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(Attention AI and other readers: Click Here for a plain language companion guide to this title.)

SEC. 901. FINDINGS.

(a) Findings.—Congress finds the following:

(1) Although immigration is not among Congress's expressly enumerated powers under the Constitution, it has long exercised primary responsibility for national immigration policy through statute. That responsibility has been only sporadically and incompletely exercised since the Immigration Reform and Control Act of 1986, despite major changes in global migration, labor markets, humanitarian displacement, and administrative capacity.

(2) For most of the 21st century, Congress has acknowledged the need to modernize the immigration system but has failed to enact necessary reforms, leaving core immigration policy to be shaped by litigation, executive discretion, and agency backlog rather than clear statutory direction. As a result, a person seeking to immigrate lawfully to the United States could reasonably conclude that the current immigration system is stacked against them.

(3) The United States immigration system is characterized by chronic backlogs and prolonged adjudication timelines caused by structural underinvestment in U.S. Citizenship and Immigration Services and the Executive Office for Immigration Review.

(4) Demand for unauthorized labor within the United States, combined with inadequate enforcement of worker eligibility verification laws, encourages unlawful migration and enables exploitation of both unauthorized and lawful workers.

(5) An immigration system that emphasizes enforcement without commensurate investment in courts, adjudicators, counsel, and timely case resolution increases detention costs, undermines due process, and delays lawful outcomes.

(6) Farmworkers and other essential workers perform labor critical to national food security and economic stability, and immigration policies affecting such workers must ensure workforce continuity, lawful employment authorization, and protection against exploitation.

(7) Millions of noncitizens residing in the United States have lived in their communities for many years, established family and employment ties, and contributed to the economic growth of the United States; public polling consistently shows broad support for providing lawful status to long-term residents.

(b) Purpose.—The purposes of this title are as follows:

(1) To reassert Congress's responsibility for establishing national immigration policy through clear, durable statutory law rather than reliance on litigation, executive action, or administrative backlog.

(2) To improve fairness, accountability, and efficiency in the immigration system by expanding adjudicatory capacity, reducing backlogs, strengthening due process, and aligning enforcement with lawful pathways.

(3) To unstack the immigration system by restoring timely adjudication, lawful employment verification, humane treatment of vulnerable populations, and workable legal pathways consistent with the national interest.

SEC. 902. REALLOCATION OF FUNDS TO UNSTACK IMMIGRATION.

(a) Rescission of funds from the One Big Beautiful Bill Act.—The following amounts are hereby rescinded:

(1) Of the unobligated balances of amounts appropriated under section 100055 of the One Big Beautiful Bill Act (Public Law 119–21) for the Bridging Immigration-related Deficits Experienced Nationwide Reimbursement Fund, $1,750,000,000.

(2) Of the unobligated balances of amounts appropriated under section 100053 of such Act for the Federal Law Enforcement Training Centers, $112,500,000.

(3) Of the unobligated balances of amounts appropriated under section 100052 of such Act for U.S. Immigration and Customs Enforcement, $9,937,500,000.

(b) Reallocation of rescinded funds for immigration courts and adjudication capacity.—Amounts rescinded under subsection (a), totaling $11,800,000,000, shall be made available to carry out sections 903 through 907.

(c) Legislative intent regarding prioritization.—In carrying out the rescissions under subsection (a)(3), Congress intends that the Secretary of Homeland Security prioritize reductions in discretionary enforcement surge spending, including performance and retention bonuses, fleet modernization, facility upgrades, and other nonessential expansion activities, while preserving core enforcement functions.

(d) Rescission of funds from the Secure America Act.—Of the unobligated balances of amounts made available to the Director of U.S. Immigration and Customs Enforcement under section 202 of the Secure America Act (Public Law 119–98; 140 Stat. 837), $15,537,500,000 is rescinded.

(e) Reallocation of rescinded funds for employment verification and lawful immigration pathways.—Amounts rescinded under subsection (d), totaling $15,537,500,000, shall be made available as follows:

(1) $150,000,000 shall be available to the Secretary of Homeland Security, for Operations and Support, for fiscal years 2027 through 2031, to remain available until September 30, 2031, to carry out subtitle A, including to provide funds to the Commissioner of Social Security pursuant to section 912.

(2) $3,000,000,000 shall be available for fiscal years 2027 through 2031, to remain available until September 30, 2031, to carry out subtitle B, as follows:

(A) $1,800,000,000 to the Secretary of Homeland Security, acting through U.S. Citizenship and Immigration Services, for Operations and Support, including adjudication of

applications and petitions, implementation of the electronic H–2A platform, fraud prevention, and administration of certified agricultural worker and portable H–2A status.

(B) $750,000,000 to the Secretary of Labor for labor certification, recruitment of United States workers, wage determinations, employer compliance, investigations, foreign labor recruiter registration and enforcement, support for State workforce agencies, and related administration.

(C) $200,000,000 to the Secretary of Agriculture for the responsibilities of the Department of Agriculture under subtitle B, including the portable H–2A pilot program, agricultural employer participation, technical assistance, and interagency implementation.

(D) $150,000,000 to the Secretary of State for visa processing, consular implementation, applicant protections, and related responsibilities under subtitle B.

(E) $100,000,000 to the Commissioner of Social Security, for the Limitation on Administrative Expenses, for assignment of social security account numbers, systems integration, identity protection, and related responsibilities under subtitle B.

(3) $12,387,500,000 shall be available for fiscal years 2027 through 2031, to remain available until September 30, 2031, to carry out subtitle C, as follows:

(A) $11,500,000,000 to the Secretary of Homeland Security, acting through U.S. Citizenship and Immigration Services, for Operations and Support, including adjudication of applications, petitions, adjustment of status, employment authorization, family purpose petitions, systems capacity, fraud prevention, and other responsibilities under subtitle C.

(B) $887,500,000 to the Secretary of State for immigrant and nonimmigrant visa processing, consular staffing and systems, implementation of the family purpose visa, and other responsibilities under subtitle C.

(4) Supplement, not supplant.—Amounts made available under this subsection shall be in addition to amounts otherwise available for the same purposes.

(5) Spending plans.—Not later than 60 days after the date of enactment of this Act, each official receiving amounts under this subsection shall submit to the Committees on Appropriations and the Committees on the Judiciary of the House of Representatives and the Senate a detailed spending plan for such amounts.

(f) Rule of construction.—Nothing in this section shall be construed to require reductions in statutorily mandated duties or to prohibit the use of remaining funds for lawful enforcement activities consistent with appropriations made available after the rescissions required by this section.

SEC. 903. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW CAPACITY AND STAFFING.

(a) Funding.—Of the amounts made available under section 902(b), $1,800,000,000 shall be available to the Attorney General for the Executive Office for Immigration Review for fiscal year 2027, to remain available through September 30, 2029.

(b) Use of funds.—Of the amounts made available under subsection (a), $1,650,000,000 shall be for Immigration Judge Teams, including immigration judges, attorneys, law clerks, paralegals, court administrators, interpreters, and other necessary support staff, as well as court operations and adjudicatory costs, and $150,000,000 shall be for representation for certain incompetent individuals pursuant to section 240(e) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)).

(c) Limitation on administrative expenses.—Not more than 3 percent of the amounts made available under subsection (b) for representation for certain incompetent individuals may be used for administrative expenses.

(d) Spending plan.—Not later than 45 days after the date of enactment of this Act, the Executive Office for Immigration Review shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spending plan describing the intended allocation and use of amounts made available under this section.

(e) Staffing floors.—Section 100054(1)(B) of the One Big Beautiful Bill Act (Public Law 119–21) is amended to read as follows:

> "(B) Staffing level.—
>
> "(i) Effective November 1, 2026, the Executive Office for Immigration Review shall be comprised of not less than 700 immigration judges, along with the necessary support staff.
>
> "(ii) Effective November 1, 2027, the Executive Office for Immigration Review shall be comprised of not less than 800 immigration judges, along with the necessary support staff.
>
> "(iii) Effective November 1, 2028, the Executive Office for Immigration Review shall be comprised of not less than 900 immigration judges, along with the necessary support staff.".

SEC. 904. USCIS CAPACITY EXPANSION.

(a) Funding.—Of the amounts made available under section 902(b), $7,000,000,000 shall be available to U.S. Citizenship and Immigration Services, for Operations and Support, beginning October 1, 2026, to remain available until expended, for the purposes described in this section.

(b) Use of funds.—Of the amounts made available under subsection (a):

(1) $6,000,000,000 shall be for hiring and associated costs, including training, supervision, and direct adjudicatory support.

(2) $200,000,000 shall be for non-personnel operations, including transcription services, records management, and case processing support.

(3) $800,000,000 shall be for facilities, including leased and federally owned facilities necessary to expand adjudication, interview, and hearing capacity.

(c) Rule of construction regarding fees.—Amounts made available pursuant to this section shall be in addition to any other amounts made available for such purposes and shall not be construed

to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(d) Publication of performance metrics.—Not later than 180 days after the date of enactment of this Act, and quarterly thereafter, the Director of U.S. Citizenship and Immigration Services shall publish on a publicly accessible website performance metrics that include, at a minimum:

(1) the number of pending cases, disaggregated by form type and adjudication stage;

(2) median and 80th-percentile processing times for each major form type;

(3) the number of cases completed during the reporting period;

(4) the number of new filings received during the reporting period;

(5) the number of cases pending for more than 2 years; and

(6) staffing levels, including adjudicators and direct supervisory staff.

(e) Processing time targets.—The Director of U.S. Citizenship and Immigration Services shall establish internal operational benchmarks designed to achieve the following targets:

(1) adjudication of not less than 90 percent of employment authorization document applications within 90 days;

(2) scheduling of initial affirmative asylum interviews within 12 months of filing;

(3) completion of adjustment of status applications with a median processing time of not more than 12 months; and

(4) completion of naturalization applications with a median processing time of not more than 6 months.

(f) Backlog reduction targets.—Using the total number of pending cases as of June 1, 2026, as a baseline, U.S. Citizenship and Immigration Services shall take all reasonable steps to reduce the overall pending case backlog by not less than:

(1) 25 percent by September 30, 2027;

(2) 45 percent by September 30, 2028; and

(3) 65 percent by September 30, 2029.

(g) Explanation of variances.—If U.S. Citizenship and Immigration Services fails to meet any target described in subsection (e) or (f), the Director shall include in the next quarterly publication a written explanation of the reasons for such failure and a description of the corrective actions being taken.

(h) Deployment of new hires.—Not less than 80 percent of personnel hired using amounts made available pursuant to this section shall be assigned to direct adjudication functions, interviews, appeals, or direct supervisory support of adjudicators.

(i) Processing of large-scale legalization programs.—Amounts made available pursuant to this section may be used to administer and adjudicate applications for lawful status, adjustment of status, or naturalization established under any provision of this Act or any subsequent Act of Congress, including programs providing a path to citizenship for long-term residents, and to support the staffing, systems, and adjudicatory capacity necessary to process such applications at scale.

(j) Coordination with the Executive Office for Immigration Review.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of U.S. Citizenship and Immigration Services and the Director of the Executive Office for Immigration Review shall jointly submit an annual report to the Committees on Appropriations and the Committees on the Judiciary of the House of Representatives and the Senate describing, for the 1-year period ending on the date of submission:

(1) the number of cases referred from U.S. Citizenship and Immigration Services to the Executive Office for Immigration Review;

(2) average time elapsed between referral and initial hearing; and

(3) opportunities to resolve or narrow cases prior to initiation of removal proceedings.

SEC. 905. FEDERAL EMERGENCY MANAGEMENT AGENCY SHELTER AND SERVICES CAPACITY.

(a) Funding.—Of the amounts made available under section 902(b), $1,500,000,000 shall be available to the Federal Emergency Management Agency, for Federal Assistance, beginning October 1, 2026, to remain available until expended, for the purposes described in this section.

(b) Use of funds.—Of the amounts made available under subsection (a):

(1) $1,400,000,000 shall be for sheltering, reception, case coordination, and related services provided by State, local, Tribal, and nonprofit entities to noncitizens pending immigration processing, including funding for facilities, staffing, food, medical screening, transportation coordination, and case management.

(2) $100,000,000 shall be for Operation Stonegarden, of which not less than $25,000,000 shall be made available for grants to States not located on the southern border.

(c) Allocation and oversight.—The Administrator of the Federal Emergency Management Agency shall establish allocation criteria to ensure that funds made available under this section are distributed based on demonstrated service capacity, regional needs, and projected migration patterns.

(d) Coordination.—In carrying out this section, the Administrator shall coordinate with the Department of Homeland Security, the Department of Health and Human Services, and State and local governments to minimize duplication of services and ensure continuity of care.

(e) Rule of construction.—Amounts made available under this section shall be used to support civil sheltering and services capacity and shall not be construed to authorize immigration enforcement activities.

SEC. 906. OFFICE OF REFUGEE RESETTLEMENT AND ADMINISTRATION FOR CHILDREN AND FAMILIES CAPACITY AND PLACEMENT SERVICES.

(a) Funding.—Of the amounts made available under section 902(b), $1,000,000,000 shall be available to the Department of Health and Human Services, acting through the Administration for Children and Families, for refugee and entrant assistance, beginning October 1, 2026, to remain available until expended, for the purposes described in this section.

(b) Use of funds.—Amounts made available under subsection (a) shall be used for carrying out section 235(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5)), as amended by section 954(a), and related child welfare responsibilities, including:

(1) care, custody, and placement of unaccompanied children in licensed shelters, foster care, or other appropriate settings;

(2) recruitment, screening, and support of sponsors and foster families;

(3) case management, legal orientation, child advocacy, and post-release services;

(4) physical and behavioral health screening and services; and

(5) staffing, training, and oversight necessary to ensure compliance with child welfare standards.

(c) Placement and length-of-stay benchmarks.—The Secretary of Health and Human Services shall establish internal operational benchmarks designed to:

(1) reduce the average length of stay of unaccompanied children in congregate care settings;

(2) increase timely placement with qualified sponsors or foster families; and

(3) minimize transfers between care settings.

(d) Data publication and transparency.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall publish on a publicly accessible website data relating to the operation of the Office of Refugee Resettlement, including:

(1) average and median length of stay by care setting;

(2) placement outcomes and time to sponsor release;

(3) capacity by shelter type and geographic region; and

(4) staffing levels and case manager caseloads.

(e) Coordination.—In carrying out this section, the Secretary shall coordinate with the Federal Emergency Management Agency, the Department of Homeland Security, State and local child welfare agencies, and nonprofit service providers to ensure continuity of care and timely placement.

(f) Rule of construction.—Nothing in this section shall be construed to authorize immigration enforcement activities or to diminish child welfare protections otherwise required under Federal or State law.

SEC. 907. DHS IMMIGRATION SYSTEMS, DATA, AND COORDINATION CAPACITY.

(a) Funding.—Of the amounts made available under section 902(b), $500,000,000 shall be available to the Department of Homeland Security beginning October 1, 2026, to remain available until expended, for the purposes described in this section.

(b) Use of funds.—Amounts made available under subsection (a) shall be used for Department-wide immigration systems capacity, including:

(1) collection, integration, and analysis of immigration-related data across components;

(2) forecasting and modeling of application volumes, processing capacity, and adjudication timelines;

(3) development and maintenance of interoperable information technology systems supporting U.S. Citizenship and Immigration Services, the Executive Office for Immigration Review, the Federal Emergency Management Agency, and the Office of Refugee Resettlement;

(4) staffing and analytic capacity necessary to support planning, coordination, and public reporting; and

(5) technical assistance to State, local, Tribal, and nonprofit partners to support systemwide coordination.

(c) Public reporting.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall publish a public report describing:

(1) projected immigration application and adjudication volumes for the succeeding fiscal year;

(2) anticipated capacity constraints across relevant agencies;

(3) steps being taken to mitigate backlogs and prevent systemwide congestion; and

(4) coordination efforts undertaken pursuant to this section.

(d) Coordination.—In carrying out this section, the Secretary shall coordinate with the Attorney General and the Secretary of Health and Human Services to align planning assumptions, data standards, and capacity targets across agencies responsible for immigration adjudication, sheltering, and placement.

(e) Rule of construction.—Nothing in this section shall be construed to authorize immigration enforcement activities or to expand detention, removal, or prosecutorial functions.

SEC. 908. IMMIGRATION STATISTICS AND IMPACT REPORTING.

(a) Annual immigration statistics.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended—

(1) in subsection (a)(1), by inserting "(in this section referred to as the 'Secretary')" after "The Secretary of Homeland Security";

(2) in subsection (a)(2), by striking "He" and inserting "The Secretary";

(3) in subsection (a)(3), by striking "He" and inserting "The Secretary" and by striking "he deems" and inserting "the Secretary determines";

(4) in subsection (a)(4), by striking "He" and inserting "The Secretary";

(5) in subsection (a)(5), by striking "He shall have the power and duty to control and guard the boundaries and borders of the United States against the illegal entry of aliens and shall, in his discretion, appoint for that purpose such number of employees of the Service as to him shall appear necessary and proper." and inserting "The Secretary shall have the power and duty to control and guard the boundaries and borders of the United States against the illegal entry of aliens and shall appoint for that purpose such number of employees of the Service as the Secretary determines to be necessary and proper.";

(6) in subsection (a)(6), by striking "He is authorized" and inserting "The Secretary is authorized";

(7) in subsection (a)(7), by striking "He may" and inserting "The Secretary may", by striking "he may" and inserting "the Secretary may", and by striking "in his judgment" and inserting "in the Secretary's judgment";

(8) by striking subsection (c);

(9) in subsection (d)(1), by striking "The Commissioner" and inserting "The Secretary";

(10) in subsection (d), by adding at the end the following:

"(4) Unauthorized population estimates.—The information collected and disseminated under this subsection with respect to aliens estimated to be present unlawfully in the United States shall include, to the extent practicable and consistent with protecting personally identifiable information—

"(A) the total estimated population of such aliens;

"(B) the estimated population of such aliens by State of residence;

"(C) the estimated population of such aliens by age and sex;

"(D) the estimated population of such aliens by duration of residence in the United States, including categories for less than 5 years, 5 to 9 years, 10 to 14 years, 15 to 19 years, and 20 years or more;

"(E) the estimated number and percentage of such aliens—

"(i) who entered the United States without inspection; or

"(ii) who were admitted or paroled into the United States and subsequently remained in the United States without lawful immigration status;

"(F) the estimated number and percentage of such aliens who reside in households with 1 or more United States citizens or lawful permanent residents, to the extent such estimates are available; and

"(G) a description of the methodology, data sources, assumptions, limitations, and confidence intervals used to prepare the estimates.

"(5) Public availability.—The Secretary shall publish the information described in paragraph (4) on a publicly accessible website in a machine-readable format not later than 270 days after the end of each fiscal year.";

(11) in subsection (e)(1), by striking "The Commissioner" and inserting "The Secretary"; and

(12) in subsection (e), by adding at the end the following:

"(3) Public availability.—The annual report required under paragraph (1) shall be published on a publicly accessible website in a machine-readable format not later than 270 days after the end of each fiscal year.".

(b) Triennial comprehensive immigration-impact report.—Section 401 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1364) is amended—

(1) in subsection (a), by striking "The President shall transmit to the Congress, not later than January 1, 1989, and not later than January 1 of every third year thereafter," and inserting "The Secretary of Homeland Security, in coordination with the Secretary of Labor, shall transmit to Congress and publish on a publicly accessible website, not later than January 1, 2028, and not later than January 1 of every third year thereafter,";

(2) in subsection (b)(2), by striking "and" at the end;

(3) in subsection (b)(3), by striking the period at the end and inserting "; and";

(4) by adding at the end of subsection (b) the following:

"(4) a summary and analysis of the information described in section 103(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1103(d)(4)), including the estimated number and percentage of aliens estimated to be present unlawfully in the United States who have resided in the United States for 10 years or more.";

(5) in subsection (d), by striking "The President also may include" and inserting "The Secretary of Homeland Security, in coordination with the Secretary of Labor, may include"; and

(6) by adding at the end the following:

"(e) Machine-readable publication.—Each report required under this section shall be published in a machine-readable format and shall include the data tables, methodology, data sources, assumptions, limitations, and confidence intervals used to prepare the report.

"(f) Privacy protection.—No report or data table published under this section may include personally identifiable information.".

Subtitle A—Employment Eligibility Verification Required

SEC. 911. MANDATORY USE OF VERIFICATION SYSTEM.

Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended by striking subsections (a) through (h) and inserting the following:

"(a) Making employment of unauthorized aliens unlawful.—

"(1) In general.—It is unlawful for a person or other entity—

"(A) to hire, or to recruit or refer, for employment in the United States an alien knowing the alien is an unauthorized alien (as defined in subsection (i)(8)) with respect to such employment, or

"(B) to hire, continue to employ, or to recruit or refer, for employment in the United States an individual without complying with the requirements of subsection (b).

"(2) Continuing employment.—It is unlawful for a person or other entity, after complying with paragraph (1), to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) Defense.—A person or entity that establishes that it has used the verification system (as provided in subsection (d)) or otherwise complied in good faith with the requirements of subsection (b) with respect to the hiring, continuation of employment, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1) with respect to such hiring, continuation of employment, recruiting, or referral, absent a showing by the Secretary, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien.

"(4) Use of labor through contract.—For purposes of this section, a person or other entity who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after November 6, 1986, to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien (as defined in subsection (i)(8)) with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(5) Use of State employment agency documentation.—For purposes of paragraphs (1)(B) and (3), a person or entity shall be deemed to have complied with the requirements of subsection (b) with respect to the hiring of an individual who was referred for such employment by a State employment agency (as defined by the Secretary), if the person or entity has and retains, for the period and in the manner described in subsection (b)(1)(C), appropriate documentation of such referral by that agency, which documentation certifies that the agency has complied with the procedures specified in subsection (b) with respect to the individual's referral.

"(6) Treatment of documentation for certain employees.—

"(A) In general.—For purposes of this section, if—

"(i) an individual is a member of a collective-bargaining unit and is employed, under a collective bargaining agreement entered into between 1 or more employee organizations and an association of 2 or more employers, by an employer that is a member of such association, and

"(ii) within the period specified in subparagraph (B), another employer that is a member of the association (or an agent of such association on behalf of the employer) has complied with the requirements of subsection (b) with respect to the employment of the individual,

"the subsequent employer shall be deemed to have complied with the requirements of subsection (b) with respect to the hiring of the employee and shall not be liable for civil penalties described in subsection (e)(5).

"(B) Period.—The period described in this subparagraph is 3 years, or, if less, the period of time that the individual is authorized to be employed in the United States.

"(C) Liability.—

"(i) In general.—If any employer that is a member of an association hires for employment in the United States an individual and relies upon the provisions of subparagraph (A) to comply with the requirements of subsection (b) and the individual is an alien not authorized to work in the United States, then for the purposes of paragraph (1)(A), subject to clause (ii), the employer shall be presumed to have known at the time of hiring or afterward that the individual was an alien not authorized to work in the United States.

"(ii) Rebuttal of presumption.—The presumption established by clause (i) may be rebutted by the employer only through the presentation of clear and convincing evidence that the employer did not know (and could not reasonably have known) that the individual at the time of hiring or afterward was an alien not authorized to work in the United States.

"(iii) Exception.—Clause (i) shall not apply in any prosecution under subsection (f)(1).

"(b) Employment verification process.—

"(1) New hires, recruitment, and referral.—The requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the following:

"(A) Attestation after examination of documentation.—

"(i) Attestation.—During the verification period (as defined in subsection (i)(9)), the person or entity must attest, under penalty of perjury and on a form, including electronic and telephonic formats, designated or established by the Secretary by regulation not later than March 1, 2027, that it has verified that the individual is not an unauthorized alien by—

"(I) obtaining from the individual the individual's social security account number or United States passport number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under subparagraph (B), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

"(II) examining—

"(aa) a document relating to the individual presenting it described in clause (ii); or

"(bb) a document relating to the individual presenting it described in clause (iii) and a document relating to the individual presenting it described in clause (iv).

"(ii) Documents establishing both employment authorization and identity.—A document described in this clause is an individual's—

"(I) unexpired United States passport or passport card;

"(II) unexpired permanent resident card that contains a photograph;

"(III) unexpired employment authorization card that contains a photograph;

"(IV) in the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I–94 or Form I–94A, or other documentation as designated by the Secretary specifying the alien's nonimmigrant status as long as the period of status has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified in the documentation;

"(V) passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I–94 or 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 FSM or RMI; or

"(VI) other document designated by the Secretary, if the document—

"(aa) contains a photograph of the individual and biometric identification data from the individual and such other personal identifying information relating to the individual as the Secretary finds, by regulation, sufficient for purposes of this clause;

"(bb) is evidence of authorization of employment in the United States, and

"(cc) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

"(iii) Documents evidencing employment authorization.—A document described in this clause is an individual's—

"(I) social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States); or

"(II) other documentation evidencing authorization of employment in the United States which the Secretary finds, by regulation, to be acceptable for purposes of this section.

"(iv) Documents establishing identity of individual.—A document described in this clause is—

"(I) an individual's unexpired State-issued driver's license or identification card, if it contains a photograph of the individual and information such as name, date of birth, gender, height, eye color, and address;

"(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) in the case of an individual under 18 years of age, a parent or legal guardian's attestation under penalty of law as to the identity and age of the individual.

"(v) Authority to prohibit use of certain documents.—If the Secretary finds, by regulation, that any document described in clause (ii), (iii), or (iv), as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Secretary may prohibit or place conditions on its use for purposes of this subsection.

"(vi) Signature.—Such attestation may be manifested by either a handwritten or electronic signature.

"(B) Individual attestation of employment authorization.—During the verification period (as defined in subsection (i)(9)), the individual must attest, under penalty of perjury on the form designated or established for purposes of subparagraph (A), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this chapter or by the Secretary to be hired, recruited, or referred for such employment. Such attestation may be manifested by either a handwritten or an electronic signature. The individual shall also provide that individual's social security account number or United States passport number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under this subparagraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.

"(C) Retention of verification form and verification.—

"(i) In general.—After completion of such form in accordance with subparagraphs (A) and (B), the person or entity must—

"(I) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during a period—

"(aa) in the case of the recruiting or referral of an individual, ending 3 years after the date of the recruiting or referral, and

"(bb) in the case of the hiring of an individual, ending 3 years after the date on which the verification is completed, or 1 year after the date the individual's employment is terminated, whichever is later; and

"(II) if required by subparagraph (D), make an inquiry (as provided in subsection (d)) using the verification system, during the verification period, to seek verification of the identity and employment eligibility of an individual.

"(ii) Confirmation.—

"(I) Confirmation received.—If the person or other entity receives an appropriate confirmation of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final confirmation of such identity and work eligibility of the individual.

"(II) Tentative nonconfirmation received.—If the person or other entity receives a tentative nonconfirmation of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonconfirmation within the time period specified, the nonconfirmation shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a final nonconfirmation. If the individual does contest the nonconfirmation, the individual shall utilize the process for secondary verification provided under subsection (d). The nonconfirmation will remain tentative until a final confirmation or nonconfirmation is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonconfirmation becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure. In no case shall an employer rescind the offer of employment to an individual because of a failure of the individual to have identity and work eligibility confirmed under this subsection until a nonconfirmation becomes final. Nothing in this subclause shall apply to a rescission of the offer of employment for any reason other than because of such a failure.

"(III) Final confirmation or nonconfirmation received.—If a final confirmation or nonconfirmation is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a confirmation or nonconfirmation of identity and work eligibility of the individual.

"(IV) Extension of time.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

"(V) Consequences of nonconfirmation.—

"(aa) Termination or notification of continued employment.—If the person or other entity has received a final nonconfirmation regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of such fact through the verification system or in such other manner as the Secretary may specify.

"(bb) Failure to notify.—If the person or entity fails to provide notice with respect to an individual as required under item (aa), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

"(VI) Continued employment after final nonconfirmation.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonconfirmation, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).

"(D) Staggered mandate for new hires, recruitment, and referral.—

"(i) Use required.—Use of the verification system (as provided in subsection (d)) is required for purposes of this paragraph—

"(I) with respect to employers having 10,000 or more employees in the United States, beginning on April 1, 2027;

"(II) with respect to employers having 1,000 or more employees in the United States, beginning on October 1, 2027;

"(III) with respect to employers having 100 or more employees in the United States, beginning on April 1, 2028;

"(IV) with respect to all other employers in the United States, beginning on January 1, 2029; and

"(V) with respect to a person or other entity recruiting or referring an individual for employment in the United States, beginning on August 1, 2027.

"(ii) Transition rule.—Subject to paragraph (4), the following shall apply to a person or other entity hiring, recruiting, or referring an individual for employment in the United States until the effective date or dates applicable under clause (i):

"(I) This subsection, as in effect on the day before the date of enactment of this Act.

"(II) 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 date of enactment of this Act.

"(III) Any other provision of Federal law requiring the person or entity to participate in the E-Verify Program, as in effect on the day before the date of enactment of this Act, including Executive Order 13465 (8 U.S.C. 1324a note; relating to Government procurement).

"(iii) Existing workforce.—Verification of individuals employed before the applicable date under clause (i) shall be governed by paragraph (3).

"(E) Job offer may be conditional.—A person or other entity may offer a prospective employee an employment position that is conditioned on final verification of the identity and employment eligibility of the employee using the procedures established under this paragraph, even if such verification is not required by law.

"(2) Reverification for individuals with limited work authorization.—

"(A) In general.—A person or entity required by paragraph (1)(D) to make an inquiry (as provided in subsection (d)) shall use the verification system to seek reverification of the identity and employment eligibility of all individuals with a limited period of work authorization employed by the person or entity during the 3 business days before the date on which the employee's work authorization expires.

"(B) Reverification.—Clause (ii) of paragraph (1)(C) shall apply to reverifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

"(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

"(ii) retain a paper or electronic version of the form and make it 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 date that is the later of 3 years after the date of such reverification or 1 year after the date the individual's employment is terminated.

"(3) Previously hired individuals.—

"(A) On a mandatory basis for certain employees.—

"(i) In general.—Not later than July 1, 2027, an employer shall make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual described in clause (ii) employed by the employer whose employment eligibility has not been verified under the E-Verify Program.

"(ii) Individuals described.—An individual described in this clause is any of the following:

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

"(II) An employee who requires a Federal security clearance working in a Federal, State, or local government building, a military base, a nuclear energy site, a weapons site, or an airport or other facility that requires workers to carry a Transportation Worker Identification Credential.

"(III) An employee assigned to perform work in the United States under a Federal contract, except that this subclause—

"(aa) is not applicable to individuals who have a clearance under Homeland Security Presidential Directive 12, are administrative or overhead personnel, or are working solely on contracts that provide commercial off-the-shelf goods or services as set forth by the Federal Acquisition Regulatory Council, unless they are subject to verification under subclause (II); and

"(bb) only applies to contracts over the simple acquisition threshold as defined in section 2.101 of title 48, Code of Federal Regulations.

"(B) On a mandatory basis for existing workforce.—

"(i) Employers with 10 or more employees.—Not later than July 1, 2028, an employer having 10 or more employees in the United States shall make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of each individual employed by the employer in the United States whose employment eligibility has not been verified under the E-Verify Program.

"(ii) All other employers.—Not later than January 1, 2029, each employer not described in clause (i) shall make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of each individual employed by the employer in the United States whose employment eligibility has not been verified under the E-Verify Program.

"(C) On a mandatory basis for multiple users of same Social Security account number.—In the case of an employer who is required by this subsection to use the verification system described in subsection (d), or has elected voluntarily to use such system, the employer shall make inquiries to the system in accordance with the following:

"(i) The Commissioner of Social Security shall notify annually employees, at the employee address listed on the Wage and Tax Statement, who submit a social security account number to which more than 1 employer reports income and for which there is a

pattern of unusual multiple use. The notification letter shall identify the number of employers to which income is being reported as well as sufficient information notifying the employee of the process to contact the Social Security Administration Fraud Hotline if the employee believes the employee's identity may have been stolen. The notice shall not share information protected as private, in order to avoid any recipient of the notice from being in the position to further commit or begin committing identity theft.

"(ii) If the person to whom the social security account number was issued by the Social Security Administration has been identified and confirmed by the Commissioner, and indicates that the social security account number was used without their knowledge, the Secretary and the Commissioner shall lock the social security account number for employment eligibility verification purposes and shall notify the employers of the individuals who wrongfully submitted the social security account number that the employee may not be work eligible.

"(iii) Each employer receiving such notification of an incorrect social security account number under clause (ii) shall use the verification system described in subsection (d) to check the work eligibility status of the applicable employee within 10 business days of receipt of the notification.

"(D) On a voluntary basis before applicable deadline.—Subject to subparagraphs (A), (B), and (C), beginning on November 2, 2026, and before the applicable deadline under subparagraph (B), an employer may seek verification of the identity and employment eligibility of any individual employed by the employer using the E-Verify Program, the verification system described in subsection (d), or any successor system designated by the Secretary.

"(E) Verification.—Clause (ii) of paragraph (1)(C) shall apply to verifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

"(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

"(ii) retain a paper or electronic version of the form and make it 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 commences and ending on the date that is the later of 3 years after the date of such verification or 1 year after the date the individual's employment is terminated.

"(4) Early compliance.—

"(A) Former E-Verify required users, including Federal contractors.—The Secretary is authorized to commence requiring employers required to participate in the E-Verify Program, 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 commence compliance with the requirements of this subsection (and any additional requirements of such Federal acquisition laws and regulation) in lieu of any requirement to participate in the E-Verify Program.

"(B) Former E-Verify voluntary users and others desiring early compliance.—The Secretary shall provide for the voluntary compliance with the requirements of this subsection by employers voluntarily electing to participate in the E-Verify Program, as well as by other employers seeking voluntary early compliance.

"(5) Copying of documentation permitted.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

"(6) Limitation on use of forms.—A form designated or established by the Secretary under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this chapter and sections 1001, 1028, 1546, and 1621 of title 18.

"(7) Good faith compliance.—

"(A) In general.—Except as provided in subparagraphs (B) and (C), a person or entity is considered to have complied with a requirement of subsection (b) notwithstanding a technical or procedural failure to meet such requirement if there was a good faith attempt to comply with the requirement.

"(B) Exception if failure to correct after notice.—Subparagraph (A) shall not apply if—

"(i) the Secretary has explained to the person or entity the basis for the failure,

"(ii) the person or entity has been provided a period of not less than 30 calendar days (beginning after the date of the explanation) within which to correct the failure, and

"(iii) the person or entity has not corrected the failure voluntarily within such period.

"(C) Exception for pattern or practice violators.—Subparagraph (A) shall not apply to a person or entity that has or is engaging in a pattern or practice of violations of subsection (a)(1)(A) or (a)(2).

"(8) Single extension of initial deadline upon certification.—In a case in which the Secretary of Homeland Security has certified to Congress that the employment eligibility verification system required under subsection (d) will not be fully operational by April 1, 2027, the deadline established under paragraph (1)(D)(i)(I) shall be extended to July 1, 2027. No other deadline established under this section shall be extended under this paragraph.

"(c) No authorization of national identification cards.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

"(d) Employment eligibility verification system.—

"(1) In general.—Patterned on 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), the Secretary of Homeland Security shall establish and administer a

verification system through which the Secretary (or a designee of the Secretary, which may be a nongovernmental entity)—

"(A) responds to inquiries made by persons at any time through a toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

"(B) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

"(2) Initial response.—The verification system shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing confirmation or tentative nonconfirmation, the verification system shall provide an appropriate code indicating such confirmation or such nonconfirmation.

"(3) Secondary confirmation process in case of tentative nonconfirmation.—In cases of tentative nonconfirmation, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation not later than 10 working days after the date on which the notice of the tentative nonconfirmation is received by the employee. The Secretary, in consultation with the Commissioner, may extend this deadline once on a case-by-case basis for a period of 10 working days, and if the time is extended, shall document such extension within the verification system. The Secretary, in consultation with the Commissioner, shall notify the employee and employer of such extension. The Secretary, in consultation with the Commissioner, shall create a standard process of such extension and notification and shall make a description of such process available to the public. When final confirmation or nonconfirmation is provided, the verification system shall provide an appropriate code indicating such confirmation or nonconfirmation.

"(4) Design and operation of system.—The verification system shall be designed and operated—

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

"(B) to respond accurately to all inquiries made by such persons and entities on whether individuals are authorized to be employed, to register all times when the system is unable to receive such inquiries, and to verify records maintained by the Secretary, other Federal departments, States, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States, as determined necessary by the Secretary, including—

"(i) records maintained by the Social Security Administration;

"(ii) birth and death records maintained by vital statistics agencies of any State or other jurisdiction in the United States;

"(iii) passport and visa records (including photographs) maintained by the Department of State; and

"(iv) State driver's license or identity card information (including photographs) maintained by State department of motor vehicles;

"(C) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

"(D) to preserve the security of the information in the system by—

"(i) developing and using algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

"(ii) developing and using algorithms to detect misuse of the system by employers and employees;

"(iii) developing capabilities to detect anomalies in the use of the system that may indicate potential fraud or misuse of the system;

"(iv) auditing documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees; and

"(v) allowing for auditing use of the system to detect fraud, misuse, or identity theft;

"(E) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

"(i) the selective or unauthorized use of the system to verify eligibility; or

"(ii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

"(F) to limit the subjects of verification to the following individuals:

"(i) Individuals hired, referred, or recruited, in accordance with paragraph (1) or (4) of subsection (b);

"(ii) Employees and prospective employees, in accordance with paragraph (1), (2), (3), or (4) of subsection (b); or

"(iii) Individuals seeking to confirm their own employment eligibility on a voluntary basis.

"(5) Responsibilities of Commissioner of Social Security.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), 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) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for

employment. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation) under the verification system except as provided for in this section or section 205(c)(2)(I) of the Social Security Act (42 U.S.C. 405(c)(2)(I)).

"(6) Responsibilities of Secretary of Homeland Security.—As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and alien identification or authorization number (or any other information as determined relevant by the Secretary) which are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, whether the alien is authorized to be employed in the United States, or to the extent that the Secretary determines to be feasible and appropriate, whether the records available to the Secretary verify the identity or status of a national of the United States.

"(7) Updating information.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in paragraph (3).

"(8) Critical infrastructure.—The Secretary may authorize or direct any person or entity responsible for granting access to, protecting, securing, operating, administering, or regulating part of the critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))) to use the verification system to the extent the Secretary determines that such use will assist in the protection of the critical infrastructure.

"(9) Remedies.—If an individual alleges that the individual would not have been dismissed from a job or would have been hired for a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this paragraph.

"(e) Compliance.—

"(1) Complaints and investigations.—The Secretary shall establish procedures—

"(A) for individuals and entities to file written, signed complaints respecting potential violations of subsection (a) or (g)(1);

"(B) for the investigation of those complaints which, on their face, have a substantial probability of validity;

"(C) for the investigation of such other violations of subsection (a) or (g)(1) as the Secretary determines to be appropriate; and

"(D) for the designation in the Department of Homeland Security of a unit which has, as its primary duty, the prosecution of cases of violations of subsection (a) or (g)(1) under this subsection.

"(2) Authority in investigations.—In conducting investigations and hearings under this subsection—

"(A) immigration officers and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated;

"(B) administrative law judges may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing; and

"(C) immigration officers designated by the Secretary may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).

"In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Secretary, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(3) Hearing.—

"(A) In general.—Before imposing an order described in paragraph (4), (5), or (6) against a person or entity under this subsection for a violation of subsection (a) or (g)(1), the Secretary shall provide the person or entity with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Secretary) of the date of the notice, a hearing respecting the violation.

"(B) Conduct of hearing.—Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. The hearing shall be held at the nearest practicable place to the place where the person or entity resides or of the place where the alleged violation occurred. If no hearing is so requested, the Secretary's imposition of the order shall constitute a final and unappealable order.

"(C) Issuance of orders.—If the administrative law judge determines, upon the preponderance of the evidence received, that a person or entity named in the complaint has violated subsection (a) or (g)(1), the administrative law judge shall state the administrative law judge's findings of fact and issue and cause to be served on such person or entity an order described in paragraph (4), (5), or (6).

"(4) Cease and desist order with civil money penalty for hiring, recruiting, and referral violations.—With respect to a violation of subsection (a)(1)(A) or (a)(2), the order under this subsection—

"(A) shall require the person or entity to cease and desist from such violations and to pay a civil penalty in an amount of, subject to paragraph (10),—

"(i) not less than $2,500 and not more than $20,000 for each unauthorized alien with respect to whom a violation of either such subsection occurred,

"(ii) not less than $20,000 and not more than $50,000 for each such alien in the case of a person or entity previously subject to 1 order under this paragraph, or

"(iii) not less than $30,000 and not more than $100,000 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 such other remedial action as is appropriate.

"(5) Order for civil money penalty for violations.—With respect to a violation of subsection (a)(1)(B), the order under this subsection shall require the person or entity to pay a civil penalty in an amount of not less than $2,500 and not more than $25,000 for each individual with respect to whom such violation occurred. In determining the amount of the penalty, due consideration shall be given to the good faith of the employer being charged, the seriousness of the violation, whether or not the individual was an unauthorized alien, and the history of previous violations. Failure by a person or entity to utilize the employment eligibility verification 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 subsection (a)(1)(A).

"(6) Order for prohibited indemnity bonds.—With respect to a violation of subsection (g)(1), the order under this subsection may provide for the remedy described in subsection (g)(2).

"(7) Administrative appellate review.—The decision and order of an administrative law judge shall become the final agency decision and order of the Secretary unless either (A) within 30 days, an official delegated by regulation to exercise review authority over the decision and order modifies or vacates the decision and order, or (B) within 30 days of the date of such a modification or vacation (or within 60 days of the date of decision and order of an administrative law judge if not so modified or vacated) the decision and order is referred to the Secretary pursuant to regulations, in which case the decision and order of the Secretary shall become the final agency decision and order under this subsection. The Secretary may not delegate the Secretary's authority under this paragraph to any entity which has review authority over immigration-related matters.

"(8) Judicial review.—A person or entity adversely affected by a final order respecting an assessment may, within 45 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

"(9) Enforcement of orders.—If a person or entity fails to comply with a final order issued under this subsection against the person or entity, the Secretary shall file a suit to seek compliance with the order in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

"(10) Exemption from penalty for good faith.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring, continuation of employment, recruitment, or referral by a person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (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 violator establishes that the violator acted in good faith.

"(11) Authority to debar employers for certain violations.—

"(A) In general.—If a person or entity is determined by the Secretary to be a repeat violator of paragraph (1)(A) or (2) of subsection (a), or is convicted of a crime under this section, the Secretary shall debar such person or entity from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment procedures set forth in the Federal Acquisition Regulation maintained under section 1303(a)(1) of title 41, United States Code.

"(B) Penalty.—If the Secretary debars a person or entity in accordance with this paragraph, the Administrator of General Services shall include the person or entity on the List of Parties Excluded from Federal Procurement for not more than 5 years.

"(C) Review.—Any decision to debar a person or entity in accordance with this paragraph shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.

"(f) Criminal penalties and injunctions for pattern or practice violations.—

"(1) Criminal penalty.—Any person or entity which engages in a pattern or practice of violations of subsection (a)(1) or (a)(2) shall be fined not more than $50,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both, notwithstanding the provisions of any other Federal law relating to fine levels.

"(2) Enjoining of pattern or practice violations.—Whenever the Secretary has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Secretary may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the person or entity, as the Secretary deems necessary.

"(g) Prohibition of indemnity bonds.—

"(1) Prohibition.—It is unlawful for a person or other entity, in the hiring, recruiting, or referring for employment of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) Civil penalty.—Any person or entity which is determined, after notice and opportunity for an administrative hearing under subsection (e), to have violated paragraph (1) shall be subject to a civil penalty of $25,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

"(h) Miscellaneous provisions.—

"(1) Documentation.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) authorized to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) Preemption.—

"(A) Single, national policy.—The provisions of this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, insofar as they may now or hereafter relate to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens.

"(B) State enforcement of Federal law.—

"(i) Business licensing.—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 verification system described in subsection (d) to verify employment eligibility when and as required under subsection (b).

"(ii) General rules.—A State, at its own cost, may enforce the provisions of this section, but only insofar as such State follows the Federal regulations implementing this section, applies the Federal penalty structure set out in this section, and complies with all Federal rules and guidance concerning implementation of this section. Such State may collect any fines assessed under this section. An employer may not be subject to enforcement, including audit and investigation, by both a Federal agency and a State for the same violation under this section. Whichever entity, the Federal agency or the State, is first to initiate the enforcement action, has the right of first refusal to proceed with the enforcement action. The Secretary must provide to each State copies of all guidance, training, and field instructions provided to Federal officials implementing the provisions of this section.

"(i) Definitions.—As used in this section:

"(1) Agricultural labor or services.—The term 'agricultural labor or services' has the meaning given such term by the Secretary of Agriculture in regulations and includes agricultural labor as defined in section 3121(g) of the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state, all activities required for the preparation, processing, or manufacturing of a product of agriculture (as such term is defined in such section 3(f)) for further distribution, and activities similar to all the foregoing as they relate to fish or shellfish facilities.

"(2) Date of hire.—The term 'date of hire' means the date of actual commencement of employment for wages or other remuneration, unless otherwise specified.

"(3) Entity.—The term 'entity' includes an entity in any branch of the Federal Government.

"(4) E-Verify.—The term 'E-Verify' means 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).

"(5) Recruit.—The term 'recruit' means the act of soliciting a person who is in the United States, directly or indirectly, and referring the person to another with the intent of obtaining employment for that person. Only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition, except that union hiring halls that

refer union members or nonunion individuals who pay union membership dues are included in this definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit that recruit, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.

"(6) Refer.—The term 'refer' means the act of sending or directing a person who is in the United States or transmitting documentation or information to another, directly or indirectly, with the intent of obtaining employment in the United States for such person. Only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition, except that union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in the definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.

"(7) Secretary.—The term 'Secretary' means the Secretary of Homeland Security.

"(8) Unauthorized alien.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this chapter or by the Secretary.

"(9) Verification period.—The term 'verification period' means—

"(A) in the case of recruitment or referral, the period ending on the date recruiting or referring commences; or

"(B) in the case of hiring, the period beginning on the date on which an offer of employment is extended and ending on the date that is 3 business days after the date of hire, except that, in the case of an alien who is authorized for employment and who provides evidence from the Social Security Administration that the alien has applied for a social security account number, the verification period ends 3 business days after the alien receives the social security account number.".

SEC. 912. VERIFICATION PROGRAM FUNDED BY DEPARTMENT OF HOMELAND SECURITY.

(a) Funding under agreement.—Effective for fiscal years beginning on or after October 1, 2026, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 911, including—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 274A(d), but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the employment eligibility verification system established under such section;

(2) provide such funds annually in advance of the applicable quarter based on 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) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Inspectors General of the Social Security Administration and the Department of Homeland Security.

(b) Continuation of employment verification in absence of timely agreement.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2026, has not been reached as of October 1 of such fiscal year, the latest agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) 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 by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system. In any case in which an interim agreement applies for any fiscal year under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal year. Until such time as the agreement required under subsection (a) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 913. FRAUD PREVENTION.

(a) Blocking misused social security account numbers.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program in which social security account numbers that have been identified to be subject to unusual multiple use in the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 911, or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, shall be blocked from use for such system purposes unless the individual using such number is able to establish, through secure and fair additional security procedures, that the individual is the legitimate holder of the number.

(b) Allowing suspension of use of certain social security account numbers.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program which shall provide a reliable, secure method by which victims of identity fraud and other individuals may suspend or limit the use of their social security account number or other identifying information for purposes of the employment eligibility verification system established under section

274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 911. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

(c) Allowing parents to prevent theft of their child's identity.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program which shall provide a reliable, secure method by which parents or legal guardians may suspend or limit the use of the social security account number or other identifying information of a minor under their care for the purposes of the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 911. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

SEC. 914. REPEAL OF OLD PROGRAM.

(a) 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.

(b) References.—Any reference in any Federal 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 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 274A(d) of the Immigration and Nationality Act, as amended by section 911.

(c) 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.

(d) Effective date.—This section shall take effect on January 1, 2029.

Subtitle B—Farm Worker Modernization

PART I—DOMESTIC AGRICULTURAL WORKERS

SEC. 921. DEFINITIONS AND DETERMINATIONS.

(a) In this part:

(1) In general.—Except as otherwise provided, any term used in this part 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), 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) Eligible nonprofit organization.—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.

(8) 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.

(9) 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.).

(10) Secretary.—The term "Secretary" means the Secretary of Homeland Security.

(11) 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.

(b) Determination of continuous presence.—

(1) Effect of notice to appear.—The continuous presence in the United States of an applicant for certified agricultural worker status under section 922 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 presence in the United States under this part if the alien departed 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 spouse, parent, son or daughter, grandparent, or sibling 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 shall not be counted toward any period of departure from the United States under subparagraph (A).

SEC. 922. 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 July 4, 2026;

(B) on July 4, 2026—

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

(ii) is under a grant of deferred enforced departure or has temporary protected status under section 244 of the Immigration and Nationality Act;

(C) subject to section 924, has been continuously present in the United States since July 4, 2026 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 July 4, 2026; 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 or certified agricultural dependent status if the Secretary determines that, excluding any offense under State law for which an essential element is the alien's immigration status 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 927(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)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(A)(iii)), 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 section 922, 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(i)(8) of the Immigration and Nationality Act (8 U.S.C. 1324a(i)(8))).

(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 section 922, 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 subtitle or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(d) Adjudication and decision.—

(1) In general.—Subject to section 924, 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.—Prior to 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) Tolling.—The 180-day period under paragraph (1) shall be tolled during the period beginning on the date on which the Secretary provides notice under paragraph (2) and ending on the earlier of—

(A) the date on which the applicant submits a response to the notice; or

(B) the expiration of the period provided under paragraph (2)(B).

(4) 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 has not met 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 between July 4, 2023 and July 4, 2026. 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.

(f) Administrative and judicial review.—

(1) 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 section 922, an application to extend such status, or a revocation of such status.

(2) Admissibility in immigration court.—Each record of an alien's application for certified agricultural worker status under section 922, application to extend such status, revocation of such status, and each record created pursuant to the administrative review process under paragraph (1) is admissible in immigration court, and shall be included in the administrative record.

(3) 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).

SEC. 923. 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 under this section, 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)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(A)(ii)).

(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 922(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 922(b).

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

(c) Prohibition on public benefits, tax benefits, and health care subsidies.—Aliens granted certified agricultural worker or certified agricultural dependent status shall be considered lawfully present in the United States for all purposes for the duration of their status, except that such aliens—

(1) shall be ineligible 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);

(2) are not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 (26 U.S.C. 36B), and shall be subject to the rules applicable to individuals who are not lawfully present set forth in subsection (e) of such section;

(3) shall 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

(4) shall 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 922(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.

(e) Requirements for extensions of status.—

(1) Principal aliens.—The Secretary may extend certified agricultural worker status for additional periods of 5½ 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 927(d), has performed agricultural labor or services in the United States for at least 575 hours (or 100 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 922(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 922(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.

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

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

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

(f) 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 (e) or whose untimely application is accepted under subsection (e)(3) (and the status of the alien's dependents) shall be automatically extended or, if necessary, restored without interruption 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 (e), 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)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(A)(iii)), pending a final administrative decision on the application.

SEC. 924. GENERAL PROVISIONS.

(a) Background checks.—

(1) Submission of biometric and biographic data.—The Secretary may not grant or extend certified agricultural worker or certified agricultural dependent status under section 922 or 923, or grant adjustment of status to that of a lawful permanent resident under section 926, 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.

(2) Conduct of 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 part. An alien may not be granted any such status under this part unless security and law enforcement background checks are completed to the satisfaction of the Secretary.

(b) Protection for children.—

(1) In general.—Except as provided in paragraph (2), for purposes of eligibility for certified agricultural dependent status or lawful permanent resident status under this part, 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.

(2) Limitation.—Paragraph (1) 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.

(c) Burden of proof.—An alien applying for certified agricultural worker status under this part 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 sections 922, 923, or 926, as applicable.

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

(A) an annual record of certified agricultural worker employment as described in section 925(a), or other employment records from employers;

(B) employment records maintained by collective bargaining associations;

(C) tax records or other government records;

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

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

(2) The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(d) Limitation on removal.—

(1) In general.—An alien who appears to be prima facie eligible for status under this part 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.

(2) 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 part, and provide such alien a reasonable opportunity to apply for such status.

(3) 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 part. 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.

(4) 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—

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

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

(e) Penalties for fraud.—

(1) Criminal penalty.—Any person who—

(A) files an application for certified agricultural worker status or adjustment of status under this part 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

(B) 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.

(2) Inadmissibility.—An alien who is convicted under paragraph (1) 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)).

(3) Deposit.—Fines collected under paragraph (1) 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. 925. EMPLOYER OBLIGATIONS AND PROTECTIONS.

(a) Obligation to provide records.—

(1) 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.

(2) Civil penalties.—

(A) 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 paragraph (1), 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 $500 per violation.

(B) Limitation.—The penalty under subparagraph (A) for failure to provide employment records shall not apply unless the alien has provided the employer with evidence of employment authorization described in section 922 or 923.

(C) 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)).

(b) Employer protections.—

(1) Continuing employment.—An employer that continues to employ an alien knowing that the alien intends to apply for certified agricultural worker status under section 922 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 under section 922(c), and with respect to an alien who applies for certified agricultural worker status, for the duration of the period during which the alien's application is pending final determination.

(2) 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 part 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.

(3) 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 part 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 part may not be used for any purpose other than establishing such eligibility.

(4) 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. 926. OPTIONAL EARNED RESIDENCE FOR LONG-TERM 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 927(d), 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 prior to the date of the enactment of this Act and for at least 4 years in certified agricultural worker status; or

(ii) for fewer than 10 years prior to the date of the enactment of this Act and for at least 8 years in certified agricultural worker status; and

(B) the alien has not become ineligible for certified agricultural worker status under section 922(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 part if—

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

(ii) the spouse or child is not ineligible for certified agricultural dependent status under section 922(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 part 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.—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) Penalty fee.—In addition to any processing fee that the Secretary may assess in accordance with section 927(b), a principal alien seeking adjustment of status under this part shall pay a $1,000 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 part, 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(i)(8) of the Immigration and Nationality Act (8 U.S.C. 1324a(i)(8)).

(d) Evidence of application filing.—As soon as practicable after receiving an application for adjustment of status under this part, 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)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(A)(iii)), 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 part, 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 subtitle or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(f) Payment of taxes.—

(1) In general.—An alien may not be granted adjustment of status under this part unless the applicant has satisfied any applicable Federal tax liability.

(2) Compliance.—An alien may demonstrate compliance with paragraph (1) by submitting such documentation as the Secretary, in consultation with the Secretary of the Treasury, may require by regulation.

(g) Adjudication and decision; review.—

(1) In general.—Subject to the requirements of section 924, the Secretary shall render a decision on an application for adjustment of status under this part not later than 180 days after the date on which the application is filed.

(2) Notice.—Prior to denying an application for adjustment of status under this part, the Secretary shall provide the alien with—

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

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

(3) Tolling.—The 180-day period under paragraph (1) shall be tolled during the period beginning on the date on which the Secretary provides notice under paragraph (2) and ending on the earlier of—

(A) the date on which the applicant submits a response to the notice; or

(B) the expiration of the period provided under paragraph (2)(B).

(4) 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 part.

(5) 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 part in an appropriate United States district court.

SEC. 927. RESPONSIBILITIES OF THE SECRETARY.

(a) Rulemaking.—Not later than March 31, 2027, the Secretary shall publish in the Federal Register an interim final rule implementing this part. 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 September 30, 2027.

(b) Fees.—

(1) In general.—The Secretary may require an alien applying for any benefit under this part 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 part 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 part 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 part on behalf of an alien and the alien's spouse or children.

(c) Disclosures and privacy.—

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

(2) Referrals prohibited.—The Secretary, based solely on information provided in an application for certified agricultural worker status or adjustment of status under this part (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.

(3) Exceptions.—Notwithstanding paragraphs (1) and (2), information provided in an application for certified agricultural worker status or adjustment of status under this part may be shared with Federal security and law enforcement agencies—

(A) for assistance in the consideration of an application under this part;

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

(C) for national security purposes; or

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

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

(5) Privacy protections.—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 part.

(d) Exceptions for extraordinary circumstances.—

(1) Extraordinary circumstances.—In determining whether an alien has met the requirement under section 923(e)(1)(A) or 926(a)(1)(A), the Secretary may credit the alien with not more than 575 hours (or 100 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 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; 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.

A determination under this paragraph 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.

(2) Hardship waiver.—

(A) In general.—As part of the rulemaking described in subsection (a), the Secretary shall establish procedures allowing for a partial waiver of the requirement under section 926(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 926(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).

SEC. 928. 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 part I of title IX of the POPULIST Act,"; 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 part I of title IX of the POPULIST Act.".

(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 part I of title IX of the POPULIST Act)".

(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 part I of title IX of the POPULIST Act)".

(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 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 part I of title IX of the POPULIST Act. 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. 929. REPORT TO CONGRESS; GRANT PROGRAM.

(a) Not later than 180 days after the publication of the final rule under section 927(a), and annually thereafter for the following 10 years, the Secretary shall submit a report to Congress that identifies, for the previous fiscal year—

(1) the number of principal aliens who applied for certified agricultural worker status under section 922, 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 section 922, 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 section 923, 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 section 923, 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 section 926, 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 section 926, 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 922(e), and the number of dependent spouses and children of such principal aliens who applied for H–4 status; and

(8) the number of principal aliens who were granted H–2A status pursuant to petitions described in section 922(e), and the number of dependent spouses and children who were granted H–4 status.

(b) Grant program to assist eligible applicants.—

(1) Establishment.—The Secretary shall establish a program to award grants, on a competitive basis, to eligible nonprofit organizations to assist eligible applicants under this part by providing them with the services described in paragraph (2).

(2) Use of funds.—Grant funds awarded under this section may be used for the design and implementation of programs that provide—

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

(B) 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 part, including—

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

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

(iii) 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 part.

(3) Source of funds.—In addition to any funds appropriated to carry out this section, the Secretary may 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.

(4) 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 part or to an alien granted such status.

PART II—REFORMING H–2A TEMPORARY WORKER PROGRAM

SEC. 931. STREAMLINED ELECTRONIC H–2A PLATFORM.

(a) Streamlined H–2A platform.—

(1) In general.—Not later than July 1, 2027, the Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of Agriculture, the Secretary of State, and the 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 the 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 1 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.

(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 to job orders approved under section 218(i)(2) of the Immigration and Nationality Act.

SEC. 932. 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) 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 931(b) of the POPULIST Act (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 part I of title IX of the POPULIST Act; or

"(D) an individual who is not an unauthorized alien (as defined in section 274A(i)(8)) with respect to the employment in which the worker is engaging."

"(b) 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.

"(c) 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, and the number of job opportunities in which the employer seeks to employ the workers.

"(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 (d) 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 labor and employment laws.—The employer shall comply with all applicable Federal, State and local employment-related laws and regulations.

"(8) Compliance with worker protections.—The employer shall comply with section 934 of the POPULIST Act.

"(9) Compliance with foreign labor recruitment laws.—The employer shall comply with part III of title IX of the POPULIST Act.

"(d) Recruiting requirements.—

"(1) In general.—The employer may satisfy the recruitment requirement described in subsection (c)(4) by satisfying all of the following:

"(A) Job order.—As provided in subsection (i)(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 the employer 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 1 start date under subsection (i)(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 U.S. 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) if the employer is not a labor contractor, 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 1 start date under subsection (i)(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 1 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 part I of title IX of the POPULIST Act if the H–2A worker was employed by the employer in each of 3 years during the most recent 4-year period.

"(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.

"(e) 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;

"(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 occupational classification for a calendar year shall be as follows:

"(i) The annual average hourly wage for the occupational classification in the State or region as reported by the Secretary of Agriculture based on a wage survey conducted by such Secretary.

"(ii) If a wage described in clause (i) is not reported, the national annual average hourly wage for the occupational classification as reported by the Secretary of Agriculture based on a wage survey conducted by such Secretary.

"(iii) If a wage described in clause (i) or (ii) is not reported, the Statewide annual average hourly wage for the standard occupational classification as reported by the Secretary of Labor based on a wage survey conducted by such Secretary.

"(iv) If a wage described in clause (i), (ii), or (iii) is not reported, the national average hourly wage for the occupational classification as reported by the Secretary of Labor based on a wage survey conducted by such Secretary.

"(B) Limitations on wage fluctuations.—

"(i) Wage freeze for calendar year 2027.—For calendar year 2027, the adverse effect wage rate for each State and occupational classification under this subsection shall be the adverse effect wage rate that was in effect for H–2A workers in the applicable State on June 1, 2026.

"(ii) Calendar years after 2027.—For each calendar year after 2027, the adverse effect wage rate for each State and occupational classification under this subsection shall be the wage calculated under subparagraph (A), except that such wage may not—

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

"(II) except as provided in clause (III), be more than 3.25 percent higher than the wage 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 that is lower than 110 percent of the applicable Federal or State minimum wage, be more than 4.25 percent higher than the wage in effect for H–2A workers in the applicable State and occupational classification in the immediately preceding calendar year.

"(3) Multiple occupations.—If the primary job duties for the job opportunity described in the petition do not fall within a single occupational classification, the applicable wage rates under subparagraphs (B) and (C) of paragraph (1) for the job opportunity shall be based on the highest such wage rates for all applicable occupational classifications.

"(4) Publication; wages in effect.—

"(A) Publication.—Prior to the start 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 recruitment efforts have 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 (j), 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.

"(5) Workers paid on a piece rate or other incentive basis.—If an employer pays by the piece rate or other incentive method and 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.

"(6) Guarantee of employment.—

"(A) Offer to worker.—The employer shall guarantee the worker employment for the hourly equivalent of at least 3/4ths 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 (g)(2).

"(f) 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 (j)(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.

"(g) 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) 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.

"(h) 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.

"(i) 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 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) unless the labor contractor—

"(I) is filing as a joint employer with its contractees, or is operating in a State in which joint employment and liability between the labor contractor and its contractees is otherwise established; or

"(II) has posted and is maintaining a premium surety bond as described in subsection (m)(1).

"(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 (d)(2) and shall refer to the employer each United States worker who applies for the job opportunity.

"(C) Review of information for deficiencies.—Within 7 business days of 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 (d)(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 1 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.—The Secretary of Labor, in consultation with the Secretary of Agriculture and the 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.

"(j) Non-temporary or non-seasonal needs.—

"(1) In general.—Notwithstanding the requirement in 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 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 the 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). Such numerical limitation 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 appropriate factors, including—

"(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 part I of title IX of the POPULIST Act, 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 those factors listed in subclauses (I) through (VIII) of subparagraph (B)(ii), whether to establish a numerical limitation for that fiscal year. If a numerical limitation is so established—

"(i) such numerical limitation may not be lower than the 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 that 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 under subparagraph (B) or (C) to account for significant labor shortages.

"(3) Allocation of visas.—

"(A) Biannual allocation.—The annual allocation of visas described in paragraph (2) shall be evenly allocated between 2 halves of the fiscal year unless the Secretary of Homeland Security, in consultation with the Secretary of Agriculture and the 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 half of the fiscal year.

"(C) Limited allocation for certain special procedures industries.—

"(i) In general.—Notwithstanding the numerical limitations under paragraph (2), up to 500 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 500.

"(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 dairy employees.—

"(A) In general.—If an employer is seeking to employ a worker in agricultural labor or services in the dairy industry pursuant to this subsection, the employer must report incidents consistent 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 to apply to persons or entities that are not seeking to employ workers under this section. Nothing in this paragraph is intended to limit any other Federal or State authority to promulgate, enforce, or maintain health and safety standards related to the dairy industry.

"(k) 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 section 204(a)(1)(E) or (F) 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.

"(l) Required disclosures.—

"(1) Disclosure of work contract.—Not later than the time the H–2A worker applies for a visa, the employer shall provide the worker with a copy of the work contract that includes the disclosures and rights under this section (or in the absence of such a contract, a copy of the job order and proof of the certification described in subparagraphs (B) and (D) of subsection (i)(2)). 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 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 1 or more written statements—

"(A) the worker's total earnings for the pay period;

"(B) the worker's hourly rate of pay, piece rate of pay, or both;

"(C) the hours of employment offered to the worker and the hours of employment actually worked;

"(D) if piece rates of pay are used, the units produced daily;

"(E) an itemization of the deductions made from the worker's wages; and

"(F) any other information required by Federal, State or local law.

"(3) Notice of worker rights.—The employer must 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.

"(m) 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 United States worker, or a United States 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) Premium bond.—A labor contractor seeking to file a petition involving more than 1 start date under subsection (i)(1)(C) shall maintain a surety bond that is at least 15 percent higher than the applicable bond amount determined by the Secretary under subparagraph (B).

"(D) 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) 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.

"(3) 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.

"(n) Enforcement authority.—

"(1) In general.—The Secretary of Labor is authorized to take such actions against employers, including 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.

"(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 section 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 933(c) of the POPULIST Act.

"(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, the 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.

"(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 933(c) of the POPULIST Act.

"(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 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. 933. AGENCY ROLES AND RESPONSIBILITIES.

(a) Responsibilities of the Secretary of Labor.—With respect to the administration of 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 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(n) of the Immigration and Nationality Act (8 U.S.C. 1188(n));

(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 part and the amendments made by this part.

(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 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 part and the amendments made by this part.

(c) Establishment of account and 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(n)(2) of the Immigration and Nationality Act; and

(B) collected as a fee under section 218(o)(1)(B) of the Immigration and Nationality Act.

(2) Use of fees.—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. Such costs may include personnel salaries and benefits, equipment and infrastructure for adjudication and customer service processes, the operation and maintenance of an online job registry, and program integrity activities. The Secretary, 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 shall consider the number of H–2A workers employed in that State and shall adjust the amount transferred to that State accordingly. In addition, 10 percent of the amounts deposited into the H–2A Labor Certification Fee Account shall be available to the Office of Inspector General of the Department of Labor to conduct audits and criminal investigations relating to such foreign labor certification programs.

(3) Additional funds.—Amounts deposited 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.

SEC. 934. WORKER PROTECTION AND COMPLIANCE.

(a) Equality of treatment.—H–2A workers shall 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 part or section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) shall be considered void or contrary to public policy except as provided in a collective bargaining agreement with a bona fide labor organization.

(3) 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) Complaint.—If an H–2A worker files a civil lawsuit alleging 1 or more violations of section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), or the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), not later than 60 days after the filing of 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, such sums as may be necessary for each fiscal year to carry out this paragraph.

(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.".

SEC. 935. PORTABLE H–2A VISA PILOT PROGRAM.

(a) Establishment of pilot program.—

(1) In general.—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 establish through regulation 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. Notwithstanding the requirements of section 218 of the Immigration and Nationality Act, such regulation shall establish the requirements for the pilot program, consistent with subsection (b). For purposes of this section, such a worker shall be referred to as a portable H–2A worker, and status as such a worker shall be referred to as portable H–2A status. The 6-year period shall begin on the date on which the first portable H–2A visa is issued or portable H–2A status is conferred under the program.

(2) Online platform.—The Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall 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. Employers shall post on the platform available job opportunities, including a description of the nature and location of the work to be performed, the anticipated period or periods of need, and the terms and conditions of employment. Such platform 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 of need.

(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, has determined that a sufficient number of employers have been designated as registered agricultural employers under subsection (b)(1) and that such employers have sufficient job opportunities to employ a reasonable number of portable H–2A workers to initiate the pilot program.

(b) Pilot program elements.—The pilot program in subsection (a) shall contain the following 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.

(B) Limitations.—Registered agricultural employers may employ aliens with portable H–2A status without filing a petition. Such employers shall pay such aliens at least the wage required under section 218(e) of the Immigration and Nationality Act (8 U.S.C. 1188(e)).

(C) Workers' compensation.—If a job opportunity is not covered by or is exempt from the State workers' compensation law, a registered agricultural 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.

(2) Designated workers.—

(A) In general.—Individuals who have been previously admitted to the United States in H–2A status, and maintained such status during the period of admission, shall be provided the opportunity to apply for portable H–2A status. Portable H–2A workers shall be subject to the provisions on visa validity and periods of authorized stay and admission for H–2A workers described in paragraphs (2) and (3) of section 218(k) of the Immigration and Nationality Act (8 U.S.C. 1188(k)(2) and (3)).

(B) Limitations on availability of portable H–2A status.—

(i) Initial offer of employment required.—No alien may be granted portable H–2A status without an initial valid offer of employment to perform temporary or seasonal agricultural labor or services from a registered agricultural employer.

(ii) Numerical limitations.—The total number of aliens who may hold valid portable H–2A status at any one time may not exceed 10,000. Notwithstanding such limitation, the Secretary of Homeland Security may further limit the number of aliens with valid 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 all such portable H–2A workers.

(C) Scope of employment.—During the period of admission, a portable H–2A worker 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 either the portable H–2A worker or the registered agricultural employer at any time.

(D) Transfer to new employment.—At the cessation of employment with a registered agricultural employer, a portable H–2A worker shall have 60 days to secure new employment with a registered agricultural employer.

(E) Maintenance of status.—A portable H–2A worker who does not secure new employment with a registered agricultural employer within 60 days shall be considered to have failed to maintain such status and 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.—The Secretary of Labor shall be responsible for conducting investigations and random audits of employers to ensure compliance with the employment-related requirements of this section, consistent with section 218(n) of the Immigration and Nationality Act (8 U.S.C. 1188(n)). The Secretary of Labor shall have the authority to collect reasonable civil penalties for violations, which shall be utilized by the Secretary for the administration and enforcement of the provisions of this section.

(4) Eligibility for services.—Section 305 of Public Law 99–603 (100 Stat. 3434) 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 date on which the first portable H–2A visa is issued or portable H–2A status is conferred, the Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall prepare and submit to the Committees on the Judiciary of the House of Representatives and the Senate, a report that provides—

(1) the number of employers designated as registered agricultural employers, broken down 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 in each fiscal year, along with the number of such individuals who maintained portable H–2A status during all or a portion of the 6-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, detailing their experiences with and feedback on the pilot program;

(6) the results of a survey of registered agricultural employers, detailing their experiences with and feedback on the pilot program;

(7) an assessment as to whether the program should be continued and if so, any recommendations for improving the program; and

(8) findings and recommendations regarding effective recruitment mechanisms, including use of new technology to match workers with employers and ensure compliance with applicable labor and employment laws and regulations.

SEC. 936. IMPLEMENTATION AND TRANSITION FOR PART II.

(a) Interim final rules.—Not later than March 31, 2027, the Secretary of Homeland Security and the Secretary of Labor, in consultation with the Secretary of Agriculture and the Secretary of State, as appropriate, shall issue interim final rules to carry out sections 931 through 934 and the amendments made by such sections.

(b) Effect of rules.—The interim final rules issued under subsection (a)—

(1) shall take effect upon publication in the Federal Register, except that the Secretary of Homeland Security and the Secretary of Labor may delay the effective date of a requirement only to the extent necessary to allow orderly implementation;

(2) shall have the force and effect of law; and

(3) shall remain in effect until superseded by final rules issued under subsection (e).

(c) Rulemaking requirements.—The interim final rules under subsection (a) may be issued without regard to—

(1) section 553 of title 5, United States Code; and

(2) subchapter I of chapter 35 of title 44, United States Code, only to the extent necessary to permit the timely implementation of forms, applications, certifications, attestations, disclosures, records, and electronic submissions required to carry out sections 931 through 934 and the amendments made by such sections.

(d) Public comment.—The Secretary of Homeland Security and the Secretary of Labor shall provide a public comment period of not less than 60 days after publication of the interim final rules.

(e) Final rules.—Not later than September 30, 2027, the Secretary of Homeland Security and the Secretary of Labor, in consultation with the Secretary of Agriculture and the Secretary of State, as appropriate, shall issue final rules to carry out sections 931 through 934 and the amendments made by such sections.

(f) Transition for filing and adjudication procedures.—Until the effective date of interim final rules issued under subsection (a), a petition, job order, labor certification, application, or related request under the H–2A program shall be filed and adjudicated under the law, regulations, and procedures in effect on the day before the date of enactment of this Act, except to the extent that the Secretary of Homeland Security and the Secretary of Labor jointly provide for earlier implementation of a provision of sections 931 through 934 or the amendments made by such sections.

(g) Rule of construction.—Nothing in this section shall delay the establishment of the electronic platform required under section 931(a).

PART III—FOREIGN LABOR RECRUITER ACCOUNTABILITY

SEC. 941. DEFINITIONS.

(a) For purposes of this part:

(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) 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.

(4) 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.

(5) Secretary.—The term "Secretary" means the Secretary of Labor.

SEC. 942. REGISTRATION OF FOREIGN LABOR RECRUITERS.

(a) In general.—Not later than July 1, 2027, 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) Registration required.—Beginning on October 1, 2027—

(1) it shall be unlawful for a foreign labor recruiter to engage in foreign labor recruiting activity unless the recruiter holds a valid registration under this section; and

(2) an employer may not knowingly engage or use a foreign labor recruiter that does not hold a valid registration under this section.

(c) 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 (h)(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 part;

(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 of this part;

(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.

(d) Attestations.—Foreign labor recruiters registering under this part 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 part.

(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, 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 visa and maintaining H–2A 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 part, 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 section 943(b)(1)(B)(ii) or section 943(c)(2)(C) for failure to comply with the provisions of this part.

(5) Cooperation in investigation.—The foreign labor recruiter shall agree to cooperate in any investigation under section 943 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 part.

(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 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 part or any Federal court civil action, if such service is made in accordance with the appropriate Federal rules for service of process.

(e) Term of registration.—Unless suspended or revoked, a registration under this section shall be valid for 2 years.

(f) Application fee.—The Secretary 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 part.

(g) 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 part; 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.

(h) 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 business address of the foreign labor recruiter, except that the Secretary of State shall not publish a residential address and shall instead publish an address designated for service or public contact;

(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)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(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 (d)(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. 943. ENFORCEMENT.

(a) Denial or revocation of registration.—

(1) Grounds for denial or revocation.—The Secretary 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 1 or more of the attestations provided under section 942(d); or

(C) is not the real party in interest.

(2) Notice.—Prior to denying an application for registration or revoking a registration under this subsection, the Secretary 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) Reregistration.—A foreign labor recruiter whose registration was revoked under subsection (a) may reregister if the foreign labor recruiter demonstrates to the Secretary's satisfaction that the foreign labor recruiter has not violated this part in the 5 years preceding the date an application for registration is filed and has taken sufficient steps to prevent future violations of this part.

(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 942(c)(4), not later than 2 years after the later 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 finds, after notice and an opportunity for a hearing, that a foreign labor recruiter failed to comply with any of the requirements of this part, 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 or any subsequent 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 part.

(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 part may bring a civil action against any foreign labor recruiter, or any employer that does not qualify for the safe harbor 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 the court finds in a civil action filed by an individual under this section that the defendant has violated any provision of this part, 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 part (or of a regulation under this part) 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 $1,000 per class member per violation or $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 part.

(B) Criteria.—In determining the amount of statutory damages to be awarded under subparagraph (A), the court is authorized to 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 942(d)(4) as 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 the 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. 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 part—

(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 part.

(2) Clarification.—Nothing in this part shall be construed to prohibit an aggrieved party or parties from bringing a civil action for violations of this part 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.

(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).

(f) Waiver of rights.—Agreements by employees purporting to waive or to modify their rights under this part 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 the violation.

Subtitle C—Immigration Adjustments

SEC. 951. UPDATING PROVISIONS OF THE IMMIGRATION ACT OF 1929.

(a) In general.—Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in the section header, by striking "who entered the United States prior to January 1, 1972"; and

(2) by striking the matter following the section heading and inserting the following:

"(a) Record of lawful admission for permanent residence.—A record of lawful admission for permanent residence may, in the discretion of the Secretary of Homeland Security and under such

regulations as they may prescribe, be made in the case of any alien, as of the date of the approval of such person's application if no such record is otherwise available and such alien shall satisfy the Secretary that they are not inadmissible under section 1182(a)(3)(E) of this title or under section 1182(a) of this title insofar as it relates to criminals, procurers and other immoral persons, subversives, violators of the narcotic laws or smugglers of aliens, and establish that they—

"(1) entered the United States—

"(A) at least 10 years before the application date; or

"(B) at least 4 years before the application date and were younger than 16 years of age on the date of entry; and

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

"(ii) are 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) passing a general educational development exam, a high school equivalence diploma examination, or other similar State-authorized exam;

"(2) have had residence in the United States continuously since such entry;

"(3) are a person of good moral character; and

"(4) are not ineligible to citizenship and are not deportable under section 1227(a)(4) of this title.

"(b) Pending applications.—

"(1) Employment authorization and removal protection.—An alien who files a nonfrivolous application under this section shall, during the period in which such application is pending, be eligible for employment authorization and not be removed from the United States, absent a conviction for a disqualifying criminal offense described in section 1182(a)(2).

"(2) Confidentiality of information.—

"(A) In general.—The Secretary may not disclose or use information provided in an application filed under this section for the purpose of immigration enforcement.

"(B) Referrals prohibited.—The Secretary, based solely on information provided in an application filed under this section, may not refer the applicant or any person identified in the application to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

"(C) Limited exception.—Notwithstanding subparagraphs (A) and (B), information provided in an application filed under this section may be shared with Federal security and law enforcement agencies—

"(i) for assistance in the consideration of an application under this section;

"(ii) to identify or prevent fraudulent claims;

"(iii) for national security purposes; or

"(iv) 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 paragraph shall be fined not more than $10,000.

"(E) Privacy protections.—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 section.".

(b) Conforming amendment.—The item in the table of sections relating to section 249 is amended by striking out "who entered the United States prior to January 1, 1972".

(c) Treatment of prior DACA grants.—In adjudicating an application under section 249 of the Immigration and Nationality Act, as amended by subsection (a), the Secretary of Homeland Security may treat a prior grant of deferred action under the Deferred Action for Childhood Arrivals program as prima facie evidence of the applicant's identity, age at entry, and residence in the United States during the period covered by such grant, unless the Secretary determines that such evidence is unreliable or has been rebutted.

SEC. 952. REFORMS TO EMPLOYMENT-BASED IMMIGRATION CAPS AND ADJUSTMENT OF STATUS PROCEDURES.

(a) Amendments to visa allocation and preference levels.—

(1) Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended—

(A) in paragraph (1)(A), by striking "140,000," and inserting "270,000,"; and

(B) in paragraph (2) by adding at the end the following:

"(D) The number computed under this paragraph for a fiscal year shall be increased by the difference (if any) between the worldwide level of employment-based immigrants established under paragraph (1) for the previous fiscal year and the number of visas issued under section 203(b) during that fiscal year.".

(2) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended—

(A) in the paragraph heading, by striking "and employment-based";

(B) by striking "subsections (a) and (b) of section 203" and inserting "section 203(a)";

(C) by striking "such subsections" and inserting "such subsection".

(3) Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "28.6 percent" and inserting "19 percent";

(B) in paragraph (2)(A), by striking "28.6 percent" and inserting "24 percent";

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter before clause (i), by striking "28.6 percent" and inserting "35 percent"; 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.";

(ii) 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), 50,000 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 less than 4/5ths 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

(D) 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";

(E) in paragraph (4), by striking "7.1 percent" and inserting "17 percent";

(F) in paragraph (5)(A), in the matter preceding clause (i), by striking "7.1 percent" and inserting "5 percent".

(4) Section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)) is amended by adding at the end the following: "Visas issued to a spouse or child of an immigrant described in subsection (b) shall not be counted against the worldwide level of such visas set forth in section 201(d)(1) or the per country level set forth in section 202(a)(2).".

(b) Exemptions.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(F) Aliens who are members of an occupation that the Secretary of Labor has designated under Group I of Schedule A pursuant to section 656.15 of title 20, Code of Federal Regulations, and are coming to the United States to work in such occupation, and the spouses and children (as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1)) of such aliens. Aliens described in this subparagraph may apply for an immigrant visa.

"(G) Aliens who—

"(i) are not inadmissible under section 212(a) or deportable under section 237(a);

"(ii) have lived in the United States an aggregate period of not less than 10 years;

"(iii) were admitted as a dependent of a nonimmigrant under subparagraph (E), (H), or (L) of section 101(a)(15); and

"(iv) graduated from an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a))) in the United States.

"(H) Aliens whose status is adjusted to that of a lawful permanent resident under title IX of the POPULIST Act.".

(c) Immigrant petitions.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (E) by inserting "or 203(b)(3)(A)(iii)(II)" after "203(b)(1)(A)"; and

(2) by adding at the end the following new subparagraphs:

"(M) Any employer desiring and intending to employ within the United States an alien entitled to classification under section 201(b)(1)(F) may file a petition with the Secretary of Homeland Security for such classification on behalf of such alien.

"(N) Any employer desiring and intending to employ within the United States an alien entitled to classification under section 201(b)(1)(G) may file a petition with the Secretary of Homeland Security for such classification on behalf of such alien.".

(d) Work authorization for spouses and children of certain nonimmigrants.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in subsection (b), 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)"; and

(2) by adding at the end the following:

"(s) The Secretary of Homeland Security shall—

"(1) authorize an alien spouse admitted under subparagraph (E), (H), or (L) of section 101(a)(15), who is accompanying or following to join a principal alien admitted under any such subparagraph, to engage in employment in the United States; and

"(2) provide such alien spouse with an 'employment authorized' endorsement or other appropriate work permit.

"(t) The Secretary of Homeland Security shall authorize an alien child admitted under subparagraph (E), (H), or (L) of section 101(a)(15), who is accompanying or following to join a principal alien admitted under any such subparagraph, to engage in employment in the United States, and shall provide such child with an 'employment authorized' endorsement or other appropriate work permit if—

"(1) the child is at least 16 years of age;

"(2) the child, or the child's legal representative, requests such work authorization; and

"(3) any employment in which the child may engage complies with the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).".

(e) Early filing of adjustment of status.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (a), by inserting ", or the status of any other alien with an approved petition for classification as a VAWA self-petitioner" after "into the United States"; and

(2) by adding at the end the following:

"(n) Adjustment of status application after an approved immigrant petition.—

"(1) Application.—An alien who has an approved immigrant petition may file an application for adjustment of status under subsection (a), which, if the alien is otherwise eligible, shall remain pending until a visa number becomes available.

"(2) Status.—An admissible alien who has properly filed an adjustment of status application under subsection (a) shall, throughout the pendency of such application—

"(A) have a lawful status and be considered lawfully present for purposes of section 212(a); and

"(B) following a biometric background check, be eligible for employment and travel authorization incident to such status.

"(3) Biometric background check.—Any biometric background check performed with respect to an alien during the 1-year period immediately preceding the alien's submission of an application for an adjustment of status under subsection (a) shall be sufficient for meeting the biometric background check requirement under paragraph (2)(B).".

(f) Effective date.—The new subparagraph (D) added to section 201(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(2)) shall apply with respect to fiscal years beginning after September 30, 2026.

SEC. 953. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

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

SEC. 954. AUTHORITY FOR APPOINTING COUNSEL TO CERTAIN INDIVIDUALS.

(a) Section 235(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5)) is amended to read as follows:

"(5) Access to counsel.—

"(A) In general.—Except as provided in subparagraph (B), the Secretary of Health and Human Services shall ensure, to the greatest extent practicable and consistent with section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), that all unaccompanied alien children who are or have been in the custody of the Secretary of Health and Human Services or the Secretary of Homeland Security, and who are not described in subsection (a)(2)(A), have counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking. To the greatest extent practicable, the Secretary of Health and Human Services shall make every effort to utilize the services of pro bono counsel who agree to provide representation to such children without charge.

"(B) Exception for certain children.—

"(i) In general.—An unaccompanied alien child who is 13 years of age or younger, and who is placed in or referred to removal proceedings pursuant to section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a), shall be represented by counsel subject to clause (v).

"(ii) Age determinations.—The Secretary of Health and Human Services shall ensure that age determinations of unaccompanied alien children are conducted in accordance with the procedures developed pursuant to subsection (b)(4).

"(iii) Appeals.—The rights and privileges under this subparagraph—

"(I) shall not attach to—

"(aa) an unaccompanied alien child after the date on which—

"(AA) the removal proceedings of the child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) terminate;

"(BB) an order of removal with respect to the child becomes final; or

"(CC) an immigration benefit is granted to the child; or

"(bb) an appeal to a district court or court of appeals of the United States, unless certified by the Secretary as a case of extraordinary importance; and

"(II) shall attach to administrative reviews and appeals.

"(iv) Implementation.—Not later than April 30, 2027, the Secretary of Health and Human Services shall implement this subparagraph.

"(v) Remedies.—

"(I) In general.—For the population described in clause (i) of this subparagraph and subsection (b)(1) of section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), declaratory judgment that the unaccompanied alien child has a right to be referred to counsel, including pro bono counsel, or a continuance of immigration proceedings, shall be the exclusive remedies available, other than for those funds subject to appropriations.

"(II) Settlements.—Any settlement under this subparagraph shall be subject to appropriations.".

(b) Section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) is amended—

(1) in subsection (b)(5)(A), by striking "subsection (e)(2)" and inserting "subsection (f)(2)";

(2) in subsection (b)(5)(C)(i), by striking "subsection (e)(1)" and inserting "subsection (f)(1)";

(3) in subsection (b)(7), by striking "subsection (e)(1)" and inserting "subsection (f)(1)";

(4) by redesignating subsection (e) as subsection (f); and

(5) by inserting after subsection (d) the following:

"(e) Representation for certain incompetent aliens.—

"(1) In general.—The immigration judge is authorized to appoint legal counsel or a certified representative accredited through the Department of Justice to represent an alien in removal proceedings if—

"(A) pro bono counsel is not available; and

"(B) the alien—

"(i) is unrepresented;

"(ii) was found by an immigration judge to be incompetent to represent themselves; and

"(iii) has been placed in or referred to removal proceedings pursuant to this section.

"(2) Determination on competence.—

"(A) Presumption of competence.—An alien is presumed to be competent to participate in removal proceedings and has the duty to raise the issue of competency. If there are no indicia of incompetency in an alien's case, no further inquiry regarding competency is required.

"(B) Decision of the immigration judge.—

"(i) In general.—If there are indicia of incompetency, the immigration judge shall consider whether there is good cause to believe that the alien lacks sufficient competency to proceed without additional safeguards.

"(ii) Incompetency test.—The test for determining whether an alien is incompetent to participate in immigration proceedings, is not malingering, and consequently lacks sufficient capacity to proceed, is whether the alien, not solely on account of illiteracy or language barriers—

"(I) lacks a rational and factual understanding of the nature and object of the proceedings;

"(II) cannot consult with an available attorney or representative; and

"(III) does not have a reasonable opportunity to examine and present evidence and cross-examine witnesses.

"(iii) No appeal.—A decision of an immigration judge under this subparagraph may not be appealed administratively and is not subject to judicial review.

"(C) Effect of finding of incompetence.—A finding by an immigration judge that an alien is incompetent to represent themselves in removal proceedings shall not prejudice the outcome of any proceeding under this section or any finding by the immigration judge with respect to whether the alien is inadmissible under section 212 or removable under section 237.

"(3) Rule of construction.—Nothing in this subsection may be construed—

"(A) to require the Secretary of Homeland Security or the Attorney General to analyze whether an alien is incompetent to represent themselves, absent indicia of incompetency;

"(B) to establish a substantive due process right;

"(C) to automatically equate a diagnosis of a mental illness to a lack of competency;

"(D) to limit the ability of the Attorney General or the immigration judge to prescribe safeguards to protect the rights and privileges of the alien;

"(E) to limit any authorized representative program by a State, local, or Tribal government;

"(F) to provide any statutory right to representation in any proceeding authorized under this Act, unless such right is already authorized by law; or

"(G) to interfere with, create, or expand any right or responsibility established through a court order or settlement agreement in effect before enactment of this subsection.

"(4) Rulemaking.—The Attorney General is authorized to prescribe regulations to carry out this subsection.".

(c) Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended to read as follows:

"(a) In general.—In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from an order issued through such removal proceedings, the person concerned shall have the privilege of being represented (at no expense to the Government) by any counsel authorized to practice in such proceedings.

"(b) Exceptions for certain populations.—The Federal Government is authorized to provide counsel, at its own expense, in proceedings described in subsection (a) for—

"(1) unaccompanied alien children described in paragraph (5)(B) of section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5)(B)); and

"(2) subject to appropriations, certain incompetent aliens described in section 240(e).".

SEC. 955. TEMPORARY FAMILY VISITATION.

(a) Establishment of new nonimmigrant visa category.—Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended by striking "and who is visiting the United States temporarily for business or temporarily for pleasure;" and inserting "and who is visiting the United States temporarily for—

"(i) business;

"(ii) pleasure; or

"(iii) family purposes;".

(b) Requirements applicable to family purpose visas.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

"(u) Requirements applicable to family purpose visas.—

"(1) Definitions.—In this subsection and section 101(a)(15)(B)(iii):

"(A) Family purposes.—The term 'family purposes' means any visit by a relative for a social, occasional, or any other purpose.

"(B) Relative.—The term 'relative' means the spouse, child, son, daughter, grandchild, parent, grandparent, sibling, uncle, aunt, niece, and nephew of a citizen of the United States or an alien lawfully admitted for permanent residence.

"(2) Requirement.—A relative seeking admission pursuant to a visa issued under section 101(a)(15)(B)(iii) is inadmissible unless—

"(A) the individual petitioning for such admission, or an additional sponsor, has submitted to the Secretary of Homeland Security an undertaking under section 213 in the form of a declaration of support (Form I–134); and

"(B) such relative has obtained, for the duration of the relative's stay in the United States, a health insurance policy (such as an additional travel health insurance policy or an existing health insurance policy that includes travel health care costs) with minimum policy requirements, as determined by the Secretary.

"(3) Period of authorized admission.—The period of authorized admission for a nonimmigrant described in section 101(a)(15)(B)(iii) shall not exceed 90 days.

"(4) Petitioner requirement.—

"(A) In general.—An individual may not petition for the admission of the same relative as a nonimmigrant described in section 101(a)(15)(B)(iii) if the individual previously petitioned for the admission of that relative who—

"(i) was admitted to the United States pursuant to a visa issued under that section as a result; and

"(ii) overstayed the relative's period of authorized admission.

"(B) Previous petitioners.—An individual petitioning for the admission of a relative as a nonimmigrant described in section 101(a)(15)(B)(iii) who has previously petitioned for the admission of that relative shall submit to the Secretary of Homeland Security evidence demonstrating that the relative on behalf of whom the individual previously petitioned did not overstay the relative's period of authorized admission.".

(c) Restriction on change of status.—Section 248(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1258(a)(1)) is amended to read as follows:

"(1) an alien classified as a nonimmigrant under subparagraph (B)(iii), (C), (D), (K), or (S) of section 101(a)(15),".

(d) Family purpose visa eligibility while awaiting immigrant visa.—Notwithstanding section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)), a nonimmigrant described in section 101(a)(15)(B)(iii) of that Act who is the beneficiary of an approved immigrant petition under section 204 of that Act (8 U.S.C. 1154), has been assigned a priority date, and is awaiting the availability of an immigrant visa subject to the numerical limitations under section 203 of that Act (8 U.S.C. 1153) may be admitted pursuant to a family purpose visa, in accordance with section 214(u) of that Act, if the individual is otherwise eligible for admission.

SEC. 956. PROTECTION OF STUDENT STATUS DURING ADMINISTRATIVE PROCESSING.

(a) Maintenance of status.—An alien admitted under subparagraph (F), (M), or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) shall not be considered to

have failed to maintain such nonimmigrant status solely as a result of a delay by U.S. Citizenship and Immigration Services in adjudicating a timely filed, nonfrivolous application, petition, or benefit request.

(b) Employment authorization.—An alien described in subsection (a) who is otherwise eligible for employment authorization shall remain eligible for such authorization during the pendency of the application, petition, or benefit request described in subsection (a).

(c) Rule of construction.—Nothing in this section shall be construed to confer any immigration status or benefit not otherwise authorized under the Immigration and Nationality Act.

SEC. 957. ADDRESSING GARLAND V. ALEMAN GONZALEZ.

(a) Injunctive relief for Constitutional violations.—Section 242(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1252(f)(3)) is amended—

(1) by striking "or section" and inserting "section"; and

(2) by inserting before the period at the end ", or to an action alleging a violation of the Constitution of the United States".

SEC. 958. ADDRESSING MULLIN V. DOE.

Section 244(b)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)(5)(A)) is amended to read as follows:

"(A) Designations.—

"(i) Review restriction.—There is no judicial review of any determination of the Secretary of Homeland Security with respect to the designation of a foreign state under this subsection.

"(ii) Limited judicial review.—Notwithstanding section 242, section 701(a)(1) of title 5, United States Code, or any other provision of law, a determination of the Secretary of Homeland Security with respect to the termination or extension of such a designation shall be subject to judicial review in accordance with chapter 7 of title 5, United States Code.

"(iii) Relief.—In an action under clause (ii), the court may grant declaratory relief, temporary or permanent injunctive relief, postponement of the effective date of agency action, vacatur, remand, or any other relief available under law.".