THE DIGNITY ACT (OF 2023*)

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DIVISION A -- BORDER ENFORCEMENT

TITLE I -- BORDER SECURITY FOR AMERICA ACT

Topline: This Title makes investments in border infrastructure and technology.

Subtitle A — Infrastructure and Equipment

Sec. 1111. Strengthening the Requirements for Barriers Along the Southern Border

Requires DHS to deploy physical barriers, tactical infrastructure, and the most up-to-date technology along the border where it is most effective and practical to achieve situational awareness and operational advantage. It updates current law by authorizing the construction of enhanced physical barriers and barrier levees.

Sec. 1112. Air and Marine Operations flight hours

Ensures that Air and Marine Operations carry out no fewer than 95,000 annual flight hours and operate unmanned aerial systems on the border 24/7. This is critical to achieving situational awareness and operational advantage. There is a significant gap between the number of flight hours identified by the U.S. Border Patrol as necessary to maintain a secure border and the current number of hours flown by CBP Air and Marine. This provision closes that gap.

Sec. 1113. Border Security Technology Program Management

This provision will help ensure border security projects are on time and on budget. Prior border technology and infrastructure projects experienced significant cost overruns and mismanagement. Specifically, it amends the Homeland Security Act of 2002 to require improved Border Security Technology Program Management. DHS must ensure there are approved baselines, costs, schedules, performance thresholds, and compliance with the Federal Acquisition Regulation (FAR) Guidelines for major border security technology acquisition programs that have life-cycle costs of $300 million or more.

Sec. 1114. Landowner and Rancher Security Enhancement

Establishes a National Border Security Advisory Committee to consult with the Secretary on border security issues. Because ranchers and landowners near the border are disproportionally affected by cartel activities in their communities and often allow the Border Patrol to access their land to complete their mission, they should have a formal mechanism to have their voices heard.

Sec. 1115. Eradication of Carrizo Cane and Salt Cedar

Directs DHS to coordinate with Federal and State authorities to eradicate dense thickets of Carrizo Cane and Salt Cedar along the Rio Grande River. Carrizo Cane and Salt Cedar are invasive plant species that now occupy the banks and floodplains of the Rio Grande. They provide one of the greatest tactical challenges to the detection of illicit activity along the Rio Grande River. Due to the vegetation’s thickness, Border Patrol agents cannot detect threats until they are either on the bank of the river, or in the water. They are also destroying the environment, outpacing the growth of native species, and using enormous amounts of water in areas where water is a scarce and precious resource.

Sec. 1116. Southern Border Threat Analysis, Border Patrol Strategic Plan, and Northern Border Threat Analysis

Requires DHS to develop a **Southern Border Threat Analysis** that assesses our vulnerability to terrorist threats and the status of improvements needed to maintain a secure border.

Requires DHS to develop a **Border Patrol Strategic Plan** that will be updated every 2 years. It will include security enhancements for our international borders, security gaps at ports of entry, information sharing improvements, situational awareness and human trafficking prevention efforts, an assessment of training programs, and information relating to staffing requirements.

Requires DHS to update the existing **Northern Border Threat Analysis** within 6 months.

Sec. 1117. Amendments to U.S. Customs and Border Protection

This section makes technical and conforming edits to CBP and preclearance authorizations to ensure the Preclearance Authorization Act of 2015 is being properly implemented. Preclearance is the strategic stationing of CBP personnel at designated foreign airports to inspect travelers prior to boarding U.S.-bound flights. It also authorizes preclearance operations at Land Ports of Entry.

Sec. 1118. Agent and Officer Technology Use

Requires DHS to ensure that the best technology be provided to front-line agents and officers deployed in the field. Technology is a force multiplier and should be provided directly to the law enforcement officers and agents on the ground to stop unlawful border activity more effectively.

Sec. 1119. Tunnel Task Forces

Establishes the Tunnel Task Force program designed to detect and destroy international and cross-border tunnels.

Sec. 1120. Pilot Program on Use of Electromagnetic Spectrum in Support of Border Security Operations

Authorizes a pilot program to test and evaluate the use of electromagnetic spectrum (EMS) by CBP in support of border security operations. EMS is used for remote sensing and communications. Spectrum use along the border is critical to interoperability, interagency cooperation, and in identifying threats including unauthorized spectrum use, criminal jamming, and hacking of communications assets.

Sec. 1121. Foreign Migration Assistance

This provision authorizes $50 million dollars a year from fiscal years 2024 - 2028 to allow the DHS Secretary to provide financial support to a foreign government if it would enhance U.S. ability to mitigate irregular migration flows, such as preventing caravans from the Northern Triangle or stopping national security risks (Special Interest Aliens). If provided, this assistance can be used to offset other foreign assistance to receiving nations.

Sec. 1122. Biometric Identification Transnational Migration Alert Program (BITMAP)

BITMAP is designed to identify and address national security, public safety, and illicit smuggling threats before they reach the U.S. border. Specifically, this section authorizes a program that provides foreign governments training and equipment to collect biometric information on third-country nationals, such as Special Interest Aliens, which aids DHS's ability to determine if those with known terror ties are using known smuggling routes to illicitly enter the country. Special Interest Aliens are those whose travel patterns are known to have a connection to terrorism or drug smuggling, and therefore pose a security risk to the US. The BITMAP program will help interdict these individuals trying to enter the United States.

Sec. 1123. Border and Port Security Technology Investment Plan

Requires a strategic 5-year technology investment plan, which will include an analysis of technology plans and programs at ports of entry, identification of capability gaps and security risks, streamlining of the acquisition process, leveraging private sector and stakeholder input, and require identification of developing security-related technologies that may satisfy the mission needs of the CBP.

Sec. 1124. Commercial Solutions Opening Acquisition Program

Authorizes an innovative commercial item purchasing program, which operates through a competitive bidding and peer review process. The cap for contracts under this program is $10 million. This is intended to help CBP acquire cutting-edge equipment and technology more efficiently.

Sec. 1125. U.S. Customs and Border Protection Technology Upgrades

This section requires several essential upgrades:

1. **Secure Communications:** Ensures that each CBP officer is equipped with a secure radio or comparable secure two-way communication device.

2. **Integrated Surveillance:** Fully implements the Border Security Deployment System and expands the integrated surveillance and intrusion detection system at land ports of entry. Authorizes $33 million for FY24-25 to carry out these upgrades.

3. **Updates License Plate Readers:** Requires the update of all license plate readers on incoming and outgoing vehicle lanes along the northern and southern borders within 2 years. Authorizes $125 million for FY24-25 to accomplish this. Moving vehicles quickly but safely through our ports of entry is critical to our economy.

4. **Full Implementation of Biometric Exit Data System:** Directs DHS to complete and implement biometric exit at all air, land and sea ports of entry within 5 years. This provision provides DHS with a roadmap for success, and for the first time in statute, provides definitive timelines for the execution of a biometric exit system. It appropriates $100 million for FY24-25 combined to carry out biometric exit implementation.

   Background on Biometric Exit System Implementation:

   - A mandate to electronically track entry and exit from the country has been in place for more than 20 years, and a mandate for a biometric entry-exit system has been a statutory requirement for 12 years. While DHS has fully implemented the biometry *entry* system at all U.S. ports of entry, the

biometric *exit* system currently captures about 60% of foreign nationals aged 14-79 departing the U.S. via commercial air carriers. Other technologies are gradually being employed at air, land, and sea ports of entry.

- DHS uses biometrics to detect and prevent unlawful entry into the U.S., grant and administer proper immigration benefits, for vetting and credentialing, facilitating legitimate travel and trade, enforcing federal laws, and enabling verification for visa applications to the U.S.

Sec. 1126. Nonintrusive Inspection Operations

Requires full implementation of the Securing America's Ports Act (signed into law in 2021). This requires DHS to develop a plan to increase to 100% the rates of scanning of commercial and passenger vehicles and freight rail entering the US at land ports of entry along the border. This should be accomplished using large-scale, non-intrusive technology (x-rays, gamma ray, and passive imaging systems) capable of producing an image of the contents of a commercial or passenger vehicle or freight rail car in one pass.

Sec. 1127. Homeland Security Investigations Innovation Lab

Creates the "Homeland Security Investigations Innovation Lab" to improve investigative efficiency and mission critical outcomes. This program will use innovative and emerging technologies to streamline data processing, assessment, visualization, and analysis of homeland security data. Authorizes $52.4 million to be appropriated for FY24-25 combined to run the innovation lab.

Sec. 1128. Report on standards and guidelines for managing ports of entry under the control of the department of homeland security

Requires a report assessing the current standards and guidelines for managing ports of entry under DHS control. The report shall include: staffing levels and need for additional staffing; rules governing the actions of Office of Field Operations officers; average delays for transit through air, land, and sea ports of entry; technologies used for border security, including the effect they have on facilitating trade and their impact on civil rights, private property rights, privacy rights, and civil liberties; and physical infrastructure and technological needs at ports of entry.

It also requires a report on "Port Running," or departing the United States before officers can conclude traveler inspections. This will include recommendations for new security enhancements, including traffic barricades, to slow and deter individuals from leaving the United States without authorization.

Subtitle B—Personnel

Sec. 1141. Additional U.S. Customs and Border Protection Personnel

This section sets minimum staffing levels to be hired, trained, and assigned by September 30, 2025, to ensure CBP has adequate personnel to carry out its mission. This includes no fewer than 22,478 Border Patrol agents and no fewer than 1,200 CBP processing coordinators. It also sets a minimum of no fewer than 27,725 CBP officers and the required associated support staff. For air and marine operations, they must maintain no fewer than 1,675 agents. For K-9 units, they must deploy no fewer than 200 new units. For CBP tunnel detection and remediation, increase by no fewer than 50 officers. Finally, they must add additional agricultural specialists and maintain no fewer than 500 personnel in the Office of Intelligence.

Increasing the number of U.S. Border Patrol agents, CBP officers, CBP K–9 units and handlers, Agricultural Specialists, and other specialized units will increase our ability to better respond to criminal activity along the border.

Sec. 1142. U.S. Customs and Border Protection Retention Incentives

Authorizes recruitment and retention bonuses and special pay for new CBP officers assigned to the remote and hard-to-fill locations. It also improves hiring training and practices. To meet the increased hiring targets outlined in the previous section, the Department must be able to offer appropriate incentives to both retain and attract qualified law enforcement personnel.

Sec. 1143. Anti-Border Corruption Act Reauthorization

Provides three narrowly tailored exemptions for the Commissioner of CBP to waive the polygraph requirements for hiring new CBP officers required by the Anti-Border Corruption Act of 2010. These exemptions apply to current state and local law enforcement officers who have already passed a polygraph examination, federal law enforcement officers who have already passed a stringent background investigation, and veterans with at least three consecutive years in the military who have held a clearance and passed a background check. It also requires CBP to have at least 150 polygraph examiners by September 30, 2025.

Sec. 1144. Training for Officers and Agents of U.S. Customs and Border Protection

Requires agents and officers to undergo 21 weeks of mandatory training and provides for additional training for first- and second-line supervisors. Additional training will ensure that agents are confident in their ability to track down groups of drug traffickers, provide them additional time to become proficient in a foreign language, and reduce the likelihood that misconduct will occur.

The establishment of a formal leadership training for first- and second-line supervisors will ensure that they know how to properly manage and supervise subordinates. These basic leadership courses are required in most professional organizations, such as the military, and should likewise be required of CBP.

Sec. 1145. Establishment of Workload Staffing Models for U.S. Border Patrol and Air and Marine Operations of CBP

Requires CBP to develop and implement a workload staffing model for the U.S. Border Patrol and for Air and Marine Operations, which CBP will use to identify staffing needs for its field offices and ports of entry. This responds to previous Inspector General (IG) Recommendations and is intended to improve operations.

The model will include (1) consideration for essential frontline operator activities and functions, (2) variations in operating environments, and (3) present and planned infrastructure and technology. Requires CBP to develop standard operating procedures for a workforce tracking system, train the workforce on the use of such system, and implement internal controls to ensure accurate scheduling and reporting.

Sec. 1146. U.S. Border Patrol Processing Coordinator positions

Codifies the Border Patrol Processing Coordinator position, ensuring border patrol processing coordinators are hired and trained as needed by the agency. Border Patrol Processing Coordinators assist CBP enforcement personnel in caring for and processing arriving migrants. These positions are not involved in law enforcement or apprehending migrants. They serve civilian functions and fulfill administrative tasks, assist with processing, and coordinate transport for migrants.

Sec. 1147. Establishment of Higher Minimum Rates of Pay for United States Border Patrol Agents.

Increases the minimum rate of pay for United States Border Patrol agents at the GS–12 (General Schedule) pay scale by at least 14%. It also authorizes increases other grades or levels, occupational groups, series, classes, or subdivisions as determined by the Secretary of Homeland Security, and requires DHS harmonize pay levels for

U.S. Border Patrol agents and CBP officers at each pay scale to ensure greater or the same level of pay, incentives, and overtime.

Sec. 1148. Body Worn Camera Pilot Program Authorization

Authorizes a pilot program for body worn cameras for five fiscal years after the enactment of this Act.

Sec. 1149. Protecting Protected Areas

Prohibits CBP and ICE agents from conducting immigration enforcement actions and removals in or near a protected area without prior approval. Protected areas are defined as any school; medical facility, mental health facility, other healthcare facilities; any place of worship or religious study; any structure or place where children gather; any structure or place that provides social services; any structure or place that provides disaster or emergency assistance or emergency relief; any place were religious or civil ceremonies occur; or any place where there is an ongoing parade, demonstration, or rally.

Subtitle C—Grants

Sec. 1161. Operation Stonegarden

Operation Stonegarden makes grants available to eligible law enforcement agencies to enhance border security. This increases coordination and collaboration between CBP and state, county, tribal, and other governmental law enforcement entities that support border security operations. $110 million for each fiscal year 2024-2028 is authorized for grants for this operation. State, county, tribal and other governmental law enforcement entities are vital partners in securing the homeland. These funds will assist in the procurement of necessary equipment to maintain a secure border and may be used to pay for personnel expenses incurred by partner agencies.

Sec. 1162. Shelter and Services Program

The Shelter and Services Program makes grants available to non-governmental organizations and local municipalities to support CBP in effectively managing migrant processing and preventing the overcrowding of short-term CBP holding facilities.

Subtitle D – Border Security Certification

Sec. 1181. Border Security Certification

Requires the Government Accountability Office (GAO) to publish annual reports detailing the progress of implementing the border security provisions contained in this bill.

GAO must certify that Border Patrol has achieved a 90% or higher detection and apprehension rate of individuals attempting to unlawfully cross the U.S. southern border over a span of 12 months before certain adjustments of status can occur in subsequent sections of this bill.

TITLE II—BORDER SECURITY AND PORTS OF ENTERY INFRASTRUCTURE FUNDING

Subtitle A – Emergency Port of Entry Personnel and Infrastructure Funding

Topline: This subtitle modernizes our ports of entry and improves trade and commerce.

Sec. 1201. Ports of entry infrastructure

Requires DHS to expand vehicle, cargo, and pedestrian inspection lanes at ports of entry on the southern border not later than 5 years after enactment of this law. This will be accomplished by installing additional primary and secondary inspection lanes. This section provides the Secretary of DHS with the discretion to construct new ports or modernize and expand older ports as needed. The efficient flow of commerce and people through our ports of entry is essential to our economic prosperity.

Sec. 1202. Sense of Congress on Cooperation Between Agencies

Requires interagency cooperation to address personnel shortages at land ports of entry, including personnel that can assist more than one Agency or Department at a time.

Sec. 1203. Authorization of Appropriations

Authorizes $2,000,000,000 for each fiscal year 2024 through 2028 (5 years) for these improvements, for a total of $10 billion to improve ports of entry.

Subtitle B – Border Security Funding

Topline: This subtitle provides advance appropriations to maintain a secure border and creates a fund for future border funding through Dignity recipients.

Sec. 1211. Border Security Funding
Appropriates $25 billion to complete a border infrastructure system, including enhanced physical barriers and associated detection technology, roads, lighting, and the most up-to-date technology along the U.S. southern border.

It requires a multi-year spending plan in the President's Fiscal Year 2023 budget justification of the plan to use the funds. DHS shall also provide a quarterly briefing to the House and Senate Appropriations Committees about the progress of the border infrastructure system. Funds shall be available for Fiscal Years 2022-2030.

Sec. 1212. Exclusion from PAYGO Scorecards

Emergency spending to maintain a secure border and address the border crisis will not be subject to Pay-As-You-Go or "PAYGO" rules, which require that new legislation not increase the federal budget deficit or reduce the surplus. Therefore, advanced appropriations of border security funding does not need to be offset by increased revenue or reduced spending in other areas.

Sec. 1213. Funding Matters – Immigration Infrastructure Fund

This establishes an "Immigration Infrastructure Fund" which will be used to fully pay for the new infrastructure, personnel, and other costs of the Dignity Act. A 1.5% levy will be deducted from the paychecks of individuals given work authorization under the Dignity Program. These levies will be deposited into the Immigration Infrastructure Fund to be used to carry out the provisions of this act.

TITLE III—VISA SECURITY AND INTEGRITY

Topline: Improves visa security and integrity to combat national security threats, prevent those with criminal records from accessing visas, and prevent visa overstays.

Sec. 1301. Visa security

This section improves visa security by expanding ICE's Visa Security Units (VSU) to the 75 most high-risk posts worldwide, enhances counterterrorism vetting and screening, provides additional training to CBP and ICE international posts, and establishes the Visa Security Advisory Opinion Unit to respond to specific security-related requests. The ICE Visa Security Program (VSP) interdicts criminals, terrorists, and other individuals who seek to exploit the visa process to enter the United States by assigning Visa Security Units (VSU) to embassies and consulates around the world to vet visa applications. This section provides the VSP with the necessary tools to conduct investigations of potential terrorist or criminal suspects and stop them before they can reach the United States.

Sec. 1302. Electronic Passport Screening and Biometric Matching

This section requires CBP to employ electronic passport scanning at airports by reading the passport's embedded chip, and utilizing facial recognition technology to screen international Visa Waiver Program travelers at airports. This capitalizes on CBP's biometric technology by utilizing all the tools available to combat fraudulent international travel documents. Using facial recognition technology to verify documents provided by foreign individuals participating in the Visa Waiver Program drastically reduces the risk of unlawful entry by way of fraudulent documentation. **This section only applies to foreign nationals.**

Background: The Visa Waiver Program (VWP) permits citizens of participating countries to travel to the United States for business or tourism for stays of up to 90 days without a visa, helping facilitate tourism between partner nations. However, travelers must register and be approved by the Electronic System for Travel Authorization (ESTA) before departure to the United States. The U.S. has an agreement with the 39 participating countries in the VWP, which are countries in Europe, as well as Australia, New Zealand, Japan, South Korea, and Chile.

Sec. 1303. Reporting of Visa Overstays

This section mandates that DHS issue a visa overstay report for the previous Fiscal Year to the appropriate Congressional Oversight Committees. This provides a much-needed review of the visa overstay population in the United States. The report will be conducted by DHS and will include estimates of the number of aliens who have overstayed their visa, which country they are from, the method in which they entered the country, and the authorized period of stay.

Sec. 1304. Student and Exchange Visitor Information System (SEVIS) Verification

Requires DHS to ensure that information collected in the Student and Exchange Visitor Information System (SEVIS) is available to CBP officers conducting primary inspections of aliens seeking admission into the U.S. at all ports of entry. SEVIS is the database that maintains information on nonimmigrant students and exchange visitors in the United States. This program ensures government agencies have essential data related to foreign exchange students to preserve our national security and ensure our education system is not exploited by hostile actors. CBP officers at our ports of entry make critical decisions in a matter of seconds with a limited amount of information available to them. This additional information may allow a CBP officer to make a fully informed decision about a foreign student's admissibility into the country, and potentially stop associates of known terror suspects from entering or re-entering the United States.

Sec. 1305. Visa information sharing

This section amends the Immigration and Nationality Act (INA) to provide the Federal government additional flexibility to release certain data in visa records, such as biographic information, to foreign governments for national security purposes. The section clarifies that the Department of State may share visa records with a foreign government on a case-by-case basis for the purpose of determining removability or eligibility for a visa, admission, or other immigration benefits or when sharing is in the national interest. It also ensures that visa revocation records can be disclosed pursuant to the same standards as records concerning visa issuance and refusal. Current law provides that visa records relating to the issuance or denial of visas must be considered confidential and may be used only for specified purposes – namely, the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States – with certain limited exceptions. Importantly, this language includes protections to ensure asylum confidentiality data is not exposed through this process.

Sec. 1306. Fraud prevention

This section requires the Secretary of Homeland Security to submit to the House and Senate Judiciary Committees a plan to integrate advanced analytics software into existing fraud detection techniques. This is intended to ensure the proactive detection of fraud in immigration benefits and provide additional vetting so that applicants do not pose a national security threat. It also requires the completion of benefits fraud analyses on several visa categories and applications by the Fraud Detection and National Security Directorate of USCIS. The reports must be completed by fiscal year 2025.

Sec. 1307. Visa ineligibility for spouses and children of drug traffickers

Closes a loophole that, despite current law, still allows family members of drug traffickers to receive immigration benefits.

Sec. 1308. DNA testing

This will help DHS ensure family relationships can be verified to prevent human trafficking and fraud when groups come as a “family unit.” Specifically, it provides DHS the authority to require DNA verification of family relationships, on a case-by-case basis. It also allows DHS to establish, through regulation, DNA verification of classes or sub-classes of applicants.

Sec. 1309. DNA Collection Consistent with Federal Law

Requires DHS to ensure and certify that CBP is fully compliant with the DNA Fingerprinting Act of 2005 at all border facilities that process adults, including as part of a family unit, in CBP custody at the border. Under this law, agencies collecting DNA samples are required to furnish the samples to the Federal Bureau of Investigation (FBI) for purposes of analysis and entry into the Combined DNA Index System.

TITLE IV—TRANSNATIONAL CRIMINAL ORGANIZATION ILLICIT SPOTTER PREVENTION AND ELIMINATION

Topline: This section cracks down on cartels, gangs, and criminal aliens. Specifically, it goes after the use of spotters by cartels. These spotters track border patrol movements so they can bring people and drugs across the border undetected. It also ensures criminal aliens charged with specific crimes are detained and not released back into American communities.

It increases penalties for those caught unlawfully crossing the border that have previously been deported, especially criminals trying to cross the border again. Finally, it allows the DHS Secretary to identity and designate criminal alien street gangs, whose members would be deportable and inadmissible to the U.S.

Sec. 1402. Illicit Spotting

This section goes after illicit spotters used by criminal organizations to avoid, or sometimes intercept, federal agents. It allows an illicit spotter to be fined or imprisoned up to 10 years. Illicit spotters track Border Patrol and law enforcements movements, and this activity can put their lives at risk. An illicit spotter is defined as "Any person who knowingly transmits, by any means, to another person the location of any officer or agent…with the intent to further a criminal offense under the Immigration and Nationality Act, the Controlled Substances Act, or the Controlled Substances Import and Export Act."

Sec. 1403. Unlawfully hindering immigration, border, and customs controls

This section increases penalties for harboring aliens and conspiring to help individuals unlawfully cross the border. It increases the penalties for these crimes if they are committed while carrying a firearm. Specifically, it makes the following changes to the law:

1. Amends 8 USC 274 (related to bringing in and harboring certain aliens) to include conspiracy to bring aliens into the United States or harbor them in the country. Penalties increase to up to 10 years in prison if an individual commits any offense in this provision while using or carrying a firearm.
2. Amends 8 USC 277 (related to aiding or assisting certain aliens to enter) to include the crime of attempt and raises penalties to a maximum of 10 years in prison if the individual uses or carries a firearm while committing the offense.

Sec. 1404. Report on Smuggling

This section requires the DHS secretary to provide regularly updated intelligence reports on the messaging and propaganda used by human smuggling organizations, as well as the tactics and procedures used to exploit border security vulnerabilities and facilitate cross-border smuggling.

Sec. 1405. Sarah's Law

Sarah's Law prevents the release of an alien in custody, until their trial is completed, if they are charged with a crime resulting in death or seriously bodily injury. This provision is named after Sarah Root, an Iowan who was struck and killed by a vehicle driven by an undocumented immigrant, Edwin Mejia. Mejia was driving under the influence of alcohol at 3x the legal limit and drag racing when Sarah was killed. Mejia was initially taken into custody by local law enforcement, but was able to make bond and flee.

Sec. 1406. Illegal reentry

Any alien who has been previously denied admission, removed, or deported, and subsequently attempts to reenter shall be fined or imprisoned up to 10 years.

Reentry of Criminal Offenders:

- If an alien previously removed or deported who has 3 or more misdemeanors or a felony conviction tries to reenter, they shall be imprisoned up to 15 years.
- If an alien previously removed or deported who has committed a felony that has a term of imprisonment of 30 months or more, they shall be fined or imprisoned up to 20 years.
- If an alien previously removed or deported who has committed a felony that has a term of imprisonment of 60 months or more, they shall be fined or imprisoned up to 25 years.
- If an alien previously removed has been convicted of murder, rape, kidnapping, or human trafficking, they shall be fined or imprisoned up to 30 years.

Sec. 1407. Grounds of Inadmissibility and Deportability for Alien Gang Members

Designation of a Criminal Gang: This section sets the procedures for the Secretary of Homeland Security to officially designate an organization as a criminal street gang. It defines a gang as a group, club, organization, or association of 25 or more members that has been designated by the Secretary and whose primary purpose is carrying out one of the following crimes: felony drug offenses, felony offensives involving firearms or explosives, harboring aliens, trafficking, obstruction of justice, witness tampering, racketeering, money laundering, aggravated ID theft or fraud, or conspiracy of any of those crimes. Designations must be submitted to Congress and published in the Federal Register. It outlines a procedure for the Secretary to revoke a designation if the criminal gang is no longer committing crimes.

Deportability and Inadmissibility for Criminal Gang Members: Makes any alien involved in a criminal gang inadmissible and deportable. Any alien charged in immigration court proceedings as a criminal gang member would be subject to mandatory custody during the court proceeding. Criminal gang members are ineligible for asylum, special immigrant juvenile state, and temporary protected status. Alien gang members may not be paroled into the United States unless they are actively assisting a law enforcement matter.

Sec. 1408. Increased Penalties for Child Sex Traffickers

Increases the mandatory minimum penalty for child sex trafficking to 25 years in prison.

Sec. 1409. Designation Of Certain Drug Cartels as Special Transnational Criminal Organizations

Authorizes DHS to designate cartels as a foreign Special Transnational Criminal Organization (TCO) if the organization threatens the security of U.S. citizens or the national security of the United States, and is an "association of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence, through a transnational organization structure and the exploitation of transnational commerce. Such a designation would allow the freezing of financial assets."

It requires the Secretary to designate the following Mexican cartels as TCO's: Sinaloa Cartel, Jalisco New Generation Cartel, Beltran-Leyva Organization, Cartel del Noreste and Los Zetas, Guerreros Unidos,

Gulf Cartel, Juarez Cartel and La Linea, La Familia Michoacana, Los Rojos, Tijuana Cartel, Las Moicas, and Los Caballeros Templarios (Knights Templar).

TITLE V – MANDATORY E-VERIFY

Topline: This section implements a nationwide, mandatory employment electronic verification system to ensure all American employers moving forward are only hiring individuals legally authorized to work in the United States.

Sec. 1502. Employment Eligibility Verification Process

Sec. 1503. Employment Eligibility Verification System

Legal Workforce Act: These sections implement the "Legal Workforce Act" requiring mandatory electronic verification (E-Verify), which requires U.S. employers to check the work eligibility of all future hires through the E-Verify system. This preserves American jobs by ensuring employers are only hiring U.S. citizens and legally authorized workers. This system should be fully operational and in use with 30 months of enactment of this law.

E-Verify, operated by U.S. Citizenship and Immigration Services (USCIS), checks the social security numbers of newly hired employees against Social Security Administration and Department of Homeland Security records to help ensure that they are eligible to work in the U.S. The program is widely used already on a voluntary basis, for federal contracting, or as required by several states. Nearly 750,000 American employers currently use E-Verify. The program quickly confirms 99.8% of work-eligible employees and takes less than two minutes to use.

Employers must attest with their signature that a prospective employee has provided the proper paperwork and has been run through the E-Verify system. The system is intended to be easy to use, should protect the private information of individuals, and provide confirmation no later than 3 working days of a prospective employee's eligibility.

Modernizing from a paper system to electronic system: The Legal Workforce Act repeals the requirements of the current paper-based I-9 system and replaces it with a completely electronic work eligibility check, bringing the process into the 21st century. However, if an employer chooses to keep using the paper-based I-9 system, they may do so.

Gradual Phase-In: Phases-in mandatory E-Verify participation for new hires in 6-month increments beginning on the date of enactment.

- Within 6 months of enactment, businesses having more than 10,000 employees are required to use E-Verify.
- Within 1 year of enactment, businesses having 500 to 9,999 employees are required to use E-Verify.
- Within 18 months after enactment, businesses having 20 to 499 employees must use E-Verify.
- Within 2 years after enactment, businesses having 1 to 19 employees must use E-Verify.
- Finally, employees performing "agricultural labor or services" are subject to an E-Verify check within 30 months of the date of enactment.
- It allows a one-time 6-month extension of the initial phase-in.

Sec. 1504. Recruitment, referral, and continuation of employment

Employment recruiters shall check the status of their current employees within 6 months of enactment of this law, and shall run all new hires through E-Verify no later than 1 year after enactment.

Sec. 1505. Good Faith Defense

Grants employers safe harbor from prosecution if they use the E-Verify program in good faith, and through no fault of their own, receive an incorrect eligibility confirmation.

Sec. 1506. Preemption and States Rights

This sets a single, national E-Verify policy that all states must comply with. It allows states to enforce the federal rules and collect fines for non-compliance.

Sec. 1507. Repeal

Repeals outdated employment eligibility pilot program provisions from Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which are unnecessary under the new provisions of this title.

Sec. 1508. Penalties

Strengthened Penalties – raises penalties on employers who knowingly hire undocumented immigrants in violation of the requirements of the bill. The bill also creates a penalty for individuals (employees or employers) who knowingly submit false information to the E-Verify system. Penalties can be up to $25,000 per violation and repeat violators can be both fined and imprisoned up to 18 months.

Sec. 1509. Fraud and Misuse of Documents

Amends 18 U.S.C. 1546(b) to clarify that the use of fake documents during the employment verification process can result in fines or up to 5 years in prison.

Sec. 1510. Protection of Social Security Administration Programs

Requires DHS and the Social Security Administration (SSA) to enter into an agreement to provide SSA with the funds needed to carry out its responsibilities under this title, and SSA is required to provide an annual accounting and reconciliation of costs incurred which shall be reviewed by the SSA Inspector General and DHS. This ensures the agencies can work together to prevent labor fraud without imposing increased burdens on the Social Security Administration.

Sec. 1511. Fraud Prevention

Allows suspension and blocking of social security numbers being used by multiple individuals for fraud.

Sec. 1512. Use of Employment Eligibility Photo

Allow employers to use a photo tool to match a picture with the document provided by the employee.

Sec. 1513. Identity Authentication Employment Eligibility Verification Pilot Programs

Creates two Authentication Pilot programs to help improve our ability to verify the identity of new employees.

Sec. 1514. Inspector General Audits

The Inspector General shall audit instances of:

- workers who believe their social security account is being used by someone else.
- children's social security numbers being used for work purposes.
- employers flagged as having several mismatched social security accounts for wage reporting purposes.

Sec. 1515. Nationwide E-Verify Audit

Within 5 years of enactment, this requires a nationwide audit to certify E-Verify implementation. This will be conducted by the Department of Commerce, and compliance shall be reported on a State-by-State basis. E-Verify must be fully implemented and certified the Secretary of Commerce before adjustment of status can occur in subsequent sections of this bill.

TITLE VI—ASYLUM REFORM

Topline: Reforms the asylum system to adjudicate most asylum claims within 60 days. It establishes 5 Humanitarian Campuses near the U.S. southern border to expedite processing and hear cases to determine if the individual qualifies for asylum in the United States. It also establishes 5 additional centers in Latin America where individuals can be screened or processed abroad, to avoid making a dangerous journey through parts of South and Central America and to disrupt human trafficking and smuggling operations. Furthermore, it encourages individuals to claim asylum at ports of entry, expands expedited removal authority to individuals crossing between ports of entry.

Sec. 1601. Humanitarian Campuses

Sec. 1602 Procedures for Expedited Asylum Determinations

Creates 5 Humanitarian Campuses (HC's) near the Southern Border. These campuses will conduct asylum interviews and credible fear determinations, while keeping family units together. They will provide an initial credible fear screening within 15 days, and final determination of asylum eligibility for most asylum seekers within 60 days. Individuals with complex or uncertain cases will be referred to an Immigration Judge (IJ) for a final determination. Individuals referred to an IJ will be allowed to leave the humanitarian campus and be placed in a case management program. They will be tracked and monitored until their court date before an Immigration Judge.

Processing and Screening:

Initial Screening: (Stage 1 - First 15 days): After an initial rest period of 72 hours, staff at Humanitarian Campuses will conduct criminal background checks, analyze biometric data, verify identification, conduct medical assessments, screen for human trafficking victims, and perform an initial credible fear interview. Legal Orientation Programming, in which the asylum seeker is explained the legal process of their upcoming asylum screenings and interviews, will be provided before the initial credible fear interview. Those who do not pass the initial credible fear interview will be removed.

Secondary Screening and Asylum Eligibility Determination (Stage 2 - Days 15-60): Within 45 days of passing the initial credible fear interview, asylum seekers will have their cases reviewed by trained Asylum Officers for final determinations. In this secondary screening, Asylum Officers are given authority to make final decisions on most asylum cases within +45 days (for a total of up to 60 days at Humanitarian Campus). Asylum Officers must either deny, approve, or refer complex/uncertain cases to Immigration Judges.

Limited Review (+ 7 days): These decisions are non-reviewable, except in cases in which new evidence related to the case arises during consideration. Reviews will be conducted by an additional asylum officer within 7 days. Vulnerable populations may also request reviews. These include pregnant women and nursing mothers; a woman at disproportionate risk of sexual or gender-based violence, exploitation, or abuse; a person at risk of violence due to their sexual orientation or gender identity; a person with a disability; an elderly person; a person with urgent medical needs; or a stateless person.

Those approved in the secondary screening by an asylum officer are granted asylum. Those denied are removed. Those referred to an immigration judge will be further processed before being released (see below).

***If referred to an immigration Judge –Court referral and Case management:**

When an Asylum officer refers a case to an immigration judge after a secondary review, that individual or family would receive a Notice to Appear (NTA) and be allowed to leave the humanitarian campus. They would be placed in a case management program with strict monitoring requirements. Those in case management would be consistently monitored (similar to parole), with adults wearing non-invasive electronic monitoring devices (wrist GPS trackers) and checking in regularly with case officers. Any individual placed in case management or family case management that is an adult, parent, or legal guardian shall check in on a weekly basis using automated telephone technology that confirms the caller's identity and location.

Personnel and Living Conditions at Humanitarian Campuses: HC's will have sufficient space for full freedom of movement and recreational activities. They will have medical staff (family medicine and pediatric doctors, nurse practitioners, and physician assistants), licensed social workers, mental health professionals, child advocates appointed by HHS. NGOs and private organizations shall have access to the facility to provide humanitarian assistance, establish case management services, and legal counsel. Donations of medical goods and services, school supplies, toys, clothing, or other items intended to promote the well-being of children and family units may be accepted from private entities, NGOs, and independent groups.

HC's will include staff from across government agencies, including Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), the Federal Emergency Management Agency (FEMA), U.S. Citizenship and Immigration Services (USCIS), and the Office of Refugee Resettlement (ORR).

Sec. 1603. Screening and Processing in Latin America (Western Hemisphere):

Creates 5 in-country processing centers in Latin America, including at least one in Mexico, Central America, and South America. These facilities will offer asylum pre-screening, family reunification services for children, and employment consultation services. This will prevent individuals from making a long land journey and disrupt human trafficking and smuggling operations. More details on these services below:

Pre-screening for Asylum Eligibility: This allows individuals who wish to claim asylum in the United States to get pre-screened for eligibility outside the U.S. instead of making the journey to the southern border. Asylum Officers may grant humanitarian visas (explained below) to individuals that seem to have very strong claims for asylum.

- **Humanitarian Visa:** This section authorizes the creation of a new humanitarian visa offered to individuals who choose to get pre-screening for asylum in Latin America and have very credible cases based on overwhelming evidence presented. These visas would be capped annually at the same level as the annual refugee ceiling. (For example, the fiscal year 2023 refugee ceiling is 125,000 so there would be 125,000 humanitarian visas available for that year.)

Individuals receiving humanitarian visas will be authorized to travel to United States and go to a humanitarian campus to get their asylum claims adjudicated in the United States.

Child Reunification Program: Authorizes a new external family reunification program for children and young adults under the age of 21 seeking to be reunited with a parent holding legal status in the United States, including the Dignity status authorized in Division B of this bill. If approved, this would allow them to be paroled into the United States and united with their parent or parents. They would be eligible to join their parent's status as a dependent.

Employment Consultations: Individuals can apply for guest worker visas (H2A and H2B) and assess eligibility for other legal pathways in the Employment of Family Based Categories. They would be provided assistance in filling out applications, and American companies with labor needs would have advertise job postings at the processing centers.

Sec. 1604. Recording expedited removal and credible fear interviews

Requires credible fear interviews and officers exercising expedited removal authority to record both the questions and answers in these proceedings. It also requires DHS to establish quality assurance procedures and ensure that questions by employees of the Department exercising expedited removal authority and those involving credible fear determinations are asked in a standard manner.

Sec. 1605. Renunciation of asylum status pursuant to return to home country

This provision terminates asylum status if an asylee returns to their home country from which they sought asylum, with limited exceptions in emergency circumstances.

Sec. 1606. Notice concerning frivolous asylum applications.

This ensures there is a written warning on the asylum application advising the applicant of the consequences of filing a frivolous or fraudulent application and serving as a notice to the alien of the consequence of filing a frivolous application. It also makes the alien permanently ineligible for any immigration benefits if they knowingly file a frivolous asylum application.

Sec. 1607. Anti-fraud investigative work product

This allows investigation officers to use all evidence provided, including in previous applications or investigations, to combat fraud and ensure an alien is making a legitimate asylum claim. To combat asylum fraud, DHS can conduct overseas investigations and other investigations of asylum claims, including examining presented documents for authenticity. However, some courts have greatly limited DHS' ability to conduct such investigations due to confidentiality and due process concerns. This provision specifically authorizes an Immigration Judge to consider these investigative reports and products compiled to prevent the granting of a fraudulent asylum claim.

Sec. 1608. Penalties for asylum fraud

Increases penalties for those that make false statements or representations in their asylum applications and adjudications. Specifically, it allows for fines and imprisonment up to 10 years for those who make false, fictitious, or fraudulent statements, or provide fraudulent documents.

Sec. 1609. Statute of limitations for asylum fraud

Increases the statute of limitations for asylum fraud from 5 to 10 years, making anyone who previously attempted asylum fraud prosecutable and ineligible for any other immigration benefits during that 10-year time.

Sec. 1610. Standard Operating Procedures; Facility Standards.

This requires CBP to review and update standards for dealing with and responding to sexual assault and abuse in migration detention facilities within 270 days. Moving forward, these new standards will be review and updated every 4 years.

Sec. 1611. Criminal Background Checks for Sponsors of Unaccompanied Children.

Requires new biometric criminal checks for sponsors of unaccompanied alien children (UAC's). HHS must conduct biometric criminal background checks of all members of a household before placing an unaccompanied child in that household. This is a departure from current practice, for which biometric background checks are only required for nonparental sponsors.

It prevents the placement of UACs in a household in which an adult has been convicted or is being tried for violence or sex offenses. Prohibited offenses include murder or manslaughter, a sex offense, a crime involving severe forms of trafficking of persons, a crime of child abuse and neglect, and any offense that includes the attempted use of physical force or a deadly weapon. This is a departure from current law, which specifies that children may not be placed with a sponsor that poses a danger to the child but does not specify crimes that constitute a danger.

It requires HHS to check-in with children and monitor them after placing them with sponsors. Specifically, it requires HHS check-in on children it releases to sponsors within 30 days of their release and then every two

months afterwards. Currently, HHS only provides a single well-being follow-up call to most children unless it has designated a particularly vulnerable child for post-release follow-up services.

Sec. 1612. Fraud in Connection with the Transfer of Custody of Unaccompanied Alien Children

Increases the punishment for any fraud committed in the transfer of a child into another's custody. Specifically, it makes any false, fictitious, or fraudulent statements made to obtain a child punishable by a fine and at least 1 year in prison. If the fraud was committed with the intent to traffic or sexually exploit the child, they will be fined and imprisoned not less than 15 years.

Sec. 1613. Hiring Authority

Increases personnel hiring to ensure accurate and expedited asylum processing under these new reforms.

Immigration Judges: Requires at least 500 new Asylum Officers, 300 Enforcement and Removal Personnel support, 150 additional immigration judges under the Executive Office of Immigration Review (EOIR). Also funds staff attorneys and other staff necessary to support the additional immigration judges, as well as 128 ICE attorneys and 41 support staff to help carry out EOIR removal, asylum, and custody determination proceedings.

Asylum Officers: Requires at least 300 additional asylum officers under USCIS. Additional asylum officers would allow the agency to play a bigger role in processing asylum claims at the border in addition to its current adjudication capacity related to credible fear screenings and for those who make asylum claims from within the U.S.

RPC Case Managers: Requires at least 300 additional case management personnel under ICE. These positions would provide case management services to those apprehended along the Southern border and processed at the regional processing centers.

Additional Personnel: Requires additional CBP personnel to make up an existing staffing shortfall. CBP would hire no fewer than 600 new Office of Field Operations Officers annually until reaching staffing requirements identified each year in the agency's Workforce Staffing Model. Also requires at least 250 additional Border Patrol processing coordinators under CBP that can be focused on the asylum process.

Sec. 1614. Humanitarian Status

Creates a new humanitarian status that is available to individuals that choose to get pre-screened for asylum status in Western Hemisphere processing centers outside the United States. Individuals can only be granted this status if an asylum officer determines they appear ***prima facie*** eligible for asylum based on overwhelming evidence presented during their prescreening.

Individuals with humanitarian status would be authorized to legally travel to the U.S. and undergo the formal asylum claim process at a humanitarian campus within the United States. The number of individuals given humanitarian status in any given year cannot exceed the annul refugee cap for that year. This status offers an incentive for individuals to undergo pre-screening outside the United States instead of making long journeys to the southern border.

Sec. 1615. Two Strike Policy

This section expands expedited removal authority for those attempting to cross unlawfully. Specifically, it creates a new policy that anyone crossing at a non-Port of Entry would be logged biometrically and told they must apply for asylum at a Port of Entry. They would be given one additional chance to go enter through a Port of Entry and may be escorted to a Port of Entry, at the discretion of the officer that processes them.

Anyone found attempting to cross between ports of entry for a second time shall be processed by expedited removal under title 8. This would take effect within 30 days of enactment of this bill.

Sec. 1616. Loan Forgiveness for Legal Service Providers at Humanitarian Campuses
Grants loan forgiveness to attorneys who complete four years of full-time employment providing legal services at a Humanitarian Campus who meet certain borrower criteria. The total amount forgiven will be up to 75% of the eligible student loan obligation that remains outstanding at the completion of the attorney's fourth year of employment at a Humanitarian Campus.

TITLE VII – RULE OF LAW, SECURITY, AND ECONOMIC DEVELOPMENT IN CENTRAL AMERICA

Topline: This section addresses the root causes of instability in Central America to help curb irregular migration from the region. It helps bring law, order, and increased development to Guatemala, El Salvador, and Honduras, while increasing U.S. authorities to go after transnational criminals, smugglers, human traffickers, drug traffickers, and gangs like MS-13.

Subtitle A – Promoting Rule of Law, Security, and Economic Development in Central America.

Sec. 1701. United States Strategy for Engagement in Central America

Requires the Secretary of State to implement a 4-year "United States Strategy for Engagement in Central America" to advance reforms and address the drivers of irregular migration to the United States. Specifically, the strategy must include efforts to:

1. Strengthen transparency and the rule of law.
2. Combat corruption.
3. Improve access to justice and bolster the effectiveness and independence of judicial systems.
4. Improve the effectiveness of civilian police forces.
5. Confront and counter the violence, extortion, and other crimes perpetrated by armed criminal gangs, illicit trafficking organizations, and organized crime.
6. Disrupt money laundering and other illicit financial operations of criminal networks, illicit trafficking organizations, and human smuggling networks.
7. Promote greater respect for internationally recognized human rights, labor rights, fundamental freedoms, and the media.
8. Enhance accountability for government officials, including police and security force personnel.
9. Enhance the capability of governments in Central America to protect and provide for vulnerable and at-risk populations.
10. Address the underlying causes of poverty and inequality and the constraints to inclusive economic growth in Central America.
11. Prevent and respond to endemic levels of sexual, gender-based, and domestic violence.

The strategy requires interagency coordination with the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Administrator of USAID, the Chief Executive Officer of the United States Development Finance Corporation, and the Director of National Intelligence, as well as national and local civil society organizations in Central America and the United States, and the governments of Central America. The Strategy shall also support coordination with bilateral and multilateral donors and partners, including the Inter-American Development Bank.

Sec. 1702. Securing Support of International Donors and Partners

The Secretary of State shall take all necessary steps, including diplomatic engagement, to ensure effective cooperation among international donors and partners supporting the Strategy. Specifically, the Secretary shall secure support from international donors and regional partners that are willing to provide financial support and technical assistance. Technical assistance shall be provided by multilateral institutions, including the Inter-American Development Bank, the World Bank, the International Monetary Fund, the Andean Development Corporation–Development Bank of Latin America, and the Organization of American States.

Sec. 1703. Combatting Corruption, Strengthening the Rule of Law, and Consolidating Democratic Governance

The Sectary of State and USAID Administrator shall enhance efforts to combat corruption by strengthening oversight and civil society institutions. This includes training for inspectors and auditors, multilateral missions against corruption and impunity, strengthening oversight of executive and legislative branch officials and police and security forces, and enhancing freedom of information mechanisms.

Rule of law shall be strengthened by supporting Attorney General offices, public prosecutors, and the judiciary, including enhancing investigative and forensics capabilities, promoting independent, merit-based selection processes for judges and prosecutors, bolstering independent internal controls, and providing training on sexual, gender-based, and domestic violence. It also includes improved victim, witness, and whistleblower protections and access to justice, and the improvement of prison facilities and management.

Democratic Governance in Central America will be strengthened by supporting civil services reform, offering training programs, and improving relevant laws and processes that lead to independent and merit-based selection. They are directed to increase the capacity of national legislatures to conduct oversight of executive branch functions, reform and strengthen political party laws, campaign finance laws, and electoral tribunals. They shall help increase the capacity of local governments to provide critical safety, education, health, and sanitation services to their citizens, create human rights ombudsman offices, and implement government protection programs that provide physical protection and security to human rights defenders, journalists, trade professionals, whistleblowers, and civil society activists who are at risk.

Sec. 1704. Combatting Criminal Violence and Improving Citizen Security

The Secretary of State and the USAID Administrator shall counter the violence and crime perpetrated by armed criminal gangs, illicit trafficking organizations, and human smuggling networks in Central America by aiding civilian law enforcement in complex criminal cases, enhancing intelligence collection capacity, and providing training for civilian intelligence collection.

They shall improve community policing programs and enhance local capacity to identify, investigate, and prosecute crimes involving sexual, gender-based, and domestic violence. This includes helping Central American port, airport, and border security officials develop better agencies and systems, training professional

immigration personnel, assisting with improvements to computer infrastructure and data management systems, and building up secure communications technologies, radar and aerial surveillance equipment, and canine units.

They shall help disrupt illicit financial networks in Central America by supporting finance ministries, imposing financial sanctions to block the assets of individuals and organizations involved in money laundering or financing armed criminal gangs, illicit trafficking networks, human smuggling networks, and organized crime. They shall help build financial intelligence units and establish anti-money laundering programs, reform bank secrecy laws, and assist in the professionalization of civilian police forces in Central America, including human rights and appropriate use of force training.

To reduce violence, extortion, child recruitment into gangs, and sexual slavery, the Secretary of State and USAID Administrator shall support the improvement of child protection systems, the enhancement of programs for at-risk youth, including the improvement of community centers and programs aimed at successfully reinserting former gang members, offer livelihood programming that provides youth and other at-risk individuals with legal and sustainable alternatives to gang membership, offer safe shelter for victims of crime and internal displacement, and help with programs to receive and effectively re-integrate repatriated migrants in El Salvador, Guatemala, and Honduras.

Sec. 1705. Combatting Sexual, Gender Based, and Domestic Violence

The Secretary of State and the USAID Administrator are authorized to counter sexual, gender-based, and domestic violence in Central American countries by:

1. Broadening engagement among national and local institutions to address sexual, gender-based, and domestic violence.
2. Supporting educational initiatives to reduce sexual, gender-based, and domestic violence.
3. Supporting outreach efforts tailored to meet the needs of women, girls, and other vulnerable individuals at risk of violence and exploitation.
4. Formalizing standards of care and confidentiality at police, health facilities, and other government facilities.
5. Establishing accountability mechanisms for perpetrators of violence.

Subtitle B – Information Campaign on the Dangers of Irregular Migration

Sec. 1711. Information Campaign on Dangers of Irregular Migration

This section requires information campaigns to deter irregular migration from Central America to the United States. Specifically, it implements information campaigns in El Salvador, Guatemala, Honduras, and other Central American countries to warn of the potential dangers of traveling through irregular migration routes to the United States and provide accurate information about US immigration law and policy.

Subtitle C – Cracking Down on Criminal Organizations

Sec. 1721. Enhanced Investigation and Prosecution of Human Smuggling Networks and Trafficking Organizations

The Attorney General and the Secretary shall expand anti-trafficking coordination teams and the investigation and prosecution of human smuggling networks and trafficking organizations targeting migrants, asylum seekers, and unaccompanied children operating at the U.S. southern border.

Sec. 1722. Enhanced Penalties for Organized Smuggling Schemes

Increases the penalty for assisting in smuggling persons across the border to up to 20 years in prison. It also adds an additional 10 years in prison for bulk cash smuggling across the border.

Sec. 1723. Expanding Financial Sanctions on Narcotics Trafficking and Money Laundering

Requires Secretary of the Treasury, the Attorney General, the Secretary of State, the Secretary of Defense, and the Director of Central Intelligence to expand investigations, intelligence collection, and analysis pursuant to the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et 19 seq.) to increase the identification and application of sanctions against significant foreign narcotics traffickers and their networks, as well as foreign persons (including government officials) who provide material, financial, or technological support to such traffickers, organizations, or networks. Authorizes such sums as may be necessary to carry out this section.

Sec. 1724. Support for Transnational Anti-Gang Task Forces for Countering Criminal Gangs.

The FBI Director, the Director of the Drug Enforcement Administration, and the Director of Homeland Security Investigations, in coordination with the Secretary of State and Secretary of the Treasury, shall expand the use of transnational task forces to address transnational crime perpetrated by gangs in El Salvador, Guatemala, Honduras, and any other country as deemed necessary.

These task forces shall expand transnational criminal investigations focused on criminal gangs in identified countries, such as MS–13 and 18th Street, and expand training and partnership efforts with law enforcement entities in identified countries to disrupt and dismantle criminal gangs, both domestically and internationally. They shall also establish gang-related investigative units, collect and disseminate intelligence to support related United States-based investigations, and expand programming related to gang intervention and prevention for at-risk youth.

DIVISION B—AMERICAN DREAM AND PROMISE

TITLE I—DREAM ACT

Topline: Provides an earned pathway for Dreamers and certain TPS recipients to adjust to lawful permanent resident (LPR) status.

Sec. 21002. Permanent resident status on a conditional basis for certain long-term residents who entered the United States as children

Dreamers and Deferred Action for Childhood Arrival (DACA) recipients are eligible for conditional permanent resident status and protection from deportation if they have been continuously present in the US for 3 years prior to enactment of this Act and were 18 years or younger when they entered the United States.

Dreamers/DACA recipients must also have completed high school or obtained a GED, or currently be enrolled in secondary school. They must register for the draft if eligible and undergo a criminal background check. Those with previous felony offenses, multiple misdemeanors (excluding traffic violations and possession of cannabis), or convicted of domestic violence are ineligible. Waivers for certain misdemeanors may be granted if the alien has not been convicted of any offense in the last 5 years, and multiple may be granted if the alien has

not been convicted of a misdemeanor in the last 10 years. The Secretary will create a streamlined process for DACA recipients to apply and may require an application fee that does not exceed $495.

The Secretary may deny conditional status if the alien has participated in a criminal gang, has been adjudicated delinquent by a state or local juvenile court resulting in placement in a secure facility, or poses a threat to public safety. An alien shall have 60 days after a denial determination to seek judicial review.

Sec. 21003. Terms of Permanent Resident Status on a Conditional Basis

Permanent resident status obtained under this title is valid for 10 years, on a conditional basis. The Secretary may revoke the conditional status if the alien no longer meets the requirements. If their status is revoked, they must be provided a notice and the opportunity for a hearing.

Sec. 21004. Removal of Conditional Basis of Permanent Residents

The conditional status shall be removed, allowing the alien to become a lawful permanent resident and eligible for citizenship, if they remain in the U.S. and achieve one of the following:

- Obtain a college or graduate degree.
- Serve at least 3 years in the military.
- Are employed and working for at least 4 years.

They must also meet basic English requirements and demonstrate and understanding of U.S. history and civics – the same requirements that must be met to become a U.S. citizen. A Hardship exception is provided for those with disabilities and full-time caregivers. The alien can apply to have their conditions removed at any time once the criteria are met.

Sec. 21005. Restoration of State Option to Determine Residency for purposes of higher education benefits

Allows Dreamers and DACA recipients to be eligible for in-state tuition.

TITLE II—AMERICAN PROMISE ACT

Sec. 22002. Adjustment of status for certain nationals of certain countries designated for Temporary Protected Status (TPS)

The Attorney General may adjust the status on an individual with TPS to lawful permanent resident if they have been continuously present in the U.S. for 3 years and were eligible for TPS status as of March 8, 2021. The secretary may require a processing fee up to $1,140.

TITLE III—GENERAL PROVISIONS

Sec. 23002. Submission of biometric and biographic data; background checks

Aliens must submit biometric data to gain adjustment of status under the American Dream and Promise Act. This will be used for background checks and must be run through FBI databases.

Sec. 23003. Limitation on Removal, Application and Fee Exemptions, and other conditions on eligible Individuals

The alien shall receive advanced parole when they apply for adjustment of status and before a decision is made. Aliens eligible for relief under this act but facing removal may be given a reasonable opportunity to apply for this relief. It also provides an exemption from the application fee if the applicant is 18 or younger, making less than 150% of the poverty line, or in foster care or otherwise unable to care for themselves.

Sec. 23004. Determination of Continuous Presence and Residence

Continuous presence means they cannot have left the US for more than 90 days at one time, or 180 days in aggregate. Exceptions for extenuating circumstances apply to serious illness of the alien or serious illness or death of a family member. Other exemptions may include travel restrictions due to COVID-19 and travel authorized by DHS. The physical presence waiver may be waived on a case-by-case basis for those who were removed after January 20, 2017 and were present at least 5 years before removal.

Sec. 23005. Exemption from Numerical Limitations

Permanent residence granted under this title does not count towards current LPR or Green Card limits.

Sec. 23006. Availability of Administrative and Judicial Review

Aliens that receive a denial of application for adjustment may apply for judicial review. Aliens seeking judicial review are exempt from removal proceedings during the review.

Sec. 23007. Documentation Requirements

The following can be used to establish identity: passport, national identity document from country of origin, birth certificate, photo ID card, school ID card, Uniformed Services ID card, state ID card, or other ID's.

The following can be used to establish entry date: passport entries or stamps, any DHS documentation of their entry, records from education institutions, employment or military records, records from a religious entity, hospital/medical records, driver's license, deeds or mortgages, rental contracts, tax receipts, insurance policies, remittance records, travel records, or two or more sworn affidavits of people who are not related to the alien and include the affiant's name address and number, nature of relationship with alien, and other evidence.

For universities and primary education credentials to following can be used: degree, admission letter, proof of current enrollment, GED, any other evidence determined by the secretary.

For exemption from application fees the individual can provide: documents that establish age, documents that establish income (employment records, bank records, affidavits), documents that establish foster care, affidavits from individuals not related who have knowledge of the individual's hardship circumstances, DD-214 or other personnel or health records

Sec. 23008. Rule Making

The Secretary shall publish an interim final rule implementing this division within 90 days and a final rule with 180 days.

Sec. 23009. Confidentiality of Information

The secretary may not disclose any of this information for enforcement purposes, except to identify fraudulent claims, for national security reasons, or for investigation or prosecution of felony offenses. There is $10,000 fine for violations of this.

Sec. 23010. Grant Program to Establish Eligible Applicants

Establishes a grant program to help applicants in providing and filling out the necessary documents to adjust status, as well as helping them learn immigration law, learn US civics, and learn English. Authorizes such sums as necessary from FY24-FY34 to carry this out.

Sec. 23011 Provisions Affecting eligibility for adjustment of status

An alien's eligibility to be lawfully admitted on a conditional basis under this title shall not preclude them from seeking status under any other provision of the law.

Sec. 23012. Supplementary Surcharge for Appointed Counsel

Establishes an "Immigration Counsel Account" that shall remain available until expended for purposes of providing counsel as required under this Act. This can be used to support applicants seeking Judicial review. The Secretary may charge an extra $25 fee for this account during the application process. DHS shall report to Congress every 2 years the status of the account, the fees collected, and the cost of providing counsel.

Sec. 23013. Annual Report on Provisional Denial Authority

Not later than 1 year after enactment and annually afterwards, DHS must report on the number of applicants that receive: provisional denial, final denial without judicial review, final denial after judicial review, and approval after judicial review.

TITLE IV—DIGNITY AND REDEMPTION PROGRAMS

Subtitle A —Dignity Program

Dignity Program (7 Years): Through the Dignity Program, undocumented immigrants will be provided a chance to work, earn legal status, and get right with the law. Applicants must comply with all federal and state laws, pass a criminal background check, pay back taxes, and start paying income taxes. The clock starts when the individual reports to DHS, pays an initial fine, contributes to the American Worker Fund (See Subtitle C), and enrolls in the Dignity Program. The Dignity Program is a 7-year program that provides temporary legal status, work authorization, and protection from removal proceedings, but only as long as conditions are being met.

The Dignity program will require beneficiaries to pay $5,000 over 7 years of the program. They must check in with DHS every 2 years and remain in good public standing. Individuals in the Dignity Program will not have access to federal means-tested benefits or entitlements. They will be net contributors to tax revenue and the U.S. economy.

Successful completion of the Dignity Program provides the option to receive an indefinitely renewable 5-year Dignity Visa to maintain work authorization and legal status. Those taking the 5-year renewable Dignity Visa option would be unable to adjust to any higher status.

Sec. 24001. Establishment

This section establishes the Dignity Program, in which undocumented immigrants will be provided a chance to work, earn legal status, and get right with the law. Those participating in the Dignity program would be protected from removal proceedings as long as they meet the requirements of the program.

Sec. 24002. Eligibility; sponsorship

Undocumented individuals who have been physically and continuously present in the U.S. for 5 years before the date this law is enacted are eligible to enroll in the Dignity Program. They must pass a criminal background check and pay an initial contribution of $1,000, to be used to support American workers.

Sec. 24003. Registration; departure

All Dignity Program participants must register with DHS, submit biometric data, and submit a sworn declaration admitting to unlawful presence in the U.S. Within 24 months of enactment of this law, all unauthorized immigrants must register for the Dignity Program or depart the United States. Those who voluntarily depart will not be subject to any penalties for having been in the United States undocumented if they leave and attempt to re-enter through a separate legal channel.

Sec. 24004. Program participation

Participants in the Dignity Program must maintain work or attend school for the majority of the program, with exceptions for caregivers and those with disabilities and impediments. During every 2 years, they will check in with DHS to confirm their place of residence and provide testimony of good standing within their community. They will make payments to the American Workers Fund at check-ins, until a total amount of $5,000 has been paid.

Dignity participants must comply with all federal and state laws, pay taxes, financially and materially support their dependents, purchase health insurance and be responsible for their medical costs, and will have no access to federal means-tested benefits or entitlement programs.

If an immigrant violates the conditions of the Dignity Program, the DHS Secretary shall initiate removal proceedings and an immigration judge will determine whether to order removal or modify the conditions of their participation in the Dignity Program.

Sec. 24005. Completion

Upon successful completion of the Dignity Program, the individual may either receive Dignity Status or apply for the Redemption Program:

Option A - Dignity Status: They can immediately receive Dignity Status, which provides an indefinity renewable 5-year status providing full work authorization, the ability to live in the U.S., and travel authorization outside the U.S. Those holding this status will remain ineligible for means-tested benefits and entitlements. As long as they remain in good standing with the law, they can remain in this status as long as they want.

Option B – Redemption Program: They can register for the Redemption Program.

Subtitle B—Redemption Program

Redemption Program (+5 years): The Redemption Program is optional, and individuals must complete the 7-year Dignity Program to start the Redemption Program. It will offer a an opportunity to apply for more permanent legal status. The 5-year Redemption Program requires that participants learn English and U.S. civics and provides the opportunity for those seeking permanent legal status to contribute to their community either through local volunteer work, national community service, or continued contributions into the American Worker Fund. Enforcement through a functioning mandatory E-Verify System and GAO certification of a fully secure Border will be completed before the Redemption Program can conclude. Completion of the Redemption Program opens up eligibility for existing pathways to citizenship, but would not be an expedited pathway.

Sec. 24101. Establishment

This section establishes the Redemption program, allowing individuals that have successfully completed the Dignity Program to register and begin participating. Applicants will receive conditional Redemption status upon enrollment of the program.

Sec. 24102. Conditions

Redemption Program participants must report to DHS biennially. They will continue to provide an update on place of residence and testimony of good standing within the community. They can either pay additional contributions of $2,500 upon each check in with DHS, for a total of 2 payments ($5,000) over the duration of the 5-year period, or they can complete 200 hours of community service over the 5-year program, either through verified local community service providers or the Corporation for National and Community Service (CNCS). They must also learn English and U.S. civics to complete the program.

Sec. 24103. Completion and removal of conditional status.

Successful completion of the Redemption Program removes the conditional status of individuals in the Redemption Program, making them eligible to adjust to LPR status and seek any existing pathway to citizenship.

Subtitle C—Contribution to American Workers

Topline: Provides workforce training, upskilling, and education for unemployed or displaced American workers.

Contribution to American Workers: As part of the earned legal status for undocumented immigrants through the Dignity and Redemption Programs, an American Worker Fund contribution will be implemented. This money will go to workforce education initiatives to help U.S. citizens looking for work or transitioning to different careers. These funds will be provided to states and directly to organizations. Grants provided by these funds will be used for apprenticeships, work-based earn-and-learn programs, and educational opportunities for high-demand careers.

Sec. 24200. Purpose

This section directs payments from the Dignity and Redemption programs to be implemented to promote apprenticeships, work-based learning programs, and partnerships focused on small and medium-sized businesses with in-demand industry sectors.

Sec. 24201. Availability of Funds.

Ensures payments from the Dignity and Redemption programs are used to carry out the below provisions.

Sec. 24202. Conforming Amendments.

Directs the Sectary of Labor to deposit Dignity and Redemption program fees in the H-1B Nonimmigrant Petitioner Account before being disbursed to states or through grants, while ensuring compliance with the American Competitiveness and Workforce Improvement Act of 1998. The H-1B Nonimmigrant Petitioner Fee Account was established to fund training and education programs administered by the Department of Labor and the National Science Foundation, funded from application fees for H-1B Visas. Currently, these fees are used for job training, low-income scholarships, and STEM education. 10% of the new funds coming from the Dignity program will be used for these existing H-1B Nonimmigrant Petitioner Account efforts, marking a major infusion into this program over existing funding. The other 90% of funds from the Dignity program will be used for the apprenticeships and in-demand career grants described below.

PART 1—Promoting Apprenticeships Through Regional Training Networks

Sec. 24301. Definitions

Defines “eligible partnerships” as those defined under the Workforce Innovation and Opportunity Act (29 U.S.C. 3102). The Workforce Innovation and Opportunity Act helps job seekers access employment, education, training, and support services to succeed in the labor market and helps match employers with the skilled workers they need to compete in our dynamic economy.

Sec. 24302. Allotments to States.

Sets limits for states and territories to ensure all eligible states and outlying areas receive funding. To receive funding, the state or territory must submit a grant application, with state and local input. The application must include which local or regional industry or sector partnerships will be supported and served, how they will

partner with small and medium-sized businesses, which apprenticeships or learning-based programs will be supported, who will receive these services, what other services will be provided (classroom instruction, business engagement, support services), what credentials the participants will obtain, what local or regional partnerships will be leveraged, and must outline which performance indicators will be achieved.

Sec. 24303. Grants to Partnerships

Governors who receive funds under this program shall award grants to local or regional industry and sector partnerships. These grants may be for periods up to 3 years. States shall ensure there is geographic diversity in the areas where activities are carried out under these grants.

Sec. 24304. Use of Funds

Eligible partnerships shall use these grants to support apprenticeships or other work-based learning programs. The partnerships must provide support services for workers for at least a year after placement in a work-based learning program. They shall engage with business, and may uses these funds for:

- Connecting businesses with education providers to develop classroom instructions which complement on-the-job training.
- Developing curriculum for work-based learning programs.
- Employing workers in a work-based learning program for a transitional period before the business hires the individual for continuing employment.
- Training of managers and front-line workers as mentors in work-based learning programs.
- Recruiting individuals to participate in work-based learning programs.

Eligible partnerships can also use these grants to provide support services such as:

- Connecting individuals with pre-work-based learning or training, including pre-apprenticeships.
- Providing tools, work attire, or other items necessary to start employment or work-based training.
- Providing transportation, childcare services, or other support services related to pre-work-based learning or training.

Sec. 24305. Performance and Accountability

Eligible partnerships and States must submit reports on the levels of performance achieved for all workers in the work-based learning programs.

PART 2—High-Demand Careers

Sec. 24401. Grants for Access to High-Demand Careers

Expands student access to new industry-led earn-and-learn programs leading to high-wage, high-skill, and high-demand careers. Specifically, it authorizes competitive grants for earn-and-learn programs that provide students with structured, sustained, and paid on-the-job training and classroom instruction accompanied by credits. These grants can be used for programs lasting 1-4 years and must receive at least 50% matching funds from non-federal sources.

DIVISION C – IMPROVING THE H-2B NONIMMIGRANT WORKER PROGRAM

Topline: This title reforms the H-2B program by exempting returning workers from any one of the three previous fiscal years from counting against the cap, ensuring that small and seasonal businesses can fulfill their labor needs and contribute to our nation's post-pandemic economic recovery. It also improves the application process and requires the Department of Labor to maintain a publicly accessible online job registry. Additionally, it strengthens program integrity measures and anti-fraud provisions to protect both American workers and H-2B workers.

Sec. 31001. Short title; Sec. 31002. Definitions

This division is titled the "H-2B Returning Worker Exception Act."

Sec. 31003. H–2B cap relief

Amends the existing statutory definition of "returning worker" to include any worker who entered on an H2B visa in any 1 of the previous 3 fiscal years.

Sec. 31004. Increased sanctions for willful misrepresentation or failure to meet

Strengthens anti-fraud and malfeasance measures by amending current law to increase the fraud prevention fee from $150 to $350 and requiring the Secretary to impose penalties of no less than $1,000 and no more than $10,000 for willful misrepresentations in H2B petitions.

Sec. 31005. Reduction of paperwork burden

Improves the multi-agency H-2B worker request process by requiring a single coordinated electronic platform for requests for certification, petitions and visas as well as digital interactions with employers to reduce employer burden. The section also requires DOL to maintain a publicly accessible online job registry.

Sec. 31006. Workplace safety

Requires H2B employers to develop and maintain a worksite safety and compliance plan.

Sec. 31007. Foreign labor recruiting; prohibition on fees

Addresses potential misconduct by foreign labor recruiters by requiring employers to disclose the name and location of foreign recruiters they engaged with. It also prohibits employers, agents or recruiters from receiving fees for such recruitment.

Sec. 31008. Program integrity measures

Strengthens program integrity measures by codifying existing regulations that authorize DOL to investigate and act as required to ensure program compliance, to establish a complaint process, and to impose remedies

including temporary or permanent disqualification from the program for multiple and willful violations. The section also prohibits retaliation.

Sec. 31009. Program eligibility

Codifies existing regulations that govern the list of countries whose nationals are eligible to be admitted under H2B.

Sec. 31010. H–2B employer notification requirement

Strengthens integrity of the visa program by requiring employers to report to DHS within 3 business days if an H2B worker fails to report to work or the work is completed more than 30 days before the end date stated on the petition. It imposes a penalty on the employer for failure to report these incidents.

Sec. 31011. Authorization of appropriations

Authorizes such sums as are necessary to be appropriated to support recruitment of US workers, support DOL requirements and compliance measures.

DIVISION D – AMERICAN AGRICULTURAL DOMINANCE ACT

Topline: The American Agricultural Dominance Act reforms and modernizes the H-2A agricultural guestworker program to create an effective agricultural workforce program for the 21st century. It also creates a Certified Agricultural Worker program. This will ensure America's farmers and ranchers have access to a reliable and productive workforce so they can keep feeding the United States and exporting products around the world.

TITLE I—SECURING THE DOMESTIC AGRICULTURAL WORKFORCE

Subtitle A—Status for certified agricultural workers

Sec. 41101. Certified agricultural worker status

This section outlines the criteria for farmworkers in the United States to receive certified agricultural worker (CAW) status for themselves (and dependent status for their spouses and minor children). **CAW is a new temporary worker visa program for currently unauthorized farmworkers.** This is necessary to ensure American farmers can retain their current workforce as we transition into a more market-based guest workers system that better responds to U.S. labor needs.

Application Process: There is an 18-month window for taking CAW applications. Once an application is submitted, applicants receive interim proof of employment authorization and the ability to apply for travel permission, if needed. Applicants may not be detained or removed unless the applicant is prima facie ineligible for status. DHS must adjudicate applications within 180 days (pending background checks and security clearances).

Eligibility for CAW Status: To be eligible, workers must:

- have worked at least 180 days in agriculture in the 2 years prior to introduction;
- be inadmissible or deportable from the United States on the date of introduction; and

- have been continuously present in the United States from the date of introduction until the date they are granted CAW status.

Criminal Bars and Inadmissibility: Outlines the restrictions for CAW (and dependent) status.

- **Immigration bars:** Applicants must generally be "admissible" under section 212(a) of the Immigration and Nationality Act (INA), with the following exceptions:
  - certain grounds are excused (public charge, labor certification, and unlawful presence).
  - certain grounds are waived unless the relevant conduct occurred after the date of introduction (misrepresenting immigration status, being a stowaway, and violating a student visa); and
  - certain grounds are waived unless the relevant conduct occurred after the date of application for CAW status (failing to attend proceedings and receiving a removal order).
- **Criminal/Security bars:** In addition to the normal criminal and security bars that apply to all applicants for admission, this section also contains catch-all criminal bars. Applicants can't be convicted of:
  - any felony (excluding State offenses involving immigration status or minor traffic offenses);
  - an aggravated felony (broadly defined in INA § 101(a)(43));
  - any 2 misdemeanor offenses of moral turpitude (crimes involving the intent to injure or steal); or
  - 3 or more misdemeanor offenses of any kind (excluding offenses involving immigration status or minor traffic offenses), not occurring on the same date or arising out of the same misconduct.

Discretionary waiver: DHS has the discretion to waive certain grounds of inadmissibility, but not the felony, aggravated felony, or 3 misdemeanor bars.

H-2A Eligibility: States that farmworkers who do not qualify for CAW status because they cannot demonstrate sufficient past agricultural work may be eligible for H-2A status if they have performed at least 100 days of agricultural work in the 3 years prior to introduction. These individuals shall be allowed to apply for H-2A status without having to depart the United States.

Sec. 41102. Terms and conditions of certified status

States that Certified Agricultural Worker (CAW) status is valid for 5 and a half years. DHS shall issue documentary evidence of status to workers and their dependents, and such documents shall serve as evidence of travel and work authorization (for workers and spouses).

It prohibits individuals holding CAW status and their dependents from receiving federal means-tested public benefits, certain tax credits, and Affordable Care Act benefits. It also permits DHS to revoke CAW or dependent status after notice and opportunity to contest the revocation.

Allows spouses and children with dependent status to apply for principal CAW status if they are not ineligible due to criminal and other bars to eligibility. Children shall be entitled to dependent status for at least 8 years, as long as a parent maintains CAW status (or has applied to change to such status) and the child does not become ineligible due to criminal or other bars to eligibility.

Sec. 41103. Extensions of certified status

Allows Certified Agricultural Worker (CAW) status to be extended for an additional period of 5 and a half years. Applicants must demonstrate that they worked in agriculture for at least 100 workdays for each of the prior 5 years in CAW status, and that they are not ineligible due to criminal or other bars to eligibility.

Exception for Extraordinary Circumstances: Permits DHS to credit up to 12 months of agricultural work when the worker is unable to meet the work requirements due to pregnancy or illness, the illness or special needs of a child, severe weather conditions, or termination without cause.

Sec. 41104. Determination of continuous presence

States that, absent extraordinary circumstances or prior approval for travel, applicants fail to maintain continuous presence if they depart the United States for any period more than 90 days at once or 180 days in the aggregate. Continuous presence of an applicant for CAW status does not terminate if the applicant receives a notice to appear.

Sec. 41105. Employer obligations

Requires the employer to provide workers with a written record of employment for each year they are employed in CAW status, and subjects employers to civil penalties of up to $500 per violation if they knowingly fail to provide, or make false statements of material fact in, such records.

Sec. 41106. Administrative and judicial review

Requires DHS to establish a process for administrative review of the denial or revocation of CAW status and limits judicial review to review of a final order of removal.

Subtitle B—Optional earned residence for long-Term workers

Sec. 41201. Optional adjustment of status for long-term agricultural workers

Allows a CAW worker to adjust to lawful permanent resident (LPR) status if the worker remains eligible for CAW status and demonstrates completion of the following work requirements:

- If the individual worked in U.S. agriculture for at least 10 years prior to the date of enactment, the worker must complete at least another 4 years of agricultural work in CAW status.
- If the individual worked in U.S. agriculture for less than 10 years prior to the date of enactment, the worker must complete at least another 8 years of agricultural work in CAW status.

Adjustment requires applicants to pay a fee of $1,000. A spouse or child may also adjust to LPR status if the qualifying relationship exists at the time of adjudication and the spouse or child is not ineligible based on criminal or other bars.

Sec. 41202. Payment of taxes

Prohibits LPR status from being granted unless the applicant has paid all required Federal taxes since the date on which the applicant was authorized to work in the United States as a CAW.

Sec. 41203. Adjudication and decision; review

Requires DHS to adjudicate applications within 180 days (pending background checks and security clearances). Prior to denial, the Secretary must provide written notice and 90 days to correct any deficiencies. DHS must also establish an administrative review process. Judicial review of the denial of an application for LPR status may be sought in an appropriate United States District Court.

Subtitle C—General Provisions

Sec. 41301 Definitions

Defines the following terms: agricultural labor or services; applicable federal tax liability; appropriate United States district court; child; convicted or conviction; employer; qualified designated entity; Secretary; and workday.

Sec. 41302. Rulemaking; Fees

Requires DHS to publish interim final rules within 180 days of enactment and to finalize such rules within 1 year of enactment. DHS is authorized to charge reasonable filing fees, and must establish procedures for the waiver of fees or payment of such fees in installments.

Sec. 41303. Background checks

Requires DHS to collect biometric and biographic data from applicants and complete a security and background check before DHS grants any status under this title.

Sec. 41304. Protection for children

For purposes of eligibility for certified agricultural dependent status or lawful permanent resident status under this title, a child's age shall be set as their age on the date when the initial application for certified agricultural worker status is filed with the Secretary of Homeland Security.

Sec. 41305. Limitation on removal

Prohibits the removal of an individual who is eligible for CAW status until a final decision on their eligibility is rendered. Requires the Attorney General to terminate removal proceedings against an individual who is eligible for CAW status and to permit that individual to apply for such status.

Effect on Final Order: Allows an individual who has been ordered removed (or granted voluntary departure) to apply for status under this title without first having to file a motion with the immigration court. If the application is approved, the order is canceled; if the application is denied, the order remains in effect.

Effect of Departure: Clarifies that individuals with removal orders who have been granted status under this title or who have obtained travel permission from the Secretary shall not be deemed to have executed the removal order as a result of departing the United States.

Sec. 41306. Documentation of agricultural work history

Places the burden on CAW and LPR applicants to provide evidence that they satisfied the agricultural work requirements needed to adjust status. It also outlines the types of evidence that may be submitted.

Sec. 41307. Employer protections

Protects employers if they find out someone that has been working for them was undocumented. Specifically, an employer that continues to employ an individual knowing that the individual intends to apply for CAW status shall not be held liable for continuing to employ an unauthorized alien. Documents provided by an

employer in support of an application for CAW or LPR status cannot be used to prosecute such employers under the immigration laws or tax code, unless such documents are found to be fraudulent.

Sec. 41308. Correction of social security records; conforming amendments

Ensures Social Security numbers are provided to guest workers for tax collection purposes. Exempts individuals with CAW status from penalties under the Social Security Act if such individuals previously worked under an assumed social security number.

Sec. 41309. Disclosures and privacy

Prohibits DHS from disclosing or using application information for immigration enforcement purposes. Information may be shared with federal law enforcement agencies for assistance in the consideration of an application, to identify or prevent fraud, for national security purposes, or for the investigation or prosecution of a felony not related to immigration status. A person who knowingly violates these provisions shall be fined up to $10,000.

Sec. 41310. Penalties for false statements in applications

Allows the criminal prosecution of individuals who knowingly make false statements, conceal a material fact, or use any false document in an application for CAW or LPR status. A person who creates or supplies a false document for such purposes may also be prosecuted. Prosecuted individuals may be sentenced up to 5 years in prison.

Sec. 41311. Dissemination of information

Requires DHS to cooperate with agricultural employers and other relevant entities to broadly disseminate information on the benefits and eligibility requirements under this title.

Sec. 41312. Exemption from numerical limitations

Clarifies that there is no numerical limitation on the number of individuals who may be granted CAW status, dependent status, or LPR status under this title.

Sec. 41313. Reports to Congress

Requires annual reporting for 10 years on the number of applicants for CAW status, dependent status, and LPR status under this title, and the number of those approved.

Sec. 41314. Grant program to assist eligible applicants

Establishes a grant program to assist nonprofit organizations in publicizing information about eligibility and benefits under this title, and to assist individuals applying for such benefits.

Sec. 41315. Authorization of appropriations

Authorizes appropriations for fiscal years 2024-2026 as necessary to implement this title.

TITLE II—ENSURING AN AGRICULTURAL WORKFORCE FOR THE FUTURE

Subtitle A—Reforming the H–2A Worker Program

Sec. 42101. Comprehensive and streamlined electronic H-2A platform

New and Improved H2A Platform: Requires DHS, in consultation with the Departments of Labor (DOL), Agriculture (USDA), and State (DOS), to establish an electronic platform for completing the H-2A process. The platform will serve as a single point of access for DHS, DOL and State workforce agencies (SWAs) to concurrently perform their responsibilities relating to labor certification and petition approval. DOS and U.S. Customs and Border Protection (CBP) will have access to the platform to facilitate H-2A visa issuance and admission of workers.

Online Job Registry: Requires DOL to maintain a public online job registry and searchable database of all job orders submitted by H-2A employers.

Sec. 42102. Agricultural labor or services (Year-Round Agricultural Workforce)

Sets a new definition for "agricultural labor or services" and clarifies the meaning of "agricultural labor," "agriculture," and "agricultural employment" in the context of agricultural labor and services.

Removes Seasonality Requirements for the H2A program: Makes the program available to both seasonal and year-round agricultural employers, allowing the Dairy Industry and others to participate.

Opens the H2A program to new industries: Allows forestry-related activities, cider pressing on farms, aquaculture, fish or shellfish processing, and equine management to participate in the H2A program.

Sec. 42103. H-2A Program Requirements (Duration and Wage Reform)

Wage Reform: No longer requires employers to follow the complicated and unpredictable Adverse Effect Wage Rage (AEWR) set by the Department of Labor. These new wage rates protect American workers while helping farmers increase productivity and bring affordable food from the farm to grocery stores and kitchen tables.

New Wage Rates: Sets a simpler minimum pay rate that is higher of either:

- 125 percent of the Federal minimum wage
- The applicable State or local minimum wage

Housing Requirements: Employers shall furnish housing for their employees. Employers shall have the option to provide housing meeting applicable state and federal standards or to secure housing which meets the local standards for rental and/or public accommodations.

- **Family Housing:** 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.
- **Timely Inspections:** The Secretary of Labor shall provide a process for 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.

Transportation Requirements: The employer shall cover transportation costs of the H2A employee, 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.

Staggered Entry: The employer may file a petition may file a petition for temporary or seasonal work involving more than one date of need ("staggered entry") if: (1) no more than 120 days separate the start of the first date of need and the start of the last date of need; (2) the dates of need concern employment in the same occupational classification and area of intended employment; and (3) the need for staggered entry arises from normal fluctuations in labor needs.

Special Procedures: DOL may establish regulations (in consultation with USDA and DHS) providing special procedures for occupations with unique needs such as range production of livestock, beekeeping, animal shearing, and custom combining.

Validity: A visa issued to an H–2A worker shall be valid for 3 years and allows for multiple entries during the approved period of admission.

- **Requirement to Return Home and Remain Outside the United States:** The guest worker must remain outside the United States for a cumulative period of at least 45 days during their 3-year work authorization. This averages out to about 2 weeks per year.

Continuing H-2A Workers: An H-2A worker is authorized to start new or concurrent employment upon filing a new H-2A petition as long as it was filed prior to the expiration date of their previous authorization and they met the admission requirements, including remaining outside the United States for the required period of time.

Sec. 42104. Portable H–2A visa pilot program

Requires the Department of Homeland Security (DHS), in consultation with DOL and USDA, to establish a 6-year pilot program authorizing portable H-2A status for up to 10,000 H-2A workers. DHS is authorized to set program rules and requirements, consistent with the following:

- Employers seeking to hire portable workers must register with DHS.
- DHS must develop an online platform to connect portable workers with registered employers.
- Registered employers may employ portable workers without first filing an H-2A petition, if the wage requirements that apply to H-2A workers are met.
- Portable workers may work for any registered employer during the period of admission, which shall be for up to 3 years, and either party can terminate employment at any time.
- Portable workers shall have a 60-day grace period at the conclusion of employment to secure new employment with a registered agricultural employer.
- DOL is responsible for conducting investigations and audits of employers to ensure compliance with the pilot program's provisions.
- DHS, in consultation with DOL and USDA, must submit a report to Congress on the pilot program, including its impact on U.S. workers, an assessment as to whether the program should be continued, and, if so, recommendations for improving the program.

Sec. 42105. Pilot Program providing forestry employers the option of using the H-2A program or the H-2B program.

This creates a pilot program for employers engaged in forestry and conservation activities to use either the H2A or the H2B guest worker program to hire temporary workers. The pilot program is authorized for 3 years.

DIVISION E—AMERICAN PROSPERITY AND COMPETITIVENESS

Topline: This Division ensures the United States economy will be prosperous and competitive for generations to come. It protects the U.S. family-based immigration system, reduces backlogs, provides parity for our legal immigration system, improves employment-based visa opportunities, modernizes student visas, and surges resources for faster visa processing.

TITLE I—PROTECTING THE FAMILY SYSTEM

Subtitle A—American Families United Act

Sec. 51101. Rule of construction

Clarifies that the discretionary authority provided in this subtitle only applies on a case-by-case basis.

Sec. 51102. Discretionary authority with respect to family members of united states citizens

The American Families United Act gives DHS the authority to review specific immigration cases involving U.S. citizens, to prevent family separation and hardship for U.S. citizens in immigration proceedings.

Specifically, it provides discretionary authority in immigration cases in which the individual is the spouse or child of a U.S. citizen. In these cases, if such an individual has been deemed inadmissible or deportable and this causes hardship for the American citizen that is related to them, the DHS Secretary may review the case and take one of the following actions: (1) waive grounds of inadmissibility or deportability; (2) decline to issue a notice to appear (NTA) for removal proceedings; (3) decline to reinstate an order of removal; or (4) grant an alien permission to reapply for admission to the United States.

Sec. 51103. Motions to reopen or reconsider

This allows the reopening or reconsideration of an order of removal in cases that would have been adjudicated in favor of the alien if this policy had been in effect at the time of a denial of the petition. Motions to reopen or reconsider must be filed within 2 years of enactment of this provision.

Subtitle B—Temporary Family Visitation Act

Sec. 51111. Family purpose nonimmigrant visas for relatives of united states citizens and lawful permanent residents seeking to enter the United States temporarily

The Temporary Family Visitation Act creates a new, 90-day visitor visa that can be used by foreigners to travel to the United States for business, pleasure, or family purposes. In this case, “family purposes” means a visit by a relative for social purposes and occasions, such as weddings, birthdays, family reunions, or funerals.

This visa is only available to foreign individuals that have family members living in the United States who are U.S. citizens or legal permanent residents. To obtain the visa, the U.S. citizen or legal resident must apply on behalf of their relative and fill out a declaration of support (I-134) stating they will provide full financial support for the visiting individual. Additionally, the visitor must buy travel health insurance to be approved for this visa, and they are unable to adjust to any other immigration status while in the United States.

Subtitle C—Spouses or Children of an Alien Lawfully Admitted for Permanent Residence Uncapped

Sec. 51131. Spouses or children of an alien lawfully admitted for permanent residence

This exempts spouses and minor children of lawful permanent residents (LPR's) from current family preference green card caps set in the Immigration and Nationality Act (INA). It reclassifies the F2A family preference category, which includes spouses and minor children of LPR's, as immediate relatives in the immediate relative (IR) category. With this change, spouses and minor children of LPR's would be treated as immediate relatives and not be subject to annual family preference number caps.

Sec. 51132. Preference Allocation for Family-Sponsored Immigrants

Since the F2A family preference category would no longer be subject to annual caps under the previous section, this section reassigns those visas. Specifically, the 87,900 annual visas that would normally go to spouses and minor children of LPR's (currently F2A category) are reassigned to the F1 family preference category. This increases the F1 visa cap from 23,400 per year to 111, 300 per year, to help reduce the major backlog in the F1 family preference category and subsequent family categories.

TITLE II—FAIRNESS FOR IMMIGRANTS

Sec. 51201. Elimination of backlogs

This section cuts the visa backlog to a maximum of 10 years, meaning anyone that has been waiting for a legal visa (either family-based or employment-based) for 10 years or more (calculated by priority date) will be provided that visa.

Sec. 51202. Per-country caps raised

This more than doubles the per-country cap set in the Immigration Act of 1990, from 7% to 15%. Under current law, no country can receive more than 7% of the total number of employment-based or family-sponsored preference visas each year. This low percentage is causing decades-long backlogs in certain countries with large populations. This provision will greatly reduce and eventually eliminate those backlogs when combined with other reforms in this bill.

Sec. 51203. Protecting the status of children affected by delays in visa availability

This ensures that children legally present in the United States do not age out of receiving certain visas due to processing delays. Specifically, it guarantees they receive visas they are eligible for, even if they grow out of the age of eligibility, if processing delays by USCIS were the reason they did not receive a visa in time.

Sec. 51204. Spouses and minor children not included in calculation

This prevents derivatives from being counted against annual visa totals. Under this provision, only the principal applicant applying for the visa will be counted as part of the total visa numbers for that year. Spouses and minor children will not be included in that total.

TITLE III—IMPROVING EMPLOYMENT BASED VISAS

Subtitle A—H–4 Work Authorization Act

Sec. 51301. Employment authorization for certain alien spouses

The H-4 Work Authorization Act allows the spouses of H-1B immigrants to automatically be granted work authorization upon receiving their H-4 visa. It removes the requirement for visa holders to apply for a Form I-765, Employment Authorization Document (EAD), which can take considerable time to be approved.

Background: H-4 visas are issued to dependent spouses and children who accompany H-1B, H-2A, H-2B, and H-3 visa holders to the United States. Many H-4 visa holders are highly skilled and previously had careers of their own or worked to support their families. Currently, H-4 visa holders must apply for work authorization and wait for it to be processed before they can work, even though they are already in the United States and their spouse is working in the United States.

Due to backlogs at United States Citizenship and Immigration Services (USCIS), applications for work authorization can take anywhere from six to eight months, with some applications taking over one year to be approved.

Subtitle B—Improving Employment Based Visas

Sec. 51311. Repeal of FICA exception for certain nonresidents temporarily present in the United States

This requires students working in the United States as part of the Optional Practical Training (OPT) program to pay FICA (Social Security and Medicare) taxes. Currently, foreign students working as part of OPT program in the United States are exempt from paying FICA taxes.

Sec. 51312. Individuals with doctoral degrees in STEM fields recognized as individuals having extraordinary ability

This clarifies that individuals who have earned a doctoral degree (PHD) in the field of science, engineering, mathematics, or technology (STEM) are eligible to receive an O visa, for Individuals with Extraordinary Ability or Achievement. It also applies to individuals that have received a PHD in a healthcare or medical profession.

This ensures that individuals who earned PHD’s in high-demand STEM and healthcare fields in the U.S. can apply for an O visa and use their talents here if they want to, instead of being forced to return home as soon as they graduate.

TITLE IV—STUDENT VISAS

Sec. 51401. Modernizing Visas for Students

This changes F student visas to be "dual intent."

Background: Currently, student visas require the applicant to demonstrate nonimmigrant intent. This means international students have to say that they intend to leave the U.S. when they finish their courses and must prove that they have property in their home country to demonstrate evidence that they plan to return.

Although most students intend to return home anyway, visas are sometimes denied if a student cannot explicitly demonstrate that they plan to return to their home country after their studies. This change will remove this roadblock. However, this does not change any process for students that want to stay when they finish their studies. Any student that does wish to remain in the U.S. after their studies must still qualify on their merits for employment-based or other applicable visas.

TITLE V—SURGING RESOURCES TO EXPEDITE VISA PROCESSING

Sec. 51501. Surging Resources to Expedite Visa Processing

Creates an Immigration Agency Coordinator position to oversee immigration functions at USCIS, the Department of State, and the Department of Labor. This coordinator will provide recommendations to harmonize agency efforts related to filing immigration petitions, visas, and labor certifications, and shall work to ensure filing information from each agency is available to the other agencies.

In an effort to improve processing and reduce historic backlogs, there is hereby appropriated upon enactment of the bill:

- $2.56 billion to the Operations and Support Account at United States Citizenship and Immigration Services (USCIS).
- $852 million to the Bureau of Consular Affairs and Visa Service at the U.S. Department of State.
- $225 million to the Office of Foreign Labor Certification at the U.S. Department of Labor.