following:

''(e) A farm labor contractor shall maintain a surety bond in an amount determined by the Secretary to be sufficient for ensuring the ability of the farm labor contractor to discharge its financial obligations, including payment of wages and benefits to employees. Such a bond shall be available to satisfy any amounts ordered to be paid by the Secretary or by court order for failure to comply with the obligations of this Act. The Secretary of Labor shall annually publish in the Federal Register a schedule of required bond amounts that are determined by such Secretary to be sufficient for farm labor contractors to discharge financial obligations based on the number of workers to be covered.''.

(B) REGISTRATION DETERMINATIONS.—Section 103(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1813(a)), is amended—

(i) in paragraph (4), by striking ''or'' at the end;

(ii) in paragraph (5)(B), by striking ''or'' at the end;

(iii) in paragraph (6), by striking the period at the end and inserting '';''; and

(iv) by adding at the end the following:

''(7) has failed to maintain a surety bond in compliance with section 101(e); or

''(8) has been disqualified by the Secretary of Labor from importing nonimmigrants described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act.''.

(2) SUCCESSORS IN INTEREST.—

(A) DECLARATION.—Section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812), is amended—

(i) in paragraph (4), by striking ''and'' at the end;

(ii) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(6) a declaration, subscribed and sworn to by the applicant, stating whether the applicant has a familial, contractual, or employment relationship with, or shares vehicles, facilities, property, or employees with, a person who has been refused issuance or renewal of a certificate, or has had a certificate suspended or revoked, pursuant to section 103.''.

(B) REBUTTABLE PRESUMPTION.—Section 103 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1813), as amended by this Act, is further amended by inserting after subsection (a) the following new subsection (and by redesignating the subsequent subsections accordingly):

''(b)(1) There shall be a rebuttable presumption that an applicant for issuance or renewal of a certificate is not the real party in interest in the application if the applicant—

''(A) is the immediate family member of any person who has been refused issuance or renewal of a certificate, or has had a certificate suspended or revoked; and

''(B) identifies a vehicle, facility, or real property under paragraph (2) or (3) of section 102 that has been previously listed by a person who has been refused issuance or renewal of a certificate, or has had a certificate suspended or revoked.

''(2) An applicant described in paragraph (1) bears the burden of demonstrating to the Secretary's satisfaction that the applicant is the real party in interest in the application.''.

(d) CONFORMING AMENDMENT.—Section 3(8)(B) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(8)(B)) is amended to read as follows:

''(B) The term 'migrant agricultural worker' does not include any immediate family member of an agricultural employer or a farm labor contractor.''.

SEC. 1205. REPORT ON WAGE PROTECTIONS.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, and every 3 years thereafter, the Secretary of Labor and the Secretary of Agriculture shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that addresses—

(1) whether, and the manner in which, the employment of H–2A workers in the United States has impacted the wages, working conditions, or job opportunities of United States farm workers;

(2) whether, and the manner in which, the adverse effect wage rate increases or decreases wages on United States farms, broken down by geographic region and farm size;

(3) whether any potential impact of the adverse effect wage rate varies based on the percentage of workers in a geographic region that are H–2A workers;

(4) the degree to which the adverse effect wage rate is affected by the inclusion in wage surveys of piece rate compensation, bonus payments, and other pay incentives, and whether such forms of incentive compensation should be surveyed and reported separately from hourly base rates;

(5) whether, and the manner in which, other factors may artificially affect the adverse effect wage rate, including factors that may be specific to a region, State, or region within a State;

(6) whether, and the manner in which, the H–2A program affects the ability of United States farms to compete with agricultural commodities imported from outside the United States;

(7) the number and percentage of farm workers in the United States whose incomes are below the poverty line;

(8) whether alternative wage standards would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of the H–2A program;

(9) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

(10) recommendations for future wage protection for United States farm workers.

(b) INTERVIEWS.—In gathering information for the report required subsection (a), the Secretary of Labor and the Secretary of Agriculture shall interview equal numbers of representatives of agricultural employers and agricultural workers, both locally and nationally.

SEC. 1206. PORTABLE H–2A VISA PILOT PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—

(A) RULEMAKING.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall promulgate regulations establishing a 6-year pilot program to facilitate the free movement and employment of temporary or

seasonal H–2A workers to perform agricultural labor or services for agricultural employers registered with the Secretary of Agriculture.

(B) PROGRAM REQUIREMENTS.—Notwithstanding the requirements under section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), the regulations promulgated pursuant to subparagraph (A) shall establish the requirements for the pilot program in accordance with subsection (b).

(C) DEFINITIONS.—In this section:

(i) PORTABLE H–2A WORKER.—The term ''portable H–2A worker'' means an H–2A worker described in subparagraph (A).

(ii) PORTABLE H–2A STATUS.—The term ''portable H–2A status'' means the immigration status of a portable H–2A worker.

(2) ONLINE PLATFORM.—

(A) ESTABLISHMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall establish and maintain an online electronic platform to connect portable H–2A workers with registered agricultural employers seeking workers to perform temporary or seasonal agricultural labor or services.

(B) POSTING OF JOB OPPORTUNITIES.—Employers shall post information regarding available job opportunities on the platform established pursuant to subparagraph (A), which shall include—

(i) a description of the nature and location of the work to be performed;

(ii) the anticipated period or periods during which workers are needed; and

(iii) the terms and conditions of employment.

(C) SEARCH CRITERIA.—The platform established pursuant to subparagraph (A) shall allow portable H–2A workers to search for available job opportunities using relevant criteria, including the types of jobs needed to be filled and the dates and locations workers are needed by an employer.

(3) LIMITATION.—Notwithstanding the issuance of the regulation described in paragraph (1), the Secretary of State may not issue a portable H–2A visa and the Secretary of Homeland Security may not confer portable H–2A status on any alien until the Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, determines that—

(A) a sufficient number of employers have been designated as registered agricultural employers pursuant to subsection (b)(1); and

(B) the employers referred to in subparagraph (A) have sufficient job opportunities to employ a reasonable number of portable H–2A workers to initiate the pilot program.

(b) PILOT PROGRAM ELEMENTS.—

(1) REGISTERED AGRICULTURAL EMPLOYERS.—

(A) DESIGNATION.—Agricultural employers shall be provided the ability to seek designation as registered agricultural employers. Reasonable fees may be assessed commensurate with the cost of processing applications for designation. A designation shall be valid for a period of up to 3 years unless revoked for failure to comply with program requirements. Registered employers that comply with program requirements may apply to renew such designation for additional periods of up to 3 years for the duration of the pilot program established pursuant to subsection (a).

(B) LIMITATIONS.—Registered agricultural employers—

(i) may employ aliens with portable H–2A status without filing a petition; and

(ii) shall pay such aliens not less than the wage required under section 218(d) of the Immigration and Nationality Act, as amended by section 1202.

(C) WORKERS' COMPENSATION.—If a job opportunity is not covered by, or is exempt from, the applicable State workers' compensation law, a registered agricultural employer shall provide to portable H–2A workers, at no cost to such workers, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits that are at least equal to the benefits provided under the applicable State workers' compensation law.

(2) DESIGNATED WORKERS.—

(A) IN GENERAL.—Individuals who were previously admitted to the United States in H–2A status, and have maintained such status during the period of their admission, may apply for portable H–2A status. Portable H–2A workers shall be subject to the provisions regarding visa validity and periods of authorized stay and admission applicable to H–2A workers described in paragraphs (2) and (3) of section 218(j) of the Immigration and Nationality Act, as added by section 1202.

(B) LIMITATIONS ON AVAILABILITY OF PORTABLE H–2A STATUS.—

(i) INITIAL OFFER OF EMPLOYMENT REQUIRED.—An alien may not be granted portable H–2A status without an initial valid offer of employment from a registered agricultural employer to perform temporary or agricultural labor or services.

(ii) NUMERICAL LIMITATIONS.—

(I) IN GENERAL.—Subject to subclause (II), the total number of aliens who may simultaneously hold valid portable H–2A status may not exceed 10,000.

(II) FURTHER LIMITATION.—The Secretary of Homeland Security may further limit the total number of aliens who may be granted portable H–2A status if the Secretary determines that there are an insufficient number of registered agricultural employers or job opportunities to support the employment of the number of portable H–2A workers authorized under subclause (I).

(C) SCOPE OF EMPLOYMENT.—A portable H–2A worker, during the period of his or her admission, may perform temporary or seasonal agricultural labor or services for any employer in the United States that is designated as a registered agricultural employer pursuant to paragraph (1). An employment arrangement under this section may be terminated by the portable H–2A worker or the registered agricultural employer at any time.

(D) MAINTENANCE OF STATUS.—

(i) TRANSFER TO NEW EMPLOYMENT.—If a portable H–2A worker desires to maintain portable H–2A status after the conclusion of such worker's employment with a registered agricultural employer, such worker shall secure new employment with another registered agricultural employer not later than 60 days after the last day of employment with the previous employer.

(ii) MAINTENANCE OF STATUS.—A portable H–2A worker who does not secure new employment with a registered agricultural employer during the 60-day period referred to in clause (i)—

(I) shall be considered to have failed to maintain portable H–2A status; and

(II) shall depart the United States or be subject to removal under section 237(a)(1)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(C)(i)).

(3) ENFORCEMENT.—

(A) IN GENERAL.—The Secretary of Labor shall conduct investigations and random audits of employers to ensure compliance with the employment-related requirements under this section, in accordance with section 218(m) of the Immigration and Nationality Act, as added by section 1202.

(B) PENALTIES.—The Secretary of Labor is authorized to collect reasonable civil penalties for violations of this section, which may be expended by the Secretary for the administration and enforcement of this section.

(4) ELIGIBILITY FOR SERVICES.—Section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note) is amended by striking ''other employment rights as provided in the worker's specific contract under which the nonimmigrant was admitted'' and inserting ''employment-related rights''.

(c) REPORT.—Not later than 30 months after the commencement of the pilot program established pursuant to subsection (a), the Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(1) the number of employers designated as registered agricultural employers, disaggregated by geographic region, farm size, and the number of job opportunities offered by such employers;

(2) the number of employers whose designation as a registered agricultural employer was revoked;

(3) the number of individuals granted portable H–2A status during each fiscal year and the number of such individuals who maintained portable H–2A status during all or a portion of the 3-year period of the pilot program;

(4) an assessment of the impact of the pilot program on the wages and working conditions of United States farm workers;

(5) the results of a survey of individuals granted portable H–2A status that describes their experiences with and their feedback regarding the pilot program;

(6) the results of a survey of registered agricultural employers that describes their experiences with and their feedback regarding the pilot program;

(7) an assessment regarding whether the pilot program should be continued and any recommendations for improving the pilot program; and

(8) findings and recommendations regarding effective recruitment mechanisms, including the use of new technology—

(A) to match workers with employers; and

(B) to ensure compliance with applicable labor and employment laws and regulations.

SEC. 1207. IMPROVING ACCESS TO PERMANENT RESIDENCE.

(a) WORLDWIDE LEVEL.—Section 201(d)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(1)(A)) is amended by striking ''140,000'' and inserting ''200,000''.

(b) VISAS FOR FARM WORKERS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1) by striking ''28.6 percent of such worldwide level'' and inserting ''40,040'';

(2) in paragraph (2)(A) by striking ''28.6 percent of such worldwide level'' and inserting ''40,040'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter before clause (i), by striking ''28.6 percent of such worldwide level'' and inserting ''100,040''; and

(ii) by amending clause (iii) to read as follows:

''(iii) OTHER WORKERS.—Other qualified immigrants who, at the time of petitioning for classification under this paragraph—

''(I) are capable of performing unskilled labor, not of a temporary or seasonal nature, for which qualified workers are not available in the United States; or

''(II) can demonstrate employment in the United States as an H–2A nonimmigrant worker for at least 100 days in each of at

least 10 years or for at least 1,000 days within the preceding 10-year period.'';

(B) by amending subparagraph (B) to read as follows:

''(B) VISAS ALLOCATED FOR OTHER WORKERS.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), 60,000 of the visas made available under this paragraph shall be reserved for qualified immigrants described in subparagraph (A)(iii).

''(ii) PREFERENCE FOR AGRICULTURAL WORKERS.—Subject to clause (iii), not fewer than 50,000 of the visas described in clause (i) shall be reserved for—

''(I) qualified immigrants described in subparagraph (A)(iii)(I) who will be performing agricultural labor or services in the United States; and

''(II) qualified immigrants described in subparagraph (A)(iii)(II).

''(iii) EXCEPTION.—If because of the application of clause (ii), the total number of visas available under this paragraph for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, clause (ii) shall not apply to visas under this paragraph during the remainder of such calendar quarter.

''(iv) NO PER COUNTRY LIMITS.—Visas described under clause (ii) shall be issued without regard to the numerical limitation under section 202(a)(2).''; and

(C) by amending subparagraph (C) by striking ''An immigrant visa'' and inserting ''Except for qualified immigrants petitioning for classification under subparagraph (A)(iii)(II), an immigrant visa'';

(4) in paragraph (4), by striking ''7.1 percent of such worldwide level'' and inserting ''9,940''; and

(5) in paragraph (5)(A), in the matter before clause (i), by striking ''7.1 percent of such worldwide level'' and inserting ''9,940''.

(c) WESTERN HEMISPHERE PROCEDURES.—The Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of State, may—

(1) identify countries in the Western Hemisphere with large flows of migration outside of normal trade and travel routes to the United States; and

(2) develop tools and resources and establish procedures to connect prospective workers described in section 203(b)(3)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(3)(A)(iii)) from such countries to United States employers seeking temporary workers to perform agricultural labor or services.

(d) PETITIONING PROCEDURE.—Section 204(a)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(E)) is amended by inserting ''or 203(b)(3)(A)(iii)(II)'' after ''203(b)(1)(A)''.

(e) DUAL INTENT.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking ''section 101(a)(15)(H)(i) except subclause (b1) of such section'' and inserting ''clause (i), except subclause (b1), or (ii)(a) of section 101(a)(15)(H)''.

Subtitle B—Preservation and Construction of Farm Worker Housing

SEC. 1220. SHORT TITLE.

This subtitle may be cited as the ''Strategy and Investment in Rural Housing Preservation Act of 2025''.

SEC. 1221. NEW FARM WORKER HOUSING.

Section 513(e) of the Housing Act of 1949 (42 U.S.C. 1483(e)) is amended by adding at the end the following:

''(e) FUNDING FOR FARM WORKER HOUSING.—

''(1) SECTION 514 FARM WORKER HOUSING LOANS.—

''(A) INSURANCE AUTHORITY.—The Secretary of Agriculture, to the extent approved in appropriation Acts, may insure loans under section 514 totaling not more than $20,000,000 during each of the fiscal years 2024 through 2033.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $75,000,000 for each of the fiscal years 2024 through 2033 for the cost (as such term is defined in section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5))) of loans insured pursuant to subparagraph (A).

''(2) SECTION 516 GRANTS FOR FARMWORKER HOUSING.—There is authorized to be appropriated $30,000,000 for each of the fiscal years 2024 through 2033 for financial assistance authorized under section 516.

''(3) SECTION 521 HOUSING ASSISTANCE.—There is authorized to be appropriated $26,800,000 for each of the fiscal years 2024 through 2033 for—

''(A) rental assistance agreements entered into or renewed pursuant to section 521(a)(2); or

''(B) agreements entered into in lieu of debt forgiveness or payments for eligible households authorized under section 502(c)(5)(D).

''(4) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated 5 percent of any amounts made available for the housing assistance program under this section for any fiscal year, which shall be used for administrative expenses for such program.''.

SEC. 1222. LOAN AND GRANT LIMITATIONS.

Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by inserting after subsection (c) the following:

''(d) PER PROJECT LIMITATIONS ON ASSISTANCE.—If the Secretary, in making available assistance in any area under this section or section 516, establishes a limitation on the amount of assistance available per project, the limitation on a grant or loan award per project shall not be less than $5,000,000.''.

SEC. 1223. OPERATING ASSISTANCE SUBSIDIES.

Section 521(a)(5) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)) is amended—

(1) in subparagraph (A) by striking ''migrant farmworkers'' and inserting ''migrant farm workers or domestic farm labor legally admitted to the United States and authorized to work in agriculture'';

(2) in subparagraph (B)—

(A) by striking ''In any fiscal year'' and inserting the following: ''

''(i) HOUSING FOR MIGRANT FARM WORKERS.—In any fiscal year'';

(B) by inserting ''providing housing for migrant farm workers'' after ''any project''; and

(C) by adding at the end the following:

''(ii) HOUSING FOR OTHER FARM LABOR.—The assistance provided under this paragraph in any fiscal year for any project providing housing for domestic farm labor legally admitted to the United States and authorized to work in agriculture may not exceed an amount equal to 50 percent of the operating costs for such project for such year, as determined by the Secretary. The owner of such project does not qualify for operating assistance unless the Secretary certifies that—

''(I) such project was unoccupied or underutilized before making units available to such farm labor; and

''(II) a grant under this section will not displace any farm worker who is a United States worker.''; and

(3) in subparagraph (D)—

(A) by redesignating clauses (i) and (ii) as clause (ii) and (iii), respectively; and

(B) by inserting before clause (ii), as redesignated, the following:

''(iii) The term 'domestic farm labor' has the meaning given such term in section 514(f)(3), except that subparagraph (A) of such section shall not apply for purposes of this paragraph.''.

SEC. 1224. RENTAL ASSISTANCE CONTRACT AUTHORITY.

Section 521(d) of the Housing Act of 1949 (42 U.S.C. 1490a(d)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (B) and (C) as paragraphs (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) upon the request of an owner of a project financed under section 514 or 515, the Secretary is authorized to enter into renewal of such agreements for a period equal to the shorter of 20 years or the term of the loan, subject to amounts made available for such purpose in appropriations Acts;''; and

(2) by adding at the end the following:

''(3) If any rental assistance contract authority becomes available because of the termination of assistance on behalf of an assisted family—

''(A) at the option of the owner of the rental project, the Secretary shall provide the owner a period of 6 months before such assistance is made available pursuant to subparagraph (B) during which the owner may use such assistance authority to provide assistance of behalf of an eligible unassisted family that—

''(i) is residing in the same rental project that the assisted family resided in prior to such termination; or

''(ii) newly occupies a dwelling unit in such rental project during such period; and

''(B) except for assistance used in accordance with subparagraph (A), the Secretary shall use such remaining authority to provide such assistance on behalf of eligible families residing in other rental projects originally financed under section 515 or under sections 514 and 516.''.

SEC. 1225. ELIGIBILITY FOR RURAL HOUSING VOUCHERS.

Section 542 of the Housing Act of 1949 (42 U.S.C. 1490r) is amended by adding at the end the following:

''(c) ELIGIBILITY OF HOUSEHOLDS IN SECTIONS 514, 515, AND 516 PROJECTS.—The Secretary, in consultation with the Under Secretary of Agriculture for Rural Development, may provide rural housing vouchers under this section for any low-income household (including households not receiving rental assistance) residing in a property financed with a loan made or insured under section 514 or 515 which has been prepaid without restrictions imposed by the Secretary pursuant to section 502(c)(5)(G)(ii)(I), has been foreclosed, or has matured after September 30, 2005, or residing in a property assisted under section 514 or 516 that is owned by a nonprofit organization or public agency.''.

SEC. 1226. PERMANENT ESTABLISHMENT OF HOUSING PRESERVATION AND REVITALIZATION PROGRAM.

Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding at the end the following:

''SEC. 545. HOUSING PRESERVATION AND REVITALIZATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall carry out a program that preserves and revitalizes multifamily rental housing projects financed under section 515 or under sections 514 and 516.

''(b) NOTICE OF MATURING LOANS.—

''(1) TO OWNERS.—The Secretary shall provide annual written notice to each owner of a property financed under section 515 or under sections 514 and 516 that will mature during the 4-year period beginning on the date on which such notice is provided. Such notice shall set forth—

''(A) the options and financial incentives that are available to facilitate the extension of the loan term; or

''(B) the option to decouple a rental assistance contract pursuant to subsection (f).

''(2) TO TENANTS.—

''(A) IN GENERAL.—Not later than 2 years before the date of maturity of a loan authorized under section 515 or under sections 514 and 516 for real property, the owner of such property who received a notice pursuant to paragraph (1) shall provide written notice to each household residing in such property to inform the household of—

''(i) the date of the loan maturity;

''(ii) the possible actions that may happen with respect to the property on or after such date; and

''(iii) how to protect their right to reside in federally assisted housing after such date.

''(B) LANGUAGE.—Each notice provided under subparagraph (A)—

''(i) shall be written in plain English; and

''(ii) shall be translated to other languages if the relevant property is located in an area in which a significant number of residents speak such other languages.

''(C) NOTICE TEMPLATE.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary of Agriculture for Rural Development, in consultation with the Secretary of Housing and Urban Development, should publish a template of a notice that owners may use to provide the information required under this paragraph to their tenants.

''(c) LOAN RESTRUCTURING.—Under the program carried out under this section, the Secretary may restructure such existing housing loans as the Secretary considers appropriate to ensure that such projects have sufficient resources to preserve the projects to provide safe and affordable housing for low-income residents and farm laborers by—

''(1) reducing or eliminating interest;

''(2) deferring loan payments;

''(3) subordinating, reducing, or reamortizing loan debt; and

''(4) providing other financial assistance, including advances, payments, and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary.

''(d) RENEWAL OF RENTAL ASSISTANCE.—If the Secretary offers to restructure a loan pursuant to subsection (c), the Secretary shall offer to renew the rental assistance contract under section 521(a)(2) for a 20-year term, subject to annual appropriations, if the property owner agrees to bring the property up to such standards that will ensure its maintenance as decent, safe, and sanitary housing for the full term of the rental assistance contract.

''(e) RESTRICTIVE USE AGREEMENTS.—

''(1) REQUIREMENT.—As part of the preservation and revitalization agreement for a project, the Secretary shall obtain a restrictive use agreement that obligates the owner to operate the project in accordance with the provisions under this title.

''(2) TERM.—

''(A) NO EXTENSION OF RENTAL ASSISTANCE CONTRACT.—Unless the Secretary enters into a 20-year extension of the rental assistance contract for the project, the term of the restrictive use agreement for the project shall be equal to the term of the restructured loan for the project.

''(B) EXTENSION OF RENTAL ASSISTANCE CONTRACT.—If the Secretary enters into a 20-year extension of the rental assistance contract for a project, the term of the restrictive use agreement for the project shall be 20 years.

''(C) TERMINATION.—The Secretary may terminate the 20-year use restrictive use agreement for a project before the end of its term if the 20-year rental assistance contract for the project with the owner is terminated at any time for reasons outside the owner's control.

''(f) DECOUPLING OF RENTAL ASSISTANCE.—

''(1) RENEWAL OF RENTAL ASSISTANCE CONTRACT.—If the Secretary determines that a maturing loan for a project cannot reasonably be restructured in accordance with subsection (c) and the project was operating with rental assistance under section 521, the Secretary may renew the rental assistance contract, notwithstanding any provision of section 521, for a term, subject to annual appropriations, of at least 10 years but not more than 20 years.

''(2) RENTS.—Any agreement to extend the term of the rental assistance contract under section 521 for a project shall obligate the owner to continue to maintain the project as decent, safe and sanitary housing and to operate the development in accordance with this title, except that rents shall be based on the lesser of—

''(A) the budget-based needs of the project; or

''(B) the operating cost adjustment factor as a payment standard as provided under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437 note).

''(g) MULTIFAMILY HOUSING TRANSFER TECHNICAL ASSISTANCE.—Under the program under this section, the Secretary may provide grants to qualified non-profit organizations and public housing agencies to provide technical assistance, including financial and legal services, to borrowers under loans under this title for multifamily housing to facilitate the acquisition of such multifamily housing properties in areas where the Secretary determines there is a risk of loss of affordable housing.

''(h) TRANSFER OF RENTAL ASSISTANCE.—After the loan or loans for a rental project originally financed under section 515 or both sections 514 and 516 have matured or have been prepaid and the owner has chosen not to restructure the loan pursuant to subsection (c), a tenant residing in such project shall have 18 months prior to loan maturation or prepayment to transfer the rental assistance assigned to the tenant's unit to another rental project originally financed under section 515 or both sections 514 and 516, and the owner of the initial project may rent the tenant's previous unit to a new tenant without income restrictions.

''(i) ADMINISTRATIVE EXPENSES.—Of any amounts made available for the program under this section for any fiscal year, the Secretary may use not more than $1,000,000 for administrative expenses for carrying out such program.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the program under this section $100,000,000 for each of the fiscal years 2024 through 2028.''.

SEC. 1227. AMOUNT OF VOUCHER ASSISTANCE.

Notwithstanding any other provision of law, the amount of the monthly assistance payment for the household on whose behalf a rural housing voucher is provided pursuant to section 542 of the Housing Act of 1949 (42 U.S.C. 1490r), shall be determined in accordance with subsection (a) of such section 542.

SEC. 1228. FUNDING FOR MULTIFAMILY TECHNICAL IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Agriculture $50,000,000 for fiscal year 2024, which shall be used to improve the technology of the Department of Agriculture that is used to process loans for multifamily housing and otherwise managing such housing.

(b) AVAILABILITY OF FUNDS.—The improvements authorized under subsection (a) shall be made during the 5-year period beginning upon the date that the amounts appropriated under such subsection are available. Such amounts shall remain available until the last day of such 5-year period.

SEC. 1229. PLAN FOR PRESERVING AFFORDABILITY OF RENTAL PROJECTS.

(a) PLAN.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Agriculture (referred to in this section as the ''Secretary'') shall submit a written plan to Congress for preserving the affordability for low-income families of rental projects for which loans were made under section 514 or 515 of the Housing Act of 1949 (42 U.S.C. 1484 and 1485) and avoiding the displacement of tenant households. Such plan shall—

(1) set forth specific performance goals and measures;

(2) set forth the specific actions and mechanisms by which such goals will be achieved;

(3) set forth specific measurements by which progress towards achievement of each goal can be measured;

(4) provide for detailed reporting on outcomes; and

(5) include any legislative recommendations to assist in achievement of the goals under the plan.

(b) CONSULTATION.—

(1) IN GENERAL.—Not less frequently than quarterly, the Secretary shall consult with the individuals described in paragraph (2) to assist the Secretary—

(A) in preserving the properties described in subsection (a) through the housing preservation and revitalization program authorized under section 545 of the Housing Act of 1949, as added by section 1226; and

(B) in implementing the plan required under subsection (a).

(2) CONSULTEES.—The individuals described in this paragraph are—

(A) a State Director of Rural Development for the Department of Agriculture;

(B) the Administrator for the Rural Housing Service of the Department of Agriculture;

(C) 2 representatives of for-profit developers or owners of multifamily rural rental housing;

(D) 2 representatives of non-profit developers or owners of multifamily rural rental housing;

(E) 2 representatives of State housing finance agencies;

(F) 2 representatives of tenants of multifamily rural rental housing;

(G) 1 representative of a community development financial institution that is involved in preserving the affordability of housing assisted under sections 514, 515, and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, and 1486);

(H) 1 representative of a nonprofit organization that operates nationally and has actively participated in the preservation of housing assisted by the Rural Housing Service by conducting research regarding, and providing financing and technical assistance for, preserving the affordability of such housing;

(I) 1 representative of low-income housing tax credit investors;

(J) 1 representative of regulated financial institutions that finance affordable multifamily rural rental housing developments; and

(K) 2 representatives from non-profit organizations representing farm workers, including one organization representing farm worker women.

(3) CONDUCT OF CONSULTATIONS.—In consulting with the individuals described in paragraph (2), the Secretary may request that such individuals—

(A) assist the Rural Housing Service of the Department of Agriculture to improve estimates of the size, scope, and condition of

rental housing portfolio of the Service, including the time frames for maturity of mortgages and costs for preserving the portfolio as affordable housing;

(B) review current policies and procedures of the Rural Housing Service regarding—

(i) the preservation of affordable rental housing financed under sections 514, 515, 516, and 538 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, and 1490);

(ii) the housing preservation and revitalization program authorized under section 545 of such Act, as added by section 1226; and

(iii) the rental assistance program;

(C) make recommendations regarding improvements and modifications to the policies and procedures referred to in subparagraph (B); and

(D) provide ongoing review of Rural Housing Service program results.

(4) TRAVEL COSTS.—Any amounts made available for administrative costs of the Department of Agriculture may be used for costs of travel by individuals described in paragraph (2) to carry out the activities described in paragraph (3).

SEC. 1230. COVERED HOUSING PROGRAMS.

Section 41411(a)(3) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)) is amended—

(1) in subparagraph (O), by striking ''and'' at the end;

(2) by redesignating subparagraph (P) as subparagraph (Q); and

(3) by inserting after subparagraph (O) the following:

''(P) rural development housing voucher assistance provided by the Secretary of Agriculture pursuant to section 542 of the Housing Act of 1949 (42 U.S.C. 1490r), without regard to subsection (b) of such section, and applicable appropriation Acts; and''.

SEC. 1231. ELIGIBILITY OF CERTIFIED WORKERS.

Section 214(a) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended—

(1) in paragraph (6), by striking ''or'' at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) an alien granted certified agricultural worker or certified agricultural dependent status under title I of the Affordable and Secure Food Act of 2025, but solely for financial assistance made available pursuant to section 521 or 542 of the Housing Act of 1949 (42 U.S.C. 1490a and 1490r); or''.

Subtitle C—Foreign Labor Recruiter Accountability

SEC. 1251. DEFINITIONS.

In this subtitle:

(1) FOREIGN LABOR RECRUITER.—The term ''foreign labor recruiter'' means any person who performs foreign labor recruiting activity in exchange for money or other valuable consideration paid or promised to be paid, to recruit individuals to work as nonimmigrant workers described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), including any person who performs foreign labor recruiting activity wholly outside of the United States. Such term does not include any entity of the United States Government or an employer, or employee of an employer, who engages in foreign labor recruiting activity solely to find employees for that employer's own use, and without the participation of any other foreign labor recruiter.

(2) FOREIGN LABOR RECRUITING ACTIVITY.—The term ''foreign labor recruiting activity'' means recruiting, soliciting, or related activities with respect to an individual who resides outside of the United States in furtherance of employment in the United States, including when such activity occurs wholly outside of the United States.

(3) PERSON.—The term ''person'' means any natural person or any corporation, company, firm, partnership, joint stock company or association or other organization or entity (whether organized under law or not), including municipal corporations.

(4) RECRUITMENT FEES.—The term ''recruitment fees'' has the meaning given to such term under section 22.1702 of title 22 of the Code of Federal Regulations, as in effect on the date of enactment of this Act.

SEC. 1252. REGISTRATION OF FOREIGN LABOR RECRUITERS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish procedures for the electronic registration of foreign labor recruiters engaged in the recruitment of nonimmigrant workers described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricultural labor or services in the United States.

(b) PROCEDURAL REQUIREMENTS.—The procedures described in subsection (a) shall—

(1) require the applicant to submit a sworn declaration—

(A) stating the applicant's permanent place of residence or principal place of business, as applicable;

(B) describing the foreign labor recruiting activities in which the applicant is engaged; and

(C) including such other relevant information as the Secretary of Labor and the Secretary of State may require;

(2) include an expeditious means to update and renew registrations;

(3) include a process, which shall include the placement of personnel at each United States diplomatic mission in accordance with subsection (g)(2), to receive information from the public regarding foreign labor recruiters who have allegedly engaged in a foreign labor recruiting activity that is prohibited under this subtitle;

(4) include procedures for the receipt and processing of complaints against foreign labor recruiters and for remedies, including the revocation of a registration or the assessment of fines upon a determination by the Secretary of Labor that the foreign labor recruiter has violated the requirements under this subtitle;

(5) require the applicant to post a bond in an amount sufficient to ensure the ability of the applicant to discharge its responsibilities and ensure protection of workers, including payment of wages; and

(6) allow the Secretary of Labor and the Secretary of State to consult with other appropriate Federal agencies to determine whether any reason exists to deny registration to a foreign labor recruiter or revoke such registration.

(c) ATTESTATIONS.—Foreign labor recruiters registering under this subtitle shall attest and agree to abide by the following requirements:

(1) PROHIBITED FEES.—The foreign labor recruiter, including any agent or employee of such foreign labor recruiter, shall not assess any recruitment fees on a worker for any foreign labor recruiting activity.

(2) PROHIBITION ON FALSE AND MISLEADING INFORMATION.—The foreign labor recruiter shall not knowingly provide materially false or misleading information to any worker concerning any matter required to be disclosed under this subtitle.

(3) REQUIRED DISCLOSURES.—The foreign labor recruiter shall ascertain and disclose to the worker in writing in English and in the primary language of the worker at the time of the worker's recruitment, the following information:

(A) The identity and address of the employer and the identity and address of the person conducting the recruiting on behalf of the employer, including each subcontractor or agent involved in such recruiting.

(B) A copy of the approved job order or work contract under section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), including all assurances and terms and conditions of employment.

(C) A statement, in a form specified by the Secretary—

(i) describing the general terms and conditions associated with obtaining an H–2A nonimmigrant visa and maintaining H–2A nonimmigrant status;

(ii) affirming the prohibition on the assessment of fees described in paragraph (1), and explaining that such fees, if paid by the employer, may not be passed on to the worker;

(iii) describing the protections afforded the worker under this subtitle, including procedures for reporting violations to the Secretary of State, filing a complaint with the Secretary of Labor, or filing a civil action; and

(iv) describing the protections afforded the worker by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b), including the telephone number for the national human trafficking resource center hotline number.

(4) BOND.—The foreign labor recruiter shall agree to maintain a bond sufficient to ensure the ability of the foreign labor recruiter to discharge its responsibilities and ensure protection of workers, and to forfeit such bond in an amount determined by the Secretary under subsections (b)(1)(C)(ii) or (c)(2)(C) of section 1253 for failure to comply with the provisions under this subtitle.

(5) COOPERATION IN INVESTIGATION.—The foreign labor recruiter shall agree to cooperate in any investigation under section 1253 by the Secretary or other appropriate authorities.

(6) NO RETALIATION.—The foreign labor recruiter shall agree to refrain from intimidating, threatening, restraining, coercing, discharging, blacklisting or in any other manner discriminating or retaliating against any worker or their family members (including a former worker or an applicant for employment) because such worker disclosed information to any person based on a reason to believe that the foreign labor recruiter, or any agent or subcontractee of such foreign labor recruiter, is engaging or has engaged in a foreign labor recruiting activity that does not comply with this subtitle.

(7) EMPLOYEES, AGENTS, AND SUBCONTRACTEES.—The foreign labor recruiter shall consent to be liable for the conduct of any agents or subcontractees of any level in relation to the foreign labor recruiting activity of the agent or subcontractee to the same extent as if the foreign labor recruiter had engaged in such conduct.

(8) ENFORCEMENT.—If the foreign labor recruiter is conducting foreign labor recruiting activity wholly outside the United States, such foreign labor recruiter shall—

(A) establish a registered agent in the United States who is authorized to accept service of process on behalf of the foreign labor recruiter for the purpose of any administrative proceeding under this title or in any civil action in any Federal or State court, if such service is made in accordance with the appropriate Federal or State rules for service of process, as applicable; and

(B) as a condition of registration, consent to the jurisdiction of any Federal or State

court in a State where recruited workers are placed.

(d) TERM OF REGISTRATION.—Unless suspended or revoked, a registration under this section shall be valid for 2 years.

(e) APPLICATION FEE.—The Secretary of Labor shall require a foreign labor recruiter that submits an application for registration under this section to pay a reasonable fee, sufficient to cover the full costs of carrying out the registration activities under this subtitle.

(f) NOTIFICATION.—

(1) EMPLOYER NOTIFICATION.—

(A) IN GENERAL.—Not less frequently than once every year, an employer of H–2A workers shall provide the Secretary with the names and addresses of all foreign labor recruiters engaged to perform foreign labor recruiting activity on behalf of the employer, whether the foreign labor recruiter is to receive any economic compensation for such services, and, if so, the identity of the person or entity who is paying for the services.

(B) AGREEMENT TO COOPERATE.—In addition to the requirements of subparagraph (A), the employer shall—

(i) provide to the Secretary the identity of any foreign labor recruiter whom the employer has reason to believe is engaging in foreign labor recruiting activities that do not comply with this subtitle; and

(ii) promptly respond to any request by the Secretary for information regarding the identity of a foreign labor recruiter with whom the employer has a contract or other agreement.

(2) FOREIGN LABOR RECRUITER NOTIFICATION.—A registered foreign labor recruiter shall notify the Secretary, not less frequently than once every year, of the identity of any subcontractee, agent, or foreign labor recruiter employee involved in any foreign labor recruiting activity for, or on behalf of, the foreign labor recruiter.

(g) ADDITIONAL RESPONSIBILITIES OF THE SECRETARY OF STATE.—

(1) LISTS.—The Secretary of State, in consultation with the Secretary of Labor shall maintain and make publicly available in written form and on the websites of United States embassies in the official language of that country, and on websites maintained by the Secretary of Labor, regularly updated lists—

(A) of foreign labor recruiters who hold valid registrations under this section, including—

(i) the name and address of the foreign labor recruiter;

(ii) the countries in which such recruiters conduct recruitment;

(iii) the employers for whom recruiting is conducted;

(iv) the occupations that are the subject of recruitment;

(v) the States where recruited workers are employed; and

(vi) the name and address of the registered agent in the United States who is authorized to accept service of process on behalf of the foreign labor recruiter; and

(B) of foreign labor recruiters whose registration the Secretary has revoked.

(2) PERSONNEL.—The Secretary of State shall ensure that each United States diplomatic mission is staffed with a person who shall be responsible for receiving information from members of the public regarding potential violations of the requirements applicable to registered foreign labor recruiters and ensuring that such information is conveyed to the Secretary of Labor for evaluation and initiation of an enforcement action, if appropriate.

(3) VISA APPLICATION PROCEDURES.—The Secretary of State shall ensure that consular officers issuing visas to nonimmigrants under section 101(a)(1)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 11001(a)(1)(H)(ii)(a))—

(A) provide to and review with the applicant, in the applicant's language (or a language the applicant understands), a copy of the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b);

(B) ensure that the applicant has a copy of the approved job offer or work contract;

(C) note in the visa application file whether the foreign labor recruiter has a valid registration under this section; and

(D) if the foreign labor recruiter holds a valid registration, review and include in the visa application file, the foreign labor recruiter's disclosures required by subsection (c)(3).

(4) DATA.—The Secretary of State shall make publicly available online, on an annual basis, data disclosing the gender, country of origin (and State, county, or province, if available), age, wage, level of training, and occupational classification, disaggregated by State, of nonimmigrant workers described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

SEC. 1253. ENFORCEMENT.

(a) DENIAL OR REVOCATION OF REGISTRATION.—

(1) GROUNDS FOR DENIAL OR REVOCATION.—The Secretary of Labor shall deny an application for registration, or revoke a registration, if the Secretary determines that the foreign labor recruiter, or any agent or subcontractee of such foreign labor recruiter—

(A) knowingly made a material misrepresentation in the registration application;

(B) materially failed to comply with one or more of the attestations provided under section 1252(c); or

(C) is not the real party in interest.

(2) NOTICE.—Before denying an application for registration or revoking a registration under this subsection, the Secretary of Labor shall provide written notice of the intent to deny or revoke the registration to the foreign labor recruiter. Such notice shall—

(A) articulate with specificity all grounds for denial or revocation; and

(B) provide the foreign labor recruiter with not less than 60 days to respond.

(3) RE-REGISTRATION.—A foreign labor recruiter whose registration was revoked under subsection (a) may re-register if the foreign labor recruiter demonstrates, to the Secretary of Labor's satisfaction, that the foreign labor recruiter—

(A) has not violated any requirement under this subtitle during the 5 year-period immediately preceding the date on which an application for registration was filed; and

(B) has taken sufficient steps to prevent future violations of this subtitle.

(b) ADMINISTRATIVE ENFORCEMENT.—

(1) COMPLAINT PROCESS.—

(A) FILING.—A complaint may be filed with the Secretary of Labor, in accordance with the procedures established under section 1252(b)(4) not later than 2 years after the earlier of—

(i) the date on which the last action constituting the conduct that is the subject of the complaint took place; or

(ii) the date on which the aggrieved party had actual knowledge of such conduct.

(B) DECISION AND PENALTIES.—If the Secretary of Labor determines, after notice and an opportunity for a hearing, that a foreign labor recruiter failed to comply with any of the requirements under this subtitle, the Secretary of Labor may—

(i) levy a fine against the foreign labor recruiter in an amount not more than—

(I) $10,000 per violation; and

(II) $25,000 per violation, upon the third violation;

(ii) order the forfeiture (or partial forfeiture) of the bond and release of as much of the bond as the Secretary determines is necessary for the worker to recover prohibited recruitment fees;

(iii) refuse to issue or renew a registration, or revoke a registration; or

(iv) disqualify the foreign labor recruiter from registration for a period of up to 5 years, or in the case of a subsequent finding involving willful or multiple material violations, permanently disqualify the foreign labor recruiter from registration.

(2) AUTHORITY TO ENSURE COMPLIANCE.—The Secretary of Labor is authorized to take other such actions, including issuing subpoenas and seeking appropriate injunctive relief, as may be necessary to assure compliance with the terms and conditions of this subtitle.

(3) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed as limiting the authority of the Secretary of Labor to conduct an investigation—

(A) under any other law, including any law affecting migrant and seasonal agricultural workers; or

(B) in the absence of a complaint.

(c) CIVIL ACTION.—

(1) IN GENERAL.—The Secretary of Labor or any person aggrieved by a violation of this subtitle may bring a civil action against any foreign labor recruiter, or any employer that does not meet the requirements under subsection (d)(1), in any court of competent jurisdiction—

(A) to seek remedial action, including injunctive relief; and

(B) for damages in accordance with the provisions of this subsection.

(2) AWARD FOR CIVIL ACTION FILED BY AN INDIVIDUAL.—

(A) IN GENERAL.—If a court finds, in a civil action filed by an individual under paragraph (1), that the defendant has violated any provision of this subtitle, the court may award—

(i) damages, up to and including an amount equal to the amount of actual damages, and statutory damages of up to $1,000 per plaintiff per violation, or other equitable relief, except that with respect to statutory damages—

(I) multiple infractions of a single provision of this subtitle (or of a regulation under this subtitle) shall constitute only one violation for purposes of this subsection to determine the amount of statutory damages due a plaintiff; and

(II) if such complaint is certified as a class action the court may award—

(aa) damages up to an amount equal to the amount of actual damages; and

(bb) statutory damages of not more than the lesser of up to $1,000 per class member per violation, or up to $500,000; and other equitable relief;

(ii) reasonable attorneys' fees and costs; and

(iii) such other and further relief as necessary to effectuate the purposes of this subtitle.

(B) CRITERIA.—In determining the amount of statutory damages to be awarded under subparagraph (A), the court may consider whether an attempt was made to resolve the issues in dispute before the resort to litigation.

(C) BOND.—To satisfy the damages, fees, and costs found owing under this paragraph, the Secretary shall release as much of the bond held pursuant to section 1252(c)(4) as is necessary.

(3) SUMS RECOVERED IN ACTIONS BY THE SECRETARY OF LABOR.—

(A) ESTABLISHMENT OF ACCOUNT.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''H–2A Foreign Labor Recruiter Compensation Account''. Notwithstanding any other provisions of law, there shall be deposited, as offsetting receipts into such account, all sums recovered in an action by the Secretary of Labor under this subsection.

(B) USE OF FUNDS.—Amounts deposited into the H–2A Foreign Labor Recruiter Compensation Account shall be paid directly to each worker affected by a violation under this subtitle. Any such sums not paid to a worker because of inability to do so within a period of 5 years following the date such funds are deposited into the account shall remain available to the Secretary until expended. The Secretary may transfer all or a portion of such remaining sums to appropriate agencies to support the enforcement of the laws prohibiting the trafficking and exploitation of persons or programs that aid trafficking victims.

(d) EMPLOYER SAFE HARBOR.—

(1) IN GENERAL.—An employer that hires workers referred by a foreign labor recruiter with a valid registration at the time of hiring shall not be held jointly liable for a violation committed solely by a foreign labor recruiter under this subtitle—

(A) in any administrative action initiated by the Secretary concerning such violation; or

(B) in any Federal or State civil court action filed against the foreign labor recruiter by or on behalf of such workers or other aggrieved party under this subtitle.

(2) RULE OF CONSTRUCTION.—Nothing in this subtitle may be construed to prohibit an aggrieved party or parties from bringing a civil action for violations of this subtitle or any other Federal or State law against any employer who hired workers referred by a foreign labor recruiter—

(A) without a valid registration at the time of hire; or

(B) with a valid registration if the employer knew or learned of the violation and failed to report such violation to the Secretary of Labor.

(e) PAROLE TO PURSUE RELIEF.—If other immigration relief is not available, the Secretary of Homeland Security may grant parole to permit an individual to remain legally in the United States for time sufficient to fully and effectively participate in all legal proceedings related to any action taken pursuant to subsection (b) or (c) or section 1202, 1204, or 1206.

(f) WAIVER OF RIGHTS.—Agreements by employees purporting to waive or to modify their rights under this subtitle shall be void as contrary to public policy.

(g) LIABILITY FOR AGENTS.—Foreign labor recruiters shall be subject to the provisions of this section for violations committed by the foreign labor recruiter's agents or subcontractees of any level in relation to their foreign labor recruiting activity to the same extent as if the foreign labor recruiter had committed such a violation.

SEC. 1254. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for the Secretary of Labor and the Secretary of State to carry out the provisions of this subtitle.

TITLE III—ELECTRONIC VERIFICATION OF EMPLOYMENT ELIGIBILITY

SEC. 1301. ELECTRONIC EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) IN GENERAL.—Chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) is amended by inserting after section 274D the following:

''SEC. 274E. REQUIREMENTS FOR THE ELECTRONIC VERIFICATION OF EMPLOYMENT ELIGIBILITY.

''(a) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

''(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Secretary') shall establish and administer an electronic verification system (referred to in this section as the 'System'), patterned on the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) (as in effect on the day before the effective date described in section 1303(a)(4) of the Affordable and Secure Food Act of 2025), and using the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) (as so in effect) as a foundation, through which the Secretary shall—

''(A) respond to legitimate inquiries made by persons or entities seeking to verify the identity and employment authorization of individuals that such persons or entities have hired, or to recruit or refer for a fee, for employment in the United States; and

''(B) maintain records of the inquiries that were made, and of verifications provided (or not provided) to such persons or entities as evidence of compliance with the requirements of this section.

''(2) INITIAL RESPONSE DEADLINE.—

''(A) IN GENERAL.—The System shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment authorization as soon as practicable, but not later than 3 calendar days after the initial inquiry.

''(B) EXTENSION OF TIME PERIOD.—If a person or other entity attempts in good faith to make an inquiry through the System during a period in which the System is offline due to a technical issue, a natural disaster, or another reason, the System shall provide the confirmation or nonconfirmation required under subparagraph (A) as soon as practicable after the System becomes fully operational.

''(3) GENERAL DESIGN AND OPERATION OF SYSTEM.—The Secretary shall design and operate the System—

''(A) using responsive web design and other technology approaches to maximize its ease of use and accessibility for users on a variety of electronic devices and screen sizes, and in remote locations;

''(B) to maximize the accuracy of responses to inquiries submitted by persons or entities;

''(C) to maximize the reliability of the System and to register each instance when the System is unable to receive inquiries;

''(D) to maintain and safeguard the privacy and security of the personally identifiable information maintained by or submitted to the System, in accordance with applicable law;

''(E) to provide direct notification of an inquiry to an individual with respect to whom the inquiry is made, including the results of such inquiry, and information related to the process for challenging the results, in cases in which the individual has established a user account as described in paragraph (4)(B) or an electronic mail or messaging address for the individual is submitted by the person or entity at the time the inquiry is made; and

''(F) to maintain appropriate administrative, technical, and physical safeguards to prevent misuse of the System and unfair immigration-related employment practices.

''(4) MEASURES TO PREVENT IDENTITY THEFT AND OTHER FORMS OF FRAUD.—To prevent identity theft and other forms of fraud, the Secretary shall design and operate the System with the following attributes:

''(A) PHOTO MATCHING TOOL.—The System shall display a digital photograph of the individual, if available, that corresponds to the document presented by an individual to establish identity and employment authorization so that the person or entity that makes an inquiry can compare the photograph displayed by the System to the photograph on the document presented by the individual. The individual may not be deemed ineligible for employment solely for failure to match using the photo matching tool. The verification of an individual's employment eligibility shall be made based on the totality of the information available.

''(B) INDIVIDUAL MONITORING AND SUSPENSION OF IDENTIFYING INFORMATION.—The System shall enable individuals to establish user accounts, after authentication of an individual's identity, that would allow each individual—

''(i) to confirm the individual's own employment authorization;

''(ii) to receive electronic notification when the individual's Social Security account number or other personally identifying information has been submitted to the System;

''(iii) to monitor the use history of the individual's personally identifying information in the System, including the identities of all persons or entities that have submitted such identifying information to the System, the date of each query run, and the System response for each query run;

''(iv) to suspend or limit the use of the individual's Social Security account number or other personally identifying information for purposes of the System; and

''(v) to provide notice to the Department of Homeland Security of any suspected identity fraud or other improper use of personally identifying information.

''(C) BLOCKING MISUSED SOCIAL SECURITY ACCOUNT NUMBERS.—

''(i) IN GENERAL.—The Secretary, in consultation with the Commissioner of Social Security (referred to in this section as the 'Commissioner'), shall issue, after publication in the Federal Register and an opportunity for public comment, a final rule establishing a process by which Social Security account numbers that have been identified to be subject to unusual multiple use in the System or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, will be blocked from use in the System unless an individual using such a number establishes, through secure and fair procedures, that the individual is the legitimate holder of such number.

''(ii) CONTINUATION OF EXISTING SELF LOCK SYSTEM.—During the period in which the Commissioner of Social Security is developing the process required under clause (i), the Commissioner shall maintain the Self Lock system that permits individuals to prevent unauthorized users from using their Social Security account numbers to confirm employment authorization through E–Verify.

''(iii) NOTICE.—If the Secretary blocks or suspends a Social Security account number pursuant to this subparagraph, the Secretary shall provide notice to the persons or entities that have made inquiries to the System using such account number that the identity and employment authorization of the individual who provided such account number must be re-verified.

''(D) ADDITIONAL IDENTITY AUTHENTICATION TOOL.—The Secretary shall develop additional security measures to adequately verify the identity of an individual whose identity may not be verified using the photo

matching tool described in subparagraph (A). Such additional security measures shall be—

''(i) kept up-to-date with technological advances;

''(ii) designed to provide a high level of certainty with respect to identity authentication; and

''(iii) designed to safeguard the individual's privacy and civil liberties.

''(E) CHILD-LOCK PILOT PROGRAM.—The Secretary, in consultation with the Commissioner, shall establish a reliable, secure program, on a limited, pilot basis, for suspending or limiting the use of the Social Security account number or other personally identifying information of children for purposes of the System.

''(5) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner—

''(A) in consultation with the Secretary, shall establish a reliable, secure method that, within the periods specified in paragraph (2) and subsection (b)(4)(D)(i)(II), compares the name and Social Security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate)—

''(i) the information provided by the person or entity with respect to an individual whose identity and employment authorization the person or entity seeks to confirm;

''(ii) the correspondence of the name and number; and

''(iii) whether the individual has presented a Social Security account number that is not valid for employment;

''(B) may not disclose or release Social Security information (other than such confirmation or nonconfirmation) under the System except as provided under this section;

''(C) shall coordinate and provide the Department of Homeland Security with access to the Social Security Administration's systems that are necessary to resolve tentative nonconfirmations without direct Social Security Administration involvement; and

''(D) shall establish electronic or call-in resolution systems.

''(6) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

''(A) IN GENERAL.—The Secretary shall establish a reliable, secure method that, within the time periods specified in paragraph (2) and subsection (b)(4)(D)(i)(II), compares the name and identification or other authorization number (or any other information determined relevant by the Secretary) that are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate)—

''(i) the information provided;

''(ii) the correspondence of the name and number; and

''(iii) whether the individual is authorized to be employed in the United States.

''(B) TRAINING.—The Secretary shall provide and regularly update required training and training materials on the use of the System for persons and entities making inquiries.

''(C) AUDIT.—The Secretary shall provide for periodic auditing of the System to detect and prevent misuse, discrimination, fraud, and identity theft, to protect privacy and assess System accuracy, and to preserve the integrity and security of the information in the System.

''(D) NOTICE OF SYSTEM CHANGES.—The Secretary shall provide appropriate notification to persons and entities registered in the System of any change made by the Secretary or the Commissioner related to permitted and prohibited documents, and use of the System.

''(7) RESPONSIBILITIES OF THE SECRETARY OF STATE.—As part of the System, the Secretary of State shall—

''(A) provide to the Secretary with access to passport and visa information as needed to confirm that—

''(i) a passport or passport card presented under subsection (b)(3)(A)(i) confirms the employment authorization and identity of the individual presenting such document;

''(ii) a passport, passport card, or visa photograph matches the Secretary of State's records; and

''(B) provide such assistance as the Secretary may request to resolve tentative nonconfirmations or final nonconfirmations relating to information described in subparagraph (A).

''(8) UPDATING INFORMATION.—The Commissioner, the Secretary, and the Secretary of State shall—

''(A) update records in their custody in a manner that promotes maximum accuracy of the System; and

''(B) provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention through the tentative nonconfirmation review process under subsection (b)(4)(D).

''(9) MANDATORY AND VOLUNTARY SYSTEM USERS.—

''(A) MANDATORY USERS.—Except as otherwise provided under Federal or State law, including sections 1302 and 1303 of the Affordable and Secure Food Act of 2025, nothing in this section may be construed to require the use of the System by any person or entity hiring, recruiting, or referring for a fee, an individual for employment in the United States.

''(B) VOLUNTARY USERS.—Beginning after the date that is 30 days after the date on which final rules are published under section 1309(a) of the Affordable and Secure Food Act of 2025, a person or entity may use the System on a voluntary basis to seek verification of the identity and employment authorization of individuals who the person or entity is hiring, recruiting, or referring for a fee for employment in the United States.

''(C) PROCESS FOR NON-USERS.—The employment verification process for any person or entity hiring, recruiting, or referring for a fee, an individual for employment in the United States shall be governed by section 274A(b) unless the person or entity—

''(i) is required by Federal or State law to use the System; or

''(ii) has opted to use the System voluntarily in accordance with subparagraph (B).

''(10) NO FEE FOR USE OR INCLUSION.—The Secretary may not charge a fee to any individual, person, or entity to use the System or to be included in the System.

''(11) SYSTEM SAFEGUARDS.—

''(A) REQUIREMENT TO DEVELOP.—The Secretary, in consultation with the Commissioner, the Secretary of State, and other appropriate Federal officials, shall—

''(i) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the records accessed or maintained by the System; and

''(ii) develop and deploy appropriate privacy and security training for Federal employees accessing the records under the System.

''(B) PRIVACY AUDITS.—

''(i) IN GENERAL.—The Secretary, acting through the Chief Privacy Officer of the Department of Homeland Security, shall conduct regular privacy audits of the policies and procedures established pursuant to subparagraph (A), including—

''(I) any collection, use, dissemination, and maintenance of personally identifiable information; and

''(II) any associated information technology systems.

''(ii) REVIEWS.—The Chief Privacy Officer shall—

''(I) review the results of the audits conducted pursuant to clause (i); and

''(II) recommend to the Secretary any changes that may be necessary to improve the privacy protections of the System.

''(C) PRIVACY AND ACCURACY CERTIFICATION.—The Inspector General of the Department of Homeland Security shall certify to the Secretary, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives that—

''(i) the System appropriately protects the privacy and security of personally identifiable information and identifiers contained in the records accessed or maintained by the System;

''(ii) during 2 consecutive years beginning after the date of the enactment of the Affordable and Secure Food Act of 2025, the System's error rate is not higher than the error rate of the System during the preceding year; and

''(iii) specific steps are being taken to continue to reduce such error rate.

''(D) ACCURACY AUDITS.—Beginning on November 30 of the fiscal year beginning after the fiscal year during which the certification was submitted pursuant to subparagraph (C), and annually thereafter, the Inspector General of the Department of Homeland Security shall submit a report to the Secretary, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives that—

''(i) describes in detail—

''(I) the error rate of the System during the previous fiscal year; and

''(II) the methodology employed to prepare the report; and

''(ii) includes recommendations for how the System's error rate may be reduced.

''(b) NEW HIRES, RECRUITMENT, AND REFERRAL.—Notwithstanding section 274A(b), the requirements referred to in paragraphs (1)(B) and (3) of section 274A(a) are, in the case of a person or entity that uses the System for the hiring, recruiting, or referring for a fee, an individual for employment in the United States, the following:

''(1) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—During the period beginning on the date on which an offer of employment is accepted and ending on the date of hire, the individual shall attest, under penalty of perjury on a form designated by the Secretary, that the individual is authorized to be employed in the United States by providing on such form—

''(A) the individual's name and date of birth;

''(B) the individual's Social Security account number (unless the individual has applied for and not yet been issued such a number);

''(C) whether the individual is—

''(i) a citizen or national of the United States;

''(ii) an alien lawfully admitted for permanent residence; or

''(iii) an alien who is otherwise authorized by the Secretary to be employed in the United States; and

''(D) if the individual does not attest to United States citizenship or nationality, such identification or other authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.

''(2) EMPLOYER ATTESTATION AFTER EXAMINATION OF DOCUMENTS.—Not later than 3 business days after the date of hire, the individual or entity shall attest, under penalty of perjury on the form designated under paragraph (1), the verification that the individual is not an unauthorized alien by—

''(A) obtaining from the individual the information described in paragraph (1) and recording such information on the form;

''(B) examining—

''(i) a document described in paragraph (3)(A); or

''(ii) a document described in paragraph (3)(B) and a document described in paragraph (3)(C); and

''(C) attesting that the information recorded on the form is consistent with the documents examined.

''(3) ACCEPTABLE DOCUMENTS.—

''(A) DOCUMENTS ESTABLISHING EMPLOYMENT AUTHORIZATION AND IDENTITY.—A document described in this subparagraph is an individual's—

''(i) United States passport or passport card;

''(ii) permanent resident card that contains a photograph;

''(iii) foreign passport containing temporary evidence of lawful permanent residence in the form of an official I–551 (or successor) stamp from the Department of Homeland Security or a printed notation on a machine-readable immigrant visa;

''(iv) unexpired employment authorization document that contains a photograph;

''(v) in the case of a nonimmigrant alien authorized to engage in employment for a specific employer incident to status, a foreign passport with Form I–94, Form I–94A, or other documentation as designated by the Secretary specifying the alien's nonimmigrant status as long as such status has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified in the documentation;

''(vi) passport from the Federated States of Micronesia or the Republic of the Marshall Islands with Form I–94, Form I–94A, or other documentation as designated by the Secretary, indicating nonimmigrant admission under the Compact of Free Association Between the United States and the Federated States of Micronesia or the Republic of the Marshall Islands; or

''(vii) another document designated by the Secretary, by notice published in the Federal Register, if the document—

''(I) contains a photograph of the individual, biometric identification data, and other personal identifying information relating to the individual;

''(II) is evidence of authorization for employment in the United States; and

''(III) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

''(B) DOCUMENTS ESTABLISHING IDENTITY.—A document described in this subparagraph is—

''(i) an individual's driver's license or identification card if the license or card—

''(I) was issued by a State or an outlying possession of the United States;

''(II) contains a photograph and personal identifying information relating to the individual; and

''(III) meets the requirements under section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note) and complies with the travel rules under the Western Hemisphere Travel Initiative;

''(ii) an individual's unexpired United States military identification card;

''(iii) an individual's unexpired Native American tribal identification document issued by a tribal entity recognized by the Bureau of Indian Affairs; or

''(iv) a document establishing identity that the Secretary determines, by notice published in the Federal Register, to be acceptable for purposes of this subparagraph, if such documentation contains—

''(I) a photograph of the individual and other personal identifying information relating to the individual; and

''(II) security features to make it resistant to tampering, counterfeiting, and fraudulent use.

''(C) DOCUMENTS ESTABLISHING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is—

''(i) an individual's Social Security account number card (other than such a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

''(ii) a document establishing employment authorization that the Secretary determines, by notice published in the Federal Register, to be acceptable for purposes of this subparagraph if such documentation contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

''(D) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines that any document or class of documents described in subparagraph (A), (B), or (C) does not reliably establish identity or employment authorization or is being used fraudulently to an unacceptable degree, the Secretary, by notice published in the Federal Register, may prohibit or place conditions on the use of such document or class of documents for purposes of this section.

''(E) AUTHORITY TO WAIVE PHOTOGRAPH REQUIREMENT.—The Secretary, in the sole discretion of the Secretary, may confirm the identity of an individual who submits a document described in subparagraph (B)(iv) that does not contain a photograph of the individual under exceptional circumstances, including the individual's religious beliefs.

''(4) USE OF THE SYSTEM TO SCREEN IDENTITY AND EMPLOYMENT AUTHORIZATION.—

''(A) IN GENERAL.—A person or entity that uses the System for the hiring, recruiting, or referring for a fee an individual for employment in the United States, during the period described in subparagraph (B), shall submit an inquiry through the System to seek confirmation of the identity and employment authorization of the individual.

''(B) CONFIRMATION PERIOD.—

''(i) IN GENERAL.—Except as provided in clause (ii), and subject to subsection (d), the confirmation period shall begin on the date of hire and end on the date that is 3 business days after the date of hire, or such other reasonable period as the Secretary may prescribe.

''(ii) SPECIAL RULE.—The confirmation period of an alien who is authorized to be employed in the United States and provides evidence from the Social Security Administration that the alien has applied for a Social Security account number shall end 3 business days after the alien receives such Social Security account number.

''(C) CONFIRMATION.—A person or entity receiving confirmation of an individual's identity and employment authorization shall record such confirmation on the form designated by the Secretary for purposes of paragraph (1).

''(D) TENTATIVE NONCONFIRMATION.—

''(i) IN GENERAL.—In cases of tentative nonconfirmation, the Secretary, in consultation with the Commissioner, shall provide a process for—

''(I) an individual to contest the tentative nonconfirmation not later than 10 business days after the date of the receipt of the notice described in clause (ii); and

''(II) the Secretary to issue a confirmation or final nonconfirmation of an individual's identity and employment authorization not later than 30 days after the Secretary receives notice from the individual contesting a tentative nonconfirmation.

''(ii) NOTICE.—Not later than 3 business days after receiving a tentative nonconfirmation of an individual's identity or employment authorization in the System, a person or entity shall—

''(I) provide such individual with written notification—

''(aa) in a language understood by the individual;

''(bb) on a form designated by the Secretary; and

''(cc) that includes a description of the individual's right to contest the tentative nonconfirmation; and

''(II) attest, under penalty of perjury, that the person or entity provided (or attempted to provide) such notice to the individual, who shall acknowledge receipt of such notice in a manner specified by the Secretary.

''(iii) NO CONTEST.—

''(I) IN GENERAL.—A tentative nonconfirmation shall become final if, upon receiving the notice described in clause (ii), the individual—

''(aa) refuses to acknowledge receipt of such notice;

''(bb) acknowledges in writing, in a manner specified by the Secretary, that the individual will not contest the tentative nonconfirmation; or

''(cc) fails to contest the tentative nonconfirmation within the 10-business-day period beginning on the date the individual received such notice.

''(II) RECORD OF NO CONTEST.—The person or entity shall—

''(aa) indicate in the System that the individual refused to acknowledge receipt of, or did not contest, the tentative nonconfirmation; and

''(bb) specify the reason that the tentative nonconfirmation became final under subclause (I).

''(III) EFFECT OF FAILURE TO CONTEST.—An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of any fact with respect to any violation of this Act or any other provision of law.

''(iv) CONTEST.—

''(I) IN GENERAL.—An individual may contest a tentative nonconfirmation by using the tentative nonconfirmation review process under clause (i), not later than 10 business days after receiving the notice described in clause (ii). Except as provided in clause (iii), the nonconfirmation shall remain tentative until a confirmation or final nonconfirmation is provided by the System.

''(II) PROHIBITION ON TERMINATION.—A person or entity may not terminate employment or take any adverse employment action against an individual for failure to obtain confirmation of the individual's identity and employment authorization until the person or entity receives a notice of final nonconfirmation from the System. Nothing in this subclause may be construed to prohibit an employer from terminating the employment of the individual for any other lawful reason.

''(III) CONFIRMATION OR FINAL NONCONFIRMATION.—The Secretary, in consultation with the Commissioner, shall issue notice of a confirmation or final nonconfirmation of the individual's identity and employment authorization not later than 30 days after the date on which the Secretary receives notice from the individual contesting the tentative nonconfirmation.

''(IV) CONTINUANCE.—If the relevant data needed to confirm the identity of an individual is not maintained by the Department of Homeland Security, the Social Security Administration, or the Department of State, or if the employee is unable to contact the Department of Homeland Security or the Social Security Administration, the Secretary,

in the sole discretion of the Secretary, may place the case in continuance.

''(E) FINAL NONCONFIRMATION.—

''(i) NOTICE.—If a person or entity receives a final nonconfirmation of an individual's identity or employment authorization, the person or entity, not later than 5 business days after receiving such final nonconfirmation, shall—

''(I) notify such individual of the final nonconfirmation in writing, on a form designated by the Secretary, which shall include information regarding the individual's right to appeal the final nonconfirmation in accordance with subparagraph (F); and

''(II) attest, under penalty of perjury, that the person or entity provided (or attempted to provide) the notice to the individual, who shall acknowledge receipt of such notice in a manner designated by the Secretary.

''(ii) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If a person or entity receives a final nonconfirmation regarding an individual, the person or entity may terminate employment of the individual. If the person or entity does not terminate such employment pending appeal of the final nonconfirmation, the person or entity shall notify the Secretary of such fact through the System. Failure to notify the Secretary in accordance with this clause shall be deemed a violation of section 274A(a)(1)(A).

''(iii) PRESUMPTION OF VIOLATION FOR CONTINUED EMPLOYMENT.—If a person or entity continues to employ an individual after receipt of a final nonconfirmation, and an appeal of the nonconfirmation is not pending, there shall be a rebuttable presumption that the person or entity has violated paragraphs (1)(A) and (2) of section 274A(a).

''(F) APPEAL OF FINAL NONCONFIRMATION.—

''(i) ADMINISTRATIVE APPEAL.—The Secretary, in consultation with the Commissioner and the Assistant Attorney General for Civil Rights, shall develop a process by which an individual may seek administrative review of a final nonconfirmation. Such process shall—

''(I) permit the individual to submit additional evidence establishing identity or employment authorization;

''(II) ensure prompt resolution of an appeal, including a response to the appeal in all circumstances within 60 days; and

''(III) permit the Secretary to impose a civil money penalty equal to not more than $500 on any individual who files a frivolous appeal or files an appeal for purposes of delay.

''(ii) COMPENSATION FOR LOST WAGES RESULTING FROM GOVERNMENT ERROR OR OMISSION.—

''(I) IN GENERAL.—If, upon consideration of an appeal of a final nonconfirmation, the Secretary determines that the final nonconfirmation was issued in error, the Secretary shall further determine whether the final nonconfirmation was the result of government error or omission. If the Secretary determines that the final nonconfirmation was solely the result of Government error or omission and the individual was terminated from employment, the Secretary shall compensate the individual for lost wages.

''(II) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that were in effect prior to the individual's termination. The individual shall be compensated for lost wages beginning on the first scheduled work day after employment was terminated and ending 90 days after completion of the administrative review process described in this subparagraph or the day the individual is reinstated or obtains other employment, whichever occurs first.

''(III) LIMITATION ON COMPENSATION.—Compensation for lost wages may not be awarded for any period during which the individual was not authorized for employment in the United States.

''(IV) SOURCE OF FUNDS.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Electronic Verification Compensation Account'. Monetary penalties collected pursuant to subsections (f) and (g) shall be deposited in the Electronic Verification Compensation Account and shall remain available for purposes of providing compensation for lost wages under this clause.

''(iii) JUDICIAL REVIEW.—Not later than 30 days after the dismissal of an appeal under this subparagraph, an individual may seek judicial review of such dismissal in the United States District Court in the jurisdiction in which the employer resides or conducts business.

''(5) RETENTION OF VERIFICATION RECORDS.—

''(A) IN GENERAL.—After completing the form designated by the Secretary under paragraph (1) with respect to an individual, a person or entity shall retain such form in paper, microfiche, microfilm, electronic, or other format deemed acceptable by the Secretary, and make such form available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the verification is completed and ending on the later of—

''(i) the date that is 3 years after the date of hire; or

''(ii) the date that is 1 year after the date on which such individual's employment is terminated.

''(B) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, a person or entity may, for the purpose of complying with the requirements under this section—

''(i) copy a document presented by an individual pursuant to this subsection; and

''(ii) retain such copy.

''(c) REVERIFICATION OF PREVIOUSLY HIRED INDIVIDUALS.—

''(1) MANDATORY REVERIFICATION.—A person or entity that uses the System for the hiring, recruiting, or referring for a fee an individual for employment in the United States shall submit an inquiry through the System to verify the identity and employment authorization of—

''(A) an individual with a limited period of employment authorization, when such employment authorization expires;

''(B) an individual, not later than 10 days after receiving a notification from the Secretary requiring the verification of such individual pursuant to subsection (a)(4)(C); and

''(C) an individual employed by an employer required to participate in the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) by reason of any Federal, State, or local law, Executive order, rule, regulation, or delegation of authority, including employers required to participate in such program by reason of Federal acquisition laws (and regulations promulgated under such laws, including the Federal Acquisition Regulation).

''(2) REVERIFICATION PROCEDURES.—The verification procedures under subsection (b) shall apply to reverifications under this subsection, except that employers shall—

''(A) use a form designated by the Secretary for purposes of this paragraph; and

''(B) retain the form in paper, microfiche, microfilm, electronic, or other format approved by the Secretary, and make the form available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the reverification commences and ending on the later of—

''(i) the date that is 3 years after the date of reverification; or

''(ii) the date that is 1 year after the date on which the individual's employment is terminated.

''(d) GOOD FAITH COMPLIANCE.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, a person or entity that uses the System is considered to have complied with the requirements under this section notwithstanding a technical failure of the System, or other technical or procedural failure to meet such requirement if there was a good faith attempt to comply with such requirement.

''(2) EXCEPTION FOR FAILURE TO CORRECT AFTER NOTICE.—Paragraph (1) shall not apply if—

''(A) the failure of the person or entity to meet a requirement under this section is not de minimis;

''(B) the Secretary has provided notice to the person or entity of such failure, including an explanation as to why such failure is not de minimis;

''(C) the person or entity has been provided a period of not less than 30 days (beginning after the date of the notice) to correct such failure; and

''(D) the person or entity has not corrected such failure voluntarily within such period.

''(3) EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.—Paragraph (1) shall not apply to a person or entity that has engaged or is engaging in a pattern or practice of violations of paragraph (1)(A) or (2) of section 274A(a).

''(4) DEFENSE.—A person or entity that uses the System for the hiring, recruiting, or referring for a fee an individual for employment in the United States—

''(A) shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law, for any employment-related action taken with respect to an employee in good-faith reliance on information provided by the System; and

''(B) shall be deemed to have established compliance with its obligations under this section, absent a showing by the Secretary, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien.

''(e) LIMITATIONS.—

''(1) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

''(2) USE OF RECORDS.—Notwithstanding any other provision of law, nothing in this section may be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this section for any purpose other than the verification of identity and employment authorization of an individual or to ensure the secure, appropriate, and non-discriminatory use of the System.

''(f) PENALTIES.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the provisions of subsections (e) through (g) of section 274A shall apply with respect to compliance with the provisions under this section and penalties for noncompliance for persons or entities that use the System.

''(2) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTIES FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—Notwithstanding the civil money penalties set forth in section 274A(e)(4), with respect to a violation of paragraph (1)(A) or (2) of section 274A(a) by a

person or entity that is subject to the provisions under this section that has hired, recruited, or referred for a fee, an individual for employment in the United States, a cease and desist order—

''(A) shall require the person or entity to pay a civil penalty in an amount, subject to subsection (d), that is equal to—

''(i) not less than $2,500 and not more than $5,000 for each unauthorized alien with respect to whom a violation of either such subsection occurred;

''(ii) not less than $5,000 and not more than $10,000 for each such alien in the case of a person or entity previously subject to more than 1 order under this paragraph; or

''(iii) not less than $10,000 and not more than $25,000 for each such alien in the case of a person or entity previously subject to more than 1 order under this paragraph; and

''(B) may require the person or entity to take other appropriate remedial action.

''(3) ORDER FOR CIVIL MONEY PENALTY FOR VERIFICATION VIOLATIONS.—Notwithstanding paragraphs (4) and (5) of section 274A(e) and any other Federal law relating to civil monetary penalties, any person or entity that is required to comply with the provisions of this section that violates section 274A(a)(1)(B) shall be required to pay a civil penalty in an amount, subject to paragraphs (5), (6), and (7), that is equal to not less than $1,000 and not more than $25,000 for each individual with respect to whom such violation occurred.

''(4) SYSTEM USE VIOLATION.—Failure by a person or entity to utilize the System as required by law or providing information to the System that the person or entity knows or reasonably believes to be false, shall be treated as a violation of section 274A(a)(1)(A).

''(5) EXEMPTION FROM PENALTY FOR GOOD FAITH VIOLATION.—

''(A) IN GENERAL.—A person or entity that uses the System is presumed to have acted with knowledge for purposes of paragraphs (1)(A) and (2) of section 274A(a) if the person or entity fails to make an inquiry to verify the identity and employment authorization of the individual through the System.

''(B) GOOD FAITH EXEMPTION.—In the case of imposition of a civil penalty under paragraph (2)(A) with respect to a violation of paragraph (1)(A) or (2) of section 274A(a) for hiring or continuation of employment or recruitment or referral by a person or entity, and in the case of imposition of a civil penalty under paragraph (3) for a violation of section 274A(a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the person or entity establishes that the person or entity acted in good faith.

''(6) PENALTY ADJUSTMENT FACTORS.—For purposes of paragraphs (2)(A) and (3), when assessing the level of civil money penalties for a particular case, in addition to the good faith of the person or entity being charged, due consideration shall be given to factors such as the size of the business, the seriousness of the violation, whether or not the individual was an unauthorized alien, and the history of previous violations, which factors may be aggravating, mitigating, or neutral depending on the facts of each case.

''(7) CRIMINAL PENALTY.—Notwithstanding section 274A(f)(1) and the provisions of any other Federal law relating to fine levels, any person or entity required to comply with the provisions under this section that engages in a pattern or practice of violations of paragraph (1) or (2) of section 274A(a)—

''(A) shall be fined not more than $5,000 for each unauthorized alien with respect to whom such a violation occurs;

''(B) shall imprisoned for not more than 18 months; or

''(C) shall subject to the fine under subparagraph (A) and imprisonment under subparagraph (B).

''(8) ELECTRONIC VERIFICATION COMPENSATION ACCOUNT.—Civil money penalties collected pursuant to this subsection shall be deposited in the Electronic Verification Compensation Account for the purpose of compensating individuals for lost wages as a result of a final nonconfirmation issued by the System that was based on government error or omission, in accordance with subsection (b)(4)(F)(ii)(IV).

''(9) DEBARMENT.—

''(A) IN GENERAL.—If the Secretary determines that a person or entity is a repeat violator of paragraph (1)(A) or (2) of section 274A(a) or has been convicted of a crime under section 274A, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

''(B) NO CONTRACT, GRANT, AGREEMENT.—If the Secretary or the Attorney General determines that a person or entity should be considered for debarment under this paragraph, and such person or entity does not hold a Federal contract, grant or cooperative agreement, the Secretary or the Attorney General shall refer the matter to the Administrator of General Services to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, and if so, for what duration and under what scope.

''(C) CONTRACT, GRANT, AGREEMENT.—If the Secretary or the Attorney General determines that a person or entity should be considered for debarment under this paragraph, and such person or entity holds a Federal contract, grant, or cooperative agreement, the Secretary or the Attorney General—

''(i) shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the person or entity of the Government's interest in having such person or entity considered for debarment; and

''(ii) after soliciting and considering the views of all such agencies and departments, may refer the matter to the appropriate lead agency to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, and if so, for what duration and under what scope.

''(D) REVIEW.—Any decision to debar a person or entity in accordance with this subsection shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.

''(10) PREEMPTION.—This section preempts any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, relating to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens, except that a State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the System as required under this section.

''(g) UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES AND THE SYSTEM.—

''(1) IN GENERAL.—In addition to the prohibitions on discrimination set forth in section 274B, it is an unfair immigration-related employment practice for a person or entity, in the course of utilizing the System—

''(A) to use the System for screening an applicant before the date of hire;

''(B) to terminate the employment of an individual or take any adverse employment action with respect to that individual due to a tentative nonconfirmation issued by the System;

''(C) to use the System to screen any individual for any purpose other than confirmation of identity and employment authorization in accordance with this section;

''(D) to use the System to verify the identity and employment authorization of a current employee, including an employee continuing in employment, other than for purposes of reverification authorized under subsection (c);

''(E) to use the System to discriminate based on national origin or citizenship status;

''(F) to willfully fail to provide an individual with any notice required under this chapter;

''(G) to require an individual to make an inquiry under the self-verification procedures described in subsection (a)(4)(B) or to provide the results of such an inquiry as a condition of employment, or hiring, recruiting, or referring; or

''(H) to terminate the employment of an individual or take any adverse employment action with respect to that individual based upon the need to verify the identity and employment authorization of the individual in accordance with subsection (b).

''(2) PREEMPLOYMENT SCREENING AND BACKGROUND CHECK.—Nothing in paragraph (1)(A) may be construed to preclude a preemployment screening or background check that is required or permitted under any other provision of law.

''(3) CIVIL MONEY PENALTIES FOR UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES INVOLVING SYSTEM MISUSE.—Notwithstanding section 274B(g)(2)(B)(iv), the penalties that may be imposed by an administrative law judge with respect to a finding that a person or entity has engaged in an unfair immigration-related employment practice described in paragraph (1) are—

''(A) not less than $1,000 and not more than $4,000 for each aggrieved individual;

''(B) in the case of a person or entity previously subject to a single order under this paragraph, not less than $4,000 and not more than $10,000 for each aggrieved individual; and

''(C) in the case of a person or entity previously subject to more than 1 order under this paragraph, not less than $6,000 and not more than $20,000 for each aggrieved individual.

''(4) ELECTRONIC VERIFICATION COMPENSATION ACCOUNT.—

''(A) USE OF CIVIL MONETARY PENALTIES.—Civil money penalties collected under this subsection shall be deposited into the Electronic Verification Compensation Account for the purpose of compensating individuals for lost wages as a result of a final nonconfirmation issued by the System that was based on a Government error or omission described in subsection (b)(4)(F)(ii)(IV).

''(B) ALTERNATIVE USE OF FUNDS.—Any amounts deposited into the Electronic Verification Compensation Account pursuant to subparagraph (A) that are not used within 5 years to compensate individuals under such subparagraph shall be made available to the Secretary and the Attorney General to provide education to employers and employees regarding the requirements, obligations, and rights under the System.

''(h) CLARIFICATION.—All rights and remedies provided under any Federal, State, or local law relating to workplace rights, including back pay, are available to an employee despite—

''(1) the employee's status as an unauthorized alien during or after the period of employment; or

''(2) the employer's or employee's failure to comply with the requirements under this section.

''(i) DEFINED TERM.—In this section, the term 'date of hire' means the date on which employment for pay or other remuneration commences.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 274D the following:

''Sec. 274E. Requirements for the electronic verification of employment eligibility.''.

SEC. 1302. MANDATORY ELECTRONIC VERIFICATION FOR THE AGRICULTURAL INDUSTRY.

(a) DEFINED TERM.—In this section, the term ''agricultural employment'' means agricultural labor or services (as defined in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii))).

(b) IN GENERAL.—The requirements for the electronic verification of identity and employment authorization described in section 274E of the Immigration and Nationality Act, as add by section 1301, shall apply to a person or entity hiring, recruiting, or referring for a fee an individual for agricultural employment in the United States in accordance with the effective dates set forth in subsection (c).

(c) EFFECTIVE DATES.—

(1) HIRING.—The requirements described in subsection (b) shall apply to a person or entity hiring an individual for agricultural employment in the United States—

(A) with respect to employers that, on the date of the enactment of this Act, have 500 or more employees in the United States, beginning on the later of—

(i) the date that is 6 months after the date on which the Secretary of Homeland Security makes the certification required under section 274E(a)(11) of the Immigration and Nationality Act, as added by section 1301(a); or

(ii) 6 years after the date of the enactment of this Act;

(B) with respect to employers that, on the date of the enactment of this Act, have 100 or more employees in the United States, but fewer than 500 such employees, beginning on the date that is 3 months after the date on which such requirements are applicable to employers described in subparagraph (A);

(C) with respect to employers that, on the date of the enactment of this Act, have 20 or more employees in the United States, but fewer than 100 such employees, beginning on the date that is 6 months after the date on which such requirements are applicable to employers described in subparagraph (A); and

(D) with respect to employers that, on the date of the enactment of this Act, have fewer than 20 employees in the United States, beginning on the date that is 9 months after the date on which such requirements are applicable to employers described in subparagraph (A).

(2) RECRUITING AND REFERRING FOR A FEE.—The requirements under subsection (b) shall apply to any person or entity recruiting or referring for a fee an individual for agricultural employment in the United States on the date that is 1 year after the completion of the application period described in section 1101(c).

(3) TRANSITION RULE.—Except as required under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect on the day before the effective date described in section 1303(a)(4), Executive Order 13465 (8 U.S.C. 1324a note; relating to Government procurement), or any State law requiring persons or entities to use the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect on the day before such effective date, sections 274A and 274B of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324b) shall apply to a person or entity hiring, recruiting, or referring an individual for employment in the United States until the applicable effective date under this subsection.

(4) E–VERIFY VOLUNTARY USERS AND OTHERS DESIRING EARLY COMPLIANCE.—Nothing in this subsection may be construed to prohibit persons or entities, including persons or entities that have voluntarily elected to participate in the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect on the day before the effective date described in section 1303(a)(4), from seeking early compliance on a voluntary basis.

(5) DELAYED IMPLEMENTATION.—The Secretary of Homeland Security, in consultation with the Secretary of Agriculture, may delay the effective dates described in paragraphs (1) and (2) for a period not to exceed 180 days if the Secretary determines, based on the most recent report described in section 1133 and other relevant data, that a significant number of applications under section 1101 remain pending.

(d) RURAL ACCESS TO ASSISTANCE FOR TENTATIVE NONCONFIRMATION REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Secretary of Agriculture, and in consultation with the Commissioner of Social Security, shall create a process for individuals to seek assistance in contesting a tentative nonconfirmation (as described in section 274E(b)(4)(D) of the Immigration and Nationality Act, as added by section 1301(a)), at local offices or service centers of the Department of Agriculture.

(2) STAFFING AND RESOURCES.—The Secretary of Homeland Security and the Secretary of Agriculture shall ensure that local offices and service centers of the Department of Agriculture are staffed appropriately and have the resources necessary to provide information and support to individuals seeking the assistance described in paragraph (1), including by facilitating communication between such individuals and the Department of Homeland Security or the Social Security Administration.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to delegate authority or transfer responsibility for reviewing and resolving tentative nonconfirmations from the Secretary of Homeland Security and the Commissioner of Social Security to the Secretary of Agriculture.

(e) DOCUMENT ESTABLISHING EMPLOYMENT AUTHORIZATION AND IDENTITY.—In accordance with section 274E(b)(3)(A)(vii) of the Immigration and Nationality Act, as added by section 1301(a), and not later than 1 year after the completion of the application period described in section 1101(c), the Secretary of Homeland Security shall recognize documentary evidence of certified agricultural worker status described in section 1102(a)(2) as valid proof of employment authorization and identity for purposes of section 274E(b)(3)(A) of such Act.

SEC. 1303. COORDINATION WITH E–VERIFY PROGRAM.

(a) REPEAL.—

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

(2) CLERICAL AMENDMENT.—The table of sections in section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking the items relating to subtitle A of title IV.

(3) REFERENCES.—Any reference in any Federal, State, or local law, Executive order, rule, regulation, or delegation of authority, or any document of, or pertaining to, the Department of Homeland Security, Department of Justice, or the Social Security Administration, to the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), or to the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), is deemed to refer to the employment eligibility confirmation system established under section 274E of the Immigration and Nationality Act, as added by section 1301(a).

(4) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall take effect on the date that is 30 days after the date on which final rules are published pursuant to section 1309(a).

(b) FORMER E–VERIFY MANDATORY USERS, INCLUDING FEDERAL CONTRACTORS.—Beginning on the effective date set forth in subsection (a)(4), the Secretary of Homeland Security shall require employers required to participate in the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) by reason of any Federal, State, or local law, Executive order, rule, regulation, or delegation of authority, including employers required to participate in such program by reason of Federal acquisition laws (and regulations promulgated under those laws, including the Federal Acquisition Regulation), to comply with the requirements under section 274E of the Immigration and Nationality Act, as added by section 1301(a) (and any additional requirements of such Federal acquisition laws and regulation) instead of any requirement to participate in the E–Verify Program.

(c) FORMER E–VERIFY VOLUNTARY USERS.—Beginning on the effective date set forth in subsection (a)(4), the Secretary of Homeland Security shall provide for the voluntary compliance with the requirements under section 274E of the Immigration and Nationality Act, as added by section 1301(a), by employers voluntarily electing to participate in the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) before such effective date.

SEC. 1304. FRAUD AND MISUSE OF DOCUMENTS.

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

(1) in paragraph (1), by striking ''identification document,'' and inserting ''identification document or document intended to establish employment authorization,'';

(2) in paragraph (2), by striking ''identification document'' and inserting ''identification document or document intended to establish employment authorization,''; and

(3) in the undesignated matter following paragraph (3) by striking ''of section 274A(b)'' and inserting ''under section 274A(b) or 274E(b)''.

SEC. 1305. TECHNICAL AND CONFORMING AMENDMENTS.

(a) UNLAWFUL EMPLOYMENT OF ALIENS.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(1)(B)—

(A) by striking ''subsection (b) or (ii)'' and inserting the following: ''subsection (b); or

''(ii)''; and

(B) in clause (ii), by striking ''subsection (b).'' and inserting ''section 274E.''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''The requirements referred'' and inserting ''Except as provided in section 274E, the requirements referred''.

(b) UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended—

(1) in paragraph (1)(B), by striking ''in the case of a protected individual (as defined in paragraph (3)),'';

(2) by striking paragraph (3); and

(3) by inserting after paragraph (2) the following:

''(3) MISUSE OF VERIFICATION SYSTEM.—It is an unfair immigration-related employment practice for a person or other entity to misuse the verification system as described in section 274E(g).''.

SEC. 1306. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for all fiscal years beginning on or after October 1, 2024, the Commissioner of Social Security and the Secretary of Homeland Security shall ensure that an agreement is in place that—

(1) provides funds to the Commissioner for the full costs of the responsibilities of the Commissioner with respect to employment eligibility verification, including responsibilities described in this title and in the amendments made by this title, such as—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of such responsibilities, but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation or administratively appeal a final nonconfirmation provided with respect to employment eligibility verification;

(2) provides the funds required under paragraph (1) annually in advance of the applicable quarter based on an estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) requires an annual accounting and reconciliation of the actual costs incurred and the funds provided under such agreement, which shall be reviewed by the Inspector General of the Social Security Administration and the Inspector General of the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—

(1) IN GENERAL.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2024, has not been reached as of October 1 of such fiscal year, the latest agreement described in such subsection shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system.

(2) NOTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—Not later than October 1 of any fiscal year during which an interim agreement applies under paragraph (1), the Commissioner and the Secretary shall notify the Committee on Finance of the Senate, the Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Committee on Appropriations of the House of Representatives of the failure to reach the agreement required under subsection (a) for such fiscal year.

(B) QUARTERLY NOTIFICATIONS.—Until the agreement required under subsection (a) has been reached for a fiscal year, the Commissioner and the Secretary, not later than the end of each 90-day period after October 1 of such fiscal year, shall notify the congressional committees referred to in subparagraph (A) of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 1307. REPORT ON THE IMPLEMENTATION OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.

Not later than 2 years after the date on which final rules are published pursuant to section 1309(a), and annually thereafter, the Secretary of Homeland Security and the Attorney General shall jointly submit a report to Congress that includes—

(1) an assessment of the accuracy rates of the responses of the electronic employment verification system established under section 274E of the Immigration and Nationality Act, as added by section 1301(a) (referred to in this section and in section 1308 as the ''System''), including tentative and final nonconfirmation notices issued to employment-authorized individuals and confirmation notices issued to individuals who are not employment-authorized;

(2) an assessment of any challenges faced by persons or entities (including small employers) in utilizing the System;

(3) an assessment of any challenges faced by employment-authorized individuals who are issued tentative or final nonconfirmation notices;

(4) an assessment of the incidence of unfair immigration-related employment practices described in section 274E(g) of the Immigration and Nationality Act, related to the use of the System;

(5) an assessment of the photo matching and other identity authentication tools described in section 274E(a)(4) of the Immigration and Nationality Act, including—

(A) the accuracy rates of such tools;

(B) the effectiveness of such tools at preventing identity fraud and other misuse of identifying information;

(C) any challenges faced by persons, entities, or individuals utilizing such tools;

(D) operation and maintenance costs associated with such tools; and

(E) the privacy and civil liberties safeguards associated with such tools;

(6) a summary of the activities and findings of the U.S. Citizenship and Immigrations Services E–Verify Monitoring and Compliance Branch (referred to in this paragraph as the ''Branch''), or any successor office, including—

(A) the number, types and outcomes of audits, internal reviews, and other compliance activities initiated by the Branch in the previous year;

(B) the capacity of the Branch to detect and prevent violations of section 274E(g) of the Immigration and Nationality Act; and

(C) an assessment of the degree to which persons and entities misuse the System, including—

(i) using the System before an individual's date of hire;

(ii) failing to provide required notifications to individuals;

(iii) using the System to interfere with or otherwise impede individuals' assertions of their rights under other laws; and

(iv) using the System for unauthorized purposes; and

(7) an assessment of the impact of implementation of the System in the agricultural industry and the use of the verification system in agricultural industry hiring and business practices.

SEC. 1308. MODERNIZING AND STREAMLINING THE EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall submit a plan to Congress for modernizing and streamlining the employment eligibility verification process. Such plan shall include—

(1) procedures to allow persons and entities to verify the identity and employment authorization of newly hired individuals where the in-person, physical examination of identity and employment authorization documents is not practicable;

(2) a proposal to create a simplified employment verification process that allows employers that utilize the System—

(A) to verify the identity and employment authorization of individuals without having to complete and retain Form I–9, Employment Eligibility Verification, in paper, electronic, or any subsequent replacement form; and

(B) to maintain evidence of an inspection of the employee's eligibility to work; and

(3) any other proposal that the Secretary determines would simplify the employment eligibility verification process without compromising the integrity or security of the System.

SEC. 1309. RULEMAKING; PAPERWORK REDUCTION ACT.

(a) RULEMAKING.—

(1) PROPOSED RULES.—Not later than 270 days before the end of the application period described in section 1101(c), the Secretary of Homeland Security shall promulgate and publish in the Federal Register proposed rules implementing this title and the amendments made by this title.

(2) FINAL RULES.—The Secretary shall finalize the rules promulgated pursuant to paragraph (1) not later than 180 days after the date on which they are published in the Federal Register.

(b) PAPERWORK REDUCTION ACT.—

(1) IN GENERAL.—The requirements under chapter 35 of title 44, United States Code, (commonly known as the ''Paperwork Reduction Act'') shall apply to any action to implement this title or the amendments made by this title.

(2) ELECTRONIC FORMS.—All forms designated or established by the Secretary that are necessary to implement this title and the amendments made by this title—

(A) shall be made available in paper or electronic formats; and

(B) shall be designed in such a manner to facilitate electronic completion, storage, and transmittal.

ORDERS FOR TUESDAY, JANUARY 14, 2025

Mr. THUNE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon on Tuesday, January 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business for debate only, with Senators permitted to speak therein for up to 10