

1 **TITLE II—IMMIGRANT VISAS**
2 **Subtitle A—Registration and Ad-**
3 **justment of Registered Provi-**
4 **sional Immigrants**

5 **SEC. 2101. REGISTERED PROVISIONAL IMMIGRANT STATUS.**

6 (a) AUTHORIZATION.—Chapter 5 of title II (8 U.S.C.
7 1255 et seq.) is amended by inserting after section 245A
8 the following:

9 **“SEC. 245B. ADJUSTMENT OF STATUS OF ELIGIBLE EN-**
10 **TRANTS BEFORE DECEMBER 31, 2011, TO**
11 **THAT OF REGISTERED PROVISIONAL IMMI-**
12 **GRANT.**

13 “(a) IN GENERAL.—Notwithstanding any other pro-
14 vision of law, the Secretary of Homeland Security (re-
15 ferred to in this section and in sections 245C through
16 245F as the ‘Secretary’), after conducting the national se-
17 curity and law enforcement clearances required under sub-
18 section (c)(8), may grant registered provisional immigrant
19 status to an alien who—

20 “(1) meets the eligibility requirements set forth
21 in subsection (b);

22 “(2) submits a completed application before the
23 end of the period set forth in subsection (c)(3); and

1 “(3) has paid the fee required under subsection
2 (c)(10)(A) and the penalty required under sub-
3 section (c)(10)(C), if applicable.

4 “(b) ELIGIBILITY REQUIREMENTS.—

5 “(1) IN GENERAL.—An alien is not eligible for
6 registered provisional immigrant status unless the
7 alien establishes, by a preponderance of the evidence,
8 that the alien meets the requirements set forth in
9 this subsection.

10 “(2) PHYSICAL PRESENCE.—

11 “(A) IN GENERAL.—The alien—

12 “(i) shall be physically present in the
13 United States on the date on which the
14 alien submits an application for registered
15 provisional immigrant status;

16 “(ii) shall have been physically
17 present in the United States on or before
18 December 31, 2011; and

19 “(iii) shall have maintained contin-
20 uous physical presence in the United
21 States from December 31, 2011, until the
22 date on which the alien is granted status
23 as a registered provisional immigrant
24 under this section.

25 “(B) BREAK IN PHYSICAL PRESENCE.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), an alien who is absent
3 from the United States without authoriza-
4 tion after the date of the enactment of the
5 Border Security, Economic Opportunity,
6 and Immigration Modernization Act does
7 not meet the continuous physical presence
8 requirement set forth in subparagraph
9 (A)(iii).

10 “(ii) EXCEPTION.—An alien who de-
11 parted from the United States after De-
12 cember 31, 2011, will not be considered to
13 have failed to maintain continuous pres-
14 ence in the United States if the alien’s ab-
15 sences from the United States are brief,
16 casual, and innocent whether or not such
17 absences were authorized by the Secretary.

18 “(3) GROUNDS FOR INELIGIBILITY.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), an alien is ineligible for reg-
21 istered provisional immigrant status if the Sec-
22 retary determines that the alien—

23 “(i) has a conviction for—

24 “(I) an offense classified as a fel-
25 ony in the convicting jurisdiction

1 (other than a State or local offense
2 for which an essential element was the
3 alien's immigration status, or a viola-
4 tion of this Act);

5 “(II) an aggravated felony (as
6 defined in section 101(a)(43) at the
7 time of the conviction);

8 “(III) 3 or more misdemeanor of-
9 fenses (other than minor traffic of-
10 fenses or State or local offenses for
11 which an essential element was the
12 alien's immigration status, or viola-
13 tions of this Act) if the alien was con-
14 victed on different dates for each of
15 the 3 offenses;

16 “(IV) any offense under foreign
17 law, except for a purely political of-
18 fense, which, if the offense had been
19 committed in the United States,
20 would render the alien inadmissible
21 under section 212(a) (excluding the
22 paragraphs set forth in clause (ii)) or
23 removable under section 237(a), ex-
24 cept as provided in paragraph (3) of
25 section 237(a);

1 “(V) unlawful voting (as defined
2 in section 237(a)(6));

3 “(ii) is inadmissible under section
4 212(a), except that in determining an
5 alien’s inadmissibility—

6 “(I) paragraphs (4), (5), (7), and
7 (9)(B) of section 212(a) shall not
8 apply;

9 “(II) subparagraphs (A), (C),
10 (D), (F), and (G) of section 212(a)(6)
11 and paragraphs (9)(C) and (10)(B) of
12 section 212(a) shall not apply unless
13 based on the act of unlawfully enter-
14 ing the United States after the date
15 of the enactment of the Border Secu-
16 rity, Economic Opportunity, and Im-
17 migration Modernization Act; and

18 “(III) paragraphs (6)(B) and
19 (9)(A) of section 212(a) shall not
20 apply unless the relevant conduct
21 began on or after the date on which
22 the alien files an application for reg-
23 istered provisional immigrant status
24 under this section;

1 “(iii) is an alien who the Secretary
2 knows or has reasonable grounds to be-
3 lieve, is engaged in or is likely to engage
4 after entry in any terrorist activity (as de-
5 fined in section 212(a)(3)(B)(iv)); or

6 “(iv) was, on April 16, 2013—

7 “(I) an alien lawfully admitted
8 for permanent residence;

9 “(II) an alien admitted as a ref-
10 ugee under section 207 or granted
11 asylum under section 208; or

12 “(III) an alien who, according to
13 the records of the Secretary or the
14 Secretary of State, is lawfully present
15 in the United States in any non-
16 immigrant status (other than an alien
17 considered to be a nonimmigrant sole-
18 ly due to the application of section
19 244(f)(4) or the amendment made by
20 section 702 of the Consolidated Nat-
21 ural Resources Act of 2008 (Public
22 Law 110–229)), notwithstanding any
23 unauthorized employment or other
24 violation of nonimmigrant status.

25 “(B) WAIVER.—

“(i) IN GENERAL.—The Secretary may waive the application of subparagraph (A)(i)(III) or any provision of section 212(a) that is not listed in clause (ii) on behalf of an alien for humanitarian purposes, to ensure family unity, or if such a waiver is otherwise in the public interest. Any discretionary authority to waive grounds of inadmissibility under section 212(a) conferred under any other provision of this Act shall apply equally to aliens seeking registered provisional status under this section.

14 “(ii) EXCEPTIONS.—The discretionary
15 authority under clause (i) may not be used
16 to waive—

“(I) subparagraph (B), (C),
(D)(ii), (E), (G), (H), or (I) of section
212(a)(2);

20 “(II) section 212(a)(3);

21 “(III) subparagraph (A), (C),
22 (D), or (E) of section 212(a)(10); or

23 “(IV) with respect to misrepre-
24 sentations relating to the application

1 for registered provisional immigrant
2 status, section 212(a)(6)(C)(i).

3 “(C) CONVICTION EXPLAINED.—For pur-
4 poses of this paragraph, the term ‘conviction’
5 does not include a judgment that has been ex-
6 punged, set aside, or the equivalent.

7 “(D) RULE OF CONSTRUCTION.—Nothing
8 in this paragraph may be construed to require
9 the Secretary to commence removal proceedings
10 against an alien.

11 “(4) APPLICABILITY OF OTHER PROVISIONS.—
12 Sections 208(d)(6) and 240B(d) shall not apply to
13 any alien filing an application for registered provi-
14 sional immigrant status under this section.

15 “(5) DEPENDENT SPOUSE AND CHILDREN.—

16 “(A) IN GENERAL.—Notwithstanding any
17 other provision of law, the Secretary may clas-
18 sify the spouse or child of a registered provi-
19 sional immigrant as a registered provisional im-
20 migrant dependent if the spouse or child—

21 “(i) was physically present in the
22 United States on or before December 31,
23 2012, and has maintained continuous pres-
24 ence in the United States from that date
25 until the date on which the registered pro-

1 visional immigrant is granted such status,
2 with the exception of absences from the
3 United States that are brief, casual, and
4 innocent, whether or not such absences
5 were authorized by the Secretary; and

6 “(ii) meets all of the eligibility re-
7 quirements set forth in this subsection,
8 other than the requirements of clause (ii)
9 or (iii) of paragraph (2)(A).

10 “(B) EFFECT OF TERMINATION OF LEGAL
11 RELATIONSHIP OR DOMESTIC VIOLENCE.—If
12 the spousal or parental relationship between an
13 alien who is granted registered provisional im-
14 migrant status under this section and the
15 alien’s spouse or child is terminated due to
16 death or divorce or the spouse or child has been
17 battered or subjected to extreme cruelty by the
18 alien (regardless of whether the legal relation-
19 ship terminates), the spouse or child may apply
20 for classification as a registered provisional im-
21 migrant.

22 “(C) EFFECT OF DISQUALIFICATION OF
23 PARENT.—Notwithstanding subsection (c)(3), if
24 the application of a spouse or parent for reg-
25 istered provisional immigrant status is termi-

1 nated or revoked, the husband, wife, or child of
2 that spouse or parent shall be eligible to apply
3 for registered provisional immigrant status
4 independent of the parent or spouse.

5 “(c) APPLICATION PROCEDURES.—

6 “(1) IN GENERAL.—An alien, or the dependent
7 spouse or child of such alien, who meets the eligi-
8 bility requirements set forth in subsection (b) may
9 apply for status as a registered provisional immi-
10 grant or a registered provisional immigrant depend-
11 ent, as applicable, by submitting a completed appli-
12 cation form to the Secretary during the application
13 period set forth in paragraph (3), in accordance with
14 the final rule promulgated by the Secretary under
15 the Border Security, Economic Opportunity, and
16 Immigration Modernization Act. An applicant for
17 registered provisional immigrant status shall be
18 treated as an applicant for admission.

19 “(2) PAYMENT OF TAXES.—

20 “(A) IN GENERAL.—An alien may not file
21 an application for registered provisional immi-
22 grant status under paragraph (1) unless the ap-
23 plicant has satisfied any applicable Federal tax
24 liability.

1 “(B) DEFINITION OF APPLICABLE FED-
2 ERAL TAX LIABILITY.—In this paragraph, the
3 term ‘applicable Federal tax liability’ means all
4 Federal income taxes assessed in accordance
5 with section 6203 of the Internal Revenue Code
6 of 1986.

7 “(C) DEMONSTRATION OF COMPLIANCE.—
8 An applicant may demonstrate compliance with
9 this paragraph by submitting appropriate docu-
10 mentation, in accordance with regulations pro-
11 mulgated by the Secretary, in consultation with
12 the Secretary of the Treasury.

13 “(3) APPLICATION PERIOD.—

14 “(A) INITIAL PERIOD.—Except as provided
15 in subparagraph (B), the Secretary may only
16 accept applications for registered provisional
17 immigrant status from aliens in the United
18 States during the 1-year period beginning on
19 the date on which the final rule is published in
20 the Federal Register pursuant to paragraph
21 (1).

22 “(B) EXTENSION.—If the Secretary deter-
23 mines, during the initial period described in
24 subparagraph (A), that additional time is re-
25 quired to process applications for registered

1 provisional immigrant status or for other good
2 cause, the Secretary may extend the period for
3 accepting applications for such status for an
4 additional 18 months.

5 “(4) APPLICATION FORM.—

6 “(A) REQUIRED INFORMATION.—

7 “(i) IN GENERAL.—The application
8 form referred to in paragraph (1) shall col-
9 lect such information as the Secretary de-
10 termines to be necessary and appropriate,
11 including, for the purpose of understanding
12 immigration trends—

13 “(I) an explanation of how, when,
14 and where the alien entered the
15 United States;

16 “(II) the country in which the
17 alien resided before entering the
18 United States; and

19 “(III) other demographic infor-
20 mation specified by the Secretary.

21 “(ii) PRIVACY PROTECTIONS.—Infor-
22 mation described in subclauses (I) through
23 (III) of clause (i), which shall be provided
24 anonymously by the applicant on the appli-
25 cation form referred to in paragraph (1),

1 shall be subject to the same confidentiality
2 provisions as those set forth in section 9 of
3 title 13, United States Code.

4 “(iii) REPORT.—The Secretary shall
5 submit a report to Congress that contains
6 a summary of the statistical data about
7 immigration trends collected pursuant to
8 clause (i).

9 “(B) FAMILY APPLICATION.—The Sec-
10 retary shall establish a process through which
11 an alien may submit a single application under
12 this section on behalf of the alien, his or her
13 spouse, and his or her children who are residing
14 in the United States.

15 “(C) INTERVIEW.—The Secretary may
16 interview applicants for registered provisional
17 immigrant status under this section to deter-
18 mine whether they meet the eligibility require-
19 ments set forth in subsection (b).

20 “(5) ALIENS APPREHENDED BEFORE OR DUR-
21 ING THE APPLICATION PERIOD.—If an alien who is
22 apprehended during the period beginning on the
23 date of the enactment of the Border Security, Eco-
24 nomic Opportunity, and Immigration Modernization
25 Act and the end of the application period described

1 in paragraph (3) appears prima facie eligible for
2 registered provisional immigrant status, to the satis-
3 faction of the Secretary, the Secretary—

4 “(A) shall provide the alien with a reason-
5 able opportunity to file an application under
6 this section during such application period; and

7 “(B) may not remove the individual until
8 a final administrative determination is made on
9 the application.

10 “(6) ELIGIBILITY AFTER DEPARTURE.—

11 “(A) IN GENERAL.—An alien who departed
12 from the United States while subject to an
13 order of exclusion, deportation, or removal, or
14 pursuant to an order of voluntary departure
15 and who is outside of the United States, or who
16 has reentered the United States illegally after
17 December 31, 2011 without receiving the Sec-
18 retary’s consent to reapply for admission under
19 section 212(a)(9), shall not be eligible to file an
20 application for registered provisional immigrant
21 status.

22 “(B) WAIVER.—The Secretary, in the Sec-
23 retary’s sole and unreviewable discretion, sub-
24 ject to subparagraph (D), may waive the appli-

1 cation of subparagraph (A) on behalf of an
2 alien if the alien—

3 “(i) is the spouse or child of a United
4 States citizen or lawful permanent resi-
5 dent;

6 “(ii) is the parent of a child who is a
7 United States citizen or lawful permanent
8 resident;

9 “(iii) meets the requirements set forth
10 in clauses (ii) and (iii) of section
11 245D(b)(1)(A); or

12 “(iv) meets the requirements set forth
13 in section 245D(b)(1)(A)(ii), is 16 years or
14 older on the date on which the alien ap-
15 plies for registered provisional immigrant
16 status, and was physically present in the
17 United States for an aggregate period of
18 not less than 3 years during the 6-year pe-
19 riod immediately preceding the date of the
20 enactment of the Border Security, Eco-
21 nomic Opportunity, and Immigration Mod-
22 ernization Act.

23 “(C) ELIGIBILITY.—Subject to subpara-
24 graph (D) and notwithstanding subsection
25 (b)(2), section 241(a)(5), or a prior order of ex-

1 clusion, deportation, or removal, an alien de-
2 scribed in subparagraph (B) who is otherwise
3 eligible for registered provisional immigrant sta-
4 tus may file an application for such status.

5 “(D) CRIME VICTIMS’ RIGHTS TO NOTICE
6 AND CONSULTATION.—Prior to applying, or ex-
7 ercising, any authority under this paragraph, or
8 ruling upon an application allowed under sub-
9 paragraph (C) the Secretary shall—

10 “(i) determine whether or not an alien
11 described under subparagraph (B) or (C)
12 has a conviction for any criminal offense;

13 “(ii) in consultation with the agency
14 that prosecuted the criminal offense under
15 clause (i), if the agency, in the sole discre-
16 tion of the agency, is willing to cooperate
17 with the Secretary, make all reasonable ef-
18 forts to identify each victim of a crime for
19 which an alien determined to be a criminal
20 under clause (i) has a conviction;

21 “(iii) in consultation with the agency
22 that prosecuted the criminal offense under
23 clause (i), if the agency, in the sole discre-
24 tion of the agency, is willing to cooperate
25 with the Secretary, make all reasonable ef-

1 forts to provide each victim identified
2 under clause (ii) with written notice that
3 the alien is being considered for a waiver
4 under this paragraph, specifying in such
5 notice that the victim may—

6 “(I) take no further action;

7 “(II) request written notification

8 by the Secretary of any subsequent

9 application for waiver filed by the

10 criminal alien under this paragraph

11 and of the final determination of the

12 Secretary regarding such application;

13 or

14 “(III) not later than 60 days

15 after the date on which the victim re-

16 ceives written notice under this clause,

17 request a consultation with the Sec-

18 retary relating to whether the applica-

19 tion of the offender should be granted

20 and if the victim cannot be located or

21 if no response is received from the vic-

22 tim within the designated time period,

23 the Secretary shall proceed with adju-

24 dication of the application; and

1 “(iv) at the request of a victim under
2 clause (iii), consult with the victim to de-
3 termine whether or not the Secretary
4 should, in the case of an alien who is de-
5 termined under clause (i) to have a convic-
6 tion for any criminal offense, exercise waiv-
7 er authority for an alien described under
8 subparagraph (B), or grant the application
9 of an alien described under subparagraph
10 (C).

11 “(E) CRIME VICTIMS’ RIGHT TO INTER-
12 VENTION.—In addition to the victim notifica-
13 tion and consultation provided for in subpara-
14 graph (D), the Secretary shall allow the victim
15 of a criminal alien described under subpara-
16 graph (B) or (C) to request consultation re-
17 garding, or notice of, any application for waiver
18 filed by the criminal alien under this paragraph,
19 including the final determination of the Sec-
20 retary regarding such application.

21 “(F) CONFIDENTIALITY PROTECTIONS FOR
22 CRIME VICTIMS.—The Secretary and the Attor-
23 ney General may not make an adverse deter-
24 mination of admissibility or deportability of any
25 alien who is a victim and not lawfully present

1 in the United States based solely on informa-
2 tion supplied or derived in the process of identi-
3 fication, notification, or consultation under this
4 paragraph.

5 “(G) REPORTS REQUIRED.—Not later than
6 September 30 of each fiscal year in which the
7 Secretary exercises authority under this para-
8 graph to rule upon the application of a criminal
9 offender allowed under subparagraph (C), the
10 Secretary shall submit to the Committee on the
11 Judiciary of the Senate and the Committee on
12 the Judiciary of the House of Representatives a
13 report detailing the execution of the victim
14 identification and notification process required
15 under subparagraph (D), which shall include—

16 “(i) the total number of criminal of-
17 fenders who have filed an application
18 under subparagraph (C) and the crimes
19 committed by such offenders;

20 “(ii) the total number of criminal of-
21 fenders whose application under subpara-
22 graph (C) has been granted and the crimes
23 committed by such offenders; and

24 “(iii) the total number of victims of
25 criminal offenders under clause (ii) who

1 were not provided with written notice of
2 the offender’s application and the crimes
3 committed against the victims.

4 “(H) DEFINITION.—In this paragraph, the
5 term ‘victim’ has the meaning given the term in
6 section 503(e) of the Victims’ Rights and Res-
7 titution Act of 1990 (42 U.S.C. 10607(e)).

8 “(7) SUSPENSION OF REMOVAL DURING APPLI-
9 CATION PERIOD.—

10 “(A) PROTECTION FROM DETENTION OR
11 REMOVAL.—A registered provisional immigrant
12 may not be detained by the Secretary or re-
13 moved from the United States, unless—

14 “(i) the Secretary determines that—

15 “(I) such alien is, or has become,
16 ineligible for registered provisional im-
17 migrant status under subsection
18 (b)(3); or

19 “(II) the alien’s registered provi-
20 sional immigrant status has been re-
21 voked under subsection (d)(2).

22 “(B) ALIENS IN REMOVAL PRO-
23 CEEDINGS.—Notwithstanding any other provi-
24 sion of this Act—

1 “(i) if the Secretary determines that
2 an alien, during the period beginning on
3 the date of the enactment of this section
4 and ending on the last day of the applica-
5 tion period described in paragraph (3), is
6 in removal, deportation, or exclusion pro-
7 ceedings before the Executive Office for
8 Immigration Review and is prima facie eli-
9 gible for registered provisional immigrant
10 status under this section—

11 “(I) the Secretary shall provide
12 the alien with the opportunity to file
13 an application for such status; and

14 “(II) upon motion by the Sec-
15 retary and with the consent of the
16 alien or upon motion by the alien, the
17 Executive Office for Immigration Re-
18 view shall—

19 “(aa) terminate such pro-
20 ceedings without prejudice to fu-
21 ture proceedings on any basis;
22 and

23 “(bb) provide the alien a
24 reasonable opportunity to apply
25 for such status; and

1 “(ii) if the Executive Office for Immi-
2 gration Review determines that an alien,
3 during the period beginning on the date of
4 the enactment of this section and ending
5 on the last day of the application period
6 described in paragraph (3), is in removal,
7 deportation, or exclusion proceedings be-
8 fore the Executive Office for Immigration
9 Review and is prima facie eligible for reg-
10 istered provisional immigrant status under
11 this section—

12 “(I) the Executive Office of Im-
13 migration Review shall notify the Sec-
14 retary of such determination; and

15 “(II) if the Secretary does not
16 dispute the determination of prima
17 facie eligibility within 7 days after
18 such notification, the Executive Office
19 for Immigration Review, upon consent
20 of the alien, shall—

21 “(aa) terminate such pro-
22 ceedings without prejudice to fu-
23 ture proceedings on any basis;
24 and

1 “(bb) permit the alien a rea-
2 sonable opportunity to apply for
3 such status.

4 “(C) TREATMENT OF CERTAIN ALIENS.—

5 “(i) IN GENERAL.—If an alien who
6 meets the eligibility requirements set forth
7 in subsection (b) is present in the United
8 States and has been ordered excluded, de-
9 ported, or removed, or ordered to depart
10 voluntarily from the United States under
11 any provision of this Act—

12 “(I) notwithstanding such order
13 or section 241(a)(5), the alien may
14 apply for registered provisional immi-
15 grant status under this section; and

16 “(II) if the alien is granted such
17 status, the alien shall file a motion to
18 reopen the exclusion, deportation, re-
19 moval, or voluntary departure order,
20 which motion shall be granted unless
21 1 or more of the grounds of ineligi-
22 bility is established by clear and con-
23 vincing evidence.

24 “(ii) LIMITATIONS ON MOTIONS TO
25 REOPEN.—The limitations on motions to

1 reopen set forth in section 240(c)(7) shall
2 not apply to motions filed under clause
3 (i)(II).

4 “(D) PERIOD PENDING ADJUDICATION OF
5 APPLICATION.—

6 “(i) IN GENERAL.—During the period
7 beginning on the date on which an alien
8 applies for registered provisional immi-
9 grant status under paragraph (1) and the
10 date on which the Secretary makes a final
11 decision regarding such application, the
12 alien—

13 “(I) may receive advance parole
14 to reenter the United States if urgent
15 humanitarian circumstances compel
16 such travel;

17 “(II) may not be detained by the
18 Secretary or removed from the United
19 States unless the Secretary makes a
20 prima facie determination that such
21 alien is, or has become, ineligible for
22 registered provisional immigrant sta-
23 tus under subsection (b)(3);

25

1 “(III) shall not be considered un-
2 lawfully present for purposes of sec-
3 tion 212(a)(9)(B); and

4 “(IV) shall not be considered an
5 unauthorized alien (as defined in sec-
6 tion 274A(h)(3)).

7 “(ii) EVIDENCE OF APPLICATION FIL-
8 ING.—As soon as practicable after receiv-
9 ing each application for registered provi-
10 sional immigrant status, the Secretary
11 shall provide the applicant with a docu-
12 ment acknowledging the receipt of such ap-
13 plication.

14 “(iii) CONTINUING EMPLOYMENT.—
15 An employer who knows that an alien em-
16 ployee is an applicant for registered provi-
17 sional immigrant status or will apply for
18 such status once the application period
19 commences is not in violation of section
20 274A(a)(2) if the employer continues to
21 employ the alien pending the adjudication
22 of the alien employee’s application.

23 “(iv) EFFECT OF DEPARTURE.—Sec-
24 tion 101(g) shall not apply to an alien
25 granted—

1 “(I) advance parole under clause
2 (i)(I) to reenter the United States; or
3 “(II) registered provisional immi-
4 grant status.

5 “(8) SECURITY AND LAW ENFORCEMENT
6 CLEARANCES.—

7 “(A) BIOMETRIC AND BIOGRAPHIC
8 DATA.—The Secretary may not grant registered
9 provisional immigrant status to an alien or an
10 alien dependent spouse or child under this sec-
11 tion unless such alien submits biometric and
12 biographic data in accordance with procedures
13 established by the Secretary.

14 “(B) ALTERNATIVE PROCEDURES.—The
15 Secretary shall provide an alternative procedure
16 for applicants who cannot provide the biometric
17 data required under subparagraph (A) because
18 of a physical impairment.

19 “(C) CLEARANCES.—

20 “(i) DATA COLLECTION.—The Sec-
21 retary shall collect, from each alien apply-
22 ing for status under this section, biometric,
23 biographic, and other data that the Sec-
24 retary determines to be appropriate—

1 “(I) to conduct national security
2 and law enforcement clearances; and

3 “(II) to determine whether there
4 are any national security or law en-
5 forcement factors that would render
6 an alien ineligible for such status.

7 “(ii) ADDITIONAL SECURITY SCREEN-
8 ING.—The Secretary, in consultation with
9 the Secretary of State and other inter-
10 agency partners, shall conduct an addi-
11 tional security screening upon determining,
12 in the Secretary’s opinion based upon in-
13 formation related to national security, that
14 an alien or alien dependent spouse or child
15 is or was a citizen or long-term resident of
16 a region or country known to pose a
17 threat, or that contains groups or organi-
18 zations that pose a threat, to the national
19 security of the United States.

20 “(iii) PREREQUISITE.—The required
21 clearances and screenings described in
22 clauses (i)(I) and (ii) shall be completed
23 before the alien may be granted registered
24 provisional immigrant status.

25 “(9) DURATION OF STATUS AND EXTENSION.—

1 “(A) IN GENERAL.—The initial period of
2 authorized admission for a registered provi-
3 sional immigrant—

4 “(i) shall remain valid for 6 years un-
5 less revoked pursuant to subsection (d)(2);
6 and

7 “(ii) may be extended for additional
8 6-year terms if—

9 “(I) the alien remains eligible for
10 registered provisional immigrant sta-
11 tus;

12 “(II) the alien meets the employ-
13 ment requirements set forth in sub-
14 paragraph (B);

15 “(III) the alien has successfully
16 passed background checks that are
17 equivalent to the background checks
18 described in section 245D(b)(1)(E);
19 and

20 “(IV) such status was not re-
21 voked by the Secretary for any reason.

22 “(B) EMPLOYMENT OR EDUCATION RE-
23 QUIREMENT.—Except as provided in subpara-
24 graphs (D) and (E) of section 245C(b)(3), an
25 alien may not be granted an extension of reg-

1 istered provisional immigrant status under this
2 paragraph unless the alien establishes that,
3 during the alien’s period of status as a reg-
4 istered provisional immigrant, the alien—

5 “(i)(I) was regularly employed
6 throughout the period of admission as a
7 registered provisional immigrant, allowing
8 for brief periods lasting not more than 60
9 days; and

10 “(II) is not likely to become a public
11 charge (as determined under section
12 212(a)(4)); or

13 “(ii) is able to demonstrate average
14 income or resources that are not less than
15 100 percent of the Federal poverty level
16 throughout the period of admission as a
17 registered provisional immigrant.

18 “(C) PAYMENT OF TAXES.—An applicant
19 may not be granted an extension of registered
20 provisional immigrant status under subpara-
21 graph (A)(ii) unless the applicant has satisfied
22 any applicable Federal tax liability in accord-
23 ance with paragraph (2).

24 “(10) FEES AND PENALTIES.—

25 “(A) STANDARD PROCESSING FEE.—

1 “(i) IN GENERAL.—Aliens who are 16
2 years of age or older and are applying for
3 registered provisional immigrant status
4 under paragraph (1), or for an extension
5 of such status under paragraph (9)(A)(ii),
6 shall pay a processing fee to the Depart-
7 ment of Homeland Security in an amount
8 determined by the Secretary.

9 “(ii) RECOVERY OF COSTS.—The
10 processing fee authorized under clause (i)
11 shall be set at a level that is sufficient to
12 recover the full costs of processing the ap-
13 plication, including any costs incurred—

14 “(I) to adjudicate the application;

15 “(II) to take and process bio-
16 metrics;

17 “(III) to perform national secu-
18 rity and criminal checks, including ad-
19 judication;

20 “(IV) to prevent and investigate
21 fraud; and

22 “(V) to administer the collection
23 of such fee.

24 “(iii) AUTHORITY TO LIMIT FEES.—
25 The Secretary, by regulation, may—

1 “(I) limit the maximum proc-
2 essing fee payable under this subpara-
3 graph by a family, including spouses
4 and unmarried children younger than
5 21 years of age; and

6 “(II) exempt defined classes of
7 individuals, including individuals de-
8 scribed in section 245B(c)(13), from
9 the payment of the fee authorized
10 under clause (i).

11 “(B) DEPOSIT AND USE OF PROCESSING
12 FEES.—Fees collected under subparagraph
13 (A)(i)—

14 “(i) shall be deposited into the Immi-
15 gration Examinations Fee Account pursu-
16 ant to section 286(m); and

17 “(ii) shall remain available until ex-
18 pended pursuant to section 286(n).

19 “(C) PENALTY.—

20 “(i) PAYMENT.—In addition to the
21 processing fee required under subpara-
22 graph (A), aliens not described in section
23 245D(b)(A)(ii) who are 21 years of age or
24 older and are filing an application under

1 this subsection shall pay a \$1,000 penalty
2 to the Department of Homeland Security.

3 “(ii) INSTALLMENTS.—The Secretary
4 shall establish a process for collecting pay-
5 ments required under clause (i) that per-
6 mits the penalty under that clause to be
7 paid in periodic installments that shall be
8 completed before the alien may be granted
9 an extension of status under paragraph
10 (9)(A)(ii).

11 “(iii) DEPOSIT.—Penalties collected
12 pursuant to this subparagraph shall be de-
13 posited into the Comprehensive Immigra-
14 tion Reform Trust Fund established under
15 section 6(a)(1) of the Border Security,
16 Economic Opportunity, and Immigration
17 Modernization Act.

18 “(11) ADJUDICATION.—

19 “(A) FAILURE TO SUBMIT SUFFICIENT
20 EVIDENCE.—The Secretary shall deny an appli-
21 cation submitted by an alien who fails to sub-
22 mit—

23 “(i) requested initial evidence, includ-
24 ing requested biometric data; or

1 “(ii) any requested additional evidence
2 by the date required by the Secretary.

3 “(B) AMENDED APPLICATION.—An alien
4 whose application for registered provisional im-
5 migrant status is denied under subparagraph
6 (A) may file an amended application for such
7 status to the Secretary if the amended applica-
8 tion—

9 “(i) is filed within the application pe-
10 riod described in paragraph (3); and

11 “(ii) contains all the required informa-
12 tion and fees that were missing from the
13 initial application.

14 “(12) EVIDENCE OF REGISTERED PROVISIONAL
15 IMMIGRANT STATUS.—

16 “(A) IN GENERAL.—The Secretary shall
17 issue documentary evidence of registered provi-
18 sional immigrant status to each alien whose ap-
19 plication for such status has been approved.

20 “(B) DOCUMENTATION FEATURES.—Docu-
21 mentary evidence provided under subparagraph
22 (A)—

23 “(i) shall be machine-readable and
24 tamper-resistant, and shall contain a
25 digitized photograph;

1 “(ii) shall, during the alien’s author-
2 ized period of admission, and any exten-
3 sion of such authorized admission, serve as
4 a valid travel and entry document for the
5 purpose of applying for admission to the
6 United States;

7 “(iii) may be accepted during the pe-
8 riod of its validity by an employer as evi-
9 dence of employment authorization and
10 identity under section 274A(b)(1)(B);

11 “(iv) shall indicate that the alien is
12 authorized to work in the United States
13 for up to 3 years; and

14 “(v) shall include such other features
15 and information as may be prescribed by
16 the Secretary.

17 “(13) DACA RECIPIENTS.—Unless the Sec-
18 retary determines that an alien who was granted De-
19 ferred Action for Childhood Arrivals (referred to in
20 this paragraph as ‘DACA’) pursuant to the Sec-
21 retary’s memorandum of June 15, 2012, has en-
22 gaged in conduct since the alien was granted DACA
23 that would make the alien ineligible for registered
24 provisional immigrant status, the Secretary may
25 grant such status to the alien if renewed national se-

1 curity and law enforcement clearances have been
2 completed on behalf of the alien.

3 “(d) TERMS AND CONDITIONS OF REGISTERED PRO-
4 VISIONAL IMMIGRANT STATUS.—

5 “(1) CONDITIONS OF REGISTERED PROVISIONAL
6 IMMIGRANT STATUS.—

7 “(A) EMPLOYMENT.—Notwithstanding any
8 other provision of law, including section
9 241(a)(7), a registered provisional immigrant
10 shall be authorized to be employed in the
11 United States while in such status.

“(B) TRAVEL OUTSIDE THE UNITED STATES.—A registered provisional immigrant may travel outside of the United States and may be admitted, if otherwise admissible, upon returning to the United States without having to obtain a visa if—

18 “(i) the alien is in possession of—

19 “(I) valid, unexpired documen-
20 tary evidence of registered provisional
21 immigrant status that complies with
22 subsection (c)(12); or

23 “(II) a travel document, duly ap-
24 proved by the Secretary, that was
25 issued to the alien after the alien’s

1 original documentary evidence was
2 lost, stolen, or destroyed;

3 “(ii) the alien’s absence from the
4 United States did not exceed 180 days, un-
5 less the alien’s failure to timely return was
6 due to extenuating circumstances beyond
7 the alien’s control;

8 “(iii) the alien meets the requirements
9 for an extension as described in subclauses
10 (I) and (III) of paragraph (9)(A); and

11 “(iv) the alien establishes that the
12 alien is not inadmissible under subpara-
13 graph (A)(i), (A)(iii), (B), or (C) of section
14 212(a)(3).

15 “(C) ADMISSION.—An alien granted reg-
16 istered provisional immigrant status under this
17 section shall be considered to have been admit-
18 ted and lawfully present in the United States in
19 such status as of the date on which the alien’s
20 application was filed.

21 “(D) CLARIFICATION OF STATUS.—An
22 alien granted registered provisional immigrant
23 status—

24 “(i) is lawfully admitted to the United
25 States; and

1 “(ii) may not be classified as a non-
2 immigrant or as an alien who has been
3 lawfully admitted for permanent residence.

4 “(2) REVOCATION.—

5 “(A) IN GENERAL.—The Secretary may re-
6 voke the status of a registered provisional immi-
7 grant at any time after providing appropriate
8 notice to the alien, and after the exhaustion or
9 waiver of all applicable administrative review
10 procedures under section 245E(c), if the
11 alien—

12 “(i) no longer meets the eligibility re-
13 quirements set forth in subsection (b);

14 “(ii) knowingly used documentation
15 issued under this section for an unlawful
16 or fraudulent purpose;

17 “(iii) is convicted of fraudulently
18 claiming or receiving a Federal means-test-
19 ed benefit (as defined and implemented in
20 section 403 of the Personal Responsibility
21 and Work Opportunity Reconciliation Act
22 of 1996 (8 U.S.C. 1613)) after being
23 granted registered provisional immigrant
24 status; or

1 “(iv) was absent from the United
2 States—

3 “(I) for any single period longer
4 than 180 days in violation of the re-
5 quirements set forth in paragraph
6 (1)(B)(ii); or

7 “(II) for more than 180 days in
8 the aggregate during any calendar
9 year, unless the alien’s failure to time-
10 ly return was due to extenuating cir-
11 cumstances beyond the alien’s control.

12 “(B) ADDITIONAL EVIDENCE.—In deter-
13 mining whether to revoke an alien’s status
14 under subparagraph (A), the Secretary may re-
15 quire the alien—

16 “(i) to submit additional evidence; or

17 “(ii) to appear for an interview.

18 “(C) INVALIDATION OF DOCUMENTA-
19 TION.—If an alien’s registered provisional im-
20 migrant status is revoked under subparagraph
21 (A), any documentation issued by the Secretary
22 to such alien under subsection (c)(12) shall
23 automatically be rendered invalid for any pur-
24 pose except for departure from the United
25 States.

1 “(3) INELIGIBILITY FOR PUBLIC BENEFITS.—

2 “(A) IN GENERAL.—An alien who has been
3 granted registered provisional immigrant status
4 under this section is not eligible for any Federal
5 means-tested public benefit (as defined and im-
6 plemented in section 403 of the Personal Re-
7 sponsibility and Work Opportunity Reconcili-
8 ation Act of 1996 (8 U.S.C. 1613)).

9 “(B) AUDITS.—The Secretary of Health
10 and Human Services shall conduct regular au-
11 dits to ensure that registered provisional immi-
12 grants are not fraudulently receiving any of the
13 benefits described in subparagraph (A).

14 “(4) TREATMENT OF REGISTERED PROVISIONAL
15 IMMIGRANTS.—A noncitizen granted registered pro-
16 visional immigrant status under this section shall be
17 considered lawfully present in the United States for
18 all purposes while such noncitizen remains in such
19 status, except that the noncitizen—

20 “(A) is not entitled to the premium assist-
21 ance tax credit authorized under section 36B of
22 the Internal Revenue Code of 1986 for his or
23 her coverage;

1 “(B) shall be subject to the rules applica-
2 ble to individuals not lawfully present that are
3 set forth in subsection (e) of such section;

4 “(C) shall be subject to the rules applicable
5 to individuals not lawfully present that are set
6 forth in section 1402(e) of the Patient Protec-
7 tion and Affordable Care Act (42 U.S.C.
8 18071); and

9 “(D) shall be subject to the rules applica-
10 ble to individuals not lawfully present set forth
11 in section 5000A(d)(3) of the Internal Revenue
12 Code of 1986.

13 “(5) ASSIGNMENT OF SOCIAL SECURITY NUM-
14 BER.—

15 “(A) IN GENERAL.—The Commissioner of
16 Social Security, in coordination with the Sec-
17 retary, shall implement a system to allow for
18 the assignment of a Social Security number and
19 the issuance of a Social Security card to each
20 alien who has been granted registered provi-
21 sional immigrant status under this section.

22 “(B) USE OF INFORMATION.—The Sec-
23 retary shall provide the Commissioner of Social
24 Security with information from the applications
25 filed by aliens granted registered provisional im-

1 migrant status under this section and such
2 other information as the Commissioner deter-
3 mines to be necessary to assign a Social Secu-
4 rity account number to such aliens. The Com-
5 missioner may use information received from
6 the Secretary under this subparagraph to as-
7 sign Social Security account numbers to such
8 aliens and to administer the programs of the
9 Social Security Administration. The Commis-
10 sioner may maintain, use, and disclose such in-
11 formation only as permitted under section 552a
12 of title 5, United States Code (commonly known
13 as the Privacy Act of 1974) and other applica-
14 ble Federal laws.

15 “(e) DISSEMINATION OF INFORMATION ON REG-
16 ISTERED PROVISIONAL IMMIGRANT PROGRAM.—As soon
17 as practicable after the date of the enactment of the Bor-
18 der Security, Economic Opportunity, and Immigration
19 Modernization Act, the Secretary, in cooperation with en-
20 tities approved by the Secretary, and in accordance with
21 a plan adopted by the Secretary, shall broadly dissemi-
22 nate, in the most common languages spoken by aliens who
23 would qualify for registered provisional immigrant status
24 under this section, to television, radio, print, and social
25 media to which such aliens would likely have access—

1 “(1) the procedures for applying for such sta-
2 tus;

3 “(2) the terms and conditions of such status;
4 and

5 “(3) the eligibility requirements for such sta-
6 tus.”.

7 (b) ENLISTMENT IN THE ARMED FORCES.—Section
8 504(b)(1) of title 10, United States Code, is amended by
9 adding at the end the following:

10 “(D) An alien who has been granted registered
11 provisional immigrant status under section 245B of
12 the Immigration and Nationality Act.”.

13 **SEC. 2102. ADJUSTMENT OF STATUS OF REGISTERED PRO-**
14 **VISIONAL IMMIGRANTS.**

15 (a) IN GENERAL.—Chapter 5 of title II (8 U.S.C.
16 1255 et seq.) is amended by inserting after section 245B,
17 as added by section 2101 of this title, the following:

18 **“SEC. 245C. ADJUSTMENT OF STATUS OF REGISTERED PRO-**
19 **VISIONAL IMMIGRANTS.**

20 “(a) IN GENERAL.—Subject to section 245E(d) and
21 section 2302(c)(3) of the Border Security, Economic Op-
22 portunity, and Immigration Modernization Act, the Sec-
23 retary may adjust the status of a registered provisional
24 immigrant to that of an alien lawfully admitted for perma-
25 nent residence if the registered provisional immigrant sat-

1 isfies the eligibility requirements set forth in subsection
2 (b).

3 “(b) ELIGIBILITY REQUIREMENTS.—

4 “(1) REGISTERED PROVISIONAL IMMIGRANT
5 STATUS.—

6 “(A) IN GENERAL.—The alien was granted
7 registered provisional immigrant status under
8 section 245B and remains eligible for such sta-
9 tus.

10 “(B) CONTINUOUS PHYSICAL PRESENCE.—

11 The alien establishes, to the satisfaction of the
12 Secretary, that the alien was not continuously
13 absent from the United States for more than
14 180 days in any calendar year during the pe-
15 riod of admission as a registered provisional im-
16 migrant, unless the alien’s absence was due to
17 extenuating circumstances beyond the alien’s
18 control.

19 “(C) MAINTENANCE OF WAIVERS OF INAD-

20 MISSIBILITY.—The grounds of inadmissibility
21 set forth in section 212(a) that were previously
22 waived for the alien or made inapplicable under
23 section 245B(b) shall not apply for purposes of
24 the alien’s adjustment of status under this sec-
25 tion.

1 “(D) PENDING REVOCATION PRO-
2 CEEDINGS.—If the Secretary has notified the
3 applicant that the Secretary intends to revoke
4 the applicant’s registered provisional immigrant
5 status under section 245B(d)(2)(A), the Sec-
6 retary may not approve an application for ad-
7 justment of status under this section unless the
8 Secretary makes a final determination not to
9 revoke the applicant’s status.

10 “(2) PAYMENT OF TAXES.—

11 “(A) IN GENERAL.—An applicant may not
12 file an application for adjustment of status
13 under this section unless the applicant has sat-
14 isfied any applicable Federal tax liability.

15 “(B) DEFINITION OF APPLICABLE FED-
16 ERAL TAX LIABILITY.—In subparagraph (A),
17 the term ‘applicable Federal tax liability’ means
18 all Federal income taxes assessed in accordance
19 with section 6203 of the Internal Revenue Code
20 of 1986 since the date on which the applicant
21 was authorized to work in the United States as
22 a registered provisional immigrant under sec-
23 tion 245B(a).

24 “(C) COMPLIANCE.—The applicant may
25 demonstrate compliance with subparagraph (A)

1 by submitting such documentation as the Sec-
2 retary, in consultation with the Secretary of the
3 Treasury, may require by regulation.

4 “(3) EMPLOYMENT REQUIREMENT.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraphs (D) and (E), an alien applying
7 for adjustment of status under this section shall
8 establish that, during his or her period of status
9 as a registered provisional immigrant, he or
10 she—

11 “(i)(I) was regularly employed
12 throughout the period of admission as a
13 registered provisional immigrant, allowing
14 for brief periods lasting not more than 60
15 days; and

16 “(II) is not likely to become a public
17 charge (as determined under section
18 212(a)(4)); or

19 “(ii) can demonstrate average income
20 or resources that are not less than 125
21 percent of the Federal poverty level
22 throughout the period of admission as a
23 registered provisional immigrant.

24 “(B) EVIDENCE OF EMPLOYMENT.—

1 “(i) DOCUMENTS.—An alien may sat-
2 isfy the employment requirement under
3 subparagraph (A)(i) by submitting, to the
4 Secretary, records that—

5 “(I) establish, by the preponder-
6 ance of the evidence, compliance with
7 such employment requirement; and

8 “(II) have been maintained by
9 the Social Security Administration,
10 the Internal Revenue Service, or any
11 other Federal, State, or local govern-
12 ment agency.

13 “(ii) OTHER DOCUMENTS.—An alien
14 who is unable to submit the records de-
15 scribed in clause (i) may satisfy the em-
16 ployment or education requirement under
17 subparagraph (A) by submitting to the
18 Secretary at least 2 types of reliable docu-
19 ments not described in clause (i) that pro-
20 vide evidence of employment or education,
21 including—

22 “(I) bank records;

23 “(II) business records;

24 “(III) employer records;

1 “(IV) records of a labor union,
2 day labor center, or organization that
3 assists workers in employment;

4 “(V) sworn affidavits from non-
5 relatives who have direct knowledge of
6 the alien’s work or education, that
7 contain—

8 “(aa) the name, address,
9 and telephone number of the affi-
10 ant;

11 “(bb) the nature and dura-
12 tion of the relationship between
13 the affiant and the alien; and

14 “(cc) other verification or
15 information;

16 “(VI) remittance records; and

17 “(VII) school records from insti-
18 tutions described in subparagraph
19 (D).

20 “(iii) ADDITIONAL DOCUMENTS AND
21 RESTRICTIONS.—The Secretary may—

22 “(I) designate additional docu-
23 ments that may be used to establish
24 compliance with the requirement
25 under subparagraph (A); and

“(II) set such terms and conditions on the use of affidavits as may be necessary to verify and confirm the identity of any affiant or to otherwise prevent fraudulent submissions.

1 lead to placement in postsecondary edu-
2 cation, job training, or employment
3 through which the alien is working toward
4 such placement; or

5 “(iv) an education program assisting
6 students either in obtaining a high school
7 equivalency diploma, certificate, or its rec-
8 ognized equivalent under State law (includ-
9 ing a certificate of completion, certificate
10 of attendance, or alternate award), or in
11 passing a General Educational Develop-
12 ment exam or other equivalent State-au-
13 thorized exam or completed other applica-
14 ble State requirements for high school
15 equivalency.

16 “(E) AUTHORIZATION OF EXCEPTIONS
17 AND WAIVERS.—

18 “(i) EXCEPTIONS BASED ON AGE OR
19 DISABILITY.—The employment and edu-
20 cation requirements under this paragraph
21 shall not apply to any alien who—

22 “(I) is younger than 21 years of
23 age on the date on which the alien
24 files an application for the first exten-
25 sion of the initial period of authorized

1 admission as a registered provisional
2 immigrant;

3 “(II) is at least 60 years of age
4 on the date on which the alien files an
5 application for an extension of reg-
6 istered provisional immigrant status
7 or at least 65 years of age on the date
8 on which the alien’s application for
9 adjustment of status is filed under
10 this section; or

11 “(III) has a physical or mental
12 disability (as defined in section 3(2)
13 of the Americans with Disabilities Act
14 of 1990 (42 U.S.C. 12102(2))) or as
15 a result of pregnancy if such condition
16 is evidenced by the submission of doc-
17 umentation prescribed by the Sec-
18 retary.

19 “(ii) FAMILY EXCEPTIONS.—The em-
20 ployment and education requirements
21 under this paragraph shall not apply to
22 any alien who is a dependent registered
23 provisional immigrant under subsection
24 (b)(5).

1 “(iii) TEMPORARY EXCEPTIONS.—The
2 employment and education requirements
3 under this paragraph shall not apply dur-
4 ing any period during which the alien—

5 “(I) was on medical leave, mater-
6 nity leave, or other employment leave
7 authorized by Federal law, State law,
8 or the policy of the employer;

9 “(II) is or was the primary care-
10 taker of a child or another person who
11 requires supervision or is unable to
12 care for himself or herself; or

13 “(III) was unable to work due to
14 circumstances outside the control of
15 the alien.

16 “(iv) WAIVER.—The Secretary may
17 waive the employment or education re-
18 quirements under this paragraph with re-
19 spect to any individual alien who dem-
20 onstrates extreme hardship to himself or
21 herself or to a spouse, parent, or child who
22 is a United States citizen or lawful perma-
23 nent resident.

24 “(4) ENGLISH SKILLS.—

1 “(A) IN GENERAL.—Except as provided
2 under subparagraph (C), a registered provi-
3 sional immigrant who is 16 years of age or
4 older shall establish that he or she—

5 “(i) meets the requirements set forth
6 in section 312; or

7 “(ii) is satisfactorily pursuing a
8 course of study, pursuant to standards es-
9 tablished by the Secretary of Education, in
10 consultation with the Secretary, to achieve
11 an understanding of English and knowl-
12 edge and understanding of the history and
13 Government of the United States, as de-
14 scribed in section 312(a).

15 “(B) RELATION TO NATURALIZATION EX-
16 AMINATION.—A registered provisional immi-
17 grant who demonstrates that he or she meets
18 the requirements set forth in section 312 may
19 be considered to have satisfied such require-
20 ments for purposes of becoming naturalized as
21 a citizen of the United States.

22 “(C) EXCEPTIONS.—

23 “(i) MANDATORY.—Subparagraph (A)
24 shall not apply to any person who is unable
25 to comply with the requirements under

1 that subparagraph because of a physical or
2 developmental disability or mental impair-
3 ment.

4 “(ii) DISCRETIONARY.—The Secretary
5 may waive all or part of subparagraph (A)
6 for a registered provisional immigrant who
7 is 70 years of age or older on the date on
8 which an application is filed for adjust-
9 ment of status under this section.

10 “(5) MILITARY SELECTIVE SERVICE.—The alien
11 shall provide proof of registration under the Military
12 Selective Service Act (50 U.S.C. App. 451 et seq.),
13 if the alien is subject to such registration on or after
14 the date on which the alien’s application for reg-
15 istered provisional immigrant status is granted.

16 “(c) APPLICATION PROCEDURES.—

17 “(1) IN GENERAL.—Beginning on the date de-
18 scribed in paragraph (2), a registered provisional im-
19 migrant, or a registered provisional immigrant de-
20 pendent, who meets the eligibility requirements set
21 forth in subsection (b) may apply for adjustment of
22 status to that of an alien lawfully admitted for per-
23 manent residence by submitting an application to
24 the Secretary that includes the evidence required, by

1 regulation, to demonstrate the applicant's eligibility
2 for such adjustment.

3 “(2) BACK OF THE LINE.—The status of a reg-
4 istered provisional immigrant may not be adjusted to
5 that of an alien lawfully admitted for permanent res-
6 idence under this section until after the Secretary of
7 State certifies that immigrant visas have become
8 available for all approved petitions for immigrant
9 visas that were filed under sections 201 and 203 be-
10 fore the date of the enactment of the Border Secu-
11 rity, Economic Opportunity, and Immigration Mod-
12 ernization Act.

13 “(3) INTERVIEW.—The Secretary may interview
14 applicants for adjustment of status under this sec-
15 tion to determine whether they meet the eligibility
16 requirements set forth in subsection (b).

17 “(4) SECURITY AND LAW ENFORCEMENT
18 CLEARANCES.—The Secretary may not adjust the
19 status of a registered provisional immigrant under
20 this section until renewed national security and law
21 enforcement clearances have been completed with re-
22 spect to the registered provisional immigrant, to the
23 satisfaction of the Secretary.

24 “(5) FEES AND PENALTIES.—

25 “(A) PROCESSING FEES.—

1 “(i) IN GENERAL.—The Secretary
2 shall impose a processing fee on applicants
3 for adjustment of status under this section
4 at a level sufficient to recover the full cost
5 of processing such applications, including
6 costs associated with—

7 “(I) adjudicating the applica-
8 tions;

9 “(II) taking and processing bio-
10 metrics;

11 “(III) performing national secu-
12 rity and criminal checks, including ad-
13 judication;

14 “(IV) preventing and inves-
15 tigating fraud; and

16 “(V) the administration of the
17 fees collected.

18 “(ii) AUTHORITY TO LIMIT FEES.—
19 The Secretary, by regulation, may—

20 “(I) limit the maximum proc-
21 essing fee payable under this subpara-
22 graph by a family, including spouses
23 and children; and

1 “(II) exempt other defined class-
2 es of individuals from the payment of
3 the fee authorized under clause (i).

4 “(iii) DEPOSIT AND USE OF FEES.—
5 Fees collected under this subparagraph—

6 “(I) shall be deposited into the
7 Immigration Examinations Fee Ac-
8 count pursuant to section 286(m);
9 and

10 “(II) shall remain available until
11 expended pursuant to section 286(n).

12 “(B) PENALTIES.—

13 “(i) IN GENERAL.—In addition to the
14 processing fee required under subpara-
15 graph (A) and the penalty required under
16 section 245B(c)(6)(D), an alien who was
17 21 years of age or older on the date on
18 which the Border Security, Economic Op-
19 portunity, and Immigration Modernization
20 Act was originally introduced in the Senate
21 and is filing an application for adjustment
22 of status under this section shall pay a
23 \$1,000 penalty to the Secretary unless the
24 alien meets the requirements under section
25 245D(b).

1 “(ii) INSTALLMENTS.—The Secretary
2 shall establish a process for collecting pay-
3 ments required under clause (i) through
4 periodic installments.

5 “(iii) DEPOSIT, ALLOCATION, AND
6 SPENDING OF PENALTIES.—Penalties col-
7 lected under this subparagraph—

8 “(I) shall be deposited into the
9 Comprehensive Immigration Trust
10 Fund established under section
11 6(a)(1) of the Border Security, Eco-
12 nomic Opportunity, and Immigration
13 Modernization Act; and

14 “(II) may be used for the pur-
15 poses set forth in section 6(a)(3)(B)
16 of such Act.”.

17 (b) LIMITATION ON REGISTERED PROVISIONAL IMMI-
18 GRANTS.—An alien admitted as a registered provisional
19 immigrant under section 245B of the Immigration and
20 Nationality Act, as added by subsection (a), may only ad-
21 just status to an alien lawfully admitted for permanent
22 resident status under section 245C or 245D of such Act
23 or section 2302.

24 (c) NATURALIZATION.—Section 319 (8 U.S.C. 1430)
25 is amended—

1 (1) in the section heading, by striking “**AND**
2 **EMPLOYEES OF CERTAIN NONPROFIT ORGANI-**
3 **ZATIONS**” and inserting “**, EMPLOYEES OF CER-**
4 **TAIN NONPROFIT ORGANIZATIONS, AND OTHER**
5 **LONG-TERM LAWFUL RESIDENTS**”; and

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

7 “(f) Any lawful permanent resident who was lawfully
8 present in the United States and eligible for work author-
9 ization for not less than 10 years before becoming a lawful
10 permanent resident may be naturalized upon compliance
11 with all the requirements under this title except the provi-
12 sions of section 316(a)(1) if such person, immediately pre-
13 ceding the date on which the person filed an application
14 for naturalization—

15 “(1) has resided continuously within the United
16 States, after being lawfully admitted for permanent
17 residence, for at least 3 years;

18 “(2) during the 3-year period immediately pre-
19 ceding such filing date, has been physically present
20 in the United States for periods totaling at least 50
21 percent of such period; and

22 “(3) has resided within the State or in the ju-
23 risdiction of the U.S. Citizenship and Immigration
24 Services field office in the United States in which

1 the applicant filed such application for at least 3
2 months.”.

3 **SEC. 2103. THE DREAM ACT.**

4 (a) SHORT TITLE.—This section may be cited as the
5 “Development, Relief, and Education for Alien Minors Act
6 of 2013” or the “DREAM Act 2013”.

7 (b) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS
8 WHO ENTERED THE UNITED STATES AS CHILDREN.—
9 Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended
10 by inserting after section 245C, as added by section 2102
11 of this title, the following:

12 **“SEC. 245D. ADJUSTMENT OF STATUS FOR CERTAIN ALIENS**
13 **WHO ENTERED THE UNITED STATES AS CHIL-**
14 **DREN.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) INSTITUTION OF HIGHER EDUCATION.—
17 The term ‘institution of higher education’ has the
18 meaning given such term in section 102 of the High-
19 er Education Act of 1965 (20 U.S.C. 1002), except
20 that the term does not include institutions described
21 in subsection (a)(1)(C) of such section.

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

24 “(3) UNIFORMED SERVICES.—The term ‘Uni-
25 formed Services’ has the meaning given the term

1 ‘uniformed services’ in section 101(a)(5) of title 10,
2 United States Code.

3 “(b) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS
4 WHO ENTERED THE UNITED STATES AS CHILDREN.—

5 “(1) REQUIREMENTS.—

6 “(A) IN GENERAL.—The Secretary may
7 adjust the status of a registered provisional im-
8 migrant to the status of a lawful permanent
9 resident if the immigrant demonstrates that he
10 or she—

11 “(i) has been a registered provisional
12 immigrant for at least 5 years;

13 “(ii) was younger than 16 years of
14 age on the date on which the alien initially
15 entered the United States;

16 “(iii) has earned a high school di-
17 ploma, a commensurate alternative award
18 from a public or private high school or sec-
19 ondary school, or has obtained a general
20 education development certificate recog-
21 nized under State law, or a high school
22 equivalency diploma in the United States;

23 “(iv)(I) has acquired a degree from an
24 institution of higher education or has com-
25 pleted at least 2 years, in good standing,

1 in a program for a bachelor's degree or
2 higher degree in the United States; or

3 “(II) has served in the Uniformed
4 Services for at least 4 years and, if dis-
5 charged, received an honorable discharge;
6 and

7 “(v) has provided a list of each sec-
8 ondary school (as that term is defined in
9 section 9101 of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C.
11 7801)) that the alien attended in the
12 United States.

13 “(B) HARDSHIP EXCEPTION.—

14 “(i) IN GENERAL.—The Secretary
15 may adjust the status of a registered provi-
16 sional immigrant to the status of a lawful
17 permanent resident if the alien—

18 “(I) satisfies the requirements
19 under clauses (i), (ii), (iii), and (v) of
20 subparagraph (A); and

21 “(II) demonstrates compelling
22 circumstances for the inability to sat-
23 isfy the requirement under subpara-
24 graph (A)(iv).

25 “(C) CITIZENSHIP REQUIREMENT.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), the Secretary may not
3 adjust the status of an alien to lawful per-
4 manent resident status under this section
5 unless the alien demonstrates that the
6 alien satisfies the requirements under sec-
7 tion 312(a).

8 “(ii) EXCEPTION.—Clause (i) shall
9 not apply to an alien whose physical or de-
10 velopmental disability or mental impair-
11 ment prevents the alien from meeting the
12 requirements such section.

13 “(D) SUBMISSION OF BIOMETRIC AND BIO-
14 GRAPHIC DATA.—The Secretary may not adjust
15 the status of an alien to lawful permanent resi-
16 dent status unless the alien—

17 “(i) submits biometric and biographic
18 data, in accordance with procedures estab-
19 lished by the Secretary; or

20 “(ii) complies with an alternative pro-
21 cedure prescribed by the Secretary, if the
22 alien is unable to provide such biometric
23 data because of a physical impairment.

24 “(E) BACKGROUND CHECKS.—

1 “(i) REQUIREMENT FOR BACKGROUND
2 CHECKS.—The Secretary shall utilize bio-
3 metric, biographic, and other data that the
4 Secretary determines appropriate—

5 “(I) to conduct national security
6 and law enforcement background
7 checks of an alien applying for lawful
8 permanent resident status under this
9 section; and

10 “(II) to determine whether there
11 is any criminal, national security, or
12 other factor that would render the
13 alien ineligible for such status.

14 “(ii) COMPLETION OF BACKGROUND
15 CHECKS.—The Secretary may not adjust
16 an alien’s status to the status of a lawful
17 permanent resident under this subsection
18 until the national security and law enforce-
19 ment background checks required under
20 clause (i) have been completed with respect
21 to the alien, to the satisfaction of the Sec-
22 retary.

23 “(2) APPLICATION FOR LAWFUL PERMANENT
24 RESIDENT STATUS.—

1 “(A) IN GENERAL.—A registered provi-
2 sional immigrant seeking lawful permanent resi-
3 dent status shall file an application for such
4 status in such manner as the Secretary may re-
5 quire.

6 “(B) ADJUDICATION.—

7 “(i) IN GENERAL.—The Secretary
8 shall evaluate each application filed by a
9 registered provisional immigrant under this
10 paragraph to determine whether the alien
11 meets the requirements under paragraph
12 (1).

13 “(ii) ADJUSTMENT OF STATUS IF FA-
14 VORABLE DETERMINATION.—If the Sec-
15 retary determines that the alien meets the
16 requirements under paragraph (1), the
17 Secretary shall notify the alien of such de-
18 termination and adjust the status of the
19 alien to lawful permanent resident status,
20 effective as of the date of such determina-
21 tion.

22 “(iii) ADVERSE DETERMINATION.—If
23 the Secretary determines that the alien
24 does not meet the requirements under

1 paragraph (1), the Secretary shall notify
2 the alien of such determination.

3 “(C) DACA RECIPIENTS.—The Secretary
4 may adopt streamlined procedures for appli-
5 cants for adjustment to lawful permanent resi-
6 dent status under this section who were granted
7 Deferred Action for Childhood Arrivals pursu-
8 ant to the Secretary’s memorandum of June
9 15, 2012.

10 “(3) TREATMENT FOR PURPOSES OF NATU-
11 RALIZATION.—

12 “(A) IN GENERAL.—An alien granted law-
13 ful permanent resident status under this section
14 shall be considered, for purposes of title III—

15 “(i) to have been lawfully admitted for
16 permanent residence; and

17 “(ii) to have been in the United
18 States as an alien lawfully admitted to the
19 United States for permanent residence
20 during the period the alien was a reg-
21 istered provisional immigrant.

22 “(B) LIMITATION ON APPLICATION FOR
23 NATURALIZATION.—An alien may not apply for
24 naturalization while the alien is in registered
25 provisional immigrant status, except for an

1 alien described in paragraph (1)(A)(ii) pursuant
2 to section 328 or 329.”.

3 (c) EXEMPTION FROM NUMERICAL LIMITATIONS.—

4 Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended—

5 (1) by redesignating subparagraph (E) as sub-
6 paragraph (F); and

7 (2) by inserting after subparagraph (D) the fol-
8 lowing:

9 “(E) Aliens whose status is adjusted to perma-
10 nent resident status under section 245C or 245D.”.

11 (d) RESTORATION OF STATE OPTION TO DETER-
12 MINE RESIDENCY FOR PURPOSES OF HIGHER EDU-
13 CATION.—

14 (1) REPEAL.—Section 505 of the Illegal Immi-
15 gration Reform and Immigrant Responsibility Act of
16 1996 (8 U.S.C. 1623) is repealed.

17 (2) EFFECTIVE DATE.—The repeal under para-
18 graph (1) shall take effect as if included in the origi-
19 nal enactment of the Illegal Immigration Reform
20 and Immigrant Responsibility Act of 1996 (division
21 C of Public Law 104–208).

22 (e) NATURALIZATION.—Section 328(a) (8 U.S.C.
23 1439(a)) is amended by inserting “, without having been
24 lawfully admitted to the United States for permanent resi-
25 dent, and” after “naturalized”.

1 (f) LIMITATION ON FEDERAL STUDENT ASSIST-
2 ANCE.—Notwithstanding any other provision of law, aliens
3 granted registered provisional immigrant status and who
4 initially entered the United States before reaching 16
5 years of age and aliens granted blue card status shall be
6 eligible only for the following assistance under title IV of
7 the Higher Education Act of 1965 (20 U.S.C. 1070 et
8 seq.):

9 (1) Student loans under parts D and E of such
10 title IV (20 U.S.C. 1087a et seq. and 1087aa et
11 seq.), subject to the requirements of such parts.

12 (2) Federal work-study programs under part C
13 of such title IV (42 U.S.C. 2751 et seq.), subject to
14 the requirements of such part.

15 (3) Services under such title IV (20 U.S.C.
16 1070 et seq.), subject to the requirements for such
17 services.

18 **SEC. 2104. ADDITIONAL REQUIREMENTS.**

19 (a) IN GENERAL.—Chapter 5 of title II (8 U.S.C.
20 1255 et seq.) is amended by inserting after section 245C,
21 as added by section 2102 of this title, the following:

22 **“SEC. 245E. ADDITIONAL REQUIREMENTS RELATING TO**
23 **REGISTERED PROVISIONAL IMMIGRANTS**
24 **AND OTHERS.**

25 **“(a) DISCLOSURES.—**

1 “(1) PROHIBITED DISCLOSURES.—Except as
2 otherwise provided in this subsection, no officer or
3 employee of any Federal agency may—

4 “(A) use the information furnished in an
5 application for lawful status under section
6 245B, 245C, or 245D for any purpose other
7 than to make a determination on any applica-
8 tion by the alien for any immigration benefit or
9 protection;

10 “(B) make any publication through which
11 information furnished by any particular appli-
12 cant can be identified; or

13 “(C) permit anyone other than the sworn
14 officers, employees, and contractors of such
15 agency or of another entity approved by the
16 Secretary to examine any individual application
17 for lawful status under section 245B, 245C, or
18 245D.

19 “(2) REQUIRED DISCLOSURES.—The Secretary
20 shall provide the information furnished in an appli-
21 cation filed under section 245B, 245C, or 245D and
22 any other information derived from such furnished
23 information to—

24 “(A) a law enforcement agency, intel-
25 ligence agency, national security agency, a com-

1 ponent of the Department of Homeland Secu-
2 rity, court, or grand jury, consistent with law,
3 in connection with—

4 “(i) a criminal investigation or pros-
5 ecution of any felony not related to the ap-
6 plicant’s immigration status; or

7 “(ii) a national security investigation
8 or prosecution; and

9 “(B) an official coroner for purposes of af-
10 firmatively identifying a deceased individual,
11 whether or not the death of such individual re-
12 sulted from a crime.

13 “(3) AUDITING AND EVALUATION OF INFORMA-
14 TION.—The Secretary may—

15 “(A) audit and evaluate information fur-
16 nished as part of any application filed under
17 section 245B, 245C, or 245D for purposes of
18 identifying immigration fraud or fraud schemes;
19 and

20 “(B) use any evidence detected by means
21 of audits and evaluations for purposes of inves-
22 tigating, prosecuting, referring for prosecution,
23 or denying or terminating immigration benefits.

24 “(b) EMPLOYER PROTECTIONS.—

1 “(1) USE OF EMPLOYMENT RECORDS.—Copies
2 of employment records or other evidence of employ-
3 ment provided by an alien or by an alien’s employer
4 in support of an alien’s application for registered
5 provisional immigrant status under section 245B
6 may not be used in a civil or criminal prosecution
7 or investigation of that employer under section 274A
8 or the Internal Revenue Code of 1986 for the prior
9 unlawful employment of that alien regardless of the
10 adjudication of such application or reconsideration
11 by the Secretary of such alien’s prima facie eligi-
12 bility determination. Employers that provide unau-
13 thorized aliens with copies of employment records or
14 other evidence of employment pursuant to an appli-
15 cation for registered provisional immigrant status
16 shall not be subject to civil and criminal liability
17 pursuant to section 274A for employing such unau-
18 thorized aliens.

19 “(2) LIMIT ON APPLICABILITY.—The protec-
20 tions for employers and aliens under paragraph (1)
21 shall not apply if the aliens or employers submit em-
22 ployment records that are deemed to be fraudulent.

23 “(c) ADMINISTRATIVE REVIEW.—

24 “(1) EXCLUSIVE ADMINISTRATIVE REVIEW.—
25 Administrative review of a determination respecting

1 an application for status under section 245B, 245C,
2 245D, or 245F or section 2211 of the Agricultural
3 Worker Program Act of 2013 shall be conducted
4 solely in accordance with this subsection.

5 “(2) ADMINISTRATIVE APPELLATE REVIEW.—

6 “(A) ESTABLISHMENT OF ADMINISTRA-
7 TIVE APPELLATE AUTHORITY.—The Secretary
8 shall establish or designate an appellate author-
9 ity to provide for a single level of administrative
10 appellate review of a determination with respect
11 to applications for, or revocation of, status
12 under sections 245B, 245C, and 245D.

13 “(B) SINGLE APPEAL FOR EACH ADMINIS-
14 TRATIVE DECISION.—

15 “(i) IN GENERAL.—An alien in the
16 United States whose application for status
17 under section 245B, 245C, or 245D has
18 been denied or revoked may file with the
19 Secretary not more than 1 appeal of each
20 decision to deny or revoke such status.

21 “(ii) NOTICE OF APPEAL.—A notice of
22 appeal filed under this subparagraph shall
23 be filed not later than 90 days after the
24 date of service of the decision of denial or

1 revocation, unless the delay was reasonably
2 justifiable.

3 “(C) REVIEW BY SECRETARY.—Nothing in
4 this paragraph may be construed to limit the
5 authority of the Secretary to certify appeals for
6 review and final administrative decision.

7 “(D) DENIAL OF PETITIONS FOR DEPEND-
8 ENTS.—Appeals of a decision to deny or revoke
9 a petition filed by a registered provisional immi-
10 grant pursuant to regulations promulgated
11 under section 245B to classify a spouse or child
12 of such alien as a registered provisional immi-
13 grant shall be subject to the administrative ap-
14 pellate authority described in subparagraph (A).

15 “(E) STAY OF REMOVAL.—Aliens seeking
16 administrative review shall not be removed from
17 the United States until a final decision is ren-
18 dered establishing ineligibility for status under
19 section 245B, 245C, or 245D.

20 “(3) RECORD FOR REVIEW.—Administrative ap-
21 pellate review under paragraph (2) shall be de novo
22 and based solely upon—

23 “(A) the administrative record established
24 at the time of the determination on the applica-
25 tion; and

1 “(B) any additional newly discovered or
2 previously unavailable evidence.

3 “(4) UNLAWFUL PRESENCE.—During the pe-
4 riod in which an alien may request administrative
5 review under this subsection, and during the period
6 that any such review is pending, the alien shall not
7 be considered ‘unlawfully present in the United
8 States’ for purposes of section 212(a)(9)(B).

9 “(d) PRIVACY AND CIVIL LIBERTIES.—

10 “(1) IN GENERAL.—The Secretary, in accord-
11 ance with subsection (a)(1), shall require appro-
12 priate administrative and physical safeguards to pro-
13 tect the security, confidentiality, and integrity of
14 personally identifiable information collected, main-
15 tained, and disseminated pursuant to sections 245B,
16 245C, and 245D.

17 “(2) ASSESSMENTS.—Notwithstanding the pri-
18 vacy requirements set forth in section 222 of the
19 Homeland Security Act (6 U.S.C. 142) and the E-
20 Government Act of 2002 (Public Law 107–347), the
21 Secretary shall conduct a privacy impact assessment
22 and a civil liberties impact assessment of the legal-
23 ization program established under sections 245B,
24 245C, and 245D during the pendency of the interim
25 final regulations required to be issued under section

1 2110 of the Border Security, Economic Opportunity,
2 and Immigration Modernization Act.”.

3 (b) JUDICIAL REVIEW.—Section 242 (8 U.S.C. 1252)
4 is amended—

5 (1) in subsection (a)(2)—

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

9 (B) in subparagraph (D), by striking
10 “raised upon a petition for review filed with an
11 appropriate court of appeals in accordance with
12 this section”;

13 (2) in subsection (b)(2), by inserting “or, in the
14 case of a decision rendered under section 245E(c),
15 in the judicial circuit in which the petitioner resides”
16 after “proceedings”; and

17 (3) by adding at the end the following:

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

20 “(1) DIRECT REVIEW.—If an alien’s application
21 under section 245B, 245C, 245D, or 245F or sec-
22 tion 2211 of the Agricultural Worker Program Act
23 of 2013 is denied, or is revoked after the exhaustion
24 of administrative appellate review under section
25 245E(c), the alien may seek review of such decision,

1 in accordance with chapter 7 of title 5, United
2 States Code, before the United States district court
3 for the district in which the person resides.

4 “(2) STATUS DURING REVIEW.—While a review
5 described in paragraph (1) is pending—

6 “(A) the alien shall not be deemed to ac-
7 crue unlawful presence for purposes of section
8 212(a)(9);

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

11 “(C) the court shall have the discretion to
12 stay the execution of any order of exclusion, de-
13 portation, or removal.

14 “(3) REVIEW AFTER REMOVAL PRO-
15 CEEDINGS.—An alien may seek judicial review of a
16 denial or revocation of approval of the alien’s appli-
17 cation under section 245B, 245C, or 245D in the
18 appropriate United States court of appeal in con-
19 junction with the judicial review of an order of re-
20 moval, deportation, or exclusion if the validity of the
21 denial has not been upheld in a prior judicial pro-
22 ceeding under paragraph (1).

23 “(4) STANDARD FOR JUDICIAL REVIEW.—

24 “(A) BASIS.—Judicial review of a denial,
25 or revocation of an approval, of an application

1 under section 245B, 245C, or 245D shall be
2 based upon the administrative record estab-
3 lished at the time of the review.

4 “(B) AUTHORITY TO REMAND.—The re-
5 viewing court may remand a case under this
6 subsection to the Secretary for consideration of
7 additional evidence if the court finds that—

8 “(i) the additional evidence is mate-
9 rial; and

10 “(ii) there were reasonable grounds
11 for failure to adduce the additional evi-
12 dence before the Secretary.

13 “(C) SCOPE OF REVIEW.—Notwithstanding
14 any other provision of law, judicial review of all
15 questions arising from a denial, or revocation of
16 an approval, of an application under section
17 245B, 245C, or 245D shall be governed by the
18 standard of review set forth in section 706 of
19 title 5, United States Code.

20 “(5) REMEDIAL POWERS.—

21 “(A) JURISDICTION.—Notwithstanding any
22 other provision of law, the United States dis-
23 trict courts shall have jurisdiction over any
24 cause or claim arising from a pattern or prac-
25 tice of the Secretary in the operation or imple-

1 mentation of the Border Security, Economic
2 Opportunity, and Immigration Modernization
3 Act, or the amendments made by such Act, that
4 is arbitrary, capricious, or otherwise contrary to
5 law.

6 “(B) SCOPE OF RELIEF.—The United
7 States district courts may order any appro-
8 priate relief in a clause or claim described in
9 subparagraph (A) without regard to exhaustion,
10 ripeness, or other standing requirements (other
11 than constitutionally-mandated requirements),
12 if the court determines that—

13 “(i) the resolution of such cause or
14 claim will serve judicial and administrative
15 efficiency; or

16 “(ii) a remedy would otherwise not be
17 reasonably available or practicable.

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

20 “(A) IN GENERAL.—Except as provided in
21 paragraph (5), any claim that section 245B,
22 245C, 245D, or 245E or any regulation, writ-
23 ten policy, or written directive, issued or un-
24 written policy or practice initiated by or under
25 the authority of the Secretary to implement

1 such sections, violates the Constitution of the
2 United States or is otherwise in violation of law
3 is available exclusively in an action instituted in
4 United States District Court in accordance with
5 the procedures prescribed in this paragraph.

6 “(B) SAVINGS PROVISION.—Except as pro-
7 vided in subparagraph (C), nothing in subpara-
8 graph (A) may be construed to preclude an ap-
9 plicant under 245B, 245C, or 245D from as-
10serting that an action taken or a decision made
11 by the Secretary with respect to the applicant’s
12 status was contrary to law.

13 “(C) CLASS ACTIONS.—Any claim de-
14 scribed in subparagraph (A) that is brought as
15 a class action shall be brought in conformity
16 with—

17 “(i) the Class Action Fairness Act of
18 2005 (Public Law 109–2); and

19 “(ii) the Federal Rules of Civil Proce-
20 dure.

21 “(D) PRECLUSIVE EFFECT.—The final dis-
22 position of any claim brought under subpara-
23 graph (A) shall be preclusive of any such claim
24 asserted by the same individual in a subsequent
25 proceeding under this subsection.

1 “(E) EXHAUSTION AND STAY OF PRO-
2 CEEDINGS.—

3 “(i) IN GENERAL.—No claim brought
4 under this paragraph shall require the
5 plaintiff to exhaust administrative rem-
6 edies under section 245E(c).

7 “(ii) STAY AUTHORIZED.—Nothing in
8 this paragraph may be construed to pre-
9 vent the court from staying proceedings
10 under this paragraph to permit the Sec-
11 retary to evaluate an allegation of an un-
12 written policy or practice or to take correc-
13 tive action. In determining whether to
14 issue such a stay, the court shall take into
15 account any harm the stay may cause to
16 the claimant.”.

17 (c) RULE OF CONSTRUCTION.—Section 244(h) of the
18 Immigration and Nationality Act (8 U.S.C. 1254a(h))
19 shall not limit the authority of the Secretary to adjust the
20 status of an alien under section 245C or 245D of the Im-
21 migration and Nationality Act, as added by this subtitle.

22 (d) EFFECT OF FAILURE TO REGISTER ON ELIGI-
23 BILITY FOR IMMIGRATION BENEFITS.—Failure to comply
24 with section 264.1(f) of title 8, Code of Federal Regula-
25 tions or with removal orders or voluntary departure agree-

1 ments based on such section for acts committed before the
2 date of the enactment of this Act shall not affect the eligi-
3 bility of an alien to apply for a benefit under the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101 et seq.).

5 (e) CLERICAL AMENDMENT.—The table of contents
6 is amended by inserting after the item relating to section
7 245A the following:

“Sec. 245B. Adjustment of status of eligible entrants before December 31,
2011, to that of registered provisional immigrant.

“Sec. 245C. Adjustment of status of registered provisional immigrants.

“Sec. 245D. Adjustment of status for certain aliens who entered the United
States as children.

“Sec. 245E. Additional requirements relating to registered provisional immi-
grants and others.”.

8 **SEC. 2105. CRIMINAL PENALTY.**

9 (a) IN GENERAL.—Chapter 69 of title 18, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 1430. Improper use of information relating to reg-**
13 **istered provisional immigrant applica-**
14 **tions**

15 “Any person who knowingly uses, publishes, or per-
16 mits information described in section 245E(a) of the Im-
17 migration and Nationality Act to be examined in violation
18 of such section shall be fined not more than \$10,000.”.

19 (b) DEPOSIT OF FINES.—All criminal penalties col-
20 lected under section 1430 of title 18, United States Code,
21 as added by subsection (a), shall be deposited into the

1 Comprehensive Immigration Reform Trust Fund estab-
2 lished under section 6(a)(1).

3 (c) CLERICAL AMENDMENT.—The table of sections
4 in chapter 69 of title 18, United States Code, is amended
5 by adding at the end the following:

“1430. Improper use of information relating to registered provisional immigrant
applications.”.

6 **SEC. 2106. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**
7 **CANTS.**

8 (a) ESTABLISHMENT.—The Secretary may establish,
9 within U.S. Citizenship and Immigration Services, a pro-
10 gram to award grants, on a competitive basis, to eligible
11 nonprofit organizations that will use the funding to assist
12 eligible applicants under section 245B, 245C, 245D, or
13 245F of the Immigration and Nationality Act or section
14 2211 of this Act by providing them with the services de-
15 scribed in subsection (c).

16 (b) ELIGIBLE NONPROFIT ORGANIZATION.—The
17 term “eligible nonprofit organization” means a nonprofit,
18 tax-exempt organization, including a community, faith-
19 based or other immigrant-serving organization, whose
20 staff has demonstrated qualifications, experience, and ex-
21 pertise in providing quality services to immigrants, refu-
22 gees, persons granted asylum, or persons applying for
23 such statuses.

1 (c) USE OF FUNDS.—Grant funds awarded under
2 this section may be used for the design and implementa-
3 tion of programs that provide—

4 (1) information to the public regarding the eli-
5 gibility and benefits of registered provisional immi-
6 grant status authorized under section 245B of the
7 Immigration and Nationality Act and blue card sta-
8 tus authorized under section 2211, particularly to
9 individuals potentially eligible for such status;

10 (2) assistance, within the scope of authorized
11 practice of immigration law, to individuals submit-
12 ting applications for registered provisional immi-
13 grant status or blue card status, including—

14 (A) screening prospective applicants to as-
15 sess their eligibility for such status;

16 (B) completing applications and petitions,
17 including providing assistance in obtaining the
18 requisite documents and supporting evidence;

19 (C) applying for any waivers for which ap-
20 plicants and qualifying family members may be
21 eligible; and

22 (D) providing any other assistance that the
23 Secretary or grantees consider useful or nec-
24 essary to apply for registered provisional immi-
25 grant status or blue card status;

1 (3) assistance, within the scope of authorized
2 practice of immigration law, to individuals seeking to
3 adjust their status to that of an alien admitted for
4 permanent residence under section 245C or 245F of
5 the Immigration and Nationality Act; and

6 (4) assistance, within the scope of authorized
7 practice of immigration law, and instruction, to indi-
8 viduals—

9 (A) on the rights and responsibilities of
10 United States citizenship;

11 (B) in civics and civics-based English as a
12 second language; and

13 (C) in applying for United States citizen-
14 ship.

15 (d) SOURCE OF GRANT FUNDS.—

16 (1) APPLICATION FEES.—The Secretary may
17 use up to \$50,000,000 from the Comprehensive Im-
18 migration Reform Trust Fund established under sec-
19 tion 6(a)(1) to carry out this section.

20 (2) AUTHORIZATION OF APPROPRIATIONS.—

21 (A) AMOUNTS AUTHORIZED.—In addition
22 to the amounts made available under paragraph
23 (1), there are authorized to be appropriated
24 such sums as may be necessary for each of the

1 fiscal years 2014 through 2018 to carry out
2 this section.

3 (B) AVAILABILITY.—Any amounts appro-
4 priated pursuant to subparagraph (A) shall re-
5 main available until expended.

6 **SEC. 2107. CONFORMING AMENDMENTS TO THE SOCIAL SE-**
7 **CURITY ACT.**

8 (a) CORRECTION OF SOCIAL SECURITY RECORDS.—

9 (1) IN GENERAL.—Section 208(e)(1) of the So-
10 cial Security Act (42 U.S.C. 408(e)(1)) is amend-
11 ed—

12 (A) in subparagraph (B)(ii), by striking
13 “or” at the end;

14 (B) in subparagraph (C), by striking the
15 comma at the end and inserting a semicolon;

16 (C) by inserting after subparagraph (C)
17 the following:

18 “(D) who is granted status as a registered
19 provisional immigrant under section 245B or
20 245D of the Immigration and Nationality Act;
21 or

22 “(E) whose status is adjusted to that of
23 lawful permanent resident under section 245C
24 of the Immigration and Nationality Act,”; and

1 (D) in the undesignated matter at the end,
2 by inserting “, or in the case of an alien de-
3 scribed in subparagraph (D) or (E), if such
4 conduct is alleged to have occurred before the
5 date on which the alien submitted an applica-
6 tion under section 245B of such Act for classi-
7 fication as a registered provisional immigrant”
8 before the period at the end.

9 (2) EFFECTIVE DATE.—The amendments made
10 by paragraph (1) shall take effect on the first day
11 of the tenth month that begins after the date of the
12 enactment of this Act.

13 (b) STATE DISCRETION REGARDING TERMINATION
14 OF PARENTAL RIGHTS.—

15 (1) IN GENERAL.—A compelling reason for a
16 State not to file (or to join in the filing of) a petition
17 to terminate parental rights under section 475(5)(E)
18 of the Social Security Act (42 U.S.C. 675(5)(E))
19 shall include—

20 (A) the removal of the parent from the
21 United States, unless the parent is unfit or un-
22 willing to be a parent of the child; or

23 (B) the involvement of the parent in (in-
24 cluding detention pursuant to) an immigration

1 proceeding, unless the parent is unfit or unwill-
2 ing to be a parent of the child.

3 (2) CONDITIONS.—Before a State may file to
4 terminate the parental rights under such section
5 475(5)(E), the State (or the county or other political
6 subdivision of the State, as applicable) shall make
7 reasonable efforts—

8 (A) to identify, locate, and contact (includ-
9 ing, if appropriate, through the diplomatic or
10 consular offices of the country to which the par-
11 ent was removed or in which a parent or rel-
12 ative resides)—

13 (i) any parent of the child who is in
14 immigration detention;

15 (ii) any parent of the child who has
16 been removed from the United States; and

17 (iii) if possible, any potential adult
18 relative of the child (as described in section
19 471(a)(29));

20 (B) to notify such parent or relative of the
21 intent of the State (or the county or other polit-
22 ical subdivision of the State, as applicable) to
23 file (or to join in the filing of) a petition re-
24 ferred to in paragraph (1); or

1 (C) to reunify the child with any such par-
2 ent or relative; and

3 (D) to provide and document appropriate
4 services to the parent or relative.

5 (3) CONFORMING AMENDMENT.—Section
6 475(5)(E)(ii) of the Social Security Act (42 U.S.C.
7 675(5)(E)) is amended by inserting “, including the
8 reason set forth in section 2107(b)(1) of the Border
9 Security, Economic Opportunity, and Immigration
10 Modernization Act” after “child”.

11 (c) CHILDREN SEPARATED FROM PARENTS AND
12 CAREGIVERS.—

13 (1) STATE PLAN FOR FOSTER CARE AND ADOP-
14 TION ASSISTANCE.—Section 471(a) of the Social Se-
15 curity Act (42 U.S.C. 671(a)) is amended—

16 (A) by amending paragraph (19) to read
17 as follows:

18 “(19) provides that the State shall give pref-
19 erence to an adult relative over a nonrelated care-
20 giver when determining a placement for a child if—

21 “(A) the relative caregiver meets all rel-
22 evant State child protection standards; and

23 “(B) the standards referred to in subpara-
24 graph (A) ensure that the immigration status
25 alone of a parent, legal guardian, or relative

1 shall not disqualify the parent, legal guardian,
2 or relative from being a placement for a child;”;
3 and

4 (B) in paragraph (32), by striking “and”
5 at the end;

6 (C) in paragraph (33), by striking the pe-
7 riod at the end and inserting “; and”; and

8 (D) by adding at the end the following:

9 “(34) provides that the State shall—

10 “(A) ensure that the case manager for a
11 separated child is capable of communicating in
12 the native language of such child and of the
13 family of such child, or an interpreter who is so
14 capable is provided to communicate with such
15 child and the family of such child at no cost to
16 the child or to the family of such child;

17 “(B) coordinate with the Department of
18 Homeland Security to ensure that parents who
19 wish for their child to accompany them to their
20 country of origin are given adequate time and
21 assistance to obtain a passport and visa, and to
22 collect all relevant vital documents, such as
23 birth certificate, health, and educational records
24 and other information;

1 “(C) coordinate with State agencies re-
2 garding alternate documentation requirements
3 for a criminal records check or a fingerprint-
4 based check for a caregiver that does not have
5 Federal or State-issued identification;

6 “(D) preserve, to the greatest extent prac-
7 ticable, the privacy and confidentiality of all in-
8 formation gathered in the course of admin-
9 istering the care, custody, and placement of,
10 and follow up services provided to, a separated
11 child, consistent with the best interest of such
12 child, by not disclosing such information to
13 other government agencies or persons (other
14 than a parent, legal guardian, or relative care-
15 giver or such child), except that the head of the
16 State agency (or the county or other political
17 subdivision of the State, as applicable) may dis-
18 close such information, after placing a written
19 record of the disclosure in the file of the child—

20 “(i) to a consular official for the pur-
21 pose of reunification of a child with a par-
22 ent, legal guardian, or relative caregiver
23 who has been removed or is involved in an
24 immigration proceeding, unless the child
25 has refused contact with, or the sharing of

1 personal or identifying information with,
2 the government of his or her country of or-
3 igin;

4 “(ii) when authorized to do so by the
5 child (if the child has attained 18 years of
6 age) if the disclosure is consistent with the
7 best interest of the child; or

8 “(iii) to a law enforcement agency if
9 the disclosure would prevent imminent and
10 serious harm to another individual; and

11 “(E) not less frequently than annually,
12 compile, update, and publish a list of entities in
13 the State that are qualified to provide legal rep-
14 resentation services for a separated child, in a
15 language such that a child can read and under-
16 stand.”.

17 (2) ADDITIONAL INFORMATION TO BE IN-
18 CLUDED IN CASE PLAN.—Section 475 of such Act
19 (42 U.S.C. 675) is amended—

20 (A) in paragraph (1), by adding at the end
21 the following:

22 “(H) In the case of a separated child with
23 respect to whom the State plan requires the
24 State to provide services under section
25 471(a)(34)—

1 “(i) the location of the parent or legal
2 guardian described in paragraph (9)(A)
3 from whom the child has been separated;
4 and

5 “(ii) a written record of each disclo-
6 sure to a government agency or person
7 (other than such a parent, legal guardian,
8 or relative) of information gathered in the
9 course of tracking the care, custody, and
10 placement of, and follow-up services pro-
11 vided to, the child.”; and

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

13 “(9) The term ‘separated child’ means an indi-
14 vidual who—

15 “(A) has a parent or legal guardian who
16 has been—

17 “(i) detained by a Federal, State, or
18 local law enforcement agency in the en-
19 forcement of an immigration law; or

20 “(ii) removed from the United States
21 as a result of a violation of such a law; and

22 “(B) is in foster care under the responsi-
23 bility of a State.”.

24 (3) EFFECTIVE DATE.—The amendments made
25 by this subsection shall take effect on the 1st day

1 of the 1st calendar quarter that begins after the 1-
2 year period that begins on the date of the enactment
3 of this Act.

4 (d) PRECLUSION OF SOCIAL SECURITY CREDITS FOR
5 PERIODS WITHOUT WORK AUTHORIZATION.—

6 (1) INSURED STATUS.—Section 214 of the So-
7 cial Security Act (42 U.S.C. 414) is amended by
8 adding at the end the following new subsection:

9 “(d) INSURED STATUS.—

10 “(1) IN GENERAL.—Subject to paragraphs (2)
11 and (3), for purposes of subsections (a) and (b), no
12 quarter of coverage shall be credited for any cal-
13 endar year—

14 “(A) beginning after December 31, 2003,
15 and before January 1, 2014, with respect to an
16 individual who has been granted registered pro-
17 visional immigrant status pursuant to section
18 245B of the Immigration and Nationality Act;
19 or

20 “(B) in which an individual earned such
21 quarter of coverage while present under an ex-
22 pired nonimmigrant visa,
23 unless the Commissioner of Social Security deter-
24 mines, on the basis of information provided to the
25 Commissioner by the individual, that the individual

1 was authorized to be employed in the United States
2 during such quarter.

3 “(2) EXCEPTION.—Paragraph (1) shall not
4 apply to an individual who was assigned a social se-
5 curity account number before January 1, 2004.

6 “(3) ATTESTATION OF WORK AUTHORIZA-
7 TION.—

8 “(A) IN GENERAL.—For purposes of para-
9 graph (1), if an individual is unable to obtain
10 or produce sufficient evidence or documentation
11 that the individual was authorized to be em-
12 ployed in the United States during a quarter,
13 the individual may submit an attestation to the
14 Commissioner of Social Security that the indi-
15 vidual was authorized to be employed in the
16 United States during such quarter and that
17 sufficient evidence or documentation of such au-
18 thorization cannot be obtained by the indi-
19 vidual.

20 “(B) PENALTY.—Any individual who
21 knowingly submits a false attestation described
22 in subparagraph (A) shall be subject to the pen-
23 alties under section 1041 of title 18, United
24 States Code.”.

1 (2) BENEFIT COMPUTATION.—Section 215(e) of
2 the Social Security Act (42 U.S.C. 415(e)) is
3 amended—

4 (A) in paragraph (1), by striking “and” at
5 the end;

6 (B) in paragraph (2), by striking the pe-
7 riod at the end and inserting “; and”; and

8 (C) by adding at the end the following:

9 “(3) in computing the average indexed monthly
10 earnings of an individual, there shall not be counted
11 any wages or self-employment income for any year
12 for which no quarter of coverage may be credited to
13 such individual as a result of the application of sec-
14 tion 214(d).”.

15 (3) CONFORMING AMENDMENT.—Section
16 223(c)(1) of the Social Security Act (42 U.S.C.
17 423(c)(1)) is amended in the flush matter at the end
18 by inserting “the individual does not satisfy the cri-
19 terion specified in section 214(d) or” after “part of
20 any period if”.

21 (4) EFFECTIVE DATE.—The amendments made
22 by this subsection shall apply to benefit applications
23 filed on or after the date that is 180 days after the
24 date of the enactment of this Act based on the
25 wages or self-employment income of an individual

1 with respect to whom a primary insurance amount
2 has not been determined under title II of the Social
3 Security Act (42 U.S.C. 401 et seq.) before such
4 date.

5 **SEC. 2108. GOVERNMENT CONTRACTING AND ACQUISITION**
6 **OF REAL PROPERTY INTEREST.**

7 (a) EXEMPTION FROM GOVERNMENT CONTRACTING
8 AND HIRING RULES.—

9 (1) IN GENERAL.—A determination by a Fed-
10 eral agency to use a procurement competition ex-
11 emption under section 253(c) of title 41, United
12 States Code, or to use the authority granted in para-
13 graph (2), for the purpose of implementing this title
14 and the amendments made by this title is not sub-
15 ject to challenge by protest to the Government Ac-
16 countability Office under sections 3551 and 3556 of
17 title 31, United States Code, or to the Court of Fed-
18 eral Claims, under section 1491 of title 28, United
19 States Code. An agency shall immediately advise the
20 Congress of the exercise of the authority granted
21 under this paragraph.

22 (2) GOVERNMENT CONTRACTING EXEMPTION.—
23 The competition requirement under section 253(a)
24 of title 41, United States Code, may be waived or
25 modified by a Federal agency for any procurement

1 conducted to implement this title or the amendments
2 made by this title if the senior procurement execu-
3 tive for the agency conducting the procurement—

4 (A) determines that the waiver or modi-
5 fication is necessary; and

6 (B) submits an explanation for such deter-
7 mination to the Committee on Homeland Secu-
8 rity and Governmental Affairs of the Senate
9 and the Committee on Homeland Security of
10 the House of Representatives.

11 (3) HIRING RULES EXEMPTION.—Notwith-
12 standing any other provision of law, the Secretary is
13 authorized to make term, temporary limited, and
14 part-time appointments of employees who will imple-
15 ment this title and the amendments made by this
16 title without regard to the number of such employ-
17 ees, their ratio to permanent full-time employees,
18 and the duration of their employment. Nothing in
19 chapter 71 of title 5, United States Code, shall af-
20 fect the authority of any Department management
21 official to hire term, temporary limited or part-time
22 employees under this paragraph.

23 (b) AUTHORITY TO WAIVE ANNUITY LIMITATIONS.—
24 Section 824(g)(2)(B) of the Foreign Service Act of 1980

1 (22 U.S.C. 4064(g)(2)(B)) is amended by striking “2009”
2 and inserting “2017”.

3 (c) AUTHORITY TO ACQUIRE LEASEHOLDS.—Not-
4 withstanding any other provision of law, the Secretary
5 may acquire a leasehold interest in real property, and may
6 provide in a lease entered into under this subsection for
7 the construction or modification of any facility on the
8 leased property, if the Secretary determines that the ac-
9 quisition of such interest, and such construction or modi-
10 fication, are necessary in order to facilitate the implemen-
11 tation of this title and the amendments made by this title.

12 **SEC. 2109. LONG-TERM LEGAL RESIDENTS OF THE COM-**
13 **MONWEALTH OF THE NORTHERN MARIANA**
14 **ISLANDS.**

15 Section (6)(e) of the Joint Resolution entitled “A
16 Joint Resolution to approve the ‘Covenant to Establish a
17 Commonwealth of the Northern Mariana Islands in Polit-
18 ical Union with the United States of America’, and for
19 other purposes”, approved March 24, 1976 (48 U.S.C.
20 1806(e)), as added by section 702 of the Consolidated
21 Natural Resources Act of 2008 (Public Law 110–229; 122
22 Stat. 854), is amended by adding at the end the following:

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

1 “(A) CNMI-ONLY RESIDENT STATUS.—

2 Notwithstanding paragraph (1), an alien de-
3 scribed in subparagraph (B) may, upon the ap-
4 plication of the alien, be admitted as an immi-
5 grant to the Commonwealth subject to the fol-
6 lowing rules:

7 “(i) The alien shall be treated as an
8 immigrant lawfully admitted for permanent
9 residence in the Commonwealth only, in-
10 cluding permitting entry to and exit from
11 the Commonwealth, until the earlier of the
12 date on which—

13 “(I) the alien ceases to perma-
14 nently reside in the Commonwealth;
15 or

16 “(II) the alien’s status is ad-
17 justed under this paragraph or section
18 245 of the Immigration and Nation-
19 ality Act (8 U.S.C. 1255) to that of
20 an alien lawfully admitted for perma-
21 nent residence in accordance with all
22 applicable eligibility requirements.

23 “(ii) The Secretary of Homeland Se-
24 curity shall establish a process for such
25 aliens to apply for CNMI-only permanent

1 resident status during the 90-day period
2 beginning on the first day of the sixth
3 month after the date of the enactment of
4 this paragraph.

5 “(iii) Nothing in this subparagraph
6 may be construed to provide any alien
7 granted status under this subparagraph
8 with public assistance to which the alien is
9 not otherwise entitled.

10 “(B) ALIENS DESCRIBED.—An alien is de-
11 scribed in this subparagraph if the alien—

12 “(i) is lawfully present in the Com-
13 monwealth under the immigration laws of
14 the United States;

15 “(ii) is otherwise admissible to the
16 United States under the Immigration and
17 Nationality Act (8 U.S.C. 1101 et seq.);

18 “(iii) resided continuously and law-
19 fully in the Commonwealth from November
20 28, 2009, through the date of the enact-
21 ment of this paragraph;

22 “(iv) is not a citizen of the Republic
23 of the Marshall Islands, the Federated
24 States of Micronesia, or the Republic of
25 Palau; and

1 “(v)(I) was born in the Northern
2 Mariana Islands between January 1, 1974
3 and January 9, 1978;

4 “(II) was, on May 8, 2008, and con-
5 tinues to be as of the date of the enact-
6 ment of this paragraph, a permanent resi-
7 dent (as defined in section 4303 of title 3
8 of the Northern Mariana Islands Common-
9 wealth Code, in effect on May 8, 2008);

10 “(III) is the spouse or child (as de-
11 fined in section 101(b)(1) of the Immigra-
12 tion and Nationality Act (8 U.S.C.
13 1101(b)(1))), of an alien described in sub-
14 clauses (I) or (II);

15 “(IV) was, on May 8, 2008, an imme-
16 diate relative (as defined in section 4303 of
17 title 3 of the Northern Mariana Islands
18 Commonwealth Code, in effect on May 8,
19 2008, of a United States citizen, notwith-
20 standing the age of the United States cit-
21 izen, and continues to be such an imme-
22 diate relative on the date of the application
23 described in subparagraph (A);

24 “(V) resided in the Northern Mariana
25 Islands as a guest worker under Common-

1 wealth immigration law for at least 5 years
2 before May 8, 2008 and is presently resi-
3 dent under CW-1 status; or

4 “(VI) is the spouse or child (as de-
5 fined in section 101(b)(1) of the Immigra-
6 tion and Nationality Act (8 U.S.C.
7 1101(b)(1))), of the alien guest worker de-
8 scribed in subclause (V) and is presently
9 resident under CW-2 status.

10 “(C) ADJUSTMENT FOR LONG TERM AND
11 PERMANENT RESIDENTS.—Beginning on the
12 date that is 5 years after the date of the enact-
13 ment of the Border Security, Economic Oppor-
14 tunity, and Immigration Modernization Act, an
15 alien described in subparagraph (B) may apply
16 to receive an immigrant visa or to adjust his or
17 her status to that of an alien lawfully admitted
18 for permanent residence.”.

19 **SEC. 2110. RULEMAKING.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of the enactment of this Act, the Secretary, the Attor-
22 ney General, and the Secretary of State separately shall
23 issue interim final regulations to implement this subtitle
24 and the amendments made by this subtitle, which shall

1 take effect immediately upon publication in the Federal
2 Register.

3 (b) APPLICATION PROCEDURES; PROCESSING FEES;
4 DOCUMENTATION.—The interim final regulations issued
5 under subsection (a) shall include—

6 (1) the procedures by which an alien, and the
7 dependent spouse and children of such alien may
8 apply for status under section 245B of the Immigra-
9 tion and Nationality Act, as added by section 2101
10 of this Act, as a registered provisional immigrant or
11 a registered provisional immigrant dependent, as ap-
12 plicable, including the evidence required to dem-
13 onstrate eligibility for such status or to be included
14 in each application for such status;

15 (2) the criteria to be used by the Secretary to
16 determine—

17 (A) the maximum processing fee payable
18 under sections 245B(c)(10)(B) and
19 245C(c)(5)(A) of such Act by a family, includ-
20 ing spouses and unmarried children younger
21 than 21 years of age; and

22 (B) which individuals will be exempt from
23 such fees;

1 (3) the documentation required to be submitted
2 by the applicant to demonstrate compliance with sec-
3 tion 245C(b)(3) of such Act; and

4 (4) the procedures for a registered provisional
5 immigrant to apply for adjustment of status under
6 section 245C or 245D of such Act, including the evi-
7 dence required to be submitted with such application
8 to demonstrate the applicant's eligibility for such ad-
9 justment.

10 (c) EXEMPTION FROM NATIONAL ENVIRONMENTAL
11 POLICY ACT.—Any decision by the Secretary concerning
12 any rulemaking action, plan, or program described in this
13 section shall not be considered to be a major Federal ac-
14 tion subject to review under the National Environmental
15 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

16 **SEC. 2111. STATUTORY CONSTRUCTION.**

17 Except as specifically provided, nothing in this sub-
18 title, or any amendment made by this subtitle, may be con-
19 strued to create any substantive or procedural right or
20 benefit that is legally enforceable by any party against the
21 United States or its agencies or officers or any other per-
22 son.

1 **Subtitle B—Agricultural Worker**
2 **Program**

3 **SEC. 2201. SHORT TITLE.**

4 This subtitle may be cited as the “Agricultural Work-
5 er Program Act of 2013”.

6 **SEC. 2202. DEFINITIONS.**

7 In this subtitle:

8 (1) BLUE CARD STATUS.—The term “blue card
9 status” means the status of an alien who has been
10 lawfully admitted into the United States for tem-
11 porary residence under section 2211.

12 (2) AGRICULTURAL EMPLOYMENT.—The term
13 “agricultural employment” has the meaning given
14 such term in section 3 of the Migrant and Seasonal
15 Agricultural Worker Protection Act (29 U.S.C.
16 1802), without regard to whether the specific service
17 or activity is temporary or seasonal.

18 (3) CHILD.—The term “child” has the meaning
19 given the term in section 101(b)(1) of the Immigra-
20 tion and Nationality Act (8 U.S.C. 1101(b)(1)).

21 (4) EMPLOYER.—The term “employer” means
22 any person or entity, including any farm labor con-
23 tractor and any agricultural association, that em-
24 ploys workers in agricultural employment.

1 (5) QUALIFIED DESIGNATED ENTITY.—The
2 term “qualified designated entity” means—

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

6 (B) any other entity that the Secretary
7 designates as having substantial experience,
8 demonstrated competence, and a history of
9 long-term involvement in the preparation and
10 submission of application for adjustment of sta-
11 tus under title II of the Immigration and Na-
12 tionality Act (8 U.S.C. 1151 et seq.).

13 (6) WORK DAY.—The term “work day” means
14 any day in which the individual is employed 5.75 or
15 more hours in agricultural employment.

16 **CHAPTER 1—PROGRAM FOR EARNED STA-**
17 **TUS ADJUSTMENT OF AGRICULTURAL**
18 **WORKERS**

19 **Subchapter A—Blue Card Status**

20 **SEC. 2211. REQUIREMENTS FOR BLUE CARD STATUS.**

21 (a) REQUIREMENTS FOR BLUE CARD STATUS.—Not-
22 withstanding any other provision of law, the Secretary,
23 after conducting the national security and law enforce-
24 ment clearances required under section 245B(c)(4), may
25 grant blue card status to an alien who—

1 (1)(A) performed agricultural employment in
2 the United States for not fewer than 575 hours or
3 100 work days during the 2-year period ending on
4 December 31, 2012; or

5 (B) is the spouse or child of an alien described
6 in subparagraph (A) and was physically present in
7 the United States on or before December 31, 2012,
8 and has maintained continuous presence in the
9 United States from that date until the date on which
10 the alien is granted blue card status, with the excep-
11 tion of absences from the United States that are
12 brief, casual, and innocent, whether or not such ab-
13 sences were authorized by the Secretary;

14 (2) submits a completed application before the
15 end of the period set forth in subsection (b)(2); and

16 (3) is not ineligible under paragraph (3) or (4)
17 of section 245B(b) of the Immigration and Nation-
18 ality Act (other than a nonimmigrant alien admitted
19 to the United States for agricultural employment de-
20 scribed in section 101(a)(15)(H)(ii)(a) of such Act.

21 (b) APPLICATION.—

22 (1) IN GENERAL.—An alien who meets the eli-
23 gibility requirements set forth in subsection (a)(1),
24 may apply for blue card status and that alien's
25 spouse or child may apply for blue card status as a

1 dependent, by submitting a completed application
2 form to the Secretary during the application period
3 set forth in paragraph (2) in accordance with the
4 final rule promulgated by the Secretary pursuant to
5 subsection (e).

6 (2) SUBMISSION.—The Secretary shall provide
7 that the alien shall be able to submit an application
8 under paragraph (1)—

9 (A) if the applicant is represented by an
10 attorney or a nonprofit religious, charitable, so-
11 cial service, or similar organization recognized
12 by the Board of Immigration Appeals under
13 section 292.2 of title 8, Code of Federal Regu-
14 lations; or

15 (B) to a qualified entity if the applicant
16 consents to the forwarding of the application to
17 the Secretary.

18 (3) APPLICATION PERIOD.—

19 (A) INITIAL PERIOD.—Except as provided
20 in subparagraph (B), the Secretary may only
21 accept applications for blue card status for a 1-
22 year period from aliens in the United States be-
23 ginning on the date on which the final rule is
24 published in the Federal Register pursuant to
25 subsection (f), except that qualified non-

1 immigrants who have participated in the H-2A
2 Program may apply from outside of the United
3 States.

4 (B) EXTENSION.—If the Secretary deter-
5 mines, during the initial period described in
6 subparagraph (A), that additional time is re-
7 quired to process applications for blue card sta-
8 tus or for other good cause, the Secretary may
9 extend the period for accepting applications for
10 an additional 18 months.

11 (4) APPLICATION FORM.—

12 (A) REQUIRED INFORMATION.—The appli-
13 cation form referred to in paragraph (1) shall
14 collect such information as the Secretary deter-
15 mines necessary and appropriate.

16 (B) FAMILY APPLICATION.—The Secretary
17 shall establish a process through which an alien
18 may submit a single application under this sec-
19 tion on behalf of the alien, his or her spouse,
20 and his or her children, who are residing in the
21 United States.

22 (C) INTERVIEW.—The Secretary may
23 interview applicants for blue card status to de-
24 termine whether they meet the eligibility re-
25 quirements set forth in subsection (a)(1).

1 (5) ALIENS APPREHENDED BEFORE OR DURING
2 THE APPLICATION PERIOD.—If an alien, who is ap-
3 prehended during the period beginning on the date
4 of the enactment of this Act and ending on the ap-
5 plication period described in paragraph (3), appears
6 prima facie eligible for blue card status, the Sec-
7 retary—

8 (A) shall provide the alien with a reason-
9 able opportunity to file an application under
10 this section during such application period; and

11 (B) may not remove the individual until a
12 final administrative determination is made on
13 the application.

14 (6) SUSPENSION OF REMOVAL DURING APPLI-
15 CATION PERIOD.—

16 (A) PROTECTION FROM DETENTION OR
17 REMOVAL.—An alien granted blue card status
18 may not be detained by the Secretary or re-
19 moved from the United States unless—

20 (i) such alien is, or has become, ineli-
21 gible for blue card status; or

22 (ii) the alien's blue card status has
23 been revoked.

24 (B) ALIENS IN REMOVAL PROCEEDINGS.—
25 Notwithstanding any other provision of the Im-

1 migration and Nationality Act (8 U.S.C. 1101
2 et seq.)—

3 (i) if the Secretary determines that an
4 alien, during the period beginning on the
5 date of the enactment of this section and
6 ending on the last day of the application
7 period described in paragraph (2), is in re-
8 moval, deportation, or exclusion pro-
9 ceedings before the Executive Office for
10 Immigration Review and is prima facie eli-
11 gible for blue card status under this sec-
12 tion—

13 (I) the Secretary shall provide
14 the alien with the opportunity to file
15 an application for such status; and

16 (II) upon motion by the Sec-
17 retary and with the consent of the
18 alien or upon motion by the alien, the
19 Executive Office for Immigration Re-
20 view shall—

21 (aa) terminate such pro-
22 ceedings without prejudice to fu-
23 ture proceedings on any basis;
24 and

1 (bb) provide the alien a rea-
2 sonable opportunity to apply for
3 such status; and

4 (ii) if the Executive Office for Immi-
5 gration Review determines that an alien,
6 during the application period described in
7 paragraph (2), is in removal, deportation,
8 or exclusion proceedings before the Execu-
9 tive Office for Immigration Review and is
10 prima facie eligible for blue card status
11 under this section—

12 (I) the Executive Office of Immi-
13 gration Review shall notify the Sec-
14 retary of such determination; and

15 (II) if the Secretary does not dis-
16 pute the determination of prima facie
17 eligibility within 7 days after such no-
18 tification, the Executive Office for Im-
19 migration Review, upon consent of the
20 alien, shall—

21 (aa) terminate such pro-
22 ceedings without prejudice to fu-
23 ture proceedings on any basis;
24 and

1 (bb) permit the alien a rea-
2 sonable opportunity to apply for
3 such status.

4 (C) TREATMENT OF CERTAIN ALIENS.—

5 (i) IN GENERAL.—If an alien who
6 meets the eligibility requirements set forth
7 in subsection (a) is present in the United
8 States and has been ordered excluded, de-
9 ported, or removed, or ordered to depart
10 voluntarily from the United States under
11 any provision of this Act—

12 (I) notwithstanding such order or
13 section 241(a)(5) of the Immigration
14 and Nationality Act (8 U.S.C.
15 1231(a)(5)), the alien may apply for
16 blue card status under this section;
17 and

18 (II) if the alien is granted such
19 status, the alien shall file a motion to
20 reopen the exclusion, deportation, re-
21 moval, or voluntary departure order,
22 which motion shall be granted unless
23 1 or more of the grounds of ineligi-
24 bility is established by clear and con-
25 vincing evidence.

1 (ii) LIMITATIONS ON MOTIONS TO RE-
2 OPEN.—The limitations on motions to re-
3 open set forth in section 240(c)(7) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1229a(c)(7)) shall not apply to motions
6 filed under clause (i)(II).

7 (D) PERIOD PENDING ADJUDICATION OF
8 APPLICATION.—

9 (i) IN GENERAL.—During the period
10 beginning on the date on which an alien
11 applies for blue card status under this sub-
12 section and the date on which the Sec-
13 retary makes a final decision regarding
14 such application, the alien—

15 (I) may receive advance parole to
16 reenter the United States if urgent
17 humanitarian circumstances compel
18 such travel;

19 (II) may not be detained by the
20 Secretary or removed from the United
21 States unless the Secretary makes a
22 prima facie determination that such
23 alien is, or has become, ineligible for
24 blue card status;

1 (III) shall not be considered un-
2 lawfully present for purposes of sec-
3 tion 212(a)(9)(B) of the Immigration
4 and Nationality Act (8 U.S.C.
5 1182(a)(9)(B)); and

6 (IV) shall not be considered an
7 unauthorized alien (as defined in sec-
8 tion 274A(h)(3) of the Immigration
9 and Nationality Act (8 U.S.C.
10 1324a(h)(3))).

11 (ii) EVIDENCE OF APPLICATION FIL-
12 ING.—As soon as practicable after receiv-
13 ing each application for blue card status,
14 the Secretary shall provide the applicant
15 with a document acknowledging the receipt
16 of such application.

17 (iii) CONTINUING EMPLOYMENT.—An
18 employer who knows an alien employee is
19 an applicant for blue card status or will
20 apply for such status once the application
21 period commences is not in violation of sec-
22 tion 274A(a)(2) of the Immigration and
23 Nationality Act (8 U.S.C. 1324a(a)(2)) if
24 the employer continues to employ the alien

1 pending the adjudication of the alien em-
2 ployee's application.

3 (iv) EFFECT OF DEPARTURE.—Sec-
4 tion 101(g) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1101(g)) shall not
6 apply to an alien granted—

7 (I) advance parole under clause
8 (i)(I) to reenter the United States; or
9 (II) blue card status.

10 (7) SECURITY AND LAW ENFORCEMENT CLEAR-
11 ANCES.—

12 (A) BIOMETRIC AND BIOGRAPHIC DATA.—
13 The Secretary may not grant blue card status
14 to an alien or an alien dependent spouse or
15 child under this section unless such alien sub-
16 mits biometric and biographic data in accord-
17 ance with procedures established by the Sec-
18 retary.

19 (B) ALTERNATIVE PROCEDURES.—The
20 Secretary shall provide an alternative procedure
21 for applicants who cannot provide the standard
22 biometric data required under subparagraph
23 (A) because of a physical impairment.

24 (C) CLEARANCES.—

1 (i) DATA COLLECTION.—The Sec-
2 retary shall collect, from each alien apply-
3 ing for status under this section, biometric,
4 biographic, and other data that the Sec-
5 retary determines to be appropriate—

6 (I) to conduct national security
7 and law enforcement clearances; and

8 (II) to determine whether there
9 are any national security or law en-
10 forcement factors that would render
11 an alien ineligible for such status.

12 (ii) PREREQUISITE.—The required
13 clearances described in clause (i)(I) shall
14 be completed before the alien may be
15 granted blue card status.

16 (8) DURATION OF STATUS.—After the date that
17 is 8 years after the date regulations are published
18 under this section, no alien may remain in blue card
19 status.

20 (9) FEES AND PENALTIES.—

21 (A) STANDARD PROCESSING FEE.—

22 (i) IN GENERAL.—Aliens who are 16
23 years of age or older and are applying for
24 blue card status under paragraph (2), or
25 for an extension of such status, shall pay

1 a processing fee to the Department in an
2 amount determined by the Secretary.

3 (ii) RECOVERY OF COSTS.—The proc-
4 essing fee authorized under clause (i) shall
5 be set at a level that is sufficient to recover
6 the full costs of processing the application,
7 including any costs incurred—

8 (I) to adjudicate the application;

9 (II) to take and process bio-
10 metrics;

11 (III) to perform national security
12 and criminal checks, including adju-
13 dication;

14 (IV) to prevent and investigate
15 fraud; and

16 (V) to administer the collection
17 of such fee.

18 (iii) AUTHORITY TO LIMIT FEES.—
19 The Secretary, by regulation, may—

20 (I) limit the maximum processing
21 fee payable under this subparagraph
22 by a family, including spouses and un-
23 married children younger than 21
24 years of age; and

1 (II) exempt defined classes of in-
2 dividuals from the payment of the fee
3 authorized under clause (i).

4 (B) DEPOSIT AND USE OF PROCESSING
5 FEES.—Fees collected pursuant to subpara-
6 graph (A)(i)—

7 (i) shall be deposited into the Immi-
8 gration Examinations Fee Account pursu-
9 ant to section 286(m); and

10 (ii) shall remain available until ex-
11 pended pursuant to section 286(n).

12 (C) PENALTY.—

13 (i) PAYMENT.—In addition to the
14 processing fee required under subpara-
15 graph (A), aliens who are 21 years of age
16 or older and are applying for blue card sta-
17 tus under paragraph (2) shall pay a \$100
18 penalty to the Department.

19 (ii) DEPOSIT.—Penalties collected
20 pursuant to clause (i) shall be deposited
21 into the Comprehensive Immigration Re-
22 form Trust Fund established under section
23 6(a)(1).

24 (10) ADJUDICATION.—

1 (A) FAILURE TO SUBMIT SUFFICIENT EVI-
2 DENCE.—The Secretary shall deny an applica-
3 tion submitted by an alien who fails to sub-
4 mit—

5 (i) requested initial evidence, includ-
6 ing requested biometric data; or

7 (ii) any requested additional evidence
8 by the date required by the Secretary.

9 (B) AMENDED APPLICATION.—An alien
10 whose application for blue card status is denied
11 under subparagraph (A) may file an amended
12 application for such status to the Secretary if
13 the amended application—

14 (i) is filed within the application pe-
15 riod described in paragraph (3); and

16 (ii) contains all the required informa-
17 tion and fees that were missing from the
18 initial application.

19 (11) EVIDENCE OF BLUE CARD STATUS.—

20 (A) IN GENERAL.—The Secretary shall
21 issue documentary evidence of blue card status
22 to each alien whose application for such status
23 has been approved.

1 (B) DOCUMENTATION FEATURES.—Docu-
2 mentary evidence provided under subparagraph
3 (A)—

4 (i) shall be machine-readable and tam-
5 per-resistant, and shall contain a digitized
6 photograph;

7 (ii) shall, during the alien's authorized
8 period of admission, and any extension of
9 such authorized admission, serve as a valid
10 travel and entry document for the purpose
11 of applying for admission to the United
12 States;

13 (iii) may be accepted during the pe-
14 riod of its validity by an employer as evi-
15 dence of employment authorization and
16 identity under section 274A(b)(1)(B) of
17 the Immigration and Nationality Act (8
18 U.S.C. 1324a(b)(1)(B)); and

19 (iv) shall include such other features
20 and information as the Secretary may pre-
21 scribe.

22 (c) TERMS AND CONDITIONS OF BLUE CARD STA-
23 TUS.—

24 (1) CONDITIONS OF BLUE CARD STATUS.—

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1 (A) EMPLOYMENT.—Notwithstanding any
2 other provision of law, including section
3 241(a)(7) of the Immigration and Nationality
4 Act (8 U.S.C. 1231(a)(7)), an alien with blue
5 card status shall be authorized to be employed
6 in the United States while in such status.

7 (B) TRAVEL OUTSIDE THE UNITED
8 STATES.—An alien with blue card status may
9 travel outside of the United States and may be
10 admitted, if otherwise admissible, upon return-
11 ing to the United States without having to ob-
12 tain a visa if—

13 (i) the alien is in possession of—

14 (I) valid, unexpired documentary
15 evidence of blue card status that com-
16 plies with subsection (b)(11); or

17 (II) a travel document that has
18 been approved by the Secretary and
19 was issued to the alien after the
20 alien's original documentary evidence
21 was lost, stolen, or destroyed;

22 (ii) the alien's absence from the
23 United States did not exceed 180 days, un-
24 less the alien's failure to timely return was

1 due to extenuating circumstances beyond
2 the alien's control; and

3 (iii) the alien establishes that the alien
4 is not inadmissible under subparagraph
5 (A)(i), (A)(iii), (B), or (C) of section
6 212(a)(3) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1182(a)(3)).

8 (C) ADMISSION.—An alien granted blue
9 card status shall be considered to have been ad-
10 mitted in such status as of the date on which
11 the alien's application was filed.

12 (D) CLARIFICATION OF STATUS.—An alien
13 granted blue card status—

14 (i) is lawfully admitted to the United
15 States; and

16 (ii) may not be classified as a non-
17 immigrant or as an alien who has been
18 lawfully admitted for permanent residence.

19 (2) REVOCATION.—

20 (A) IN GENERAL.—The Secretary may re-
21 voke blue card status at any time after pro-
22 viding appropriate notice to the alien, and after
23 the exhaustion or waiver of all applicable ad-
24 ministrative review procedures under section
25 245E(c) of the Immigration and Nationality

1 Act, as added by section 2104(a) of this Act, if
2 the alien—

3 (i) no longer meets the eligibility re-
4 quirements for blue card status;

5 (ii) knowingly used documentation
6 issued under this section for an unlawful
7 or fraudulent purpose; or

8 (iii) was absent from the United
9 States for—

10 (I) any single period longer than
11 180 days in violation of the require-
12 ment under paragraph (1)(B)(ii); or

13 (II) for more than 180 days in
14 the aggregate during any calendar
15 year, unless the alien's failure to time-
16 ly return was due to extenuating cir-
17 cumstances beyond the alien's control.

18 (B) ADDITIONAL EVIDENCE.—

19 (i) IN GENERAL.—In determining
20 whether to revoke an alien's status under
21 subparagraph (A), the Secretary may re-
22 quire the alien—

23 (I) to submit additional evidence;

24 or

25 (II) to appear for an interview.

1 (ii) EFFECT OF NONCOMPLIANCE.—

2 The status of an alien who fails to comply
3 with any requirement imposed by the Sec-
4 retary under clause (i) shall be revoked un-
5 less the alien demonstrates to the Sec-
6 retary's satisfaction that such failure was
7 reasonably excusable.

8 (C) INVALIDATION OF DOCUMENTATION.—

9 If an alien's blue card status is revoked under
10 subparagraph (A), any documentation issued by
11 the Secretary to such alien under subsection
12 (b)(11) shall automatically be rendered invalid
13 for any purpose except for departure from the
14 United States.

15 (3) INELIGIBILITY FOR PUBLIC BENEFITS.—An
16 alien who has been granted blue card status is not
17 eligible for any Federal means-tested public benefit
18 (as such term is defined and implemented in section
19 403 of the Personal Responsibility and Work Oppor-
20 tunity Reconciliation Act of 1996 (8 U.S.C. 1613)).

21 (4) TREATMENT OF BLUE CARD STATUS.—A
22 noncitizen granted blue card status shall be consid-
23 ered lawfully present in the United States for all
24 purposes while such noncitizen remains in such sta-
25 tus, except that the noncitizen—

1 (A) is not entitled to the premium assist-
2 ance tax credit authorized under section 36B of
3 the Internal Revenue Code of 1986 for his or
4 her coverage;

5 (B) shall be subject to the rules applicable
6 to individuals who are not lawfully present set
7 forth in subsection (e) of such section;

8 (C) shall be subject to the rules applicable
9 to individuals who are not lawfully present set
10 forth in section 1402(e) of the Patient Protec-
11 tion and Affordable Care Act (42 U.S.C.
12 18071(e)); and

13 (D) shall be subject to the rules applicable
14 to individuals not lawfully present set forth in
15 section 5000A(d)(3) of the Internal Revenue
16 Code of 1986.

17 (5) ADJUSTMENT TO REGISTERED PROVISIONAL
18 IMMIGRANT STATUS.—The Secretary may adjust the
19 status of an alien who has been granted blue card
20 status to the status of a registered provisional immi-
21 grant under section 245B of the Immigration and
22 Nationality Act if the Secretary determines that the
23 alien is unable to fulfill the agricultural service re-
24 quirement set forth in section 245F(a)(1) of such
25 Act.

1 (d) RECORD OF EMPLOYMENT.—

2 (1) IN GENERAL.—Each employer of an alien
3 granted blue card status shall annually provide—

4 (A) a written record of employment to the
5 alien; and

6 (B) a copy of such record to the Secretary
7 of Agriculture.

8 (2) CIVIL PENALTIES.—

9 (A) IN GENERAL.—If the Secretary finds,
10 after notice and an opportunity for a hearing,
11 that an employer of an alien granted blue card
12 status has knowingly failed to provide the
13 record of employment required under paragraph
14 (1) or has provided a false statement of mate-
15 rial fact in such a record, the employer shall be
16 subject to a civil penalty in an amount not to
17 exceed \$500 per violation.

18 (B) LIMITATION.—The penalty under sub-
19 paragraph (A) for failure to provide employ-
20 ment records shall not apply unless the alien
21 has provided the employer with evidence of em-
22 ployment authorization provided under sub-
23 section (c).

24 (C) DEPOSIT OF CIVIL PENALTIES.—Civil
25 penalties collected under this paragraph shall be

1 deposited in the Comprehensive Immigration
2 Reform Trust Fund established under section
3 6(a)(1).

4 (3) TERMINATION OF OBLIGATION.—The obli-
5 gation under paragraph (1) shall terminate on the
6 date that is 8 years after the date of the enactment
7 of this Act.

8 (4) EMPLOYER PROTECTIONS.—

9 (A) USE OF EMPLOYMENT RECORDS.—
10 Copies of employment records or other evidence
11 of employment provided by an alien or by an
12 alien's employer in support of an alien's appli-
13 cation for blue card status may not be used in
14 a civil or criminal prosecution or investigation
15 of that employer under section 274A of the Im-
16 migration and Nationality Act (8 U.S.C.
17 1324a) or the Internal Revenue Code of 1986
18 for the prior unlawful employment of that alien
19 regardless of the adjudication of such applica-
20 tion or reconsideration by the Secretary of such
21 alien's prima facie eligibility determination.
22 Employers that provide unauthorized aliens
23 with copies of employment records or other evi-
24 dence of employment pursuant to an application
25 for blue card status shall not be subject to civil

1 and criminal liability pursuant to such section
2 274A for employing such unauthorized aliens.

3 (B) LIMIT ON APPLICABILITY.—The pro-
4 tections for employers and aliens under sub-
5 paragraph (A) shall not apply if the aliens or
6 employers submit employment records that are
7 deemed to be fraudulent.

8 (e) RULEMAKING.—Not later than 1 year after the
9 date of the enactment of this Act, the Secretary, in con-
10 sultation with the Secretary of Agriculture, shall issue
11 final regulations to implement this chapter.

12 **SEC. 2212. ADJUSTMENT TO PERMANENT RESIDENT STA-**
13 **TUS.**

14 (a) IN GENERAL.—Chapter 5 of title II (8 U.S.C.
15 1255 et seq.) is amended by inserting after section 245E,
16 as added by section 2104 of this Act, the following:

17 **“SEC. 245F. ADJUSTMENT TO PERMANENT RESIDENT STA-**
18 **TUS FOR AGRICULTURAL WORKERS.**

19 “(a) IN GENERAL.—Except as provided in subsection
20 (b), and not earlier than 5 years after the date of the en-
21 actment of the Border Security, Economic Opportunity,
22 and Immigration Modernization Act, the Secretary shall
23 adjust the status of an alien granted blue card status to
24 that of an alien lawfully admitted for permanent residence

1 if the Secretary determines that the following require-
2 ments are satisfied:

3 “(1) QUALIFYING EMPLOYMENT.—Except as
4 provided in paragraph (3), the alien—

5 “(A) during the 8-year period beginning on
6 the date of the enactment of the Border Secu-
7 rity, Economic Opportunity, and Immigration
8 Modernization Act, performed not less than 100
9 work days of agricultural employment during
10 each of 5 years; or

11 “(B) during the 5-year period beginning on
12 such date of enactment, performed not less
13 than 150 work days of agricultural employment
14 during each of 3 years.

15 “(2) EVIDENCE.—An alien may demonstrate
16 compliance with the requirement under paragraph
17 (1) by submitting—

18 “(A) the record of employment described
19 in section 2211(d) of the Border Security, Eco-
20 nomic Opportunity, and Immigration Mod-
21 ernization Act;

22 “(B) documentation that may be submitted
23 under subsection (e)(4); or

24 “(C) any other documentation designated
25 by the Secretary for such purpose.

1 “(3) EXTRAORDINARY CIRCUMSTANCES.—

2 “(A) IN GENERAL.—In determining wheth-
3 er an alien has met the requirement under
4 paragraph (1), the Secretary may credit the
5 alien with not more than 12 additional months
6 of agricultural employment in the United States
7 to meet such requirement if the alien was un-
8 able to work in agricultural employment due
9 to—

10 “(i) pregnancy, disabling injury, or
11 disease that the alien can establish through
12 medical records;

13 “(ii) illness, disease, or other special
14 needs of a child that the alien can establish
15 through medical records;

16 “(iii) severe weather conditions that
17 prevented the alien from engaging in agri-
18 cultural employment for a significant pe-
19 riod of time; or

20 “(iv) termination from agricultural
21 employment, if the Secretary determines
22 that—

23 “(I) the termination was without
24 just cause; and

1 “(II) the alien was unable to find
2 alternative agricultural employment
3 after a reasonable job search.

4 “(B) EFFECT OF DETERMINATION.—A de-
5 termination under subparagraph (A)(iv), with
6 respect to an alien, shall not be conclusive,
7 binding, or admissible in a separate or subse-
8 quent judicial or administrative action or pro-
9 ceeding between the alien and a current or
10 prior employer of the alien or any other party.

11 “(4) APPLICATION PERIOD.—The alien applies
12 for adjustment of status before the alien’s blue card
13 status expires.

14 “(5) FINE.—The alien pays a fine of \$400 to
15 the Secretary, which shall be deposited into the
16 Comprehensive Immigration Reform Trust Fund es-
17 tablished under section 6(a)(1) of the Border Secu-
18 rity, Economic Opportunity, and Immigration Mod-
19 ernization Act.

20 “(b) GROUNDS FOR DENIAL OF ADJUSTMENT OF
21 STATUS.—

22 “(1) IN GENERAL.—The Secretary may not ad-
23 just the status of an alien granted blue card status
24 if the alien—

1 “(A) is no longer eligible for blue card sta-
2 tus; or

3 “(B) failed to perform the qualifying em-
4 ployment requirement under subsection (a)(1),
5 considering any amount credited by the Sec-
6 retary under subsection (a)(3).

7 “(2) MAINTENANCE OF WAIVERS OF INADMIS-
8 SIBILITY.—The grounds of inadmissibility set forth
9 in section 212(a) that were previously waived for the
10 alien or made inapplicable shall not apply for pur-
11 poses of the alien’s adjustment of status under this
12 section.

13 “(3) PENDING REVOCATION PROCEEDINGS.—If
14 the Secretary has notified the applicant that the
15 Secretary intends to revoke the applicant’s blue card
16 status, the Secretary may not approve an application
17 for adjustment of status under this section unless
18 the Secretary makes a final determination not to re-
19 voke the applicant’s status.

20 “(4) PAYMENT OF TAXES.—

21 “(A) IN GENERAL.—An applicant may not
22 file an application for adjustment of status
23 under this section unless the applicant has sat-
24 isfied any applicable Federal tax liability.

1 “(B) DEFINITION OF APPLICABLE FED-
2 ERAL TAX LIABILITY.—In this paragraph, the
3 term ‘applicable federal tax liability’ means all
4 Federal income taxes assessed in accordance
5 with section 6203 of the Internal Revenue Code
6 of 1986 since the date on which the applicant
7 was authorized to work in the United States in
8 blue card status.

9 “(C) COMPLIANCE.—The applicant may
10 demonstrate compliance with subparagraph (A)
11 by submitting such documentation as the Sec-
12 retary, in consultation with the Secretary of the
13 Treasury, may require by regulation.

14 “(c) SPOUSES AND CHILDREN.—Notwithstanding
15 any other provision of law, the Secretary shall grant per-
16 manent resident status to the spouse or child of an alien
17 whose status was adjusted under subsection (a) if—

18 “(1) the spouse or child (including any indi-
19 vidual who was a child on the date such alien was
20 granted blue card status) applies for such status;

21 “(2) the principal alien includes the spouse and
22 children in an application for adjustment of status
23 to that of a lawful permanent resident; and

24 “(3) the spouse or child is not ineligible for
25 such status under section 245B.

1 “(d) NUMERICAL LIMITATIONS DO NOT APPLY.—

2 The numerical limitations under sections 201 and 202
3 shall not apply to the adjustment of aliens to lawful per-
4 manent resident status under this section.

5 “(e) SUBMISSION OF APPLICATIONS.—

6 “(1) INTERVIEW.—The Secretary may interview
7 applicants for adjustment of status under this sec-
8 tion to determine whether they meet the eligibility
9 requirements set forth in this section.

10 “(2) FEES.—

11 “(A) IN GENERAL.—Applicants for adjust-
12 ment of status under this section shall pay a
13 processing fee to the Secretary in an amount
14 that will ensure the recovery of the full costs of
15 adjudicating such applications, including—

16 “(i) the cost of taking and processing
17 biometrics;

18 “(ii) expenses relating to prevention
19 and investigation of fraud; and

20 “(iii) costs relating to the administra-
21 tion of the fees collected.

22 “(B) AUTHORITY TO LIMIT FEES.—The
23 Secretary, by regulation—

24 “(i) may limit the maximum proc-
25 essing fee payable under this paragraph by

1 a family, including spouses and unmarried
2 children younger than 21 years of age; and
3 “(ii) may exempt individuals described
4 in section 245B(c)(10) and other defined
5 classes of individuals from the payment of
6 the fee under subparagraph (A).

7 “(3) DISPOSITION OF FEES.—All fees collected
8 under paragraph (2)(A)—

9 “(A) shall be deposited into the Immigra-
10 tion Examinations Fee Account pursuant to
11 section 286(m); and

12 “(B) shall remain available until expended
13 pursuant to section 286(n).

14 “(4) DOCUMENTATION OF WORK HISTORY.—

15 “(A) BURDEN OF PROOF.—An alien apply-
16 ing for blue card status under section 2211 of
17 the Border Security, Economic Opportunity,
18 and Immigration Modernization Act or for ad-
19 justment of status under subsection (a) shall
20 provide evidence that the alien has worked the
21 requisite number of hours or days required
22 under subsection (a)(1) of such section 2211 or
23 subsection (a)(3) of this section, as applicable.

24 “(B) TIMELY PRODUCTION OF RECORDS.—

25 If an employer or farm labor contractor employ-

1 ing such an alien has kept proper and adequate
2 records respecting such employment, the alien's
3 burden of proof under subparagraph (A) may
4 be met by securing timely production of those
5 records under regulations to be promulgated by
6 the Secretary.

7 “(C) SUFFICIENT EVIDENCE.—An alien
8 may meet the burden of proof under subpara-
9 graph (A) to establish that the alien has per-
10 formed the days or hours of work referred to in
11 subparagraph (A) by producing sufficient evi-
12 dence to show the extent of that employment as
13 a matter of just and reasonable inference.

14 “(f) PENALTIES FOR FALSE STATEMENTS IN APPLI-
15 CATIONS.—

16 “(1) CRIMINAL PENALTY.—Any person who—
17 “(A) files an application for blue card sta-
18 tus under section 2211 of the Border Security,
19 Economic Opportunity, and Immigration Mod-
20 ernization Act or an adjustment of status under
21 this section and knowingly and willfully fal-
22 sifies, conceals, or covers up a material fact or
23 makes any false, fictitious, or fraudulent state-
24 ments or representations, or makes or uses any
25 false writing or document knowing the same to

1 contain any false, fictitious, or fraudulent state-
2 ment or entry; or

3 “(B) creates or supplies a false writing or
4 document for use in making such an applica-
5 tion,

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

9 “(2) INADMISSIBILITY.—An alien who is con-
10 victed of a crime under paragraph (1) shall be
11 deemed inadmissible to the United States on the
12 ground described in section 212(a)(6)(C)(i).

13 “(3) DEPOSIT.—Fines collected under para-
14 graph (1) shall be deposited into the Comprehensive
15 Immigration Reform Trust Fund established under
16 section 6(a)(1) of the Border Security, Economic
17 Opportunity, and Immigration Modernization Act.

18 “(g) ELIGIBILITY FOR LEGAL SERVICES.—Section
19 504(a)(11) of the Departments of Commerce, Justice, and
20 State, the Judiciary, and Related Agencies Appropriations
21 Act, 1996 (Public Law 104–134; 110 Stat. 1321–55) may
22 not be construed to prevent a recipient of funds under the
23 Legal Services Corporation Act (42 U.S.C. 2996 et seq.)
24 from providing legal assistance directly related to an appli-
25 cation for blue card status under section 2211 of the Bor-

1 der Security, Economic Opportunity, and Immigration
2 Modernization Act, to an individual who has been granted
3 blue card status, or for an application for an adjustment
4 of status under this section.

5 “(h) ADMINISTRATIVE AND JUDICIAL REVIEW.—
6 Aliens applying for blue card status under section 2211
7 of the Border Security, Economic Opportunity, and Immi-
8 gration Modernization Act or adjustment to permanent
9 resident status under this section shall be entitled to the
10 rights and subject to the conditions applicable to other
11 classes of aliens under sections 242(h) and 245E.

12 “(i) APPLICABILITY OF OTHER PROVISIONS.—The
13 provisions set forth in section 245E which are applicable
14 to aliens described in section 245B, 245C, and 245D shall
15 apply to aliens applying for blue card status under section
16 2211 of the Border Security, Economic Opportunity, and
17 Immigration Modernization Act or adjustment to perma-
18 nent resident status under this section.

19 “(j) LIMITATION ON BLUE CARD STATUS.—An alien
20 granted blue card status under section 2211 of the Border
21 Security, Economic Opportunity, and Immigration Mod-
22 ernization Act may only adjust status to an alien lawfully
23 admitted for permanent residence under this section, sec-
24 tion 245C of this Act, or section 2302 of the Border Secu-

1 rity, Economic Opportunity, and Immigration Moderniza-
2 tion Act.

3 “(k) DEFINITIONS.—In this section:

4 “(1) BLUE CARD STATUS.—The term ‘blue card
5 status’ means the status of an alien who has been
6 lawfully admitted into the United States for tem-
7 porary residence under section 2211 of the Border
8 Security, Economic Opportunity, and Immigration
9 Modernization Act.

10 “(2) AGRICULTURAL EMPLOYMENT.—The term
11 ‘agricultural employment’ has the meaning given
12 such term in section 3 of the Migrant and Seasonal
13 Agricultural Worker Protection Act (29 U.S.C.
14 1802), without regard to whether the specific service
15 or activity is temporary or seasonal.

16 “(3) EMPLOYER.—The term ‘employer’ means
17 any person or entity, including any farm labor con-
18 tractor and any agricultural association, that em-
19 ploys workers in agricultural employment.

20 “(4) WORK DAY.—The term ‘work day’ means
21 any day in which the individual is employed 5.75 or
22 more hours in agricultural employment.”.

23 (b) CONFORMING AMENDMENT.—Section 201(b)(1)
24 (8 U.S.C. 1151(b)(1), as amended by section 2103(c), is
25 further amended by adding at the end the following:

1 “(G) Aliens granted lawful permanent resi-
2 dent status under section 245F.”.

3 (c) CLERICAL AMENDMENT.—The table of contents,
4 as amended by section 2104(e), is further amended by in-
5 serting after the item relating to section 245E the fol-
6 lowing:

“Sec. 245F. Adjustment to permanent resident status for agricultural work-
ers.”.

7 **SEC. 2213. USE OF INFORMATION.**

8 Beginning not later than the first day of the applica-
9 tion period described in section 2211(b)(3), the Secretary,
10 in cooperation with qualified designated entities, shall
11 broadly disseminate information respecting the benefits
12 that aliens may receive under this subchapter and the re-
13 quirements that an alien is required to meet to receive
14 such benefits.

15 **SEC. 2214. REPORTS ON BLUE CARDS.**

16 Not later than September 30, 2013, and annually
17 thereafter for the next 8 years, the Secretary shall submit
18 a report to Congress that identifies, for the previous fiscal
19 year—

20 (1) the number of aliens who applied for blue
21 card status;

22 (2) the number of aliens who were granted blue
23 card status;

1 (3) the number of aliens who applied for an ad-
2 justment of status pursuant to section 245F(a) of
3 the Immigration and Nationality Act, as added by
4 section 2212; and

5 (4) the number of aliens who received an ad-
6 justment of status pursuant such section 245F(a).

7 **SEC. 2215. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to the Sec-
9 retary such sums as may be necessary to implement this
10 subchapter, including any sums needed for costs associ-
11 ated with the initiation of such implementation, for fiscal
12 years 2013 and 2014.

13 **Subchapter B—Correction of Social Security**
14 **Records**

15 **SEC. 2221. CORRECTION OF SOCIAL SECURITY RECORDS.**

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

18 (1) in subparagraph (B)(ii), by striking “or” at
19 the end;

20 (2) in subparagraph (C), by inserting “or” at
21 the end;

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

1 “(D) who is granted blue card status
2 under the Agricultural Worker Program Act of
3 2013,”; and

4 (4) by striking “1990.” and inserting “1990, or
5 in the case of an alien described in subparagraph
6 (D), if such conduct is alleged to have occurred be-
7 fore the date on which the alien was granted blue
8 card status under section 2211(a) of the Agricul-
9 tural Worker Program Act of 2013.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 subsection (a) shall take effect on the first day of the sev-
12 enth month that begins after the date of the enactment
13 of this Act.

14 **CHAPTER 2—NONIMMIGRANT**
15 **AGRICULTURAL VISA PROGRAM**

16 **SEC. 2231. NONIMMIGRANT CLASSIFICATION FOR NON-**
17 **IMMIGRANT AGRICULTURAL WORKERS.**

18 Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amend-
19 ed by adding at the end the following:

20 “(W) an alien having a residence in a for-
21 eign country who is coming to the United
22 States for a temporary period—

23 “(iii)(I) to perform services or labor in
24 agricultural employment and who has a
25 written contract that specifies the wages,

1 benefits, and working conditions of such
2 full-time employment in an agricultural oc-
3 cupation with a designated agricultural
4 employer for a specified period of time;
5 and

6 “(II) who meets the requirements
7 under section 218A for a nonimmigrant
8 visa described in this clause; or

9 “(iv)(I) to perform services or labor in
10 agricultural employment and who has an
11 offer of full-time employment in an agricul-
12 tural occupation from a designated agricul-
13 tural employer for such employment and is
14 not described in clause (i); and

15 “(II) who meets the requirements
16 under section 218A for a nonimmigrant
17 visa described in this clause.”.

18 **SEC. 2232. ESTABLISHMENT OF NONIMMIGRANT AGRICUL-**
19 **TURAL WORKER PROGRAM.**

20 (a) IN GENERAL.—Chapter 2 of title II (8 U.S.C.
21 1181 et seq.) is amended by inserting after section 218
22 the following:

1 **“SEC. 218A. NONIMMIGRANT AGRICULTURAL WORKER PRO-**
2 **GRAM.**

3 “(a) DEFINITIONS.—In this section and in clauses
4 (iii) and (iv) of section 101(a)(15)(W):

5 “(1) AGRICULTURAL EMPLOYMENT.—The term
6 ‘agricultural employment’ has the meaning given
7 such term in section 3 of the Migrant and Seasonal
8 Agricultural Worker Protection Act (29 U.S.C.
9 1802), without regard to whether the specific service
10 or activity is temporary or seasonal.

11 “(2) AT-WILL AGRICULTURAL WORKER.—The
12 term ‘at-will agricultural worker’ means an alien
13 present in the United States pursuant to section
14 101(a)(15)(W)(iv).

15 “(3) BLUE CARD.—The term ‘blue card’ means
16 an employment authorization and travel document
17 issued to an alien granted blue card status under
18 section 2211(a) of the Agricultural Worker Program
19 Act of 2013.

20 “(4) CONTRACT AGRICULTURAL WORKER.—The
21 term ‘contract agricultural worker’ means an alien
22 present in the United States pursuant to section
23 101(a)(15)(W)(iii).

24 “(5) DESIGNATED AGRICULTURAL EM-
25 PLOYER.—The term ‘designated agricultural em-
26 ployer’ means an employer who is registered with

1 the Secretary of Agriculture pursuant to subsection
2 (e)(1).

3 “(6) ELECTRONIC JOB REGISTRY.—The term
4 ‘Electronic Job Registry’ means the Electronic Job
5 Registry of a State workforce agency (or similar suc-
6 cessor registry).

7 “(7) EMPLOYER.—Except as otherwise pro-
8 vided, the term ‘employer’ means any person or enti-
9 ty, including any farm labor contractor and any ag-
10 ricultural association, that employs workers in agri-
11 cultural employment.

12 “(8) NONIMMIGRANT AGRICULTURAL WORK-
13 ER.—The term ‘nonimmigrant agricultural worker’
14 mean a nonimmigrant described in clause (iii) or (iv)
15 of section 101(a)(15)(W).

16 “(9) PROGRAM.—The term ‘Program’ means
17 the Nonimmigrant Agricultural Worker Program es-
18 tablished under subsection (b).

19 “(10) SECRETARY.—Except as otherwise spe-
20 cifically provided, the term ‘Secretary’ means the
21 Secretary of Agriculture.

22 “(11) UNITED STATES WORKER.—The term
23 ‘United States worker’ means an individual who—

24 “(A) is a national of the United States; or

25 “(B) is an alien who—

1 “(i) is lawfully admitted for perma-
2 nent residence;

3 “(ii) is admitted as a refugee under
4 section 207;

5 “(iii) is granted asylum under section
6 208;

7 “(iv) holds a blue card; or

8 “(v) is an immigrant otherwise au-
9 thorized by this Act or by the Secretary of
10 Homeland Security to be employed in the
11 United States.

12 “(b) REQUIREMENTS.—

13 “(1) EMPLOYER.—An employer may not employ
14 an alien for agricultural employment under the Pro-
15 gram unless such employer is a designated agricul-
16 tural employer and complies with the terms of this
17 section.

18 “(2) WORKER.—An alien may not be employed
19 for agricultural employment under the Program un-
20 less such alien is a nonimmigrant agricultural work-
21 er and complies with the terms of this section.

22 “(c) NUMERICAL LIMITATION.—

23 “(1) FIRST 5 YEARS OF PROGRAM.—

24 “(A) IN GENERAL.—Subject to paragraph
25 (2), the worldwide level of visas for non-

1 immigrant agricultural workers for the fiscal
2 year during which the first visa is issued to a
3 nonimmigrant agricultural worker and for each
4 of the following 4 fiscal years shall be equal
5 to—

6 “(i) 112,333; and

7 “(ii) the numerical adjustment made
8 by the Secretary for such fiscal year in ac-
9 cordance with paragraph (2).

10 “(B) QUARTERLY ALLOCATION.—The an-
11 nual allocation of visas described in subpara-
12 graph (A) shall be evenly allocated between the
13 4 quarters of the fiscal year unless the Sec-
14 retary determines that an alternative allocation
15 would better accommodate the seasonal demand
16 for visas. Any unused visas in a quarter shall
17 be added to the allocation for the subsequent
18 quarter of the same fiscal year.

19 “(C) EFFECT OF 2ND OR SUBSEQUENT
20 DESIGNATED AGRICULTURAL EMPLOYER.—A
21 nonimmigrant agricultural worker who has a
22 valid visa issued under this section that counted
23 against the allocation described in subpara-
24 graph (A) shall not be recounted against the al-

1 location if the worker is petitioned for by a sub-
2 sequent designated agricultural employer.

3 “(2) ANNUAL ADJUSTMENTS FOR FIRST 5
4 YEARS OF PROGRAM.—

5 “(A) IN GENERAL.—The Secretary, in con-
6 sultation with the Secretary of Labor, and after
7 reviewing relevant evidence submitted by agri-
8 cultural producers and organizations rep-
9 resenting agricultural workers, may increase or
10 decrease, as appropriate, the worldwide level of
11 visas under paragraph (1) for each of the 5 fis-
12 cal years referred to in paragraph (1) after con-
13 sidering appropriate factors, including—

14 “(i) a demonstrated shortage of agri-
15 cultural workers;

16 “(ii) the level of unemployment and
17 underemployment of agricultural workers
18 during the preceding fiscal year;

19 “(iii) the number of applications for
20 blue card status;

21 “(iv) the number of blue card visa ap-
22 plications approved;

23 “(v) the number of nonimmigrant ag-
24 ricultural workers sought by employers
25 during the preceding fiscal year;

1 “(vi) the estimated number of United
2 States workers, including blue card work-
3 ers, who worked in agriculture during the
4 preceding fiscal year;

5 “(vii) the number of nonimmigrant
6 agricultural workers issued a visa in the
7 most recent fiscal year who remain in the
8 United States in compliance with the terms
9 of such visa;

10 “(viii) the number of United States
11 workers who accepted jobs offered by em-
12 ployers using the Electronic Job Registry
13 during the preceding fiscal year;

14 “(ix) any growth or contraction of the
15 United States agricultural industry that
16 has increased or decreased the demand for
17 agricultural workers; and

18 “(x) any changes in the real wages
19 paid to agricultural workers in the United
20 States as an indication of a shortage or
21 surplus of agricultural labor.

22 “(B) NOTIFICATION; IMPLEMENTATION.—
23 The Secretary shall notify the Secretary of
24 Homeland Security of any change to the world-
25 wide level of visas for nonimmigrant agricul-

1 tural workers. The Secretary of Homeland Se-
2 curity shall implement such changes.

3 “(C) EMERGENCY PROCEDURES.—The
4 Secretary shall establish, by regulation, proce-
5 dures for immediately adjusting an annual allo-
6 cation under paragraph (1) for labor shortages,
7 as determined by the Secretary. The Secretary
8 shall make a decision on a petition for an ad-
9 justment of status not later than 30 days after
10 receiving such petition.

11 “(3) SIXTH AND SUBSEQUENT YEARS OF PRO-
12 GRAM.—The Secretary, in consultation with the Sec-
13 retary of Labor, shall establish the worldwide level
14 of visas for nonimmigrant agricultural workers for
15 each fiscal year following the fiscal years referred to
16 in paragraph (1) after considering appropriate fac-
17 tors, including—

18 “(A) a demonstrated shortage of agricul-
19 tural workers;

20 “(B) the level of unemployment and under-
21 employment of agricultural workers during the
22 preceding fiscal year;

23 “(C) the number of applications for blue
24 card status;

1 “(D) the number of blue card visa applica-
2 tions approved;

3 “(E) the number of nonimmigrant agricul-
4 tural workers sought by employers during the
5 preceding fiscal year;

6 “(F) the estimated number of United
7 States workers, including blue card workers,
8 who worked in agriculture during the preceding
9 fiscal year;

10 “(G) the number of nonimmigrant agricul-
11 tural workers issued a visa in the most recent
12 fiscal year who remain in the United States in
13 compliance with the terms of such visa;

14 “(H) the number of United States workers
15 who accepted jobs offered by employers using
16 the Electronic Job Registry during the pre-
17 ceding fiscal year;

18 “(I) any growth or contraction of the
19 United States agricultural industry that has in-
20 creased or decreased the demand for agricul-
21 tural workers; and

22 “(J) any changes in the real wages paid to
23 agricultural workers in the United States as an
24 indication of a shortage or surplus of agricul-
25 tural labor.

1 “(4) EMERGENCY PROCEDURES.—The Sec-
2 retary shall establish, by regulation, procedures for
3 immediately adjusting an annual allocation under
4 paragraph (3) for labor shortages, as determined by
5 the Secretary. The Secretary shall make a decision
6 on a petition for an adjustment of status not later
7 than 30 days after receiving such petition

8 “(d) REQUIREMENTS FOR NONIMMIGRANT AGRICUL-
9 TURAL WORKERS.—

10 “(1) ELIGIBILITY FOR NONIMMIGRANT AGRI-
11 CULTURAL WORKER STATUS.—

12 “(A) IN GENERAL.—An alien is not eligible
13 to be admitted to the United States as a non-
14 immigrant agricultural worker if the alien—

15 “(i) violated a material term or condi-
16 tion of a previous admission as a non-
17 immigrant agricultural worker during the
18 most recent 3-year period (other than a
19 contract agricultural worker who volun-
20 tarily abandons his or her employment be-
21 fore the end of the contract period or
22 whose employment is terminated by the
23 employer for cause);

24 “(ii) has not obtained successful clear-
25 ance of any security and criminal back-

1 ground checks required by the Secretary of
2 Homeland Security or any other examina-
3 tion required under this Act; or

4 “(iii)(I) departed from the United
5 States while subject to an order of exclu-
6 sion, deportation, or removal, or pursuant
7 to an order of voluntary departure; and

8 “(II)(aa) is outside of the United
9 States; or

10 “(bb) has reentered the United States
11 illegally after December 31, 2012, without
12 receiving consent to the alien’s reapplica-
13 tion for admission under section 212(a)(9).

14 “(B) WAIVER.—The Secretary of Home-
15 land Security may waive the application of sub-
16 paragraph (A)(iii) on behalf of an alien if the
17 alien—

18 “(i) is the spouse or child of a United
19 States citizen or lawful permanent resi-
20 dent;

21 “(ii) is the parent of a child who is a
22 United States citizen or lawful permanent
23 resident;

1 “(iii) meets the requirements set forth
2 in clause (ii) or (iii) of section
3 245D(b)(1)(A); or

4 “(iv)(I) meets the requirements set
5 forth in section 245D(b)(1)(A)(ii);

6 “(II) is 16 years or older on the date
7 on which the alien applies for non-
8 immigrant agricultural status; and

9 “(III) was physically present in the
10 United States for an aggregate period of
11 not less than 3 years during the 6-year pe-
12 riod immediately preceding the date of the
13 enactment of this section.

14 “(2) TERM OF STAY FOR NONIMMIGRANT AGRI-
15 CULTURAL WORKERS.—

16 “(A) IN GENERAL.—

17 “(i) INITIAL ADMISSION.—A non-
18 immigrant agricultural worker may be ad-
19 mitted into the United States in such sta-
20 tus for an initial period of 3 years.

21 “(ii) RENEWAL.—A nonimmigrant ag-
22 ricultural worker may renew such worker’s
23 period of admission in the United States
24 for 1 additional 3-year period.

1 “(B) BREAK IN PRESENCE.—A non-
2 immigrant agricultural worker who has been
3 admitted to the United States for 2 consecutive
4 periods under subparagraph (A) is ineligible to
5 renew the alien’s nonimmigrant agricultural
6 worker status until such alien—

7 “(i) returns to a residence outside the
8 United States for a period of not less than
9 3 months; and

10 “(ii) seeks to reenter the United
11 States under the terms of the Program as
12 a nonimmigrant agricultural worker.

13 “(3) LOSS OF STATUS.—

14 “(A) IN GENERAL.—An alien admitted as
15 a nonimmigrant agricultural worker shall be in-
16 eligible for such status and shall be required to
17 depart the United States if such alien—

18 “(i) after the completion of his or her
19 contract with a designated agricultural em-
20 ployer, is not employed in agricultural em-
21 ployment by a designated agricultural em-
22 ployer; or

23 “(ii) is an at-will agricultural worker
24 and is not continuously employed by a des-
25 ignated agricultural employer in agricul-

1 tural employment as an at-will agricultural
2 worker.

3 “(B) EXCEPTION.—Subject to subpara-
4 graph (C), a nonimmigrant agricultural worker
5 has not violated subparagraph (A) if the non-
6 immigrant agricultural worker is not employed
7 in agricultural employment for a period not to
8 exceed 60 days.

9 “(C) WAIVER.—Notwithstanding subpara-
10 graph (B), the Secretary of Homeland Security
11 may waive the application of clause (i) or (ii) of
12 subparagraph (A) for a nonimmigrant agricul-
13 tural worker who was not employed in agricul-
14 tural employment for a period of more than 60
15 days if such period of unemployment was due
16 to—

17 “(i) the injury of such worker; or

18 “(ii) a natural disaster declared by
19 the Secretary.

20 “(D) TOLLING OF EMPLOYMENT REQUIRE-
21 MENT.—A nonimmigrant agricultural worker
22 may leave the United States for up to 60 days
23 in any fiscal year while in such status. During
24 the period in which the worker is outside of the

1 United States, the 60-day limit specified in sub-
2 paragraph (B) shall be tolled.

3 “(4) PORTABILITY OF STATUS.—

4 “(A) CONTRACT AGRICULTURAL WORK-
5 ERS.—

6 “(i) IN GENERAL.—Except as pro-
7 vided in clause (ii), an alien who entered
8 the United States as a contract agricul-
9 tural worker may—

10 “(I) seek employment as a non-
11 immigrant agricultural worker with a
12 designated agricultural employer other
13 than the designated agricultural em-
14 ployer with whom the employee had a
15 contract described in section
16 101(a)(15)(W)(iii)(I); and

17 “(II) accept employment with
18 such new employer after the date the
19 contract agricultural worker completes
20 such contract.

21 “(ii) VOLUNTARY ABANDONMENT;
22 TERMINATION FOR CAUSE.—A contract ag-
23 ricultural worker who voluntarily abandons
24 his or her employment before the end of

1 the contract period or whose employment
2 is terminated for cause by the employer—

3 “(I) may not accept subsequent
4 employment with another designated
5 agricultural employer without first de-
6 parting the United States and reen-
7 tering pursuant to a new offer of em-
8 ployment; and

9 “(II) is not entitled to the 75
10 percent payment guarantee described
11 in subsection (e)(4)(B).

12 “(iii) TERMINATION BY MUTUAL
13 AGREEMENT.—The termination of an em-
14 ployment contract by mutual agreement of
15 the designated agricultural employer and
16 the contract agricultural worker shall not
17 be considered voluntary abandonment for
18 purposes of clause (ii).

19 “(B) AT-WILL AGRICULTURAL WORK-
20 ERS.—An alien who entered the United States
21 as an at-will agricultural worker may seek em-
22 ployment as an at-will agricultural worker with
23 any other designated agricultural employer re-
24 ferred to in section 101(a)(15)(W)(iv)(I).

1 “(5) PROHIBITION ON GEOGRAPHIC LIMITA-
2 TION.—A nonimmigrant visa issued to a non-
3 immigrant agricultural worker—

4 “(A) shall not limit the geographical area
5 within which such worker may be employed;

6 “(B) shall not limit the type of agricultural
7 employment such worker may perform; and

8 “(C) shall restrict such worker to employ-
9 ment with designated agricultural employers.

10 “(6) TREATMENT OF SPOUSES AND CHIL-
11 DREN.—A spouse or child of a nonimmigrant agri-
12 cultural worker—

13 “(A) shall not be entitled to a visa or any
14 immigration status by virtue of the relationship
15 of such spouse or child to such worker; and

16 “(B) may be provided status as a non-
17 immigrant agricultural worker if the spouse or
18 child is independently qualified for such status.

19 “(e) EMPLOYER REQUIREMENTS.—

20 “(1) DESIGNATED AGRICULTURAL EMPLOYER
21 STATUS.—

22 “(A) REGISTRATION REQUIREMENT.—
23 Each employer seeking to employ nonimmigrant
24 agricultural workers shall register for des-
25 ignated agricultural employer status by submit-

1 ting to the Secretary, through the Farm Service
2 Agency in the geographic area of the employer
3 or electronically to the Secretary, a registration
4 that includes—

5 “(i) the employer’s employer identi-
6 fication number; and

7 “(ii) a registration fee, in an amount
8 determined by the Secretary, which shall
9 be used for the costs of administering the
10 program.

11 “(B) CRITERIA.—The Secretary shall
12 grant designated agricultural employer status to
13 an employer who submits a registration for
14 such status that includes—

15 “(i) documentation that the employer
16 is engaged in agriculture;

17 “(ii) the estimated number of non-
18 immigrant agricultural workers the em-
19 ployer will need each year;

20 “(iii) the anticipated periods during
21 which the employer will need such workers;
22 and

23 “(iv) documentation establishing need
24 for a specified agricultural occupation or
25 occupations.

1 “(C) DESIGNATION.—

2 “(i) REGISTRATION NUMBER.—The
3 Secretary shall assign each employer that
4 meets the criteria established pursuant to
5 subparagraph (B) with a designated agri-
6 cultural employer registration number.

7 “(ii) TERM OF DESIGNATION.—Each
8 employer granted designated agricultural
9 employer status under this paragraph shall
10 retain such status for a term of 3 years.
11 At the end of such 3-year term, the em-
12 ployer may renew the registration for an-
13 other 3-year term if the employer meets
14 the requirements set forth in subpara-
15 graphs (A) and (B).

16 “(D) ASSISTANCE.—In carrying out the
17 functions described in this subsection, the Sec-
18 retary may work through the Farm Service
19 Agency, or any other agency in the Department
20 of Agriculture—

21 “(i) to assist agricultural employers
22 with the registration process under this
23 paragraph by providing such employers
24 with—

1 “(I) technical assistance and ex-
2 pertise;

3 “(II) internet access for submit-
4 ting such applications; and

5 “(III) a nonelectronic means for
6 submitting such registrations; and

7 “(ii) to provide resources about the
8 Program, including best practices and
9 compliance related assistance and re-
10 sources or training to assist in retention of
11 such workers to agricultural employers.

12 “(E) DEPOSIT OF REGISTRATION FEE.—
13 Fees collected pursuant to subparagraph
14 (A)(ii)—

15 “(i) shall be deposited into the Immi-
16 gration Examinations Fee Account pursu-
17 ant to section 286(m); and

18 “(ii) shall remain available until ex-
19 pended pursuant to section 286(n).

20 “(2) NONIMMIGRANT AGRICULTURAL WORKER
21 PETITION PROCESS.—

22 “(A) IN GENERAL.—Not later than 45
23 days before the date on which nonimmigrant
24 agricultural workers are needed, a designated
25 agricultural employer seeking to employ such

1 workers shall submit a petition to the Secretary
2 of Homeland Security that includes the employ-
3 er's designated agricultural employer registra-
4 tion number.

5 “(B) ATTESTATION.—An petition sub-
6 mitted under subparagraph (A) shall include an
7 attestation of the following:

8 “(i) The number of named or
9 unnamed nonimmigrant agricultural work-
10 ers the designated agricultural employer is
11 seeking to employ during the applicable pe-
12 riod of employment.

13 “(ii) The total number of contract ag-
14 ricultural workers and of at-will agricul-
15 tural workers the employer will require for
16 each occupational category.

17 “(iii) The anticipated period, includ-
18 ing expected beginning and ending dates,
19 during which such employees will be need-
20 ed.

21 “(iv) Evidence of contracts or written
22 disclosures of employment terms and con-
23 ditions in accordance with the Migrant and
24 Seasonal Agricultural Worker Protection
25 Act (29 U.S.C. 1801 et seq.), which have

1 been disclosed or provided to the non-
2 immigrant agricultural workers, or a sam-
3 ple of such contract or disclosure for
4 unnamed workers.

5 “(v) The information submitted to the
6 State workforce agency pursuant to para-
7 graph (3)(A)(i).

8 “(vi) The record of United States
9 workers described in paragraph (3)(A)(iii)
10 on the date of the request.

11 “(vii) Evidence of offers of employ-
12 ment made to United States workers as re-
13 quired under paragraph (3)(B).

14 “(viii) The employer will comply with
15 the additional program requirements for
16 designated agricultural employers de-
17 scribed in paragraph (4).

18 “(C) EMPLOYMENT AUTHORIZATION WHEN
19 CHANGING EMPLOYERS.—Nonimmigrant agri-
20 cultural workers in the United States who are
21 identified in a petition submitted pursuant to
22 subparagraph (A) and are in lawful status may
23 commence employment with their designated
24 agricultural employer after such employer has

1 submitted such petition to the Secretary of
2 Homeland Security.

3 “(D) REVIEW.—The Secretary of Home-
4 land Security shall review each petition sub-
5 mitted by designated agricultural employers
6 under this paragraph for completeness or obvi-
7 ous inaccuracies. Unless the Secretary of
8 Homeland Security determines that the petition
9 is incomplete or obviously inaccurate, the Sec-
10 retary shall accept the petition. The Secretary
11 shall establish a procedure for the processing of
12 petitions filed under this subsection. Not later
13 than 7 working days after the date of the filing,
14 the Secretary, by electronic or other means as-
15 suring expedited delivery, shall submit a copy of
16 notice of approval or denial of the petition to
17 the petitioner and, in the case of approved peti-
18 tions, to the appropriate immigration officer at
19 the port of entry or United States consulate, as
20 appropriate, if the petitioner has indicated that
21 the alien beneficiary or beneficiaries will apply
22 for a visa or admission to the United States.

23 “(3) EMPLOYMENT OF UNITED STATES WORK-
24 ERS.—

25 “(A) RECRUITMENT.—

1 “(i) FILING A JOB OPPORTUNITY
2 WITH LOCAL OFFICE OF STATE WORK-
3 FORCE AGENCY.—Not later than 60 days
4 before the date on which the employer de-
5 sires to employ a nonimmigrant agricul-
6 tural worker, the employer shall submit the
7 job opportunity for such worker to the
8 local office of the State workforce agency
9 where the job site is located and authorize
10 the posting of the job opportunity on the
11 appropriate Department of Labor Elec-
12 tronic Job Registry for a period of 45
13 days.

14 “(ii) CONSTRUCTION.—Nothing in
15 clause (i) may be construed to cause a
16 posting referred to in clause (i) to be treat-
17 ed as an interstate job order under section
18 653.500 of title 20, Code of Federal Regu-
19 lations (or similar successor regulation).

20 “(iii) RECORD OF UNITED STATES
21 WORKERS.—An employer shall keep a
22 record of all eligible, able, willing, and
23 qualified United States workers who apply
24 for agricultural employment with the em-
25 ployer for the agricultural employment for

1 which the nonimmigrant agricultural non-
2 immigrant workers are sought.

3 “(B) REQUIREMENT TO HIRE.—

4 “(i) UNITED STATES WORKERS.—An
5 employer may not seek a nonimmigrant ag-
6 ricultural worker for agricultural employ-
7 ment unless the employer offers such em-
8 ployment to any equally or better qualified
9 United States worker who will be available
10 at the time and place of need and who ap-
11 plies for such employment during the 45-
12 day recruitment period referred to in sub-
13 paragraph (A)(i).

14 “(ii) EXCEPTION.—Notwithstanding
15 clause (i), the employer may offer the job
16 to a nonimmigrant agricultural worker in-
17 stead of an alien in blue card status if—

18 “(I) such worker was previously
19 employed by the employer as an H-
20 2A worker;

21 “(II) such worker worked for the
22 employer for 3 years during the most
23 recent 4-year period; and

1 “(III) the employer pays such
2 worker the adverse effect wage rate
3 calculated under subsection (f)(5)(B).

4 “(4) ADDITIONAL PROGRAM REQUIREMENTS
5 FOR DESIGNATED AGRICULTURAL EMPLOYERS.—
6 Each designated agricultural employer shall comply
7 with the following requirements:

8 “(A) NO DISPLACEMENT OF UNITED
9 STATES WORKERS.—

10 “(i) IN GENERAL.—The employer
11 shall not displace a United States worker
12 employed by the employer, other than for
13 good cause, during the period of employ-
14 ment of the nonimmigrant agricultural
15 worker and for a period of 30 days pre-
16 ceding such period in the occupation and
17 at the location of employment for which
18 the employer seeks to employ non-
19 immigrant agricultural workers.

20 “(ii) LABOR DISPUTE.—The employer
21 shall not employ a nonimmigrant agricul-
22 tural worker for a specific job for which
23 the employer is requesting a nonimmigrant
24 agricultural worker because the former oc-

1 cupant of the job is on strike or being
2 locked out in the course of a labor dispute.

3 “(B) GUARANTEE OF EMPLOYMENT FOR
4 CONTRACT AGRICULTURAL WORKERS.—

5 “(i) OFFER TO CONTRACT WORKER.—

6 The employer shall guarantee to offer con-
7 tract agricultural workers employment for
8 the hourly equivalent of at least 75 percent
9 of the work days of the total period of em-
10 ployment, beginning with the first work
11 day after the arrival of the worker at the
12 place of employment and ending on the ex-
13 piration date specified in the job offer. In
14 this clause, the term ‘hourly equivalent’
15 means the number of hours in the work
16 days as stated in the job offer and shall ex-
17 clude the worker’s Sabbath and Federal
18 holidays. If the employer affords the con-
19 tract agricultural worker less employment
20 than the number of hours required under
21 this subparagraph, the employer shall pay
22 such worker the amount the worker would
23 have earned had the worker worked the
24 guaranteed number of hours.

1 “(ii) FAILURE TO WORK.—Any hours
2 which the worker fails to work, up to a
3 maximum of the number of hours specified
4 in the job offer for a work day, when the
5 worker has been offered an opportunity to
6 do so, and all hours of work actually per-
7 formed (including voluntary work in excess
8 of the number of hours specified in the job
9 offer in a work day, on the worker’s Sab-
10 bath, or on Federal holidays) may be
11 counted by the employer in calculating
12 whether the period of guaranteed employ-
13 ment has been met.

14 “(iii) CONTRACT IMPOSSIBILITY.—If,
15 before the expiration of the period of em-
16 ployment specified in the job offer, the
17 services of a contract agricultural worker
18 are no longer required for reasons beyond
19 the control of the employer due to any
20 form of natural disaster, including a flood,
21 hurricane, freeze, earthquake, fire,
22 drought, plant or animal disease or pest
23 infestation, or regulatory drought, before
24 the guarantee in clause (i) is fulfilled, the
25 employer—

1 “(I) may terminate the worker’s
2 employment;

3 “(II) shall fulfill the employment
4 guarantee described in clause (i) for
5 the work days that have elapsed from
6 the first work day after the arrival of
7 the worker to the termination of em-
8 ployment;

9 “(III) shall make efforts to
10 transfer the worker to other com-
11 parable employment acceptable to the
12 worker; and

13 “(IV) if such a transfer does not
14 take place, shall provide the return
15 transportation required under sub-
16 paragraph (J).

17 “(C) WORKERS’ COMPENSATION.—

18 “(i) REQUIREMENT TO PROVIDE.—If
19 a job referred to in paragraph (3) is not
20 covered by the State workers’ compensa-
21 tion law, the employer shall provide, at no
22 cost to the nonimmigrant agricultural
23 worker, insurance covering injury and dis-
24 ease arising out of, and in the course of,
25 such job.

1 “(ii) BENEFITS.—The insurance re-
2 quired to be provided under clause (i) shall
3 provide benefits at least equal to those pro-
4 vided under and pursuant to the State
5 workers’ compensation law for comparable
6 employment.

7 “(D) PROHIBITION FOR USE FOR NON-
8 AGRICULTURAL SERVICES.—The employer may
9 not employ a nonimmigrant agricultural worker
10 for employment other than agricultural employ-
11 ment.

12 “(E) WAGES.—The employer shall pay not
13 less than the wage required under subsection
14 (f).

15 “(F) DEDUCTION OF WAGES.—The em-
16 ployer shall make only deductions from a non-
17 immigrant agricultural worker’s wages that are
18 authorized by law and are reasonable and cus-
19 tomary in the occupation and area of employ-
20 ment of such worker.

21 “(G) REQUIREMENT TO PROVIDE HOUSING
22 OR A HOUSING ALLOWANCE.—

23 “(i) IN GENERAL.—Except as pro-
24 vided in clauses (iv) and (v), a designated
25 agricultural employer shall offer to provide

1 a nonimmigrant agricultural worker with
2 housing at no cost in accordance with
3 clause (ii) or (iii).

4 “(ii) HOUSING.—An employer may
5 provide housing to a nonimmigrant agricul-
6 tural worker that meets—

7 “(I) applicable Federal standards
8 for temporary labor camps; or

9 “(II) applicable local standards
10 (or, in the absence of applicable local
11 standards, State standards) for rental
12 or public accommodation housing or
13 other substantially similar class of
14 habitation.

15 “(iii) HOUSING PAYMENTS.—

16 “(I) PUBLIC HOUSING.—If the
17 employer arranges public housing for
18 nonimmigrant agricultural workers
19 through a State, county, or local gov-
20 ernment program and such public
21 housing units normally require pay-
22 ments from tenants, such payments
23 shall be made by the employer directly
24 to the landlord.

1 “(II) DEPOSITS.—Deposits for
2 bedding or other similar incidentals
3 related to housing shall not be col-
4 lected from workers by employers who
5 provide housing for such workers.

6 “(III) DAMAGES.—The employer
7 may require any worker who is re-
8 sponsible for damage to housing that
9 did not result from normal wear and
10 tear related to habitation to reimburse
11 the employer for the reasonable cost
12 of repairing such damage.

13 “(iv) HOUSING ALLOWANCE ALTER-
14 NATIVE.—

15 “(I) IN GENERAL.—The employer
16 may provide a reasonable housing al-
17 lowance instead of providing housing
18 under clause (i). Upon the request of
19 a worker seeking assistance in locat-
20 ing housing, the employer shall make
21 a good faith effort to assist the work-
22 er in identifying and locating housing
23 in the area of intended employment.
24 An employer who offers a housing al-
25 lowance to a worker or assists a work-

1 er in locating housing, which the
2 worker occupies, shall not be deemed
3 a housing provider under section 203
4 of the Migrant and Seasonal Agricultural
5 Worker Protection Act (29
6 U.S.C. 1823) solely by virtue of pro-
7 viding such housing allowance. No
8 housing allowance may be used for
9 housing that is owned or controlled by
10 the employer.

11 “(II) CERTIFICATION REQUIRE-
12 MENT.—Contract agricultural workers
13 may only be provided a housing allow-
14 ance if the Governor of the State in
15 which the place of employment is lo-
16 cated certifies to the Secretary that
17 there is adequate housing available in
18 the area of intended employment for
19 migrant farm workers and contract
20 agricultural workers who are seeking
21 temporary housing while employed in
22 agricultural work. Such certification
23 shall expire after 3 years unless re-
24 newed by the Governor of the State.

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1 “(III) AMOUNT OF ALLOW-
2 ANCE.—

3 “(aa) NONMETROPOLITAN
4 COUNTIES.—If the place of em-
5 ployment of the workers provided
6 an allowance under this clause is
7 a nonmetropolitan county, the
8 amount of the housing allowance
9 under this clause shall be equal
10 to the average fair market rental
11 for existing housing in nonmetro-
12 politan counties in the State in
13 which the place of employment is
14 located, as established by the
15 Secretary of Housing and Urban
16 Development pursuant to section
17 8(c) of the United States Hous-
18 ing Act of 1937 (42 U.S.C.
19 1437f(c)), based on a 2-bedroom
20 dwelling unit and an assumption
21 of 2 persons per bedroom.

22 “(bb) METROPOLITAN
23 COUNTIES.—If the place of em-
24 ployment of the workers provided
25 an allowance under this clause is

1 a metropolitan county, the
2 amount of the housing allowance
3 under this clause shall be equal
4 to the average fair market rental
5 for existing housing in metropoli-
6 tan counties in the State in
7 which the place of employment is
8 located, as established by the
9 Secretary of Housing and Urban
10 Development pursuant to section
11 8(c) of the United States Hous-
12 ing Act of 1937 (42 U.S.C.
13 1437f(c)), based on a 2-bedroom
14 dwelling unit and an assumption
15 of 2 persons per bedroom.

16 “(v) EXCEPTION FOR COMMUTING
17 WORKERS.—Nothing in this subparagraph
18 may be construed to require an employer
19 to provide housing or a housing allowance
20 to workers who reside outside of the
21 United States if their place of residence is
22 within normal commuting distance and the
23 job site is within 50 miles of an inter-
24 national land border of the United States.

1 “(H) WORKSITE TRANSPORTATION FOR
2 CONTRACT WORKERS.—During the period a
3 designated agricultural employer employs a con-
4 tract agricultural worker, such employer shall,
5 at the employer’s option, provide or reimburse
6 the contract agricultural worker for the cost of
7 daily transportation from the contract worker’s
8 living quarters to the contract agricultural
9 worker’s place of employment.

10 “(I) REIMBURSEMENT OF TRANSPOR-
11 TATION TO THE PLACE OF EMPLOYMENT.—

12 “(i) IN GENERAL.—A nonimmigrant
13 agricultural worker shall be reimbursed by
14 the first employer for the cost of the work-
15 er’s transportation and subsistence from
16 the place from which the worker came
17 from to the place of first employment.

18 “(ii) LIMITATION.—The amount of re-
19 imbursement provided under clause (i) to a
20 worker shall not exceed the lesser of—

21 “(I) the actual cost to the worker
22 of the transportation and subsistence
23 involved; or

24 “(II) the most economical and
25 reasonable common carrier transpor-

1 tation charges and subsistence costs
2 for the distance involved.

3 “(J) REIMBURSEMENT OF TRANSPOR-
4 TATION FROM PLACE OF EMPLOYMENT.—

5 “(i) IN GENERAL.—A contract agri-
6 cultural worker who completes at least 27
7 months under his or her contract with the
8 same designated agricultural employer
9 shall be reimbursed by that employer for
10 the cost of the worker’s transportation and
11 subsistence from the place of employment
12 to the place from which the worker came
13 from abroad to work for the employer.

14 “(ii) LIMITATION.—The amount of re-
15 imbursement required under clause (i)
16 shall not exceed the lesser of—

17 “(I) the actual cost to the worker
18 of the transportation and subsistence
19 involved; or

20 “(II) the most economical and
21 reasonable common carrier transpor-
22 tation charges and subsistence costs
23 for the distance involved.

24 “(f) WAGES.—

25 “(1) WAGE RATE REQUIREMENT.—

1 “(A) IN GENERAL.—A nonimmigrant agri-
2 cultural worker employed by a designated agri-
3 cultural employer shall be paid not less than the
4 wage rate for such employment set forth in
5 paragraph (3).

6 “(B) WORKERS PAID ON A PIECE RATE OR
7 OTHER INCENTIVE BASIS.—If an employer pays
8 by the piece rate or other incentive method and
9 requires 1 or more minimum productivity
10 standards as a condition of job retention, such
11 standards shall be specified in the job offer and
12 be no more than those which have been nor-
13 mally required (at the time of the employee’s
14 first application for designated employer status)
15 by other employers for the activity in the geo-
16 graphic area of the job, unless the Secretary
17 approves a higher standard.

18 “(2) JOB CATEGORIES.—

19 “(A) IN GENERAL.—For purposes of para-
20 graph (1), each nonimmigrant agricultural
21 worker employed by such employer shall be as-
22 signed to 1 of the following standard occupa-
23 tional classifications, as defined by the Bureau
24 of Labor Statistics:

1 “(i) First-Line Supervisors of Farm-
2 ing, Fishing, and Forestry Workers (45–
3 1011).

4 “(ii) Animal Breeders (45–2021).

5 “(iii) Graders and Sorters, Agricul-
6 tural Products (45–2041).

7 “(iv) Agricultural equipment operator
8 (45–2091).

9 “(v) Farmworkers and Laborers,
10 Crop, Nursery, and Greenhouse (45–
11 2092).

12 “(vi) Farmworkers, Farm, Ranch and
13 Aquacultural Animals (45–2093).

14 “(B) DETERMINATION OF CLASSIFICA-
15 TION.—A nonimmigrant agricultural worker is
16 employed in a standard occupational classifica-
17 tion described in clause (i), (ii), (iii), (iv), (v),
18 or (vi) of subparagraph (A) if the worker per-
19 forms activities associated with that occupa-
20 tional classification, as specified on the employ-
21 er’s petition, for at least 75 percent of the time
22 in a semiannual employment period.

23 “(3) DETERMINATION OF WAGE RATE.—

24 “(A) CALENDAR YEARS 2014 THROUGH
25 2016.—The wage rate under this subparagraph

1 for calendar years 2014 through 2016 shall be
2 the higher of—

3 “(i) the applicable Federal, State, or
4 local minimum wage; or

5 “(ii)(I) for the category described in
6 paragraph (2)(A)(iii)—

7 “(aa) \$9.37 for calendar year
8 2014;

9 “(bb) \$9.60 for calendar year
10 2015; and

11 “(cc) \$9.84 for calendar year
12 2016;

13 “(II) for the category described in
14 paragraph (2)(A)(iv)—

15 “(aa) \$11.30 for calendar year
16 2014;

17 “(bb) \$11.58 for calendar year
18 2015; and

19 “(cc) \$11.87 for calendar year
20 2016;

21 “(III) for the category described in
22 paragraph (2)(A)(v)—

23 “(aa) \$9.17 for calendar year
24 2014;

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1 “(bb) \$9.40 for calendar year

2 2015; and

3 “(cc) \$9.64 for calendar year

4 2016; and

5 “(IV) for the category described in

6 paragraph (2)(A)(vi)—

7 “(aa) \$10.82 for calendar year

8 2014;

9 “(bb) \$11.09 for calendar year

10 2015; and

11 “(cc) \$11.37 for calendar year

12 2016.

13 “(B) SUBSEQUENT YEARS.—The Secretary

14 shall increase the hourly wage rates set forth in

15 clauses (i) through (iv) of subparagraph (A),

16 for each calendar year after the calendar years

17 described in subparagraph (A) by an amount

18 equal to—

19 “(i) 1.5 percent, if the percentage in-

20 crease in the Employment Cost Index for

21 wages and salaries during the previous cal-

22 endar year, as calculated by the Bureau of

23 Labor Statistics, is less than 1.5 percent;

24 “(ii) the percentage increase in such

25 Employment Cost Index, if such percent-

1 age increase is between 1.5 percent and
2 2.5 percent, inclusive; or

3 “(iii) 2.5 percent, if such percentage
4 increase is greater than 2.5 percent.

5 “(C) AGRICULTURAL SUPERVISORS AND
6 ANIMAL BREEDERS.—Not later than September
7 1, 2015, and annually thereafter, the Secretary,
8 in consultation with the Secretary of Labor,
9 shall establish the required wage for the next
10 calendar year for each of the job categories set
11 out in clauses (i) and (ii) of paragraph (2)(A).

12 “(D) SURVEY BY BUREAU OF LABOR STA-
13 TISTICS.—Not later than April 15, 2015, the
14 Bureau of Labor Statistics shall consult with
15 the Secretary to expand the Occupational Em-
16 ployment Statistics Survey to survey agricul-
17 tural producers and contractors and produce
18 improved wage data by State and the job cat-
19 egories set out in clauses (i) through (vi) of
20 subparagraph (A).

21 “(4) CONSIDERATION.—In determining the
22 wage rate under paragraph (3)(C), the Secretary
23 may consider appropriate factors, including—

24 “(A) whether the employment of additional
25 alien workers at the required wage will ad-

1 versely affect the wages and working conditions
2 of workers in the United States similarly em-
3 ployed;

4 “(B) whether the employment in the
5 United States of an alien admitted under sec-
6 tion 101(a)(15)(H)(ii)(a) or unauthorized aliens
7 in the agricultural workforce has depressed
8 wages of United States workers engaged in ag-
9 ricultural employment below the levels that
10 would otherwise have prevailed if such aliens
11 had not been employed in the United States;

12 “(C) whether wages of agricultural workers
13 are sufficient to support such workers and their
14 families at a level above the poverty thresholds
15 determined by the Bureau of Census;

16 “(D) the wages paid workers in the United
17 States who are not employed in agricultural em-
18 ployment but who are employed in comparable
19 employment;

20 “(E) the continued exclusion of employers
21 of nonimmigrant alien workers in agriculture
22 from the payment of taxes under chapter 21 of
23 the Internal Revenue Code of 1986 (26 U.S.C.
24 3101 et seq.) and chapter 23 of such Code (26
25 U.S.C. 3301 et seq.);

1 “(F) the impact of farm labor costs in the
2 United States on the movement of agricultural
3 production to foreign countries;

4 “(G) a comparison of the expenses and
5 cost structure of foreign agricultural producers
6 to the expenses incurred by agricultural pro-
7 ducers based in the United States; and

8 “(H) the accuracy and reliability of the
9 Occupational Employment Statistics Survey.

10 “(5) ADVERSE EFFECT WAGE RATE.—

11 “(A) PROHIBITION OF MODIFICATION.—

12 The adverse effect wage rates in effect on April
13 15, 2013, for nonimmigrants admitted under
14 101(a)(15)(H)(ii)(a)—

15 “(i) shall remain in effect until the
16 date described in section 2233 of the Agri-
17 cultural Worker Program Act of 2013; and

18 “(ii) may not be modified except as
19 provided in subparagraph (B).

20 “(B) EXCEPTION.—Until the Secretary es-
21 tablishes the wage rates required under para-
22 graph (3)(C), the adverse effect wage rates in
23 effect on the date of the enactment of the Agri-
24 cultural Worker Program Act of 2013 shall
25 be—

1 “(i) deemed to be such wage rates;
2 and

3 “(ii) after September 1, 2015, ad-
4 justed annually in accordance with para-
5 graph (3)(B).

6 “(C) NONPAYMENT OF FICA AND FUTA
7 TAXES.—An employer employing nonimmigrant
8 agricultural workers shall not be required to
9 pay and withhold from such workers—

10 “(i) the tax required under section
11 3101 of the Internal Revenue Code of
12 1986; or

13 “(ii) the tax required under section
14 3301 of the Internal Revenue Code of
15 1986.

16 “(6) PREFERENTIAL TREATMENT OF ALIENS
17 PROHIBITED.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), employers seeking to hire
20 United States workers shall offer the United
21 States workers not less than the same benefits,
22 wages, and working conditions that the em-
23 ployer is offering, intends to offer, or will pro-
24 vide to nonimmigrant agricultural workers. No
25 job offer may impose on United States workers

1 any restrictions or obligations that will not be
2 imposed on the employer's nonimmigrant agri-
3 cultural workers.

4 “(B) EXCEPTION.—Notwithstanding sub-
5 paragraph (A), a designated agricultural em-
6 ployer is not required to provide housing or a
7 housing allowance to United States workers.

8 “(g) WORKER PROTECTIONS AND DISPUTE RESOLU-
9 TION.—

10 “(1) EQUALITY OF TREATMENT.—Non-
11 immigrant agricultural workers shall not be denied
12 any right or remedy under any Federal, State, or
13 local labor or employment law applicable to United
14 States workers engaged in agricultural employment.

15 “(2) APPLICABILITY OF THE MIGRANT AND
16 SEASONAL AGRICULTURAL WORKER PROTECTION
17 ACT.—

18 “(A) MIGRANT AND SEASONAL AGRICUL-
19 TURAL WORKER PROTECTION ACT.—Non-
20 immigrant agricultural workers shall be consid-
21 ered migrant agricultural workers for purposes
22 of the Migrant and Seasonal Agricultural Work-
23 er Protection Act (29 U.S.C. 1801 et seq.).

24 “(B) ELIGIBILITY OF NONIMMIGRANT AG-
25 RICULTURAL WORKERS FOR CERTAIN LEGAL

1 ASSISTANCE.—A nonimmigrant agricultural
2 worker shall be considered to be lawfully admit-
3 ted for permanent residence for purposes of es-
4 tablishing eligibility for legal services under the
5 Legal Services Corporation Act (42 U.S.C.
6 2996 et seq.) on matters relating to wages,
7 housing, transportation, and other employment
8 rights.

9 “(C) MEDIATION.—

10 “(i) FREE MEDIATION SERVICES.—
11 The Federal Mediation and Conciliation
12 Service shall be available to assist in re-
13 solving disputes arising under this section
14 between nonimmigrant agricultural work-
15 ers and designated agricultural employers
16 without charge to the parties.

17 “(ii) COMPLAINT.—If a nonimmigrant
18 agricultural worker files a complaint under
19 section 504 of the Migrant and Seasonal
20 Agricultural Worker Protection Act (29
21 U.S.C. 1854), not later than 60 days after
22 the filing of proof of service of the com-
23 plaint, a party to the action may file a re-
24 quest with the Federal Mediation and Con-
25 ciliation Service to assist the parties in

1 reaching a satisfactory resolution of all
2 issues involving all parties to the dispute.

3 “(iii) NOTICE.—Upon filing a request
4 under clause (ii) and giving of notice to the
5 parties, the parties shall attempt mediation
6 within the period specified in clause (iv).

7 “(iv) 90-DAY LIMIT.—The Federal
8 Mediation and Conciliation Service may
9 conduct mediation or other nonbinding dis-
10 pute resolution activities for a period not
11 to exceed 90 days beginning on the date on
12 which the Federal Mediation and Concilia-
13 tion Service receives a request for assist-
14 ance under clause (ii) unless the parties
15 agree to an extension of such period.

16 “(v) AUTHORIZATION OF APPROPRIA-
17 TIONS.—

18 “(I) IN GENERAL.—Subject to
19 clause (II), there are authorized to be
20 appropriated to the Federal Mediation
21 and Conciliation Service \$500,000 for
22 each fiscal year to carry out this sub-
23 paragraph.

24 “(II) MEDIATION.—Notwith-
25 standing any other provision of law,

1 the Director of the Federal Mediation
2 and Conciliation Service is author-
3 ized—

4 “(aa) to conduct the medi-
5 ation or other dispute resolution
6 activities from any other account
7 containing amounts available to
8 the Director; and

9 “(bb) to reimburse such ac-
10 count with amounts appropriated
11 pursuant to subclause (I).

12 “(vi) PRIVATE MEDIATION.—If all
13 parties agree, a private mediator may be
14 employed as an alternative to the Federal
15 Mediation and Conciliation Service.

16 “(3) OTHER RIGHTS.—Nonimmigrant agricul-
17 tural workers shall be entitled to the rights granted
18 to other classes of aliens under sections 242(h) and
19 245E.

20 “(4) WAIVER OF RIGHTS.—Agreements by non-
21 immigrant agricultural workers to waive or modify
22 any rights or protections under this section shall be
23 considered void or contrary to public policy except as
24 provided in a collective bargaining agreement with a
25 bona fide labor organization.

1 “(h) ENFORCEMENT AUTHORITY.—

2 “(1) INVESTIGATION OF COMPLAINTS.—

3 “(A) AGGRIEVED PERSON OR THIRD-PARTY
4 COMPLAINTS.—

5 “(i) PROCESS.—The Secretary of
6 Labor shall establish a process for the re-
7 ceipt, investigation, and disposition of com-
8 plaints respecting a designated agricultural
9 employer’s failure to meet a condition spec-
10 ified in subsection (e), or an employer’s
11 misrepresentation of material facts in a pe-
12 tition under subsection (e)(2).

13 “(ii) FILING.—Any aggrieved person
14 or organization, including bargaining rep-
15 resentatives, may file a complaint referred
16 to in clause (i) not later than 1 year after
17 the date of the failure or misrepresenta-
18 tion, respectively.

19 “(iii) INVESTIGATION OR HEARING.—
20 The Secretary of Labor shall conduct an
21 investigation if there is reasonable cause to
22 believe that such failure or misrepresenta-
23 tion has occurred.

24 “(B) DETERMINATION ON COMPLAINT.—

25 Under such process, the Secretary of Labor

1 shall provide, not later than 30 days after the
2 date on which such a complaint is filed, for a
3 determination as to whether or not a reasonable
4 basis exists to make a finding described in sub-
5 paragraph (C), (D), (E), or (F). If the Sec-
6 retary of Labor determines that such a reason-
7 able basis exists, the Secretary of Labor shall
8 provide for notice of such determination to the
9 interested parties and an opportunity for a
10 hearing on the complaint, in accordance with
11 section 556 of title 5, United States Code, with-
12 in 60 days after the date of the determination.
13 If such a hearing is requested, the Secretary of
14 Labor shall make a finding concerning the mat-
15 ter not later than 60 days after the date of the
16 hearing. In the case of similar complaints re-
17 specting the same applicant, the Secretary of
18 Labor may consolidate the hearings under this
19 subparagraph on such complaints.

20 “(C) FAILURE TO MEET CONDITIONS.—If
21 the Secretary of Labor finds, after notice and
22 opportunity for a hearing, a failure to meet a
23 condition under subsection (e) or (f), or a mate-
24 rial misrepresentation of fact in a petition
25 under subsection (e)(2)—

1 “(i) the Secretary of Labor shall no-
2 tify the Secretary of such finding and may,
3 in addition, impose such other administra-
4 tive remedies (including civil money pen-
5 alties in an amount not to exceed \$1,000
6 per violation) as the Secretary of Labor
7 determines to be appropriate; and

8 “(ii) the Secretary may disqualify the
9 designated agricultural employer from the
10 employment of nonimmigrant agricultural
11 workers for a period of 1 year.

12 “(D) WILLFUL FAILURES AND WILLFUL
13 MISREPRESENTATIONS.—If the Secretary of
14 Labor finds, after notice and opportunity for
15 hearing, a willful failure to meet a condition
16 under subsection (e) or (f) or a willful misrepre-
17 sentation of a material fact in an registration
18 or petition under paragraph (1) or (2) of sub-
19 section (e)—

20 “(i) the Secretary of Labor shall no-
21 tify the Secretary of such finding and may,
22 in addition, impose such other administra-
23 tive remedies (including civil money pen-
24 alties in an amount not to exceed \$5,000

1 per violation) as the Secretary of Labor
2 determines to be appropriate;

3 “(ii) the Secretary of Labor may seek
4 appropriate legal or equitable relief; and

5 “(iii) the Secretary may disqualify the
6 designated agricultural employer from the
7 employment of nonimmigrant agricultural
8 workers for a period of 2 years.

9 “(E) DISPLACEMENT OF UNITED STATES
10 WORKERS.—If the Secretary of Labor finds,
11 after notice and opportunity for hearing, a will-
12 ful failure to meet a condition under subsection
13 (e) or (f) or a willful misrepresentation of a ma-
14 terial fact in an registration or petition under
15 paragraph (1) or (2) of subsection (e), in the
16 course of which failure or misrepresentation the
17 employer displaced a United States worker em-
18 ployed by the employer during the period of em-
19 ployment on the employer’s petition under sub-
20 section (e)(2) or during the period of 30 days
21 preceding such period of employment—

22 “(i) the Secretary of Labor shall no-
23 tify the Secretary of such finding and may,
24 in addition, impose such other administra-
25 tive remedies (including civil money pen-

1 alties in an amount not to exceed \$15,000
2 per violation) as the Secretary of Labor
3 determines to be appropriate; and

4 “(ii) the Secretary may disqualify the
5 employer from the employment of non-
6 immigrant agricultural workers for a pe-
7 riod of 3 years.

8 “(F) FAILURES TO PAY WAGES OR RE-
9 QUIRED BENEFITS.—If the Secretary of Labor
10 finds, after notice and opportunity for a hear-
11 ing, that the employer has failed to pay the
12 wages, or provide the housing allowance, trans-
13 portation, subsistence reimbursement, or guar-
14 antee of employment required under subsections
15 (e)(4) and (f), the Secretary of Labor shall as-
16 sess payment of back wages, or other required
17 benefits, due any United States worker or non-
18 immigrant agricultural worker employed by the
19 employer in the specific employment in ques-
20 tion. The back wages or other required benefits
21 required under subsections (e) and (f) shall be
22 equal to the difference between the amount that
23 should have been paid and the amount that ac-
24 tually was paid to such worker.

1 “(G) DISPOSITION OF PENALTIES.—Civil
2 penalties collected under this paragraph shall be
3 deposited into the Comprehensive Immigration
4 Reform Trust Fund established under section
5 6(a)(1) of the Border Security, Economic Op-
6 portunity, and Immigration Modernization Act.

7 “(2) LIMITATIONS ON CIVIL MONEY PEN-
8 ALTIES.—The Secretary of Labor shall not impose
9 total civil money penalties with respect to a petition
10 under subsection (e)(2) in excess of \$90,000.

11 “(3) ELECTION.—A nonimmigrant agricultural
12 worker who has filed an administrative complaint
13 with the Secretary of Labor may not maintain a civil
14 action unless a complaint based on the same viola-
15 tion filed with the Secretary of Labor under para-
16 graph (1) is withdrawn before the filing of such ac-
17 tion, in which case the rights and remedies available
18 under this subsection shall be exclusive.

19 “(4) PRECLUSIVE EFFECT.—Any settlement by
20 a nonimmigrant agricultural worker, a designated
21 agricultural employer, or any person reached
22 through the mediation process required under sub-
23 section (g)(2)(C) shall preclude any right of action
24 arising out of the same facts between the parties in
25 any Federal or State court or administrative pro-

1 ceeding, unless specifically provided otherwise in the
2 settlement agreement.

3 “(5) SETTLEMENTS.—Any settlement by the
4 Secretary of Labor with a designated agricultural
5 worker on behalf of a nonimmigrant agricultural
6 worker of a complaint filed with the Secretary of
7 Labor under this section or any finding by the Sec-
8 retary of Labor under this subsection shall preclude
9 any right of action arising out of the same facts be-
10 tween the parties under any Federal or State court
11 or administrative proceeding, unless specifically pro-
12 vided otherwise in the settlement agreement.

13 “(6) STATUTORY CONSTRUCTION.—Nothing in
14 this subsection may be construed as limiting the au-
15 thority of the Secretary of Labor to conduct any
16 compliance investigation under any other labor law,
17 including any law affecting migrant and seasonal ag-
18 ricultural workers, or, in the absence of a complaint
19 under this section.

20 “(7) DISCRIMINATION PROHIBITED.—It is a
21 violation of this subsection for any person who has
22 filed a petition under subsection (e) or (f) to intimi-
23 date, threaten, restrain, coerce, blacklist, discharge,
24 or in any other manner discriminate against an em-

1 ployee, including a former employee or an applicant
2 for employment, because the employee—

3 “(A) has disclosed information to the em-
4 ployer, or to any other person, that the em-
5 ployee reasonably believes evidences a violation
6 of subsection (e) or (f), or any rule or regula-
7 tion relating to subsection (e) or (f); or

8 “(B) cooperates or seeks to cooperate in an
9 investigation or other proceeding concerning the
10 employer’s compliance with the requirements
11 under subsection (e) or (f) or any rule or regu-
12 lation pertaining to subsection (e) or (f).

13 “(8) ROLE OF ASSOCIATIONS.—

14 “(A) VIOLATION BY A MEMBER OF AN AS-
15 SOCIATION.—

16 “(i) IN GENERAL.—If an association
17 acting as the agent of an employer files an
18 application on behalf of such employer, the
19 employer is fully responsible for such appli-
20 cation, and for complying with the terms
21 and conditions of subsection (e). If such an
22 employer is determined to have violated
23 any requirement described in this sub-
24 section, the penalty for such violation shall

200

1 apply only to that employer except as pro-
2 vided in clause (ii).

3 “(ii) COLLECTIVE RESPONSIBILITY.—

4 If the Secretary of Labor determines that
5 the association or other members of the as-
6 sociation participated in, had knowledge of,
7 or reason to know of a violation described
8 in clause (i), the penalty shall also be in-
9 voked against the association and complicit
10 association members.

11 “(B) VIOLATIONS BY AN ASSOCIATION

12 ACTING AS AN EMPLOYER.—

13 “(i) IN GENERAL.—If an association

14 filing an application as a sole or joint em-
15 ployer is determined to have violated any
16 requirement described in this section, the
17 penalty for such violation shall apply only
18 to the association except as provided in
19 clause (ii).

20 “(ii) MEMBER RESPONSIBILITY.—If

21 the Secretary of Labor determines that 1
22 or more association members participated
23 in, had knowledge of, or reason to know of
24 the violation described in clause (i), the

1 penalty shall be invoked against all
2 complicit association members.

3 “(i) SPECIAL NONIMMIGRANT VISA PROCESSING AND
4 WAGE DETERMINATION PROCEDURES FOR CERTAIN AG-
5 RICULTURAL OCCUPATIONS.—

6 “(1) FINDING.—Certain industries possess
7 unique occupational characteristics that necessitate
8 the Secretary of Agriculture to adopt special proce-
9 dures relating to housing, pay, and visa program ap-
10 plication requirements for those industries.

11 “(2) SPECIAL PROCEDURES INDUSTRY DE-
12 FINED.—In this subsection, the term ‘Special Proce-
13 dures Industry’ means—

14 “(A) shepherding and goat herding;

15 “(B) itinerant commercial beekeeping and
16 pollination;

17 “(C) open range production of livestock;

18 “(D) itinerant animal shearing; and

19 “(E) custom combining industries.

20 “(3) WORK LOCATIONS.—The Secretary shall
21 allow designated agricultural employers in a Special
22 Procedures Industry that do not operate in a single
23 fixed-site location to provide, as part of its registra-
24 tion or petition under the Program, a list of antici-
25 pated work locations, which—

1 “(A) may include an anticipated itinerary;
2 and

3 “(B) may be subsequently amended by the
4 employer, after notice to the Secretary.

5 “(4) WAGE RATES.—The Secretary may estab-
6 lish monthly, weekly, or biweekly wage rates for oc-
7 cupations in a Special Procedures Industry for a
8 State or other geographic area. For an employer in
9 those Special Procedures Industries that typically
10 pay a monthly wage, the Secretary shall require that
11 workers will be paid not less frequently than month-
12 ly and at a rate no less than the legally required
13 monthly cash wage for such employer as of the date
14 of the enactment of the Border Security, Economic
15 Opportunity, and Immigration Modernization Act
16 and in an amount as re-determined annually by the
17 Secretary of Agriculture through rulemaking.

18 “(5) HOUSING.—The Secretary shall allow for
19 the provision of housing or a housing allowance by
20 employers in Special Procedures Industries and
21 allow housing suitable for workers employed in re-
22 mote locations.

23 “(6) ALLERGY LIMITATION.—An employer en-
24 gaged in the commercial beekeeping or pollination
25 services industry may require that an applicant be

1 free from bee pollen, venom, or other bee-related al-
2 lergies.

3 “(7) APPLICATION.—An individual employer in
4 a Special Procedures Industry may file a program
5 petition on its own behalf or in conjunction with an
6 association of employers. The employer’s petition
7 may be part of several related petitions submitted si-
8 multaneously that constitute a master petition.

9 “(8) RULEMAKING.—The Secretary or, as ap-
10 propriate, the Secretary of Homeland Security or
11 the Secretary of Labor, after consultation with em-
12 ployers and employee representatives, shall publish
13 for notice and comment proposed regulations relat-
14 ing to housing, pay, and application procedures for
15 Special Procedures Industries.

16 “(j) MISCELLANEOUS PROVISIONS.—

17 “(1) DISQUALIFICATION OF NONIMMIGRANT AG-
18 RICULTURAL WORKERS FROM FINANCIAL ASSIST-
19 ANCE.—An alien admitted as a nonimmigrant agri-
20 cultural worker is not eligible for any program of fi-
21 nancial assistance under Federal law (whether
22 through grant, loan, guarantee, or otherwise) on the
23 basis of financial need, as such programs are identi-
24 fied by the Secretary in consultation with other
25 agencies of the United States.

1 “(2) MONITORING REQUIREMENT.—

2 “(A) IN GENERAL.—The Secretary shall
3 monitor the movement of nonimmigrant agricul-
4 tural workers through—

5 “(i) the Employment Verification Sys-
6 tem described in section 274A(b); and

7 “(ii) the electronic monitoring system
8 established pursuant to subparagraph (B).

9 “(B) ELECTRONIC MONITORING SYSTEM.—
10 Not later than 2 years after the effective date
11 of this section, the Secretary of Homeland Se-
12 curity, through the Director of U.S. Citizenship
13 and Immigration Services, shall establish an
14 electronic monitoring system, which shall—

15 “(i) be modeled on the Student and
16 Exchange Visitor Information System
17 (SEVIS) and the SEVIS II tracking sys-
18 tem administered by U.S. Immigration and
19 Customs Enforcement;

20 “(ii) monitor the presence and em-
21 ployment of nonimmigrant agricultural
22 workers; and

23 “(iii) assist in ensuring the compli-
24 ance of designated agricultural employers

1 and nonimmigrant agricultural workers
2 with the requirements of the Program.”.

(b) RULEMAKING.—The Secretary of Agriculture shall issue regulations to carry out section 218A of the Immigration and Nationality Act, as added by subsection (a), not later than 1 year after the date of the enactment of this Act.

8 (c) CLERICAL AMENDMENT.—The table of contents
9 is amended by inserting after the item relating to section
10 218 the following:

“Sec. 218A. Nonimmigrant agricultural worker program.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2014.

13 SEC. 2233. TRANSITION OF H-2A WORKER PROGRAM.

14 (a) SUNSET OF PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), an employer may not petition to employ an alien pursuant to section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) after the date that is 1 year after the date on which the regulations issued pursuant to section 2241(b) become effective.

(2) EXCEPTION.—An employer may employ an alien described in paragraph (1) for the shorter of—

24 (A) 10 months; or

25 (B) the time specified in the position.

1 (b) CONFORMING AMENDMENTS.—

2 (1) REPEAL OF H-2A NONIMMIGRANT CAT-
3 EGORY.—Section 101(a)(15)(H)(ii) (8 U.S.C.
4 1101(a)(15)(H)(ii)) is amended by striking sub-
5 clause (a).

6 (2) REPEAL OF ADMISSION REQUIREMENTS FOR
7 H-2A WORKER.—Section 218 (8 U.S.C. 1188) is re-
8 pealed.

9 (3) CONFORMING AMENDMENTS.—

10 (A) AMENDMENT OF PETITION REQUIRE-
11 MENTS.—Section 214(c)(1) (8 U.S.C.
12 1184(c)(1)) is amended by striking “For pur-
13 poses of this subsection” and all that follows.

14 (B) CLERICAL AMENDMENT.—The table of
15 contents is amended by striking the item relat-
16 ing to section 218.

17 (4) EFFECTIVE DATE.—The amendments made
18 by this subsection shall take effect on the date that
19 is 1 year after the effective date of the regulations
20 issued pursuant to section 2241(b).

21 **SEC. 2234. REPORTS TO CONGRESS ON NONIMMIGRANT AG-**
22 **RICULTURAL WORKERS.**

23 (a) ANNUAL REPORT BY SECRETARY OF AGRI-
24 CULTURE.—Not later than September 30 of each year, the
25 Secretary of Agriculture shall submit a report to Congress

1 that identifies, for the previous year, the number,
2 disaggregated by State and by occupation, of—

3 (1) job opportunities approved for employment
4 of aliens admitted pursuant to clause (iii) or clause
5 (iv) of section 101(a)(15)(W) of the Immigration
6 and Nationality Act, as added by section 2231; and

7 (2) aliens actually admitted pursuant to each
8 such clause.

9 (b) ANNUAL REPORT BY SECRETARY OF HOMELAND
10 SECURITY.—Not later than September 30 of each year,
11 the Secretary shall submit a report to Congress that iden-
12 tifies, for the previous year, the number of aliens described
13 in subsection (a)(2) who—

14 (1) violated the terms of the nonimmigrant ag-
15 ricultural worker program established under section
16 218A(b) of the Immigration and Nationality Act, as
17 added by section 2232; and

18 (2) have not departed from the United States.

19 **CHAPTER 3—OTHER PROVISIONS**

20 **SEC. 2241. RULEMAKING.**

21 (a) CONSULTATION REQUIREMENT.—In the course of
22 promulgating any regulation necessary to implement this
23 subtitle, or the amendments made by this subtitle, the Sec-
24 retary, the Secretary of Agriculture, the Secretary of

1 Labor, and the Secretary of State shall regularly consult
2 with each other.

3 (b) DEADLINE FOR ISSUANCE OF REGULATIONS.—
4 Except as provided in section 2232(b), all regulations to
5 implement this subtitle and the amendments made by this
6 subtitle shall be issued not later than 6 months after the
7 date of the enactment of this Act.

8 **SEC. 2242. REPORTS TO CONGRESS.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Secretary and the Secretary of Agri-
11 culture shall jointly submit a report to Congress that de-
12 scribes the measures being taken and the progress made
13 in implementing this subtitle and the amendments made
14 by this subtitle.

15 **SEC. 2243. BENEFITS INTEGRITY PROGRAMS.**

16 (a) IN GENERAL.—Without regard to whether per-
17 sonal interviews are conducted in the adjudication of bene-
18 fits provided for by section 210A, 218A, 245B, 245C,
19 245D, 245E, or 245F of the Immigration and Nationality
20 Act, or in seeking a benefit under section 101(a)(15)(U)
21 of the Immigration and Nationality Act, section 1242 of
22 the Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157
23 note), section 602(b) of the Afghan Allies Protection Act
24 of 2009 (8 U.S.C. 1101 note), or section 2211 of this Act,
25 the Secretary shall uphold and maintain the integrity of

1 those benefits by carrying out for each of them, within
2 the Fraud Detection and National Security Directorate of
3 U.S. Citizenship and Immigration Services, programs as
4 follows:

5 (1) A benefit fraud assessment program to
6 quantify fraud rates, detect ongoing fraud trends,
7 and develop appropriate countermeasures, including
8 through a random sample of both pending and com-
9 pleted cases.

10 (2) A compliance review program, including site
11 visits, to identify frauds and deter fraudulent and il-
12 legal activities.

13 (b) REPORTS.—

14 (1) IN GENERAL.—Not later than 90 days after
15 the date of the enactment of this Act, U.S. Citizen-
16 ship and Immigration Services shall annually submit
17 to Congress a report on the programs carried out
18 pursuant to subsection (a).

19 (2) ELEMENTS IN FIRST REPORT.—The initial
20 report submitted under paragraph (1) shall include
21 the methodologies to be used by the Fraud Detection
22 and National Security Directorate for each of the
23 programs specified in paragraphs (1) and (2) of sub-
24 section (a).

1 (3) ELEMENTS IN SUBSEQUENT REPORTS.—

2 Each subsequent report under paragraph (1) shall
3 include, for the calendar year covered by such re-
4 port, a descriptions of examples of fraud detected,
5 fraud rates for programs and types of applicants,
6 and a description of the disposition of the cases in
7 which fraud was detected or suspected.

8 (c) USE OF FINDINGS OF FRAUD.—Any instance of
9 fraud or abuse detected pursuant to a program carried
10 out pursuant to subsection (a) may be used to deny or
11 revoke benefits, and may also be referred to U.S. Immi-
12 gration and Customs Enforcement for investigation of
13 criminal violations of section 266 of the Immigration and
14 Nationality Act (8 U.S.C. 1306).

15 (d) FUNDING.—There are authorized to be appro-
16 priated, from the Comprehensive Immigration Reform
17 Trust Fund established under section 6(a)(1), such sums
18 as may be necessary to carry out this section.

19 **SEC. 2244. EFFECTIVE DATE.**

20 This subtitle and the amendments made by this sub-
21 title, except for sections 2231, 2232, and 2233, shall take
22 effect on the date on which the regulations required under
23 section 2241 are issued, regardless of whether such regu-
24 lations are issued on an interim basis or on any other
25 basis.

1 **Subtitle C—Future Immigration**

2 **SEC. 2301. MERIT-BASED POINTS TRACK ONE.**

3 (a) IN GENERAL.—

4 (1) WORLDWIDE LEVEL OF MERIT-BASED IMMI-
5 GRANTS.—Section 201(e) (8 U.S.C. 1151(e)) is
6 amended to read as follows:

7 “(e) WORLDWIDE LEVEL OF MERIT-BASED IMMI-
8 GRANTS.—

9 “(1) IN GENERAL.—

10 “(A) NUMERICAL LIMITATION.—Subject to
11 paragraphs (2), (3), and (4), the worldwide
12 level of merit-based immigrants is equal to
13 120,000 for each fiscal year.

14 “(B) STATUS.—An alien admitted on the
15 basis of a merit-based immigrant visa under
16 this section shall have the status of an alien
17 lawfully admitted for permanent residence.

18 “(2) ANNUAL INCREASE.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B) and paragraph (3), if in any fiscal
21 year the worldwide level of visas available for
22 merit-based immigrants under this section—

23 “(i) is less than 75 percent of the
24 number of applicants for such fiscal year,

1 the worldwide level shall increase by 5 per-
2 cent for the next fiscal year; and

3 “(ii) is equal to or more than 75 per-
4 cent of such number, the worldwide level
5 for the next fiscal year shall be the same
6 as the worldwide level for such fiscal year,
7 minus any amount added to the worldwide
8 level for such fiscal year under paragraph
9 (4).

10 “(B) LIMITATION ON INCREASE.—The
11 worldwide level of visas available for merit-
12 based immigrants shall not exceed 250,000.

13 “(3) EMPLOYMENT CONSIDERATION.—The
14 worldwide level of visas available for merit-based im-
15 migrants may not be increased for a fiscal year
16 under paragraph (2) if the annual average unem-
17 ployment rate for the civilian labor force 18 years or
18 over in the United States, as determined by the Bu-
19 reau of Labor Statistics, for such previous fiscal
20 year is more than 8½ percent.

21 “(4) RECAPTURE OF UNUSED VISAS.—The
22 worldwide level of merit-based immigrants described
23 in paragraph (1) for a fiscal year shall be increased
24 by the difference (if any) between the worldwide
25 level established under paragraph (1) for the pre-

1 vious fiscal year and the number of visas actually
2 issued under this subsection during that fiscal year.
3 Such visas shall be allocated for the following year
4 pursuant to section 203(c)(3).”.

5 (2) MERIT-BASED IMMIGRANTS.—Section 203
6 (8 U.S.C. 1153) is amended by inserting after sub-
7 section (b) the following:

8 “(c) MERIT-BASED IMMIGRANTS.—

9 “(1) FISCAL YEARS 2015 THROUGH 2017.—Dur-
10 ing each of the fiscal years 2015 through 2017, the
11 worldwide level of merit-based immigrant visas made
12 available under section 201(e)(1) shall be available
13 for aliens described in section 203(b)(3) and in addi-
14 tion to any visas available for such aliens under such
15 section.

16 “(2) SUBSEQUENT FISCAL YEARS.—During fis-
17 cal year 2018 and each subsequent fiscal year, aliens
18 subject to the worldwide level specified in section
19 201(e) for merit-based immigrants shall be allocated
20 as follows:

21 “(A) 50 percent shall be available to appli-
22 cants with the highest number of points allo-
23 cated under tier 1 in paragraph (4).

1 “(B) 50 percent shall be available to appli-
2 cants with the highest number of points allo-
3 cated under tier 2 in paragraph (5).

4 “(3) UNUSED VISAS.—If the total number of
5 visas allocated to tier 1 or tier 2 for a fiscal year
6 are not granted during that fiscal year, such number
7 may be added to the number of visas available under
8 section 201(e)(1) for the following fiscal year and al-
9 located as follows:

10 “(A) If the unused visas were allocated for
11 tier 1 in a fiscal year, $\frac{2}{3}$ of such visas shall be
12 available for aliens allocated visas under tier 1
13 in the following fiscal year and $\frac{1}{3}$ of such visas
14 shall be available for aliens allocated visas
15 under either tier 1 or tier 2 in the following fis-
16 cal year.

17 “(B) If the unused visas were allocated for
18 tier 2 in a fiscal year, $\frac{2}{3}$ of such visas shall be
19 available for aliens allocated visas under tier 2
20 in the following fiscal year and $\frac{1}{3}$ of such visas
21 shall be available for aliens allocated visas
22 under either tier 1 or tier 2 in the following fis-
23 cal year.

1 “(4) TIER 1.—The Secretary shall allocate
2 points to each alien seeking to be a tier 1 merit-
3 based immigrant as follows:

4 “(A) EDUCATION.—

5 “(i) IN GENERAL.—An alien may re-
6 ceive points under only 1 of the following
7 categories:

8 “(I) An alien who has received a
9 doctorate degree from an institution
10 of higher education in the United
11 States or the foreign equivalent shall
12 be allocated 15 points.

13 “(II) An alien who has received a
14 master’s degree from an institution of
15 higher education in the United States
16 or the foreign equivalent shall be allo-
17 cated 10 points.

18 “(ii) An alien who has received a
19 bachelor’s degree from an institution of
20 higher education (as defined in section
21 101(a) of the Higher Education Act of
22 1965 (20 U.S.C. 1001(a)) shall be allo-
23 cated 5 points.

1 “(B) EMPLOYMENT EXPERIENCE.—An
2 alien shall be allocated not more than 20 points
3 as follows:

4 “(i) 3 points for each year the alien
5 has been lawfully employed in a zone 5 oc-
6 cupation in the United States.

7 “(ii) 2 points for each year the alien
8 has been lawfully employed in a zone 4 oc-
9 cupation in the United States.

10 “(C) EMPLOYMENT RELATED TO EDU-
11 CATION.—An alien who is in the United States
12 and is employed full-time or has an offer of full-
13 time employment in a field related to the alien’s
14 education—

15 “(i) in a zone 5 occupation shall be al-
16 located 10 points; or

17 “(ii) in a zone 4 occupation shall be
18 allocated 8 points.

19 “(D) ENTREPRENEURSHIP.—An alien who
20 is an entrepreneur in business that employs at
21 least 2 employees in a zone 4 occupation or a
22 zone 5 occupation shall be allocated 10 points.

23 “(E) HIGH DEMAND OCCUPATION.—An
24 alien who is employed full-time in the United
25 States or has an offer of full-time employment

1 in a high demand tier 1 occupation shall be al-
2 located 10 points.

3 “(F) CIVIC INVOLVEMENT.—An alien who
4 has attested that he or she has engaged in a
5 significant amount of community service, as de-
6 termined by the Secretary, shall be allocated 2
7 points.

8 “(G) ENGLISH LANGUAGE.—An alien who
9 received a score of 80 or more on the Test of
10 English as a Foreign Language, or an equiva-
11 lent score on a similar test, as determined by
12 the Secretary, shall be allocated 10 points.

13 “(H) SIBLINGS AND MARRIED SONS AND
14 DAUGHTERS OF CITIZENS.—An alien who is the
15 sibling of a citizen of the United States or who
16 is over 31 years of age and is the married son
17 or married daughter of a citizen of the United
18 States shall be allocated 10 points.

19 “(I) AGE.—An alien who is—

20 “(i) between 18 and 24 years of age
21 shall be allocated 8 points;

22 “(ii) between 25 and 32 years of age
23 shall be allocated 6 points; or

24 “(iii) between 33 and 37 years of age
25 shall be allocated 4 points.

1 “(J) COUNTRY OF ORIGIN.—An alien who
2 is a national of a country of which fewer than
3 50,000 nationals were lawfully admitted to per-
4 manent residence in the United States in the
5 previous 5 years shall be allocated 5 points.

6 “(5) TIER 2.—The Secretary shall allocate
7 points to each alien seeking to be a tier 2 merit-
8 based immigrant as follows:

9 “(A) EMPLOYMENT EXPERIENCE.—An
10 alien shall be allocated 2 points for each year
11 the alien has been lawfully employed in the
12 United States, for a total of not more than 20
13 points.

14 “(B) SPECIAL EMPLOYMENT CRITERIA.—
15 An alien who is employed full-time in the
16 United States, or has an offer of full-time em-
17 ployment—

18 “(i) in a high demand tier 2 occupa-
19 tion shall be allocated 10 points; or

20 “(ii) in a zone 1, zone 2, or zone 3 oc-
21 cupation shall be allocated 10 points.

22 “(C) CAREGIVER.—An alien who is or has
23 been a primary caregiver shall be allocated 10
24 points.

1 “(D) EXCEPTIONAL EMPLOYMENT
2 RECORD.—An alien who has a record of excep-
3 tional employment, as determined by the Sec-
4 retary, shall be allocated 10 points. In deter-
5 mining a record of exceptional employment, the
6 Secretary shall consider factors including pro-
7 motions, longevity, changes in occupations from
8 a lower job zone to a higher job zone, partici-
9 pated in safety training, and increases in pay.

10 “(E) CIVIC INVOLVEMENT.—An alien who
11 has demonstrated significant civic involvement
12 shall be allocated 2 points.

13 “(F) ENGLISH LANGUAGE.—

14 “(i) ENGLISH PROFICIENCY.—An
15 alien who has demonstrated English pro-
16 ficiency, as determined by a standardized
17 test designated by the Secretary of Edu-
18 cation, shall be allocated 10 points.

19 “(ii) ENGLISH KNOWLEDGE.—An
20 alien who has demonstrated English knowl-
21 edge, as determined by a standardized test
22 designated by the Secretary of Education,
23 shall be allocated 5 points.

24 “(G) SIBLINGS AND MARRIED SONS AND
25 DAUGHTERS OF CITIZENS.—An alien who is the

1 sibling of a citizen of the United States or is
2 over the age of 31 and is the married son or
3 married daughter of a citizen of the United
4 States shall be allocated 10 points.

5 “(H) AGE.—An alien who is—

6 “(i) between 18 and 24 years of age
7 shall be allocated 8 points;

8 “(ii) between 25 and 32 years of age
9 shall be allocated 6 points; or

10 “(iii) between 33 and 37 years of age
11 shall be allocated 4 points.

12 “(I) COUNTRY OF ORIGIN.—An alien who
13 is a national of a country of which fewer than
14 50,000 nationals were lawfully admitted to per-
15 manent residence in the United States in the
16 previous 5 years shall be allocated 5 points.

17 “(6) APPLICATION PROCEDURES.—

18 “(A) SUBMISSION.—During the 30-day pe-
19 riod beginning on the first October 1 occurring
20 at least 3 years after the date of the enactment
21 of the Border Security, Economic Opportunity,
22 and Immigration Modernization Act, and dur-
23 ing each 30-day period beginning on October 1
24 in subsequent years, eligible aliens may submit,
25 to U.S. Citizenship and Immigration Services,

1 an application for a merit-based immigrant visa
2 that contains such information as the Secretary
3 may reasonably require.

4 “(B) ADJUDICATION.—Before the last day
5 of each fiscal year in which applications are
6 filed pursuant to subparagraph (A), the Direc-
7 tor, U.S. Citizenship and Immigration Services,
8 shall—

9 “(i) review the applications to deter-
10 mine which aliens will be granted a merit-
11 based immigrant visa in the following fiscal
12 year in accordance with this subsection;
13 and

14 “(ii) in coordination with the Sec-
15 retary of State, provide such visas to all
16 successful applicants.

17 “(C) FEE.—An alien who is allocated a
18 visa under this subsection shall pay a fee of
19 \$1,500 in addition to any fee assessed to cover
20 the costs to process an application under this
21 subsection. Fees collected under this paragraph
22 shall be deposited by the Secretary into the
23 Comprehensive Immigration Reform Trust
24 Fund established under section 6(a)(1) of the

1 Border Security, Economic Opportunity, and
2 Immigration Modernization Act.

3 “(7) ELIGIBILITY OF ALIENS IN REGISTERED
4 PROVISIONAL IMMIGRANT STATUS.—An alien who
5 was granted registered provisional immigrant status
6 under section 245B is not eligible to receive a merit-
7 based immigrant visa under section 201(e).

8 “(8) INELIGIBILITY OF ALIENS WITH PENDING
9 OR APPROVED PETITIONS.—An alien who has a peti-
10 tion pending or approved in another immigrant cat-
11 egory under this section or section 201 may not
12 apply for a merit-based immigrant visa.

13 “(9) DEFINITIONS.—In this subsection:

14 “(A) HIGH DEMAND TIER 1 OCCUPA-
15 TION.—The term ‘high demand tier 1 occupa-
16 tion’ means 1 of the 5 occupations for which
17 the highest number of nonimmigrants described
18 in section 101(a)(15)(H)(i) were sought to be
19 admitted by employers during the previous fis-
20 cal year.

21 “(B) HIGH DEMAND TIER 2 OCCUPA-
22 TION.—The term ‘high demand tier 2 occupa-
23 tion’ means 1 of the 5 occupations for which
24 the highest number of positions were sought to

1 become registered positions by employers under
2 section 220(e) during the previous fiscal year.

3 “(C) SECRETARY.—The term ‘Secretary’
4 means the Secretary of Homeland Security.

5 “(D) ZONE 1 OCCUPATION.—The term
6 ‘zone 1 occupation’ means an occupation that
7 requires little or no preparation and is classified
8 as a zone 1 occupation on—

9 “(i) the Occupational Information
10 Network Database (O*NET) on the date
11 of the enactment of the Border Security,
12 Economic Opportunity, and Immigration
13 Modernization Act; or

14 “(ii) such Database or a similar suc-
15 cessor database, as designated by the Sec-
16 retary of Labor, after such date of enact-
17 ment.

18 “(E) ZONE 2 OCCUPATION.—The term
19 ‘zone 2 occupation’ means an occupation that
20 requires some preparation and is classified as a
21 zone 2 occupation on—

22 “(i) the Occupational Information
23 Network Database (O*NET) on the date
24 of the enactment of the Border Security,

1 Economic Opportunity, and Immigration
2 Modernization Act; or

3 “(ii) such Database or a similar suc-
4 cessor database, as designated by the Sec-
5 retary of Labor, after such date of enact-
6 ment.

7 “(F) ZONE 3 OCCUPATION.—The term
8 ‘zone 3 occupation’ means an occupation that
9 requires medium preparation and is classified
10 as a zone 3 occupation on—

11 “(i) the Occupational Information
12 Network Database (O*NET) on the date
13 of the enactment of the Border Security,
14 Economic Opportunity, and Immigration
15 Modernization Act; or

16 “(ii) such Database or a similar suc-
17 cessor database, as designated by the Sec-
18 retary of Labor, after such date of enact-
19 ment.

20 “(G) ZONE 4 OCCUPATION.—The term
21 ‘zone 4 occupation’ means an occupation that
22 requires considerable preparation and is classi-
23 fied as a zone 4 occupation on—

24 “(i) the Occupational Information
25 Network Database (O*NET) on the date

1 of the enactment of the Border Security,
2 Economic Opportunity, and Immigration
3 Modernization Act; or

4 “(ii) such Database or a similar suc-
5 cessor database, as designated by the Sec-
6 retary of Labor, after such date of enact-
7 ment.

8 “(H) ZONE 5 OCCUPATION.—The term
9 ‘zone 5 occupation’ means an occupation that
10 requires extensive preparation and is classified
11 as a zone 5 occupation on—

12 “(i) the Occupational Information
13 Network Database (O*NET) on the date
14 of the enactment of the Border Security,
15 Economic Opportunity, and Immigration
16 Modernization Act; or

17 “(ii) such Database or a similar suc-
18 cessor database, as designated by the Sec-
19 retary of Labor, after such date of enact-
20 ment.”.

21 (3) GAO STUDY AND REPORT.—

22 (A) STUDY.—The Comptroller General of
23 the United States shall conduct a study of the
24 merit-based immigration system established
25 under section 203(c) of the Immigration and

1 Nationality Act, as amended by paragraph (2),
2 to determine, during the first 7 years of such
3 system—

4 (i) how the points described in para-
5 graphs (4)(H), (4)(J), (5)(G), and (5)(I)
6 of section 203(c) of such Act were utilized;

7 (ii) how many of the points allocated
8 to people lawfully admitted for permanent
9 residence were allocated under such para-
10 graphs;

11 (iii) how many people who were allo-
12 cated points under such paragraphs were
13 not lawfully admitted to permanent resi-
14 dence;

15 (iv) the countries of origin of the peo-
16 ple who applied for a merit-based visa
17 under section 203(c) of such Act;

18 (v) the number of such visas issued
19 under tier 1 and tier 2 to males and fe-
20 males, respectively;

21 (vi) the age of individuals who were
22 issued such visas; and

23 (vii) the educational attainment and
24 occupation of people who were issued such
25 visas.

1 (B) REPORT.—Not later than 7 years after
2 the date of the enactment of this Act, the
3 Comptroller General shall submit a report to
4 Congress that describes the results of the study
5 conducted pursuant to subparagraph (A).

6 (b) MODIFICATION OF POINTS.—The Secretary may
7 submit to Congress a proposal to modify the number of
8 points allocated under subsection (c) of section 203 of the
9 Immigration and Nationality Act (8 U.S.C. 1153), as
10 amended by subsection (a).

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on October 1, 2014.

13 **SEC. 2302. MERIT-BASED TRACK TWO.**

14 (a) IN GENERAL.—In addition to any immigrant visa
15 made available under the Immigration and Nationality Act
16 (8 U.S.C. 1101 et seq.), as amended by this Act, the Sec-
17 retary of State shall allocate merit-based immigrant visas
18 as described in this section.

19 (b) STATUS.—An alien admitted on the basis of a
20 merit-based immigrant visa under this section shall have
21 the status of an alien lawfully admitted for permanent res-
22 idence (as that term is defined in section 101(a)(20) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1101(a)(20)).

1 (c) ELIGIBILITY.—Beginning on October 1, 2014, the
2 following aliens shall be eligible for merit-based immigrant
3 visas under this section:

4 (1) EMPLOYMENT-BASED IMMIGRANTS.—An
5 alien who is the beneficiary of a petition filed before
6 the date of the enactment of this Act to accord sta-
7 tus under section 203(b) of the Immigration and
8 Nationality Act, if the visa has not been issued with-
9 in 5 years after the date on which such petition was
10 filed.

11 (2) FAMILY-SPONSORED IMMIGRANTS.—Subject
12 to subsection (d), an alien who is the beneficiary of
13 a petition filed to accord status under section 203(a)
14 of the Immigration and Nationality Act—

15 (A) prior to the date of the enactment of
16 this Act, if the visa was not issued within 5
17 years after the date on which such petition was
18 filed; or

19 (B) after such date of enactment, to ac-
20 cord status under paragraph (3) or (4) of sec-
21 tion 203(a) of the Immigration and Nationality
22 Act (8 U.S.C. 1153(a)), as in effect the minute
23 before the effective date specified in section
24 2307(a)(3) of this Act, and the visa was not

1 issued within 5 years after the date on which
2 petition was filed.

3 (3) LONG-TERM ALIEN WORKERS AND OTHER
4 MERIT-BASED IMMIGRANTS.—An alien who—

5 (A) is not admitted pursuant to subpara-
6 graph (W) of section 101(a)(15) of the Immi-
7 gration and Nationality Act (8 U.S.C.
8 1101(a)(15)); and

9 (B) has been lawfully present in the
10 United States in a status that allows for em-
11 ployment authorization for a continuous period,
12 not counting brief, casual, and innocent ab-
13 sences, of not less than 10 years.

14 (d) ALLOCATION OF EMPLOYMENT-SPONSORED
15 MERIT-BASED IMMIGRANT VISAS.—In each of the fiscal
16 years 2015 through and including 2021, the Secretary of
17 State shall allocate to aliens described in subsection (c)(1)
18 a number of merit-based immigrant visas equal to $\frac{1}{7}$ of
19 the number of aliens described in subsection (c)(1) whose
20 visas had not been issued as of the date of the enactment
21 of this Act.

22 (e) ALLOCATION OF FAMILY-SPONSORED MERIT-
23 BASED IMMIGRANT VISAS.—The visas authorized by sub-
24 section (c)(2) shall be allocated as follows:

1 (1) SPOUSES AND CHILDREN OF PERMANENT
2 RESIDENTS.—Petitions to accord status under sec-
3 tion 203(a)(2)(A) of the Immigration and Nation-
4 ality Act (8 U.S.C. 1153(a)(2)(A)), as in effect the
5 minute before the effective date specified in section
6 2307(a)(3) of this Act, are automatically converted
7 to petitions to accord status to the same bene-
8 ficiaries as immediate relatives under section
9 201(b)(2)(A) of the Immigration and Nationality
10 Act (8 U.S.C. 1151(b)(2)(A)).

11 (2) OTHER FAMILY MEMBERS.—In each of the
12 fiscal years 2015 through and including 2021, the
13 Secretary of State shall allocate to the aliens de-
14 scribed in subsection (c)(2)(A), other than those
15 aliens described in paragraph (1), a number of tran-
16 sitional merit-based immigrant visas equal to $\frac{1}{7}$ of
17 the difference between—

18 (A) the number of aliens described in sub-
19 section (c)(2)(A) whose visas had not been
20 issued as of the date of the enactment of this
21 Act; and

22 (B) the number of aliens described in
23 paragraph (1).

24 (3) ORDER OF ISSUANCE FOR PREVIOUSLY
25 FILED APPLICATIONS.—Subject to paragraphs (1)

1 and (2), the visas authorized by subsection (c)(2)(A)
2 shall be issued without regard to a per country limi-
3 tation in the order described in section 203(a) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1153(a)), as amended by section 2305(b), in the
6 order in which the petitions to accord status under
7 such section 203(a) were filed prior to the date of
8 the enactment of this Act.

9 (4) SUBSEQUENTLY FILED APPLICATIONS.—In
10 fiscal year 2022, the Secretary of State shall allocate
11 to the aliens described in subsection (c)(2)(B), the
12 number of merit-based immigrant visas equal to $\frac{1}{2}$
13 of the number of aliens described in subsection
14 (c)(2)(B) whose visas had not been issued by Octo-
15 ber 1, 2021. In fiscal year 2023, the Secretary of
16 State shall allocate to the aliens described in sub-
17 section (c)(2)(B), the number of merit-based immi-
18 grant visas equal to the number of aliens described
19 in subsection (c)(2)(B) whose visas had not been
20 issued by October 1, 2022.

21 (5) ORDER OF ISSUANCE FOR SUBSEQUENTLY
22 FILED APPLICATIONS.—Subject to paragraph (4),
23 the visas authorized by subsection (c)(2)(B) shall be
24 issued in the order in which the petitions to accord
25 status under section 203(a) of the Immigration and

1 Nationality Act were filed, as in effect the minute
2 before the effective date specified in section
3 2307(a)(3) of this Act.

4 (f) APPLICABILITY OF CERTAIN GROUNDS OF INAD-
5 MISSIBILITY.—In determining an alien’s inadmissibility
6 under this section, section 212(a)(9)(B) of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1182(a)(9)(B)) shall
8 not apply.

9 (g) ELIGIBILITY IN YEARS AFTER 2028.—Beginning
10 in fiscal year 2029, aliens eligible for adjustment of status
11 under subsection (c)(3) must be lawfully present in an em-
12 ployment authorized status for 20 years prior to filing an
13 application for adjustment of status.

14 **SEC. 2303. REPEAL OF THE DIVERSITY VISA PROGRAM.**

15 (a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.)
16 is amended—

17 (1) in section 201(a) (8 U.S.C. 1151(a))—

18 (A) in paragraph (1), by adding “and” at
19 the end;

20 (B) in paragraph (2), by striking “; and”
21 at the end and inserting a period; and

22 (C) by striking paragraph (3);

23 (2) in section 203 (8 U.S.C. 1153)—

24 (A) by striking subsection (c);

25 (B) in subsection (e)—

1 (i) by striking paragraph (2); and

2 (ii) by redesignating paragraph (3) as
3 paragraph (2);

4 (C) in subsection (f), by striking “(a), (b),
5 or (c) of this section” and inserting “(a) or
6 (b)”;

7 (D) in subsection (g), by striking “(a), (b),
8 and (c)” and inserting “(a) and (b)”;

9 (3) in section 204 (8 U.S.C. 1154)—

10 (A) in subsection (a), as amended by sec-
11 tion 2305(d)(6)(A)(i), by striking paragraph
12 (8); and

13 (B) in subsection (e), by striking “(a), (b),
14 or (c)” and inserting “(a) or (b)”.

15 (b) EFFECTIVE DATE AND APPLICATION.—

16 (1) EFFECTIVE DATE.—The amendments made
17 by this section shall take effect on October 1, 2014.

18 (2) APPLICATION.—An alien who receives a no-
19 tification from the Secretary that the alien was se-
20 lected to receive a diversity immigrant visa under
21 section 203(c) of the Immigration and Nationality
22 Act (8 U.S.C. 1153(c)) for fiscal year 2013 or fiscal
23 year 2014 shall remain eligible to receive such visa
24 under the rules of such section, as in effect on Sep-
25 tember 30, 2014. No alien may be allocated such a

1 diversity immigrant visa for a fiscal year after fiscal
2 year 2015.

3 **SEC. 2304. WORLDWIDE LEVELS AND RECAPTURE OF UN-**
4 **USED IMMIGRANT VISAS.**

5 (a) EMPLOYMENT-BASED IMMIGRANTS.—Section
6 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

7 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
8 IMMIGRANTS.—

9 “(1) IN GENERAL.—

10 “(A) WORLDWIDE LEVEL.—For a fiscal
11 year after fiscal year 2015, the worldwide level
12 of employment-based immigrants under this
13 subsection is equal to the sum of—

14 “(i) 140,000; and

15 “(ii) the number computed under
16 paragraph (2).

17 “(B) FISCAL YEAR 2015.—For fiscal year
18 2015, the worldwide level of employment-based
19 immigrants under this subsection is equal to
20 the sum of—

21 “(i) 140,000;

22 “(ii) the number computed under
23 paragraph (2); and

24 “(iii) the number computed under
25 paragraph (3).

1 “(2) PREVIOUS FISCAL YEAR.—The number
2 computed under this paragraph for a fiscal year is
3 the difference, if any, between the maximum number
4 of visas which may be issued under section 203(a)
5 (relating to family-sponsored immigrants) during the
6 previous fiscal year and the number of visas issued
7 under that section during that year.

8 “(3) UNUSED VISAS.—The number computed
9 under this paragraph is the difference, if any, be-
10 tween—

11 “(A) the sum of the worldwide levels estab-
12 lished under paragraph (1), as in effect on the
13 day before the date of the enactment of the
14 Border Security, Economic Opportunity, and
15 Immigration Modernization Act, for fiscal years
16 1992 through and including 2013; and

17 “(B) the number of visas actually issued
18 under section 203(b) during such fiscal years.”.

19 (b) FAMILY-SPONSORED IMMIGRANTS.—Section
20 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

21 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-
22 MIGRANTS.—

23 “(1) IN GENERAL.—

24 “(A) WORLDWIDE LEVEL.—Subject to
25 subparagraph (C), for each fiscal year after fis-

1 cal year 2015, the worldwide level of family-
2 sponsored immigrants under this subsection for
3 a fiscal year is equal to the sum of—

4 “(i) 480,000 minus the number com-
5 puted under paragraph (2); and

6 “(ii) the number computed under
7 paragraph (3).

8 “(B) FISCAL YEAR 2015.—Subject to sub-
9 paragraph (C), for fiscal year 2015, the world-
10 wide level of family-sponsored immigrants
11 under this subsection is equal to the sum of—

12 “(i) 480,000 minus the number com-
13 puted under paragraph (2);

14 “(ii) the number computed under
15 paragraph (3); and

16 “(iii) the number computed under
17 paragraph (4).

18 “(C) LIMITATION.—The number computed
19 under subparagraph (A)(i) or (B)(i) may not be
20 less than 226,000, except that beginning on the
21 date that is 18 months after the date of the en-
22 actment of the Border Security, Economic Op-
23 portunity, and Immigration Modernization Act,
24 the number computed under subparagraph
25 (A)(i) or (B)(i) may not be less than 161,000.

1 “(2) IMMEDIATE RELATIVES.—The number
2 computed under this paragraph for a fiscal year is
3 the number of aliens described in subparagraph (A)
4 or (B) of subsection (b)(2) who were issued immi-
5 grant visas, or who otherwise acquired the status of
6 an alien lawfully admitted to the United States for
7 permanent residence, in the previous fiscal year.

8 “(3) PREVIOUS FISCAL YEAR.—The number
9 computed under this paragraph for a fiscal year is
10 the difference, if any, between the maximum number
11 of visas which may be issued under section 203(b)
12 (relating to employment-based immigrants) during
13 the previous fiscal year and the number of visas
14 issued under that section during that year.

15 “(4) UNUSED VISAS.—The number computed
16 under this paragraph is the difference, if any, be-
17 tween—

18 “(A) the sum of the worldwide levels estab-
19 lished under paragraph (1) for fiscal years
20 1992 through and including 2013; and

21 “(B) the number of visas actually issued
22 under section 203(a) during such fiscal years.”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect on the first day of the first

1 fiscal year beginning after the date of the enactment of
2 this Act.

3 **SEC. 2305. RECLASSIFICATION OF SPOUSES AND MINOR**
4 **CHILDREN OF LAWFUL PERMANENT RESI-**
5 **DENTS AS IMMEDIATE RELATIVES.**

6 (a) IMMEDIATE RELATIVES.—Section 201(b)(2) (8
7 U.S.C. 1151(b)(2)) is amended to read as follows:

8 “(2)(A) Aliens who are immediate relatives.

9 “(B) In this paragraph, the term ‘immediate
10 relative’ means—

11 “(i) a child, spouse, or parent of a citizen
12 of the United States, except that in the case of
13 such a parent such citizen shall be at least 21
14 years of age;

15 “(ii) a child or spouse of an alien lawfully
16 admitted for permanent residence;

17 “(iii) a child or spouse of an alien de-
18 scribed in clause (i), who is accompanying or
19 following to join the alien;

20 “(iv) a child or spouse of an alien de-
21 scribed in clause (ii), who is accompanying or
22 following to join the alien;

23 “(v) an alien admitted under section
24 211(a) on the basis of a prior issuance of a visa

1 to the alien's accompanying parent who is an
2 immediate relative; and

3 “(vi) an alien born to an alien lawfully ad-
4 mitted for permanent residence during a tem-
5 porary visit abroad.

6 “(C) If an alien who was the spouse or child of
7 a citizen of the United States or of an alien lawfully
8 admitted for permanent residence and was not le-
9 gally separated from the citizen or lawful permanent
10 resident at the time of the citizen's or lawful perma-
11 nent resident's death files a petition under section
12 204(a)(1)(B), the alien spouse (and each child of the
13 alien) shall remain, for purposes of this paragraph,
14 an immediate relative during the period beginning
15 on the date of the citizen's or permanent resident's
16 death and ending on the date on which the alien
17 spouse remarries.

18 “(D) An alien who has filed a petition under
19 clause (iii) or (iv) of section 204(a)(1)(A) shall re-
20 main, for purposes of this paragraph, an immediate
21 relative if the United States citizen or lawful perma-
22 nent resident spouse or parent loses United States
23 citizenship on account of the abuse.”.

24 (b) ALLOCATION OF IMMIGRANT VISAS.—Section
25 203(a) (8 U.S.C. 1153(a)) is amended—

1 (1) in paragraph (1), by striking “23,400,” and
2 inserting “20 percent of the worldwide level of fam-
3 ily-sponsored immigrants under section 201(c)”;

4 (2) by striking paragraph (2) and inserting the
5 following:

6 “(2) UNMARRIED SONS AND UNMARRIED
7 DAUGHTERS OF PERMANENT RESIDENT ALIENS.—
8 Qualified immigrants who are the unmarried sons or
9 unmarried daughters (but are not the children) of
10 an alien lawfully admitted for permanent residence
11 shall be allocated visas in a number not to exceed 20
12 percent of the worldwide level of family-sponsored
13 immigrants under section 201(c), plus any visas not
14 required for the class specified in paragraph (1).”;

15 (3) in paragraph (3)—

16 (A) by striking “23,400,” and inserting
17 “20 percent of the worldwide level of family-
18 sponsored immigrants under section 201(c)”;
19 and

20 (B) by striking “classes specified in para-
21 graphs (1) and (2).” and inserting “class speci-
22 fied in paragraph (2).”; and

23 (4) in paragraph (4)—

24 (A) by striking “65,000,” and inserting
25 “40 percent of the worldwide level of family-

1 sponsored immigrants under section 201(c)”;
2 and

3 (B) by striking “classes specified in para-
4 graphs (1) through (3).” and inserting “class
5 specified in paragraph (3).”.

6 (c) TERMINATION OF REGISTRATION.—Section
7 203(g) (8 U.S.C. 1153(g)) is amended to read as follows:

8 “(g) LISTS.—

9 “(1) IN GENERAL.—For purposes of carrying
10 out the orderly administration of this title, the Sec-
11 retary of State may make reasonable estimates of
12 the anticipated numbers of immigrant visas to be
13 issued during any quarter of any fiscal year within
14 each of the categories under subsections (a), (b),
15 and (c) and may rely upon such estimates in author-
16 izing the issuance of visas.

17 “(2) TERMINATION OF REGISTRATION.—

18 “(A) INFORMATION DISSEMINATION.—Not
19 later than 180 days after the date of the enact-
20 ment of the Border Security, Economic Oppor-
21 tunity, and Immigration Modernization Act, the
22 Secretary of Homeland Security and the Sec-
23 retary of State shall adopt a plan to broadly
24 disseminate information to the public regarding
25 termination of registration procedures described

1 in subparagraphs (B) and (C), including proce-
2 dures for notifying the Department of Home-
3 land Security and the Department of State of
4 any change of address on the part of a peti-
5 tioner or a beneficiary of an immigrant visa pe-
6 tition.

7 “(B) TERMINATION FOR FAILURE TO AD-
8 JUST.—The Secretary of Homeland Security
9 shall terminate the registration of any alien who
10 has evidenced an intention to acquire lawful
11 permanent residence under section 245 and who
12 fails to apply to adjust status within 1 year fol-
13 lowing notification to the alien of the avail-
14 ability of an immigrant visa.

15 “(C) TERMINATION FOR FAILURE TO
16 APPLY.—The Secretary of State shall terminate
17 the registration of any alien not described in
18 subparagraph (B) who fails to apply for an im-
19 migrant visa within 1 year following notification
20 to the alien of the availability of such visa.

21 “(3) REINSTATEMENT.—The registration of
22 any alien that was terminated under paragraph (2)
23 shall be reinstated if, within 2 years following the
24 date of notification of the availability of such visa,

1 the alien demonstrates that such failure to apply
2 was due to good cause.”.

3 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) DEFINITIONS.—Section 101(a)(15)(K)(ii)
5 (8 U.S.C. 1101(a)(15)(K)(ii)) is amended by strik-
6 ing “section 201(b)(2)(A)(i)” and inserting “section
7 201(b)(2) (other than clause (v) or (vi) of subpara-
8 graph (B))”.

9 (2) PER COUNTRY LEVEL.—Section
10 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended
11 by striking “section 201(b)(2)(A)(i)” and inserting
12 “section 201(b)(2) (other than clause (v) or (vi) of
13 subparagraph (B))”.

14 (3) RULES FOR DETERMINING WHETHER CER-
15 TAIN ALIENS ARE IMMEDIATE RELATIVES.—Section
16 201(f) (8 U.S.C. 1151(f)) is amended—

17 (A) in paragraph (1), by striking “para-
18 graphs (2) and (3),” and inserting “paragraph
19 (2),”;

20 (B) by striking paragraph (2);

21 (C) by redesignating paragraphs (3) and
22 (4) as paragraphs (2) and (3), respectively; and

23 (D) in paragraph (3), as redesignated by
24 subparagraph (C), by striking “through (3)”
25 and inserting “and (2)”.

1 (4) NUMERICAL LIMITATION TO ANY SINGLE
2 FOREIGN STATE.—Section 202(a)(4) (8 U.S.C.
3 1152(a)(4)) is amended—

4 (A) by striking subparagraphs (A) and
5 (B);

6 (B) by redesignating subparagraphs (C)
7 and (D) as subparagraphs (A) and (B), respec-
8 tively; and

9 (C) in subparagraph (A), as redesignated
10 by clause (ii), by striking “section
11 203(a)(2)(B)” and inserting “section
12 203(a)(2)”.

13 (5) ALLOCATION OF IMMIGRANT VISAS.—Sec-
14 tion 203(h) (8 U.S.C. 1153(h)) is amended—

15 (A) in paragraph (1)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “subsections
18 (a)(2)(A) and (d)” and inserting “sub-
19 section (d)”;

20 (ii) in subparagraph (A), by striking
21 “becomes available for such alien (or, in
22 the case of subsection (d), the date on
23 which an immigrant visa number became
24 available for the alien’s parent),” and in-

1 serting “became available for the alien’s
2 parent,”; and

3 (iii) in subparagraph (B), by striking
4 “applicable”;

5 (B) by amending paragraph (2) to read as
6 follows:

7 “(2) PETITIONS DESCRIBED.—The petition de-
8 scribed in this paragraph is a petition filed under
9 section 204 for classification of the alien’s parent
10 under subsection (a), (b), or (c).”; and

11 (C) by amending paragraph (3) to read as
12 follows:

13 “(3) RETENTION OF PRIORITY DATE.—

14 “(A) PETITIONS FILED FOR CHILDREN.—

15 For a petition originally filed to classify a child
16 under subsection (d), if the age of the alien is
17 determined under paragraph (1) to be 21 years
18 of age or older on the date that a visa number
19 becomes available to the alien’s parent who was
20 the principal beneficiary of the petition, then,
21 upon the parent’s admission to lawful perma-
22 nent residence in the United States, the petition
23 shall automatically be converted to a petition
24 filed by the parent for classification of the alien
25 under subsection (a)(2) and the petition shall

1 retain the priority date established by the origi-
2 nal petition.

3 “(B) FAMILY AND EMPLOYMENT-BASED
4 PETITIONS.—The priority date for any family-
5 or employment-based petition shall be the date
6 of filing of the petition with the Secretary of
7 Homeland Security (or the Secretary of State,
8 if applicable), unless the filing of the petition
9 was preceded by the filing of a labor certifi-
10 cation with the Secretary of Labor, in which
11 case that date shall constitute the priority date.
12 The beneficiary of any petition shall retain his
13 or her earliest priority date based on any peti-
14 tion filed on his or her behalf that was approv-
15 able when filed, regardless of the category of
16 subsequent petitions.”.

17 (6) PROCEDURE FOR GRANTING IMMIGRANT
18 STATUS.—

19 (A) PETITIONING PROCEDURE.—Section
20 204 (8 U.S.C. 1154) is amended—

21 (i) by striking subsection (a) and in-
22 serting the following:

23 “(a) PETITIONING PROCEDURE.—

24 “(1) IN GENERAL.—(A) Except as provided in
25 subparagraph (H), any citizen of the United States

1 or alien lawfully admitted for permanent residence
2 claiming that an alien is entitled to classification by
3 reason of a relationship described in subparagraph
4 (A) or (B) of section 203(a)(1) or to an immediate
5 relative status under section 201(b)(2)(A) may file a
6 petition with the Secretary of Homeland Security for
7 such classification.

8 “(B) An alien spouse or alien child described in
9 section 201(b)(2)(C) may file a petition with the
10 Secretary under this paragraph for classification of
11 the alien (and the alien’s children) under such sec-
12 tion.

13 “(C)(i) An alien who is described in clause (ii)
14 may file a petition with the Secretary under this
15 subparagraph for classification of the alien (and any
16 child of the alien) if the alien demonstrates to the
17 Secretary that—

18 “(I) the marriage or the intent to marry
19 the citizen of the United States or lawful per-
20 manent resident was entered into in good faith
21 by the alien; and

22 “(II) during the marriage or relationship
23 intended by the alien to be legally a marriage,
24 the alien or a child of the alien has been bat-
25 tered or has been the subject of extreme cruelty

1 perpetrated by the alien’s spouse or intended
2 spouse.

3 “(ii) For purposes of clause (i), an alien de-
4 scribed in this clause is an alien—

5 “(I)(aa) who is the spouse of a citizen of
6 the United States or lawful permanent resident;

7 “(bb) who believed that he or she had mar-
8 ried a citizen of the United States or lawful
9 permanent resident and with whom a marriage
10 ceremony was actually performed and who oth-
11 erwise meets any applicable requirements under
12 this Act to establish the existence of and bona
13 fides of a marriage, but whose marriage is not
14 legitimate solely because of the bigamy of such
15 citizen of the United States or lawful perma-
16 nent resident; or

17 “(cc) who was a bona fide spouse of a cit-
18 izen of the United States or a lawful permanent
19 resident within the past 2 years and—

20 “(AA) whose spouse died within the
21 past 2 years;

22 “(BB) whose spouse renounced citi-
23 zenship status or renounced or lost status
24 as a lawful permanent resident within the

1 past 2 years related to an incident of do-
2 mestic violence; or

3 “(CC) who demonstrates a connection
4 between the legal termination of the mar-
5 riage within the past 2 years and battering
6 or extreme cruelty by a spouse who is a
7 citizen of the United States or a lawful
8 permanent resident spouse;

9 “(II) who is a person of good moral char-
10 acter;

11 “(III) who is eligible to be classified as an
12 immediate relative under section 201(b)(2)(A)
13 or who would have been so classified but for the
14 bigamy of the citizen of the United States that
15 the alien intended to marry; and

16 “(IV) who has resided with the alien’s
17 spouse or intended spouse.

18 “(D) An alien who is the child of a citizen or
19 lawful permanent resident of the United States, or
20 who was a child of a United States citizen or lawful
21 permanent resident parent who within the past 2
22 years lost or renounced citizenship status related to
23 an incident of domestic violence, and who is a person
24 of good moral character, who is eligible to be classi-
25 fied as an immediate relative under section

1 201(b)(2)(A), and who resides, or has resided in the
2 past, with the citizen or lawful permanent resident
3 parent may file a petition with the Secretary of
4 Homeland Security under this paragraph for classi-
5 fication of the alien (and any child of the alien)
6 under such section if the alien demonstrates to the
7 Secretary that the alien has been battered by or has
8 been the subject of extreme cruelty perpetrated by
9 the alien’s citizen or lawful permanent resident par-
10 ent. For purposes of this subparagraph, residence
11 includes any period of visitation.

12 “(E) An alien who—

13 “(i) is the spouse, intended spouse, or child
14 living abroad of a citizen or lawful permanent
15 resident who—

16 “(I) is an employee of the United
17 States Government;

18 “(II) is a member of the uniformed
19 services (as defined in section 101(a) of
20 title 10, United States Code); or

21 “(III) has subjected the alien or the
22 alien’s child to battery or extreme cruelty
23 in the United States; and

24 “(ii) is eligible to file a petition under sub-
25 paragraph (C) or (D),

1 shall file such petition with the Secretary of Home-
2 land Security under the procedures that apply to
3 self-petitioners under subparagraph (C) or (D), as
4 applicable.

5 “(F) For the purposes of any petition filed
6 under subparagraph (C) or (D), the
7 denaturalization, loss or renunciation of citizenship
8 or lawful permanent resident status, death of the
9 abuser, divorce, or changes to the abuser’s citizen-
10 ship or lawful permanent resident status after filing
11 of the petition shall not adversely affect the approval
12 of the petition, and for approved petitions shall not
13 preclude the classification of the eligible self-peti-
14 tioning spouse or child as an immediate relative or
15 affect the alien’s ability to adjust status under sub-
16 sections (a) and (c) of section 245 or obtain status
17 as a lawful permanent resident based on the ap-
18 proved self-petition under such clauses.

19 “(G) An alien may file a petition with the Sec-
20 retary of Homeland Security under this paragraph
21 for classification of the alien under section
22 201(b)(2)(A) if the alien—

23 “(i) is the parent of a citizen of the United
24 States or was a parent of a citizen of the
25 United States who, within the past 2 years, lost

1 or renounced citizenship status related to an in-
2 cident of domestic violence or died;

3 “(ii) is a person of good moral character;

4 “(iii) is eligible to be classified as an im-
5 mediate relative under section 201(b)(2)(A);

6 “(iv) resides, or has resided, with the cit-
7 izen daughter or son; and

8 “(v) demonstrates that the alien has been
9 battered or subject to extreme cruelty by the
10 citizen daughter or son.

11 “(H)(i) Subparagraph (A) shall not apply to a
12 citizen of the United States who has been convicted
13 of a specified offense against a minor, unless the
14 Secretary of Homeland Security, in the Secretary’s
15 sole and unreviewable discretion, determines that the
16 citizen poses no risk to the alien with respect to
17 whom a petition described in subparagraph (A) is
18 filed.

19 “(ii) For purposes of clause (i), the term ‘speci-
20 fied offense against a minor’ has the meaning given
21 such term in section 111 of the Adam Walsh Child
22 Protection and Safety Act of 2006 (42 U.S.C.
23 16911).

24 “(2) DETERMINATION OF GOOD MORAL CHAR-
25 ACTER.—Notwithstanding section 101(f), an act or

1 conviction that is waivable with respect to the peti-
2 tioner for purposes of a determination of the peti-
3 tioner's admissibility under section 212(a) or deport-
4 ability under section 237(a) shall not bar the Sec-
5 retary of Homeland Security from finding the peti-
6 tioner to be of good moral character under subpara-
7 graph (C) or (D) of paragraph (1), if the Secretary
8 finds that the act or conviction was connected to the
9 alien's having been battered or subjected to extreme
10 cruelty.

11 “(3) PREFERENCE STATUS.—(A)(i) Any child
12 who attains 21 years of age who has filed a petition
13 under paragraph (1)(D) that was filed or approved
14 before the date on which the child attained 21 years
15 of age shall be considered (if the child has not been
16 admitted or approved for lawful permanent residence
17 by the date the child attained 21 years of age) a pe-
18 titioner for preference status under paragraph (1),
19 (2), or (3) of section 203(a), whichever paragraph is
20 applicable, with the same priority date assigned to
21 the self-petition filed under paragraph (1)(D). No
22 new petition shall be required to be filed.

23 “(ii) Any individual described in clause (i) is el-
24 igible for deferred action and work authorization.

1 “(iii) Any derivative child who attains 21 years
2 of age who is included in a petition described in sub-
3 paragraph (B) that was filed or approved before the
4 date on which the child attained 21 years of age
5 shall be considered (if the child has not been admit-
6 ted or approved for lawful permanent residence by
7 the date the child attained 21 years of age) a VAWA
8 self-petitioner with the same priority date as that as-
9 signed to the petitioner in any petition described in
10 subparagraph (B). No new petition shall be required
11 to be filed.

12 “(iv) Any individual described in clause (iii) and
13 any derivative child of a petitioner described in sub-
14 paragraph (B) is eligible for deferred action and
15 work authorization.

16 “(B) The petition referred to in subparagraph
17 (A)(iii) is a petition filed by an alien under subpara-
18 graph (C) or (D) of paragraph (1) in which the child
19 is included as a derivative beneficiary.

20 “(C) Nothing in the amendments made by the
21 Child Status Protection Act (Public Law 107–208;
22 116 Stat. 927) shall be construed to limit or deny
23 any right or benefit provided under this paragraph.

24 “(D) Any alien who benefits from this para-
25 graph may adjust status in accordance with sub-

1 sections (a) and (c) of section 245 as an alien hav-
2 ing an approved petition for classification under sub-
3 paragraph (C) or (D) of paragraph (1).

4 “(E) For purposes of this paragraph, an indi-
5 vidual who is not less than 21 years of age, who
6 qualified to file a petition under paragraph (1)(D)
7 as of the minute before the date on which the indi-
8 vidual attained 21 years of age, and who did not file
9 such a petition before such day, shall be treated as
10 having filed a petition under such paragraph as of
11 such day if a petition is filed for the status described
12 in such paragraph before the individual attains 25
13 years of age and the individual shows that the abuse
14 was at least 1 central reason for the filing delay.
15 Subparagraphs (A) through (D) shall apply to an in-
16 dividual described in this subparagraph in the same
17 manner as an individual filing a petition under para-
18 graph (1)(D).

19 “(4) CLASSIFICATION AS ALIEN WITH EX-
20 TRAORDINARY ABILITY.—Any alien desiring to be
21 classified under subparagraph (I), (J), (K), (L), or
22 (M) of section 201(b)(1) or section 203(b)(1)(A), or
23 any person on behalf of such an alien, may file a pe-
24 tition with the Secretary of Homeland Security for
25 such classification.

1 “(5) CLASSIFICATION AS EMPLOYMENT-BASED
2 IMMIGRANT.—Any employer desiring and intending
3 to employ within the United States an alien entitled
4 to classification under paragraph (1)(B), (1)(C), (2),
5 or (3) of section 203(b) may file a petition with the
6 Secretary of Homeland Security for such classifica-
7 tion.

8 “(6) CLASSIFICATION AS SPECIAL IMMI-
9 GRANT.—(A) Any alien (other than a special immi-
10 grant under section 101(a)(27)(D)) desiring to be
11 classified under section 203(b)(4), or any person on
12 behalf of such an alien, may file a petition with the
13 Secretary of Homeland Security for such classifica-
14 tion.

15 “(B) Aliens claiming status as a special immi-
16 grant under section 101(a)(27)(D) may file a peti-
17 tion only with the Secretary of State and only after
18 notification by the Secretary that such status has
19 been recommended and approved pursuant to such
20 section.

21 “(7) CLASSIFICATION AS IMMIGRANT INVES-
22 TOR.—Any alien desiring to be classified under para-
23 graph (5) or (6) of section 203(b) may file a petition
24 with the Secretary of Homeland Security for such
25 classification.

1 “(8) DIVERSITY VISA.—(A) Any alien desiring
2 to be provided an immigrant visa under section
3 203(c) may file a petition at the place and time de-
4 termined by the Secretary of State by regulation.
5 Only 1 such petition may be filed by an alien with
6 respect to any petitioning period established. If more
7 than 1 petition is submitted all such petitions sub-
8 mitted for such period by the alien shall be voided.

9 “(B)(i) The Secretary of State shall designate
10 a period for the filing of petitions with respect to
11 visas which may be issued under section 203(c) for
12 the fiscal year beginning after the end of the period.

13 “(ii) Aliens who qualify, through random selec-
14 tion, for a visa under section 203(c) shall remain eli-
15 gible to receive such visa only through the end of the
16 specific fiscal year for which they were selected.

17 “(iii) The Secretary of State shall prescribe
18 such regulations as may be necessary to carry out
19 this subparagraph.

20 “(C) A petition under this paragraph shall be
21 in such form as the Secretary of State may by regu-
22 lation prescribe and shall contain such information
23 and be supported by such documentary evidence as
24 the Secretary of State may require.

1 “(D) Each petition to compete for consideration
2 for a visa under section 203(c) shall be accompanied
3 by a fee equal to \$30. All amounts collected under
4 this subparagraph shall be deposited into the Treas-
5 ury as miscellaneous receipts.

6 “(9) CONSIDERATION OF CREDIBLE EVI-
7 DENCE.—In acting on petitions filed under subpara-
8 graph (C) or (D) of paragraph (1), or in making de-
9 terminations under paragraphs (2) and (3), the Sec-
10 retary of Homeland Security shall consider any cred-
11 ible evidence relevant to the petition. The determina-
12 tion of what evidence is credible and the weight to
13 be given that evidence shall be within the sole discre-
14 tion of the Secretary.

15 “(10) WORK AUTHORIZATION.—(A) Upon the
16 approval of a petition as a VAWA self-petitioner, the
17 alien—

18 “(i) is eligible for work authorization; and

19 “(ii) may be provided an ‘employment au-
20 thorized’ endorsement or appropriate work per-
21 mit incidental to such approval.

22 “(B) Notwithstanding any provision of this Act
23 restricting eligibility for employment in the United
24 States, the Secretary of Homeland Security shall
25 grant employment authorization to an alien who has

1 filed an application for status as a VAWA self-peti-
2 tioner on the date that is the earlier of—

3 “(i) the date on which the alien’s applica-
4 tion for such status is approved; or

5 “(ii) a date determined by the Secretary
6 that is not later than 180 days after the date
7 on which the alien filed the application.

8 “(11) LIMITATION.—Notwithstanding para-
9 graphs (1) through (10), an individual who was a
10 VAWA petitioner or who had the status of a non-
11 immigrant under subparagraph (T) or (U) of section
12 101(a)(15) may not file a petition for classification
13 under this section or section 214 to classify any per-
14 son who committed the battery or extreme cruelty or
15 trafficking against the individual (or the individual’s
16 child), which established the individual’s (or individ-
17 ual’s child’s) eligibility as a VAWA petitioner or for
18 such nonimmigrant status.”;

19 (ii) in subsection (c)(1), by striking
20 “or preference status”; and

21 (iii) in subsection (h), by striking “or
22 a petition filed under subsection
23 (a)(1)(B)(ii)”.

24 (B) CONFORMING AMENDMENTS.—The
25 Act (8 U.S.C. 1101 et seq.) is amended—

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1 (i) in section 101(a)—

2 (I) in paragraph (15)(K), by
3 striking “204(a)(1)(A)(viii)(I)” each
4 place such term appears and inserting
5 “204(a)(1)(H)(i)”;

6 (II) in paragraph (50), by strik-
7 ing “204(a)(1)(A)(iii)(II)(aa)(BB),
8 204(a)(1)(B)(ii)(II)(aa)(BB),” and in-
9 serting “204(a)(1)(C)(ii)(I)(bb) or”;
10 and

11 (III) in paragraph (51)—

12 (aa) in subparagraph (A),
13 by striking “204(a)(1)(A)” and
14 inserting “204(a)(1)”;

15 (bb) by striking subpara-
16 graph (B); and

17 (cc) by redesignating sub-
18 paragraphs (C), (D), (E), (F),
19 and (G) as subparagraphs (B),
20 (C), (D), (E), and (F), respec-
21 tively;

22 (ii) in section 212(a)(4)(C)(i)—

23 (I) in subclause (I), by striking
24 “clause (ii), (iii), or (iv) of section
25 204(a)(1)(A), or” and inserting “sub-

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1 paragraph (B), (C), or (D) of section
2 204(a)(1);”;
3 (II) by striking subclause (II);
4 and
5 (III) by redesignating subclause
6 (III) as subclause (II);
7 (iii) in section 216(c)(4)(D), by strik-
8 ing “204(a)(1)(A)(iii)(II)(aa)(BB)” and
9 inserting “204(a)(1)(C)(ii)(I)(bb)” and
10 (iv) in section 240(c)(7)(C)(iv)(I), by
11 striking “clause (iii) or (iv) of section
12 204(a)(1)(A), clause (ii) or (iii) of section
13 204(a)(1)(B),” and inserting “subpara-
14 graph (C) or (D) of section 204(a)(1),”.

15 (7) EXCLUDABLE ALIENS.—Section
16 212(d)(12)(B) (8 U.S.C. 1182(d)(12)(B)) is amend-
17 ed by striking “section 201(b)(2)(A)” and inserting
18 “section 201(b)(2) (other than subparagraph
19 (B)(vi))”.

20 (8) ADMISSION OF NONIMMIGRANTS.—Section
21 214(r)(3)(A) (8 U.S.C. 1184(r)(3)(A)) is amended
22 by striking “section 201(b)(2)(A)(i).” and inserting
23 “section 201(b)(2) (other than clause (v) or (vi) of
24 subparagraph (B)).”.

1 (9) REFUGEE CRISIS IN IRAQ ACT OF 2007.—

2 Section 1243(a)(4) of the Refugee Crisis in Iraq Act
3 of 2007 (8 U.S.C. 1157 note) is amended by strik-
4 ing “section 201(b)(2)(A)(i)” and inserting “section
5 201(b)(2) (other than clause (v) or (vi) of subpara-
6 graph (B))”.

7 (10) PROCESSING OF VISA APPLICATIONS.—

8 Section 233 of the Department of State Authoriza-
9 tion Act, Fiscal Year 2003 (8 U.S.C. 1201 note) is
10 amended by striking “section 201(b)(2)(A)(i)” and
11 inserting “section 201(b)(2) (other than clause (v)
12 or (vi) of subparagraph (B))”.

13 (11) ADJUSTMENT OF STATUS.—Section 245(a)

14 (8 U.S.C. 1255(a)) is amended to read as follows:

15 “(a)(1) The status of an alien who was inspected and
16 admitted or paroled into the United States or the status
17 of any other alien having an approved petition for classi-
18 fication as a VAWA self-petitioner may be adjusted by the
19 Attorney General or the Secretary of Homeland Security,
20 in the Attorney General’s or the Secretary’s discretion and
21 under such regulations as the Attorney General or Sec-
22 retary may prescribe, to that of an alien lawfully admitted
23 for permanent residence (regardless of whether the alien
24 has already been admitted for permanent residence) if—

1 “(A) the alien makes an application for such
2 adjustment;

3 “(B) the alien is eligible to receive an immi-
4 grant visa and is admissible to the United States for
5 permanent residence; and

6 “(C) subject to paragraph (2), an immigrant
7 visa is immediately available to the alien at the time
8 the alien’s application is filed.

9 “(2)(A) An application that is based on a petition ap-
10 proved or approvable under subparagraph (A) or (B) of
11 section 204(a)(1) may be filed without regard to the limi-
12 tation set forth in paragraph (1)(C).

13 “(B) An application for adjustment filed for an alien
14 under this paragraph may not be approved until such time
15 as an immigrant visa becomes available for the alien.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

19 SEC. 2306. NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-
20 EIGN STATES.

(a) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)) is amended—

24 (1) in the paragraph heading, by striking “AND
25 EMPLOYMENT-BASED”;

1 (2) by striking “(3), (4), and (5),” and insert-
2 ing “(3) and (4),”;

3 (3) by striking “subsections (a) and (b) of sec-
4 tion 203” and inserting “section 203(a);

5 (4) by striking “7” and inserting “15”; and

6 (5) by striking “such subsections” and inserting
7 “such section”.

8 (b) CONFORMING AMENDMENTS.—Section 202 (8
9 U.S.C. 1152) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (3), by striking “both
12 subsections (a) and (b) of section 203” and in-
13 serting “section 203(a); and

14 (B) by striking paragraph (5); and

15 (2) by amending subsection (e) to read as fol-
16 lows:

17 “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—

18 If it is determined that the total number of immigrant
19 visas made available under section 203(a) to natives of
20 any single foreign state or dependent area will exceed the
21 numerical limitation specified in subsection (a)(2) in any
22 fiscal year, in determining the allotment of immigrant visa
23 numbers to natives under section 203(a), visa numbers
24 with respect to natives of that state or area shall be allo-
25 cated (to the extent practicable and otherwise consistent

1 with this section and section 203) in a manner so that,
2 except as provided in subsection (a)(4), the proportion of
3 the visa numbers made available under each of paragraphs
4 (1) through (4) of section 203(a) is equal to the ratio of
5 the total number of visas made available under the respec-
6 tive paragraph to the total number of visas made available
7 under section 203(a).”.

8 (c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the
9 Chinese Student Protection Act of 1992 (8 U.S.C. 1255
10 note) is amended—

11 (1) in subsection (a), by striking “subsection
12 (e))” and inserting “subsection (d))”; and

13 (2) by striking subsection (d) and redesignating
14 subsection (e) as subsection (d).

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect 1 year after the date of the
17 enactment of this Act.

18 **SEC. 2307. ALLOCATION OF IMMIGRANT VISAS.**

19 (a) PREFERENCE ALLOCATION FOR FAMILY-SPON-
20 SORED IMMIGRANTS.—

21 (1) IN GENERAL.—Section 203(a) (8 U.S.C.
22 1153(a)), as amended by section 2305(b), is further
23 amended to read as follows:

24 “(a) PREFERENCE ALLOCATION FOR FAMILY-SPON-
25 SORED IMMIGRANTS.—Aliens subject to the worldwide

1 level specified in section 201(c) for family-sponsored immi-
2 grants shall be allotted visas as follows:

3 “(1) SONS AND DAUGHTERS OF CITIZENS.—

4 Qualified immigrants who are—

5 “(A) the unmarried sons or unmarried
6 daughters but not the children of citizens of the
7 United States shall be allocated visas in a num-
8 ber not to exceed 35 percent of the worldwide
9 level authorized in section 201(c), plus the sum
10 of—

11 “(i) the number of visas not required
12 for the class specified in paragraph (2) for
13 the current fiscal year; and

14 “(ii) the number of visas not required
15 for the class specified in subparagraph (B);
16 or

17 “(B) the married sons or married daugh-
18 ters of citizens of the United States who are 31
19 years of age or younger at the time of filing a
20 petition under section 204 shall be allocated
21 visas in a number not to exceed 25 percent of
22 the worldwide level authorized in section 201(c),
23 plus the number of any visas not required for
24 the class specified in subparagraph (A) current
25 fiscal year.

1 “(2) SONS AND DAUGHTERS OF PERMANENT
2 RESIDENTS.—Qualified immigrants who are the un-
3 married sons or unmarried daughters of aliens ad-
4 mitted for permanent residence shall be allocated
5 visas in a number not to exceed 40 percent of the
6 worldwide level authorized in section 201(c), plus
7 any visas not required for the class specified in para-
8 graph (1)(A).”.

9 (2) CONFORMING AMENDMENTS.—

10 (A) PROCEDURE FOR GRANTING IMMI-
11 GRANT STATUS.—Section 204(f)(1) (8 U.S.C.
12 1154(f)(1)) is amended by striking “section
13 201(b), 203(a)(1), or 203(a)(3),” and inserting
14 “section 201(b) or subparagraph (A) or (B) of
15 section 203(a)(1)”.

16 (B) AUTOMATIC CONVERSION.—For the
17 purposes of any petition pending or approved
18 based on a relationship described—

19 (i) in subparagraph (A) of section
20 203(a)(1) of the Immigration and Nation-
21 ality Act (8 U.S.C. 1153(a)(1)), as amend-
22 ed by paragraph (1), and notwithstanding
23 the age of the alien, such a petition shall
24 be deemed reclassified as a petition based
25 on a relationship described in subpara-

1 graph (B) of such section 203(a)(1) upon
2 the marriage of such alien; or

3 (ii) in subparagraph (B) of such sec-
4 tion 203(a)(1), such a petition shall be
5 deemed reclassified as a petition based on
6 a relationship described in subparagraph
7 (A) of such section 203(a)(1) upon the
8 legal termination of marriage or death of
9 such alien's spouse.

10 (3) EFFECTIVE DATE.—The amendments made
11 by this subsection shall take effect on the first day
12 of the first fiscal year that begins at least 18 months
13 following the date of the enactment of this Act.

14 (b) PREFERENCE ALLOCATION FOR EMPLOYMENT-
15 BASED IMMIGRANTS.—

16 (1) IN GENERAL.—Section 201(b)(1) (8 U.S.C.
17 1151(b)(1)), as amended by sections 2103(e) and
18 2212(d), is further amended by adding at the end
19 the following:

20 “(H) Derivative beneficiaries as described
21 in section 203(d) of employment-based immi-
22 grants under section 203(b).

23 “(I) Aliens with extraordinary ability in
24 the sciences, arts, education, business, or ath-
25 letics which has been demonstrated by sus-

1 tained national or international acclaim, if, with
2 respect to any such alien—

3 “(i) the achievements of such alien
4 have been recognized in the field through
5 extensive documentation;

6 “(ii) such alien seeks to enter the
7 United States to continue work in the area
8 of extraordinary ability; and

9 “(iii) the entry of such alien into the
10 United States will substantially benefit
11 prospectively the United States.

12 “(J) Aliens who are outstanding professors
13 and researchers if, with respect to any such
14 alien—

15 “(i) the alien is recognized inter-
16 nationally as outstanding in a specific aca-
17 demic area;

18 “(ii) the alien has at least 3 years of
19 experience in teaching or research in the
20 academic area; and

21 “(iii) the alien seeks to enter the
22 United States—

23 “(I) to be employed in a tenured
24 position (or tenure-track position)
25 within a not for profit university or

1 institution of higher education to
2 teach in the academic area;

3 “(II) for employment in a com-
4 parable position with a not for profit
5 university or institution of higher edu-
6 cation, or a governmental research or-
7 ganization, to conduct research in the
8 area; or

9 “(III) for employment in a com-
10 parable position to conduct research
11 in the area with a department, divi-
12 sion, or institute of a private em-
13 ployer, if the department, division, or
14 institute employs at least 3 persons
15 full-time in research activities and has
16 achieved documented accomplishments
17 in an academic field.

18 “(K) Aliens who are multinational execu-
19 tives and managers if, with respect to any such
20 alien—

21 “(i) in the 3 years preceding the time
22 of the alien’s application for classification
23 and admission into the United States
24 under this subparagraph, the alien has
25 been employed for at least 1 year by a firm

1 or corporation or other legal entity or an
2 affiliate or subsidiary thereof; and

3 “(ii) the alien seeks to enter the
4 United States in order to continue to
5 render services to the same employer or to
6 a subsidiary or affiliate thereof in a capac-
7 ity that is managerial or executive.

8 “(L) Aliens who have earned a doctorate
9 degree from an institution of higher education
10 in the United States or the foreign equivalent.

11 “(M) Alien physicians who have completed
12 the foreign residency requirements under sec-
13 tion 212(e) or obtained a waiver of these re-
14 quirements or an exemption requested by an in-
15 terested State agency or by an interested Fed-
16 eral agency under section 214(l), including
17 those alien physicians who completed such serv-
18 ice before the date of the enactment of the Bor-
19 der Security, Economic Opportunity, and Immi-
20 gration Modernization Act.

21 “(N) ADVANCED DEGREES IN A STEM
22 FIELD.—

23 “(i) IN GENERAL.—An immigrant
24 who—

1 “(I) has earned a master’s or
2 higher degree in a field of science,
3 technology, engineering, or mathe-
4 matics included in the Department of
5 Education’s Classification of Instruc-
6 tional Programs taxonomy within the
7 summary groups of computer and in-
8 formation sciences and support serv-
9 ices, engineering, mathematics and
10 statistics, biological and biomedical
11 sciences, and physical sciences, from a
12 United States institution of higher
13 education;

14 “(II) has an offer of employment
15 from a United States employer in a
16 field related to such degree; and

17 “(III) earned the qualifying grad-
18 uate degree during the 5-year period
19 immediately before the initial filing
20 date of the petition under which the
21 nonimmigrant is a beneficiary.

22 “(ii) DEFINITION.—In this subpara-
23 graph, the term ‘United States institution
24 of higher education’ means an institution
25 that—

1 “(I) is described in section
2 101(a) of the Higher Education Act
3 of 1965 (20 U.S.C. 1001(a)) or is a
4 proprietary institution of higher edu-
5 cation (as defined in section 102(b) of
6 such Act (20 U.S.C. 1002(b)));

7 “(II) was classified by the Car-
8 negie Foundation for the Advance-
9 ment of Teaching on January 1,
10 2012, as a doctorate-granting univer-
11 sity with a very high or high level of
12 research activity or classified by the
13 National Science Foundation after the
14 date of enactment of this subpara-
15 graph, pursuant to an application by
16 the institution, as having equivalent
17 research activity to those institutions
18 that had been classified by the Car-
19 negie Foundation as being doctorate-
20 granting universities with a very high
21 or high level of research activity; and

22 “(III) is accredited by an accred-
23 iting body that is itself accredited ei-
24 ther by the Department of Education

1 or by the Council for Higher Edu-
2 cation Accreditation.”.

3 (2) EXCEPTION FROM LABOR CERTIFICATION
4 REQUIREMENT FOR STEM IMMIGRANTS.—Section
5 212(a)(5)(D) (8 U.S.C. 1182(a)(5)(D)) is amended
6 to read as follows:

7 “(D) APPLICATION OF GROUNDS.—

8 “(i) IN GENERAL.—Except as pro-
9 vided in clause (ii), the grounds for inad-
10 missibility of aliens under subparagraphs
11 (A) and (B) shall apply to immigrants
12 seeking admission or adjustment of status
13 under paragraph (2) or (3) of section
14 203(b).

15 “(ii) SPECIAL RULE FOR STEM IMMI-
16 GRANTS.—The grounds for inadmissibility
17 of aliens under subparagraph (A) shall not
18 apply to an immigrant seeking admission
19 or adjustment of status under section
20 203(b)(2)(B) or 201(b)(1)(N).”.

21 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) TREATMENT OF DERIVATIVE FAMILY MEM-
23 BERS.—Section 203(d) (8 U.S.C. 1153(d)) is
24 amended to read as follows:

1 “(d) TREATMENT OF FAMILY MEMBERS.—If accom-
2 panying or following to join a spouse or parent issued a
3 visa under subsection (a), (b), or (c), subparagraph (I),
4 (J), (K), (L), or (M) of section 201(b)(1), or section
5 201(b)(2), a spouse or child (as defined in subparagraph
6 (A), (B), (C), (D), or (E) of section 101(b)(1)) shall be
7 entitled to the same immigrant status and the same order
8 of consideration provided in the respective provision.”.

9 (2) ALIENS WHO ARE PRIORITY WORKERS OR
10 MEMBERS OF THE PROFESSIONS HOLDING AD-
11 VANCED DEGREES.—Section 203(b) (8 U.S.C.
12 1153(b)) is amended—

13 (A) in the matter preceding paragraph (1),
14 by striking “Aliens” and inserting “Other than
15 aliens described in paragraph (1) or (2)(B),
16 aliens”;

17 (B) in paragraph (1), by striking the mat-
18 ter preceding subparagraph (A) and inserting
19 “Aliens described in any of the following sub-
20 paragraphs may be admitted to the United
21 States without respect to the worldwide level
22 specified in section 201(d)”;

23 (C) by amending paragraph (2) to read as
24 follows:

1 “(2) ALIENS WHO ARE MEMBERS OF PROFES-
2 SIONS HOLDING ADVANCED DEGREES OR PROSPEC-
3 TIVE EMPLOYEES OF NATIONAL SECURITY FACILI-
4 TIES.—

5 “(A) IN GENERAL.—Visas shall be made
6 available, in a number not to exceed 40 percent
7 of the worldwide level authorized in section
8 201(d), plus any visas not required for the
9 classes specified in paragraph (5) to qualified
10 immigrants who are either of the following:

11 “(i) Members of the professions hold-
12 ing advanced degrees or their equivalent
13 whose services in the sciences, arts, profes-
14 sions, or business are sought by an em-
15 ployer in the United States, including alien
16 physicians holding foreign medical degrees
17 that have been deemed sufficient for ac-
18 ceptance by an accredited United States
19 medical residency or fellowship program.

20 “(ii) Prospective employees, in a re-
21 search capacity, of Federal national secu-
22 rity, science, and technology laboratories,
23 centers, and agencies, if such immigrants
24 have been lawfully present in the United
25 States for two years prior to employment

1 (unless the Secretary of Homeland Secu-
2 rity determines, including upon request of
3 the prospective laboratory, center, or agen-
4 cy, that exceptional circumstances exist
5 justifying waiver of the presence require-
6 ment).

7 “(B) WAIVER OF JOB OFFER.—

8 “(i) NATIONAL INTEREST WAIVER.—
9 Subject to clause (ii), the Secretary of
10 Homeland Security may, if the Secretary
11 deems it to be in the national interest,
12 waive the requirements of subparagraph
13 (A) that an alien’s services in the sciences,
14 arts, professions, or business be sought by
15 an employer in the United States.

16 “(ii) PHYSICIANS WORKING IN SHORT-
17 AGE AREAS OR VETERANS FACILITIES.—

18 “(I) IN GENERAL.—The Sec-
19 retary shall grant a national interest
20 waiver pursuant to clause (i) on be-
21 half of any alien physician with re-
22 spect to whom a petition for pref-
23 erence classification has been filed
24 under subparagraph (A) if—

1 “(aa) the alien physician
2 agrees to work on a full- time
3 basis practicing primary care,
4 specialty medicine, or a combina-
5 tion thereof, in an area or areas
6 designated by the Secretary of
7 Health and Human Services as
8 having a shortage of health care
9 professionals or at a health care
10 facility under the jurisdiction of
11 the Secretary of Veterans Affairs;
12 or

13 “(bb) the alien physician is
14 pursuing such waiver based upon
15 service at a facility or facilities
16 that serve patients who reside in
17 a geographic area or areas des-
18 ignated by the Secretary of
19 Health and Human Services as
20 having a shortage of health care
21 professionals (without regard to
22 whether such facility or facilities
23 are located within such an area)
24 and a Federal agency or a local,
25 county, regional, or State depart-

1 ment of public health determines
2 that the alien physician's work at
3 such facility was or will be in the
4 public interest.

5 “(II) PROHIBITION.—

6 “(aa) No permanent resi-
7 dent visa may be issued to an
8 alien physician described in sub-
9 clause (I) by the Secretary of
10 State under section 204(b), and
11 the Secretary of Homeland Secu-
12 rity may not adjust the status of
13 such an alien physician from that
14 of a nonimmigrant alien to that
15 of a permanent resident alien
16 under section 245, until such
17 time as the alien has worked full
18 time as a physician for an aggre-
19 gate of 5 years (not including the
20 time served in the status of an
21 alien described in section
22 101(a)(15)(J)), in an area or
23 areas designated by the Secretary
24 of Health and Human Services
25 as having a shortage of health

1 care professionals or at a health
2 care facility under the jurisdic-
3 tion of the Secretary of Veterans
4 Affairs, or at a facility or facili-
5 ties meeting the requirements of
6 subclause (I)(bb).

7 “(bb) The 5-year service re-
8 quirement of item (aa) shall be
9 counted from the date the alien
10 physician begins work in the
11 shortage area in any legal status
12 and not the date an immigrant
13 visa petition is filed or approved.
14 Such service shall be aggregated
15 without regard to when such
16 service began and without regard
17 to whether such service began
18 during or in conjunction with a
19 course of graduate medical edu-
20 cation.

21 “(cc) An alien physician
22 shall not be required to submit
23 an employment contract with a
24 term exceeding the balance of the
25 5-year commitment yet to be

1 served, nor an employment con-
2 tract dated within a minimum
3 time period prior to filing of a
4 visa petition pursuant to this
5 subsection.

6 “(dd) An alien physician
7 shall not be required to file addi-
8 tional immigrant visa petitions
9 upon a change of work location
10 from the location approved in the
11 original national interest immi-
12 grant petition.

13 “(III) STATUTORY CONSTRUC-
14 TION.—Nothing in this subparagraph
15 may be construed to prevent the filing
16 of a petition with the Secretary of
17 Homeland Security for classification
18 under section 204(a), by an alien phy-
19 sician described in subclause (I) prior
20 to the date by which such alien physi-
21 cian has completed the service de-
22 scribed in subclause (II) or in section
23 214(l).

24 “(C) GUIDANCE AND RULES.—The Sec-
25 retary may prescribe such policy guidance and

1 rules as the Secretary considers appropriate for
2 purposes of subparagraph (A) to ensure na-
3 tional security and promote the interests and
4 competitiveness of the United States. Such
5 rules shall include a definition of the term ‘Fed-
6 eral national security, science, and technology
7 laboratories, centers, and agencies’ for purposes
8 of clause (ii) of subparagraph (A), which shall
9 include the following:

10 “(i) The national security, science,
11 and technology laboratories, centers, and
12 agencies of the Department of Defense, the
13 Department of Energy, the Department of
14 Homeland Security, the elements of the in-
15 telligence community (as that term is de-
16 fined in section 4(3) of the National Secu-
17 rity Act of 1947), and any other depart-
18 ment or agency of the Federal Government
19 that conducts or funds research and devel-
20 opment in the essential national interest.

21 “(ii) Federally funded research and
22 development centers (FFRDCs) that are
23 primarily supported by a department or
24 agency of the Federal Government speci-
25 fied in clause (i).”.

1 (3) SKILLED WORKERS, PROFESSIONALS, AND
2 OTHER WORKERS.—

3 (A) IN GENERAL.—Section 203(b)(3)(A)
4 (8 U.S.C. 1153(b)(3)(A)) is amended by strik-
5 ing “in a number not to exceed 28.6 percent of
6 such worldwide level, plus any visas not re-
7 quired for the classes specified in paragraphs
8 (1) and (2),” and inserting “in a number not
9 to exceed 40 percent of the worldwide level au-
10 thorized in section 201(d), plus any visas not
11 required for the class specified in paragraph
12 (2),”.

13 (B) MEDICAL LICENSE REQUIREMENTS.—
14 Section 214(i)(2)(A) (8 U.S.C. 1184(i)(2)(A))
15 is amended by adding at the end “including in
16 the case of a medical doctor, the licensure re-
17 quired to practice medicine in the United
18 States,”.

19 (C) REPEAL OF LIMITATION ON OTHER
20 WORKERS.—Section 203(b)(3) (8 U.S.C.
21 1153(b)(3)) is amended—

22 (i) by striking subparagraph (B); and
23 (ii) redesignated subparagraph (C) as
24 subparagraph (B).

1 (4) CERTAIN SPECIAL IMMIGRANTS.—Section
2 203(b)(4) (8 U.S.C. 1153(b)(4)) is amended by
3 striking “in a number not to exceed 7.1 percent of
4 such worldwide level,” and inserting “in a number
5 not to exceed 10 percent of the worldwide level au-
6 thorized in section 201(d), plus any visas not re-
7 quired for the class specified in paragraph (3),”.

8 (5) EMPLOYMENT CREATION.—Section
9 203(b)(5)(A) (8 U.S.C. 1153(b)(5)(A)) is amended
10 by striking “in a number not to exceed 7.1 percent
11 of such worldwide level,” and inserting “in a number
12 not to exceed 10 percent of the worldwide level au-
13 thorized in section 201(d), plus any visas not re-
14 quired for the class specified in paragraph (4),”.

15 (d) NATURALIZATION OF EMPLOYEES OF CERTAIN
16 NATIONAL SECURITY FACILITIES WITHOUT REGARD TO
17 RESIDENCY REQUIREMENTS.—Section 316 (8 U.S.C.
18 1427) is amended by adding at the end the following:

19 “(g)(1) Any person who, while an alien or a noncit-
20 izen national of the United States, has been employed in
21 a research capacity at a Federal national security, science,
22 and technology laboratory, center, or agency (as defined
23 pursuant to section 203(b)(2)(C)) for a period or periods
24 aggregating one year or more may, in the discretion of

1 the Secretary, be naturalized without regard to the resi-
2 dence requirements of this section if the person—

3 “(A) has complied with all requirements as de-
4 termined by the Secretary of Homeland Security, the
5 Secretary of Defense, the Secretary of Energy, or
6 the head of a petitioning department or agency of
7 the Federal Government, including contractual re-
8 quirements to maintain employment in a research
9 capacity with a Federal national security, science,
10 and technology laboratory, center, or agency for a
11 period not to exceed five years; and

12 “(B) has favorably completed and adjudicated a
13 background investigation at the appropriate level,
14 from the employing department or agency of the
15 Federal Government within the last five years.

16 “(2) The number of aliens or noncitizen nationals
17 naturalized in any fiscal year under this subsection shall
18 not exceed a number as defined by the Secretary of Home-
19 land Security, in consultation with the head of the peti-
20 tioning department or agency of the Federal Govern-
21 ment.”.

1 **SEC. 2308. INCLUSION OF COMMUNITIES ADVERSELY AF-**
2 **FECTED BY A RECOMMENDATION OF THE DE-**
3 **FENSE BASE CLOSURE AND REALIGNMENT**
4 **COMMISSION AS TARGETED EMPLOYMENT**
5 **AREAS.**

6 (a) IN GENERAL.—Section 203(b)(5)(B)(ii) (8
7 U.S.C. 1153(b)(5)(B)(ii)) is amended by inserting “, any
8 community adversely affected by a recommendation by the
9 Defense Base Closure and Realignment Commission,”
10 after “rural area”.

11 (b) REGULATIONS.—The Secretary, in consultation
12 with the Secretary of Defense, shall implement the amend-
13 ment made by subsection (a) through appropriate regula-
14 tions.

15 **SEC. 2309. V NONIMMIGRANT VISAS.**

16 (a) NONIMMIGRANT ELIGIBILITY.—Subparagraph
17 (V) of section 101(a)(15) (8 U.S.C. 1101(a)(15)) is
18 amended to read as follows:

19 “(V)(i) subject to section 214(q)(1) and
20 section 212(a)(4), an alien who is the bene-
21 ficiary of an approved petition under section
22 203(a) as—

23 “(I) the unmarried son or unmarried
24 daughter of a citizen of the United States;

1 “(II) the unmarried son or unmarried
2 daughter of an alien lawfully admitted for
3 permanent residence; or

4 “(III) the married son or married
5 daughter of a citizen of the United States
6 and who is 31 years of age or younger; or

7 “(ii) subject to section 214(q)(2), an alien
8 who is—

9 “(I) the sibling of a citizen of the
10 United States; or

11 “(II) the married son or married
12 daughter of a citizen of the United States
13 and who is older than 31 years of age;”.

14 (b) EMPLOYMENT AND PERIOD OF ADMISSION OF
15 NONIMMIGRANTS DESCRIBED IN SECTION
16 101(A)(15)(V).—Section 214(q) (8 U.S.C. 1184(q)) is
17 amended to read as follows:

18 “(q) NONIMMIGRANTS DESCRIBED IN SECTION
19 101(A)(15)(V).—

20 “(1) CERTAIN SONS AND DAUGHTERS.—

21 “(A) EMPLOYMENT AUTHORIZATION.—The
22 Secretary shall—

23 “(i) authorize a nonimmigrant admit-
24 ted pursuant to section 101(a)(15)(V)(i) to
25 engage in employment in the United States

1 during the period of such nonimmigrant's
2 authorized admission; and

3 “(ii) provide such a nonimmigrant
4 with an ‘employment authorized’ endorse-
5 ment or other appropriate document signi-
6 fying authorization of employment.

7 “(B) TERMINATION OF ADMISSION.—The
8 period of authorized admission for such a non-
9 immigrant shall terminate 30 days after the
10 date on which—

11 “(i) such nonimmigrant's application
12 for an immigrant visa pursuant to the ap-
13 proval of a petition under subsection (a) or
14 (c) of section 203 is denied; or

15 “(ii) such nonimmigrant's application
16 for adjustment of status under section 245
17 pursuant to the approval of such a petition
18 is denied.

19 “(2) SIBLINGS AND SONS AND DAUGHTERS OF
20 CITIZENS.—

21 “(A) EMPLOYMENT AUTHORIZATION.—The
22 Secretary may not authorize a nonimmigrant
23 admitted pursuant to section 101(a)(15)(V)(ii)
24 to engage in employment in the United States.

1 “(B) PERIOD OF ADMISSION.—The period
2 of authorized admission as such a non-
3 immigrant may not exceed 60 days per fiscal
4 year.

5 “(C) TREATMENT OF PERIOD OF ADMIS-
6 SION.—An alien admitted under section
7 101(a)(15)(V) may not receive an allocation of
8 points pursuant to section 203(c) for residence
9 in the United States while admitted as such a
10 nonimmigrant.”.

11 (c) PUBLIC BENEFITS.—A noncitizen who is lawfully
12 present in the United States pursuant to section
13 101(a)(15)(V) of the Immigration and Nationality Act (8
14 U.S.C. 1101(a)(15)(V)) is not eligible for any means-test-
15 ed public benefits (as such term is defined and imple-
16 mented in section 403 of the Personal Responsibility and
17 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
18 1613)). A noncitizen admitted under this section—

19 (1) is not entitled to the premium assistance
20 tax credit authorized under section 36B of the Inter-
21 nal Revenue Code of 1986 for his or her coverage;

22 (2) shall be subject to the rules applicable to in-
23 dividuals not lawfully present that are set forth in
24 subsection (e) of such section;

1 (3) shall be subject to the rules applicable to in-
2 dividuals not lawfully present that are set forth in
3 section 1402(e) of the Patient Protection and Af-
4 fordable Care Act (42 U.S.C. 18071(e)); and

5 (4) shall be subject to the rules applicable to in-
6 dividuals not lawfully present set forth in section
7 5000A(d)(3) of the Internal Revenue Code of 1986.

8 (d) **EFFECTIVE DATE.**—The amendments made by
9 this section shall take effect on the first day of the first
10 fiscal year beginning after the date of the enactment of
11 this Act.

12 **SEC. 2310. FIANCÉE AND FIANCÉ CHILD STATUS PROTEC-**
13 **TION.**

14 (a) **DEFINITION.**—Section 101(a)(15)(K) (8 U.S.C.
15 1101(a)(15)(K), as amended by section
16 2305(d)(6)(B)(i)(I), is further amended—

17 (1) in clause (i), by inserting “or of an alien
18 lawfully admitted for permanent residence” after
19 “204(a)(1)(H)(i)”; and

20 (2) in clause (ii), by inserting “or of an alien
21 lawfully admitted for permanent residence” after
22 “204(a)(1)(H)(i)”; and

23 (3) in clause (iii), by striking the semicolon and
24 inserting “, provided that a determination of the age
25 of such child is made using the age of the alien on

1 the date on which the fiancé, fiancée, or immigrant
2 visa petition is filed with the Secretary of Homeland
3 Security to classify the alien’s parent as the fiancée
4 or fiancé of a United States citizen or of an alien
5 lawfully admitted for permanent residence (in the
6 case of an alien parent described in clause (i)) or as
7 the spouse of a citizen of the United States or of an
8 alien lawfully admitted to permanent residence
9 under section 201(b)(2)(A) (in the case of an alien
10 parent described in clause (ii));”.

11 (b) ADJUSTMENT OF STATUS AUTHORIZED.—Section
12 214(d) (8 U.S.C. 1184(d)) is amended—

13 (1) by redesignating paragraphs (2) and (3) as
14 paragraphs (3) and (4), respectively; and

15 (2) in paragraph (1), by striking “In the event”
16 and all that follows through the end; and

17 (3) by inserting after paragraph (1) the fol-
18 lowing:

19 “(2)(A) If an alien does not marry the petitioner
20 under paragraph (1) within 3 months after the alien and
21 the alien’s children are admitted into the United States,
22 the visa previously issued under the provisions of section
23 1101(a)(15)(K)(i) shall automatically expire and such
24 alien and children shall be required to depart from the
25 United States. If such aliens fail to depart from the

1 United States, they shall be placed in proceedings in ac-
2 cordance with sections 240 and 241.

3 “(B) Subject to subparagraphs (C) and (D), if an
4 alien marries the petitioner described in section
5 101(a)(15)(K)(i) within 90 days after the alien is admit-
6 ted into the United States, the Secretary or the Attorney
7 General, subject to the provisions of section 245(d), may
8 adjust the status of the alien, and any children accom-
9 panying or following to join the alien, to that of an alien
10 lawfully admitted for permanent residence on a conditional
11 basis under section 216 if the alien and any such children
12 apply for such adjustment and are not determined to be
13 inadmissible to the United States. If the alien does not
14 apply for such adjustment within 6 months after the mar-
15 riage, the visa issued under the provisions of section
16 1101(a)(15)(K) shall automatically expire.

17 “(C) Paragraphs (5) and (7)(A) of section 212(a)
18 shall not apply to an alien who is eligible to apply for ad-
19 justment of the alien’s status to an alien lawfully admitted
20 for permanent residence under this section.

21 “(D) An alien eligible for a waiver of inadmissibility
22 as otherwise authorized under this Act or the Border Se-
23 curity, Economic Opportunity, and Immigration Mod-
24 ernization Act shall be permitted to apply for adjustment

1 of the alien's status to that of an alien lawfully admitted
2 for permanent residence under this section.”.

3 (c) AGE DETERMINATION.—Section 245(d) (8 U.S.C.
4 1255(d)) is amended—

5 (1) by striking “The Attorney General” and in-
6 serting “(1) The Secretary of Homeland Security”;

7 (2) in paragraph (1), as redesignated, by strik-
8 ing “Attorney General” and inserting “Secretary”;
9 and

10 (3) by adding at the end the following:

11 “(2) A determination of the age of an alien admitted
12 to the United States under section 101(a)(15)(K)(iii) shall
13 be made, for purposes of adjustment to the status of an
14 alien lawfully admitted for permanent residence on a con-
15 ditional basis under section 216, using the age of the alien
16 on the date on which the fiancé, fiancée, or immigrant visa
17 petition was filed with the Secretary of Homeland Security
18 to classify the alien's parent as the fiancée or fiancé of
19 a United States citizen or of an alien lawfully admitted
20 to permanent residence (in the case of an alien parent ad-
21 mitted to the United States under section
22 101(a)(15)(K)(i)) or as the spouse of a United States cit-
23 izen or of an alien lawfully admitted to permanent resi-
24 dence under section 201(b)(2)(A) (in the case of an alien

1 parent admitted to the United States under section
2 101(a)(15)(K)(ii)).”.

3 (d) APPLICABILITY.—The amendments made by this
4 section shall apply to all petitions or applications described
5 in such amendments that are pending as of the date of
6 the enactment of the Border Security, Economic Oppor-
7 tunity, and Immigration Modernization Act.

8 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

9 (1) DEFINITIONS.—Section 101(a)(15)(K) (8
10 U.S.C. 1101(a)(15)(K)), as amended by subsection
11 (a), is further amended—

12 (A) in clause (ii), by striking “section
13 201(b)(2)(A)(i)” and inserting “section
14 201(b)(2)”; and

15 (B) in clause (iii), by striking “section
16 201(b)(2)(A)(i)” and inserting “section
17 201(b)(2)”.

18 (2) AGE DETERMINATION.—Paragraph (2) of
19 section 245(d) (8 U.S.C. 1255(d)), as added by sub-
20 section (c), is amended by striking section
21 “201(b)(2)(A)(i)” and inserting “201(b)(2)”.

22 (3) EFFECTIVE DATE.—The amendments made
23 by this subsection shall take effect on the first day
24 of the first fiscal year beginning no earlier than 1
25 year after the date of the enactment of this Act.

1 **SEC. 2311. EQUAL TREATMENT FOR ALL STEPCHILDREN.**

2 Section 101(b)(1)(B) (8 U.S.C. 1101(b)(1)(B)) is
3 amended by striking “eighteen years” and inserting “21
4 years”.

5 **SEC. 2312. MODIFICATION OF ADOPTION AGE REQUIRE-**
6 **MENTS.**

7 Section 101(b)(1) (8 U.S.C. 1101(b)(1)) is amend-
8 ed—

9 (1) in subparagraph (E)—

10 (A) by striking “(E)(i)” and inserting
11 “(E)”;

12 (B) by striking “under the age of sixteen
13 years” and inserting “younger than 18 years of
14 age, or a child adopted when 18 years of age
15 or older if the adopting parent or parents initi-
16 ated the legal adoption process before the child
17 reached 18 years of age”;

18 (C) by striking “; or” and inserting a
19 semicolon; and

20 (D) by striking clause (ii);

21 (2) in subparagraph (F)—

22 (A) by striking “(F)(i)” and inserting
23 “(F)”;

24 (B) by striking “sixteen” and inserting
25 “18”;

1 (C) by striking “Attorney General” and in-
2 serting “Secretary of Homeland Security”; and
3 (D) by striking clause (ii); and
4 (3) in subparagraph (G), by striking “16” and
5 inserting “18”.

6 **SEC. 2313. RELIEF FOR ORPHANS, WIDOWS, AND WID-**
7 **OWERS.**

8 (a) IN GENERAL.—

9 (1) SPECIAL RULE FOR ORPHANS AND
10 SPOUSES.—In applying clauses (iii) and (iv) of sec-
11 tion 201(b)(2)(B) of the Immigration and Nation-
12 ality Act, as added by section 2305(a) of this Act,
13 to an alien whose citizen or lawful permanent resi-
14 dent relative died before the date of the enactment
15 of this Act, the alien relative may file the classifica-
16 tion petition under section 204(a)(1)(A)(ii) of the
17 Immigration and Nationality Act not later than 2
18 years after the date of the enactment of this Act.

19 (2) ELIGIBILITY FOR PAROLE.—If an alien was
20 excluded, deported, removed, or departed voluntarily
21 before the date of the enactment of this Act based
22 solely upon the alien’s lack of classification as an
23 immediate relative (as defined in section
24 201(b)(2)(B)(iv) of the Immigration and Nationality

1 Act, as amended by section 2305(a) of this Act) due
2 to the death of such citizen or resident—

3 (A) such alien shall be eligible for parole
4 into the United States pursuant to the Sec-
5 retary's discretionary authority under section
6 212(d)(5) of such Act (8 U.S.C. 1182(d)(5));
7 and

8 (B) such alien's application for adjustment
9 of status shall be considered by the Secretary
10 notwithstanding section 212(a)(9) of such Act
11 (8 U.S.C. 1182(a)(9)).

12 (3) ELIGIBILITY FOR PAROLE.—If an alien de-
13 scribed in section 204(l) of the Immigration and Na-
14 tionality Act (8 U.S.C. 1154(l)) was excluded, de-
15 ported, removed, or departed voluntarily before the
16 date of the enactment of this Act—

17 (A) such alien shall be eligible for parole
18 into the United States pursuant to the Sec-
19 retary's discretionary authority under section
20 212(d)(5) of such Act (8 U.S.C. 1182(d)(5));
21 and

22 (B) such alien's application for adjustment
23 of status shall be considered by the Secretary
24 notwithstanding section 212(a)(9) of such Act
25 (8 U.S.C. 1182(a)(9)).

1 (b) PROCESSING OF IMMIGRANT VISAS AND DERIVA-
2 TIVE PETITIONS.—

3 (1) IN GENERAL.—Section 204(b) (8 U.S.C.
4 1154(b)) is amended—

5 (A) by striking “After an investigation”
6 and inserting “(1) After an investigation”; and

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

8 “(2)(A) Any alien described in subparagraph (B)
9 whose qualifying relative died before the completion of im-
10 migrant visa processing may have an immigrant visa ap-
11 plication adjudicated as if such death had not occurred.
12 An immigrant visa issued before the death of the quali-
13 fying relative shall remain valid after such death.

14 “(B) An alien described in this subparagraph is an
15 alien who—

16 “(i) is an immediate relative (as described in
17 section 201(b)(2)(B));

18 “(ii) is a family-sponsored immigrant (as de-
19 scribed in subsection (a) or (d) of section 203);

20 “(iii) is a derivative beneficiary of an employ-
21 ment-based immigrant under section 203(b) (as de-
22 scribed in section 203(d)); or

23 “(iv) is the spouse or child of a refugee (as de-
24 scribed in section 207(c)(2)) or an asylee (as de-
25 scribed in section 208(b)(3)).”.

1 (2) TRANSITION PERIOD.—

2 (A) IN GENERAL.—Notwithstanding a de-
3 nial or revocation of an application for an immi-
4 grant visa for an alien due to the death of the
5 qualifying relative before the date of the enact-
6 ment of this Act, such application may be re-
7 newed by the alien through a motion to reopen,
8 without fee.

9 (B) INAPPLICABILITY OF BARS TO
10 ENTRY.—Notwithstanding section 212(a)(9) of
11 the Immigration and Nationality Act (8 U.S.C.
12 1182(a)(9)), an alien’s application for an immi-
13 grant visa shall be considered if the alien was
14 excluded, deported, removed, or departed volun-
15 tarily before the date of the enactment of this
16 Act.

17 (c) NATURALIZATION.—Section 319(a) (8 U.S.C.
18 1430(a)) is amended by striking “States,” and inserting
19 “States (or if the spouse is deceased, the spouse was a
20 citizen of the United States),”.

21 (d) WAIVERS OF INADMISSIBILITY.—Section 212 (8
22 U.S.C. 1182) is amended by adding at the end the fol-
23 lowing:

24 “(v) CONTINUED WAIVER ELIGIBILITY FOR WIDOWS,
25 WIDOWERS, AND ORPHANS.—In the case of an alien who

1 would have been statutorily eligible for any waiver of inad-
2 missibility under this Act but for the death of a qualifying
3 relative, the eligibility of such alien shall be preserved as
4 if the death had not occurred and the death of the quali-
5 fying relative shall be the functional equivalent of hardship
6 for purposes of any waiver of inadmissibility which re-
7 quires a showing of hardship.”.

8 (e) SURVIVING RELATIVE CONSIDERATION FOR CER-
9 TAIN PETITIONS AND APPLICATIONS.—Section 204(l)(1)
10 (8 U.S.C. 1154(l)(1)) is amended—

11 (1) by striking “who resided in the United
12 States at the time of the death of the qualifying rel-
13 ative and who continues to reside in the United
14 States”; and

15 (2) by striking “related applications,” and in-
16 serting “related applications (including affidavits of
17 support),”.

18 (f) FAMILY-SPONSORED IMMIGRANTS.—Section
19 212(a)(4)(C)(i) (8 U.S.C. 1182(a)(4)(C)(i)), as amended
20 by section 2305(d)(6)(B)(iii), is further amended by add-
21 ing at the end the following:

22 “(III) the status as a surviving
23 relative under 204(l); or”.

1 **SEC. 2314. DISCRETIONARY AUTHORITY WITH RESPECT TO**
2 **REMOVAL, DEPORTATION, OR INADMIS-**
3 **SIBILITY OF CITIZEN AND RESIDENT IMME-**
4 **Diate FAMILY MEMBERS.**

5 (a) APPLICATIONS FOR RELIEF FROM REMOVAL.—
6 Section 240(c)(4) (8 U.S.C. 1229a(c)(4)) is amended by
7 adding at the end the following:

8 “(D) JUDICIAL DISCRETION.—In the case
9 of an alien subject to removal, deportation, or
10 inadmissibility, the immigration judge may ex-
11 ercise discretion to decline to order the alien re-
12 movable, deportable, or inadmissible from the
13 United States and terminate proceedings if the
14 judge determines that such removal, deporta-
15 tion, or inadmissibility is against the public in-
16 terest or would result in hardship to the alien’s
17 United States citizen or lawful permanent resi-
18 dent parent, spouse, or child, or the judge de-
19 termines the alien is prima facie eligible for
20 naturalization except that this subparagraph
21 shall not apply to an alien whom the judge de-
22 termines—

23 “(i) is inadmissible or deportable
24 under—

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1 “(I) subparagraph (B), (C),
2 (D)(ii), (E), (H), (I), or (J) of section
3 212(a)(2);

4 “(II) section 212(a)(3);

5 “(III) subparagraph (A), (C), or
6 (D) of section 212(a)(10); or

7 “(IV) paragraph (2)(A)(ii),
8 (2)(A)(v), (2)(F), (4), or (6) of sec-
9 tion 237(a); or

10 “(ii) has—

11 “(I) engaged in conduct de-
12 scribed in paragraph (8) or (9) of sec-
13 tion 103 of the Trafficking Victims
14 Protection Act of 2000 (22 U.S.C.
15 7102); or

16 “(II) a felony conviction de-
17 scribed in section 101(a)(43) that
18 would have been classified as an ag-
19 gravated felony at the time of convic-
20 tion.”.

21 (b) SECRETARY’S DISCRETION.—Section 212 (8
22 U.S.C. 1182), as amended by section 2313(d), is further
23 amended by adding at the end the following:

24 “(w) SECRETARY’S DISCRETION.—In the case of an
25 alien who is inadmissible under this section or deportable

1 under section 237, the Secretary of Homeland Security
2 may exercise discretion to waive a ground of inadmis-
3 sibility or deportability if the Secretary determines that
4 such removal or refusal of admission is against the public
5 interest or would result in hardship to the alien's United
6 States citizen or permanent resident parent, spouse, or
7 child. This subsection shall not apply to an alien whom
8 the Secretary determines—

9 “(1) is inadmissible or deportable under—

10 “(A) subparagraph (B), (C), (D)(ii), (E),
11 (H), (I), or (J) of subsection (a)(2);

12 “(B) subsection (a)(3);

13 “(C) subparagraph (A), (C), or (D) of sub-
14 section (a)(10);

15 “(D) paragraphs (2)(A)(ii), (2)(A)(v),
16 (2)(F), or (6) of section 237(a); or

17 “(E) section 240(c)(4)(D)(ii)(II); or

18 “(2) has—

19 “(A) engaged in conduct described in para-
20 graph (8) or (9) of section 103 of the Traf-
21 ficking Victims Protection Act of 2000 (22
22 U.S.C. 7102); or

23 “(B) a felony conviction described in sec-
24 tion 101(a)(43) that would have been classified

1 as an aggravated felony at the time of convic-
2 tion.”.

3 (c) REINSTATEMENT OF REMOVAL ORDERS.—Sec-
4 tion 241(a)(5) (8 U.S.C. 1231(a)(5)) is amended by strik-
5 ing the period at the end and inserting “, unless the alien
6 reentered prior to attaining the age of 18 years, or rein-
7 statement of the prior order of removal would not be in
8 the public interest or would result in hardship to the
9 alien’s United States citizen or permanent resident parent,
10 spouse, or child.”.

11 **SEC. 2315. WAIVERS OF INADMISSIBILITY.**

12 (a) ALIENS WHO ENTERED AS CHILDREN.—Section
13 212(a)(9)(B)(iii) (8 U.S.C. 1182(a)(9)(B)(iii)) is amended
14 by adding at the end the following:

15 “(VI) ALIENS WHO ENTERED AS
16 CHILDREN.—Clause (i) shall not apply
17 to an alien who is the beneficiary of
18 an approved petition under
19 101(a)(15)(H) and who has earned a
20 baccalaureate or higher degree from a
21 United States institution of higher
22 education (as defined in section
23 101(a) of the Higher Education Act
24 of 1965 (20 U.S.C. 1001(a)), and had
25 not yet reached the age of 16 years at

1 the time of initial entry to the United
2 States.”.

3 (b) ALIENS UNLAWFULLY PRESENT.—Section
4 212(a)(9)(B)(v) (8 U.S.C. 1181(a)(9)(B)(v) is amended—

5 (1) by striking “spouse or son or daughter” and
6 inserting “spouse, son, daughter, or parent”;

7 (2) by striking “extreme”; and

8 (3) by inserting “, child,” after “lawfully resi-
9 dent spouse”.

10 (c) PREVIOUS IMMIGRATION VIOLATIONS.—Section
11 212(a)(9)(C)(i) (8 U.S.C. 1182(a)(9)(C)(i)) is amended
12 by adding “, other than an alien described in clause (iii)
13 or (iv) of subparagraph (B),” after “Any alien”.

14 (d) FALSE CLAIMS.—

15 (1) INADMISSIBILITY.—

16 (A) IN GENERAL.—Section 212(a)(6)(C)
17 (8 U.S.C. 1182(a)(6)(C)) is amended to read as
18 follows:

19 “(C) MISREPRESENTATION.—

20 “(i) IN GENERAL.—Any alien who, by
21 fraud or willfully misrepresenting a mate-
22 rial fact, seeks to procure (or within the
23 last 3 years has sought to procure or has
24 procured) a visa, other documentation, or
25 admission into the United States or other

1 benefit provided under this Act is inadmis-
2 sible.

3 “(ii) FALSELY CLAIMING CITIZEN-
4 SHIP.—

5 “(I) INADMISSIBILITY.—Subject
6 to subclause (II), any alien who know-
7 ingly misrepresents himself or herself
8 to be a citizen of the United States
9 for any purpose or benefit under this
10 chapter (including section 274A) or
11 any other Federal or State law is in-
12 admissible.

13 “(II) SPECIAL RULE FOR CHIL-
14 DREN.—An alien shall not be inadmis-
15 sible under this clause if the misrepre-
16 sentation described in subclause (I)
17 was made by the alien when the
18 alien—

19 “(aa) was under 18 years of
20 age; or

21 “(bb) otherwise lacked the
22 mental competence to knowingly
23 misrepresent a claim of United
24 States citizenship.

1 “(iii) WAIVER.—The Attorney General
2 or the Secretary of Homeland Security
3 may, in the discretion of the Attorney Gen-
4 eral or the Secretary, waive the application
5 of clause (i) or (ii)(I) for an alien, regard-
6 less whether the alien is within or outside
7 the United States, if the Attorney General
8 or the Secretary finds that a determination
9 of inadmissibility to the United States for
10 such alien would—

11 “(I) result in extreme hardship to
12 the alien or to the alien’s parent,
13 spouse, son, or daughter who is a cit-
14 izen of the United States or an alien
15 lawfully admitted for permanent resi-
16 dence; or

17 “(II) in the case of a VAWA self-
18 petitioner, result in significant hard-
19 ship to the alien or a parent or child
20 of the alien who is a citizen of the
21 United States, an alien lawfully ad-
22 mitted for permanent residence, or a
23 qualified alien (as defined in section
24 431 of the Personal Responsibility

1 and Work Opportunity Reconciliation
2 Act of 1996 (8 U.S.C. 1641(b))).

3 “(iv) LIMITATION ON REVIEW.—No
4 court shall have jurisdiction to review a de-
5 cision or action of the Attorney General or
6 the Secretary regarding a waiver under
7 clause (iii).”.

8 (B) CONFORMING AMENDMENT.—Section
9 212 (8 U.S.C. 1182) is amended by striking
10 subsection (i).

11 (2) DEPORTABILITY.—Section 237(a)(3)(D) (8
12 U.S.C. 1227(a)(3)(D)) is amended to read as fol-
13 lows:

14 “(D) FALSELY CLAIMING CITIZENSHIP.—
15 Any alien described in section 212(a)(6)(C)(ii)
16 is deportable.”.

17 **SEC. 2316. CONTINUOUS PRESENCE.**

18 Section 240A(d)(1) (8 U.S.C. 1229b(d)(1)) is amend-
19 ed to read as follows:

20 “(1) TERMINATION OF CONTINUOUS PERIOD.—
21 For purposes of this section, any period of contin-
22 uous residence or continuous physical presence in
23 the United States shall be deemed to end, except in
24 the case of an alien who applies for cancellation of
25 removal under subsection (b)(2), on the date that a

1 notice to appear is filed with the Executive Office
2 for Immigration Review pursuant to section 240.”.

3 **SEC. 2317. GLOBAL HEALTH CARE COOPERATION.**

4 (a) TEMPORARY ABSENCE OF ALIENS PROVIDING
5 HEALTH CARE IN DEVELOPING COUNTRIES.—

6 (1) IN GENERAL.—Title III (8 U.S.C. 1401 et
7 seq.) is amended by inserting after section 317 the
8 following:

9 **“SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING**
10 **HEALTH CARE IN DEVELOPING COUNTRIES.**

11 “(a) IN GENERAL.—Notwithstanding any other pro-
12 vision of this Act, the Secretary of Homeland Security
13 shall allow an eligible alien and the spouse or child of such
14 alien to reside in a candidate country during the period
15 that the eligible alien is working as a physician or other
16 health care worker in a candidate country. During such
17 period the eligible alien and such spouse or child shall be
18 considered—

19 “(1) to be physically present and residing in the
20 United States for purposes of naturalization under
21 section 316(a); and

22 “(2) to meet the continuous residency require-
23 ments under section 316(b).

24 “(b) DEFINITIONS.—In this section:

1 “(1) CANDIDATE COUNTRY.—The term ‘can-
2 didate country’ means a country that the Secretary
3 of State determines to be—

4 “(A) eligible for assistance from the Inter-
5 national Development Association, in which the
6 per capita income of the country is equal to or
7 less than the historical ceiling of the Inter-
8 national Development Association for the appli-
9 cable fiscal year, as defined by the International
10 Bank for Reconstruction and Development;

11 “(B) classified as a lower middle income
12 country in the then most recent edition of the
13 World Development Report for Reconstruction
14 and Development published by the International
15 Bank for Reconstruction and Development and
16 having an income greater than the historical
17 ceiling for International Development Associa-
18 tion eligibility for the applicable fiscal year; or

19 “(C) qualified to be a candidate country
20 due to special circumstances, including natural
21 disasters or public health emergencies.

22 “(2) ELIGIBLE ALIEN.—The term ‘eligible
23 alien’ means an alien who—

24 “(A) has been lawfully admitted to the
25 United States for permanent residence; and

1 “(B) is a physician or other healthcare
2 worker.

3 “(c) CONSULTATION.—The Secretary of Homeland
4 Security shall consult with the Secretary of State in car-
5 rying out this section.

6 “(d) PUBLICATION.—The Secretary of State shall
7 publish—

8 “(1) not later than 180 days after the date of
9 the enactment of the Border Security, Economic Op-
10 portunity, and Immigration Modernization Act, a list
11 of candidate countries;

12 “(2) an updated version of the list required by
13 paragraph (1) not less often than once each year;
14 and

15 “(3) an amendment to the list required by
16 paragraph (1) at the time any country qualifies as
17 a candidate country due to special circumstances
18 under subsection (b)(1)(C).”.

19 (2) RULEMAKING.—

20 (A) REQUIREMENT.—Not later than 180
21 days after the date of the enactment of this
22 Act, the Secretary shall promulgate regulations
23 to carry out the amendments made by this sub-
24 section.

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1 (B) CONTENT.—The regulations promul-
2 gated pursuant to subparagraph (A) shall—

3 (i) permit an eligible alien (as defined
4 in section 317A of the Immigration and
5 Nationality Act, as added by subsection
6 (a)) and the spouse or child of the eligible
7 alien to reside in a foreign country to work
8 as a physician or other healthcare worker
9 as described in subsection (a) of such sec-
10 tion 317A for not less than a 12-month pe-
11 riod and not more than a 24-month period,
12 and shall permit the Secretary to extend
13 such period for an additional period not to
14 exceed 12 months, if the Secretary deter-
15 mines that such country has a continuing
16 need for such a physician or other
17 healthcare worker;

18 (ii) provide for the issuance of docu-
19 ments by the Secretary to such eligible
20 alien, and such spouse or child, if appro-
21 priate, to demonstrate that such eligible
22 alien, and such spouse or child, if appro-
23 priate, is authorized to reside in such
24 country under such section 317A; and

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1 (iii) provide for an expedited process
2 through which the Secretary shall review
3 applications for such an eligible alien to re-
4 side in a foreign country pursuant to sub-
5 section (a) of such section 317A if the Sec-
6 retary of State determines a country is a
7 candidate country pursuant to subsection
8 (b)(1)(C) of such section 317A.

9 (3) TECHNICAL AND CONFORMING AMEND-
10 MENTS.—

11 (A) DEFINITION.—Section
12 101(a)(13)(C)(ii) (8 U.S.C. 1101(a)(13)(C)(ii))
13 is amended by adding “except in the case of an
14 eligible alien, or the spouse or child of such
15 alien, who is authorized to be absent from the
16 United States under section 317A,” at the end.

17 (B) DOCUMENTARY REQUIREMENTS.—Sec-
18 tion 211(b) (8 U.S.C. 1181(b)) is amended by
19 inserting “, including an eligible alien author-
20 ized to reside in a foreign country under section
21 317A and the spouse or child of such eligible
22 alien, if appropriate,” after “101(a)(27)(A),”.

23 (C) INELIGIBLE ALIENS.—Section
24 212(a)(7)(A)(i)(I) (8 U.S.C.
25 1182(a)(7)(A)(i)(I)) is amended by inserting

1 “other than an eligible alien authorized to re-
2 side in a foreign country under section 317A
3 and the spouse or child of such eligible alien, if
4 appropriate,” after “Act,”.

5 (4) CLERICAL AMENDMENT.—The table of con-
6 tents of such Act is amended by inserting after the
7 item relating to section 317 the following:

“Sec. 317A. Temporary absence of aliens providing health care in developing
countries.”.

8 (b) ATTESTATION BY HEALTH CARE WORKERS.—

9 (1) ATTESTATION REQUIREMENT.—Section
10 212(a)(5) (8 U.S.C. 1182(a)(5)) is amended by add-
11 ing at the end the following:

12 “(E) HEALTH CARE WORKERS WITH
13 OTHER OBLIGATIONS.—

14 “(i) IN GENERAL.—An alien who
15 seeks to enter the United States for the
16 purpose of performing labor as a physician
17 or other health care worker is inadmissible
18 unless the alien submits to the Secretary of
19 Homeland Security or the Secretary of
20 State, as appropriate, an attestation that
21 the alien is not seeking to enter the United
22 States for such purpose during any period
23 in which the alien has an outstanding obli-
24 gation to the government of the alien’s

1 country of origin or the alien's country of
2 residence.

3 “(ii) OBLIGATION DEFINED.—In this
4 subparagraph, the term ‘obligation’ means
5 an obligation incurred as part of a valid,
6 voluntary individual agreement in which
7 the alien received financial assistance to
8 defray the costs of education or training to
9 qualify as a physician or other health care
10 worker in consideration for a commitment
11 to work as a physician or other health care
12 worker in the alien's country of origin or
13 the alien's country of residence.

14 “(iii) WAIVER.—The Secretary of
15 Homeland Security may waive a finding of
16 inadmissibility under clause (i) if the Sec-
17 retary determines that—

18 “(I) the obligation was incurred
19 by coercion or other improper means;

20 “(II) the alien and the govern-
21 ment of the country to which the alien
22 has an outstanding obligation have
23 reached a valid, voluntary agreement,
24 pursuant to which the alien's obliga-
25 tion has been deemed satisfied, or the

1 alien has shown to the satisfaction of
2 the Secretary that the alien has been
3 unable to reach such an agreement
4 because of coercion or other improper
5 means; or

6 “(III) the obligation should not
7 be enforced due to other extraordinary
8 circumstances, including undue hard-
9 ship that would be suffered by the
10 alien in the absence of a waiver.”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall take effect on the date that
13 is 180 days after the date of the enactment of this
14 Act.

15 (3) APPLICATION.—Not later than the effective
16 date described in paragraph (2), the Secretary shall
17 begin to carry out subparagraph (E) of section
18 212(a)(5) of the Immigration and Nationality Act,
19 as added by paragraph (1), including the require-
20 ment for the attestation and the granting of a waiv-
21 er described in clause (iii) of such subparagraph (E),
22 regardless of whether regulations to implement such
23 subparagraph have been promulgated.

1 **SEC. 2318. EXTENSION AND IMPROVEMENT OF THE IRAQI**
2 **SPECIAL IMMIGRANT VISA PROGRAM.**

3 The Refugee Crisis in Iraq Act of 2007 (8 U.S.C.
4 1157 note) is amended—

5 (1) in section 1242, by amending subsection (c)
6 to read as follows:

7 “(c) IMPROVED APPLICATION PROCESS.—Not later
8 than 120 days after the date of the enactment of the Bor-
9 der Security, Economic Opportunity, and Immigration
10 Modernization Act, the Secretary of State and the Sec-
11 retary of Homeland Security, in consultation with the Sec-
12 retary of Defense, shall improve the efficiency by which
13 applications for special immigrant visas under section
14 1244(a) are processed so that all steps incidental to the
15 issuance of such visas, including required screenings and
16 background checks, are completed not later than 9 months
17 after the date on which an eligible alien applies for such
18 visa.”;

19 (2) in section 1244—

20 (A) in subsection (b)—

21 (i) in paragraph (1)—

22 (I) by amending subparagraph

23 (B) to read as follows:

24 “(B) was or is employed in Iraq on or
25 after March 20, 2003, for not less than 1 year,
26 by, or on behalf of—

1 “(i) the United States Government;

2 “(ii) a media or nongovernmental or-
3 ganization headquartered in the United
4 States; or

5 “(iii) an organization or entity closely
6 associated with the United States mission
7 in Iraq that has received United States
8 Government funding through an official
9 and documented contract, award, grant, or
10 cooperative agreement;”;

11 (II) in subparagraph (C), by
12 striking “the United States Govern-
13 ment” and inserting “an entity or or-
14 ganization described in subparagraph
15 (B)”; and

16 (III) in subparagraph (D), by
17 striking by striking “the United
18 States Government.” and inserting
19 “such entity or organization.”; and

20 (ii) in paragraph (4)—

21 (I) by striking “A recommenda-
22 tion” and inserting the following:

23 “(A) IN GENERAL.—Except as provided
24 under subparagraph (B), a recommendation”;

1 (II) by striking “the United
2 States Government prior” and insert-
3 ing “an entity or organization de-
4 scribed in paragraph (1)(B) prior”;
5 and

6 (III) by adding at the end the
7 following:

8 “(B) REVIEW PROCESS FOR DENIAL BY
9 CHIEF OF MISSION.—

10 “(i) IN GENERAL.—An applicant who
11 has been denied Chief of Mission approval
12 required by subparagraph (A) shall—

13 “(I) receive a written decision;
14 and

15 “(II) be provided 120 days from
16 the date of the decision to request re-
17 opening of the decision to provide ad-
18 ditional information, clarify existing
19 information, or explain any unfavor-
20 able information.

21 “(ii) SENIOR COORDINATOR.—The
22 Secretary of State shall designate, in the
23 Embassy of the United States in Baghdad,
24 Iraq, a senior coordinator responsible for
25 overseeing the efficiency and integrity of

1 the processing of special immigrant visas
2 under this section, who shall be given—

3 “(I) sufficiently high security
4 clearance to review Chief of Mission
5 denials in cases that appear to have
6 relied upon insufficient or incorrect
7 information; and

8 “(II) responsibility for ensuring
9 that an applicant described in clause
10 (i) receives the information described
11 in clause (i)(I).”; and

12 (B) in subsection (c)(3), by adding at the
13 end the following:

14 “(C) SUBSEQUENT FISCAL YEARS.—Not-
15 withstanding subparagraphs (A) and (B), and
16 consistent with subsection (b), any unused bal-
17 ance of the total number of principal aliens who
18 may be provided special immigrant status under
19 this section in fiscal years 2008 through 2012
20 may be carried forward and provided through
21 the end of fiscal year 2018.”; and

22 (3) in section 1248, by adding at the end the
23 following:

24 “(f) REPORT ON IMPROVEMENTS.—

“(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit a report, with a classified annex, if necessary, to—

8 “(A) the Committee on the Judiciary of
9 the Senate;

10 “(B) the Committee on Foreign Relations
11 of the Senate;

12 “(C) the Committee on the Judiciary of
13 the House of Representatives; and

14 “(D) the Committee on Foreign Affairs of
15 the House of Representatives.

16 “(2) CONTENTS.—The report submitted under
17 paragraph (1) shall describe the implementation of
18 improvements to the processing of applications for
19 special immigrant visas under section 1244(a), in-
20 cluding information relating to—

“(A) enhancing existing systems for conducting background and security checks of persons applying for special immigrant status, which shall—

25 “(i) support immigration security; and

1 “(ii) provide for the orderly processing
2 of such applications without delay;

3 “(B) the financial, security, and personnel
4 considerations and resources necessary to carry
5 out this subtitle;

6 “(C) the number of aliens who have ap-
7 plied for special immigrant visas under section
8 1244 during each month of the preceding fiscal
9 year;

10 “(D) the reasons for the failure to expedi-
11 tiously process any applications that have been
12 pending for longer than 9 months;

13 “(E) the total number of applications that
14 are pending due to the failure—

15 “(i) to receive approval from the Chief
16 of Mission;

17 “(ii) for U.S. Citizenship and Immi-
18 gration Services to complete the adjudica-
19 tion of the Form I-360;

20 “(iii) to conduct a visa interview; or

21 “(iv) to issue the visa to an eligible
22 alien;

23 “(F) the average wait times for an appli-
24 cant at each of the stages described in subpara-
25 graph (E);

1 “(G) the number of denials or rejections at
2 each of the stages described in subparagraph
3 (E); and

4 “(H) a breakdown of reasons for denials at
5 by the Chief of Mission based on the categories
6 already made available to denied special immi-
7 grant visa applicants in the denial letter sent to
8 them by the Chief of Mission.

9 “(g) PUBLIC QUARTERLY REPORTS.—Not later than
10 120 days after the date of the enactment of the Border
11 Security, Economic Opportunity, and Immigration Mod-
12 ernization Act, and every 3 months thereafter, the Sec-
13 retary of State and the Secretary of Homeland Security,
14 in consultation with the Secretary of Defense, shall pub-
15 lish a report on the website of the Department of State
16 that describes the efficiency improvements made in the
17 process by which applications for special immigrant visas
18 under section 1244(a) are processed, including informa-
19 tion described in subparagraphs (C) through (H) of sub-
20 section (f)(2).”.

21 **SEC. 2319. EXTENSION AND IMPROVEMENT OF THE AF-**
22 **GHAN SPECIAL IMMIGRANT VISA PROGRAM.**

23 Section 602(b) of the Afghan Allies Protection Act
24 of 2009 (8 U.S.C. 1101 note) is amended—

25 (1) in paragraph (2)—

1 (A) in subparagraph (A)—

2 (i) by amending clause (ii) to read as
3 follows:

4 “(ii) was or is employed in Afghani-
5 stan on or after October 7, 2001, for not
6 less than 1 year, by, or on behalf of—

7 “(I) the United States Govern-
8 ment;

9 “(II) a media or nongovern-
10 mental organization headquartered in
11 the United States; or

12 “(III) an organization or entity
13 closely associated with the United
14 States mission in Afghanistan that
15 has received United States Govern-
16 ment funding through an official and
17 documented contract, award, grant, or
18 cooperative agreement;”;

19 (ii) in clause (iii), by striking “the
20 United States Government” and inserting
21 “an entity or organization described in
22 clause (ii)”; and

23 (iii) in clause (iv), by striking by
24 striking “the United States Government.”

1 and inserting “such entity or organiza-
2 tion.”;

3 (B) by amending subparagraph (B) to read
4 as follows:

5 “(B) FAMILY MEMBERS.—An alien is de-
6 scribed in this subparagraph if the alien is—

7 “(i) the spouse or minor child of a
8 principal alien described in subparagraph
9 (A) who is accompanying or following to
10 join the principal alien in the United
11 States; or

12 “(ii)(I) the spouse, child, parent, or
13 sibling of a principal alien described in
14 subparagraph (A), whether or not accom-
15 panying or following to join; and

16 “(II) has experienced or is experi-
17 encing an ongoing serious threat as a con-
18 sequence of the qualifying employment of a
19 principal alien described in subparagraph
20 (A).”; and

21 (C) in subparagraph (D)—

22 (i) by striking “A recommendation”
23 and inserting the following:

1 “(i) IN GENERAL.—Except as pro-
2 vided under clause (ii), a recommenda-
3 tion”;

4 (ii) by striking “the United States
5 Government prior” and inserting “an enti-
6 ty or organization described in paragraph
7 (2)(A)(ii) prior”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(ii) REVIEW PROCESS FOR DENIAL
11 BY CHIEF OF MISSION.—

12 “(I) IN GENERAL.—An applicant
13 who has been denied Chief of Mission
14 approval shall—

15 “(aa) receive a written deci-
16 sion; and

17 “(bb) be provided 120 days
18 from the date of receipt of such
19 opinion to request reconsider-
20 ation of the decision to provide
21 additional information, clarify ex-
22 isting information, or explain any
23 unfavorable information.

24 “(II) SENIOR COORDINATOR.—

25 The Secretary of State shall des-

1 immigrant status under this section may
2 not exceed the sum of—

3 “(I) 5,000;

4 “(II) the difference between the
5 number of special immigrant visas al-
6 located under this section for fiscal
7 years 2009 through 2013 and the
8 number of such allocated visas that
9 were issued; and

10 “(III) any unused balance of the
11 total number of principal aliens who
12 may be provided special immigrant
13 status in fiscal years 2014 through
14 2018 that have been carried for-
15 ward.”;

16 (3) in paragraph (4)—

17 (A) in the heading, by striking “PROHIBI-
18 TION ON FEES.—” and inserting “APPLICATION
19 PROCESS.—”;

20 (B) by striking “The Secretary” and in-
21 serting the following:

22 “(A) IN GENERAL.—Not later than 120
23 days after the date of enactment of the Border
24 Security, Economic Opportunity, and Immigra-
25 tion Modernization Act, the Secretary of State

1 and the Secretary of Homeland Security, in
2 consultation with the Secretary of Defense,
3 shall improve the efficiency by which applica-
4 tions for special immigrant visas under para-
5 graph (1) are processed so that all steps inci-
6 dental to the issuance of such visas, including
7 required screenings and background checks, are
8 completed not later than 6 months after the
9 date on which an eligible alien applies for such
10 visa.

11 “(B) PROHIBITION ON FEES.—The Sec-
12 retary”; and

13 (4) by adding at the end the following:

14 “(12) REPORT ON IMPROVEMENTS.—Not later
15 than 120 days after the date of the enactment of the
16 Border Security, Economic Opportunity, and Immig-
17 ration Modernization Act, the Secretary of State
18 and the Secretary of Homeland Security, in con-
19 sultation with the Secretary of Defense, shall submit
20 to the appropriate committees of Congress a report,
21 with a classified annex, if necessary, that describes
22 the implementation of improvements to the proc-
23 essing of applications for special immigrant visas
24 under this subsection, including information relating
25 to—

1 “(A) enhancing existing systems for con-
2 ducting background and security checks of per-
3 sons applying for special immigrant status,
4 which shall—

5 “(i) support immigration security; and

6 “(ii) provide for the orderly processing
7 of such applications without delay;

8 “(B) the financial, security, and personnel
9 considerations and resources necessary to carry
10 out this section;

11 “(C) the number of aliens who have ap-
12 plied for special immigrant visas under this
13 subsection during each month of the preceding
14 fiscal year;

15 “(D) the reasons for the failure to expedi-
16 tiously process any applications that have been
17 pending for longer than 9 months;

18 “(E) the total number of applications that
19 are pending due to the failure—

20 “(i) to receive approval from the Chief
21 of Mission;

22 “(ii) for U.S. Citizenship and Immi-
23 gration Services to complete the adjudica-
24 tion of the Form I-360;

25 “(iii) to conduct a visa interview; or

1 “(iv) to issue the visa to an eligible
2 alien;

3 “(F) the average wait times for an appli-
4 cant at each of the stages described in subpara-
5 graph (E);

6 “(G) the number of denials or rejections at
7 each of the stages described in subparagraph
8 (E); and

9 “(H) a breakdown of reasons for denials
10 by the Chief of Mission based on the categories
11 already made available to denied special immi-
12 grant visa applicants in the denial letter sent to
13 them by the Chief of Mission.

14 “(13) PUBLIC QUARTERLY REPORTS.—Not
15 later than 120 days after the date of the enactment
16 of the Border Security, Economic Opportunity, and
17 Immigration Modernization Act, and every 3 months
18 thereafter, the Secretary of State and the Secretary
19 of Homeland Security, in consultation with the Sec-
20 retary of Defense, shall publish a report on the
21 website of the Department of State that describes
22 the efficiency improvements made in the process by
23 which applications for special immigrant visas under
24 this subsection are processed, including information

1 described in subparagraph (C) through (H) of para-
2 graph (12).”.

3 **SEC. 2320. SPECIAL IMMIGRANT NONMINISTER RELIGIOUS**
4 **WORKER PROGRAM.**

5 Section 101(a)(27)(C)(ii) (8 U.S.C. 1101
6 (a)(27)(C)(ii)) is amended in subclauses (II) and (III) by
7 striking “before September 30, 2015,” both places such
8 term appears.

9 **SEC. 2321. SPECIAL IMMIGRANT STATUS FOR CERTAIN SUR-**
10 **VIVING SPOUSES AND CHILDREN.**

11 (a) IN GENERAL.—Section 101(a)(27) (8 U.S.C.
12 1101(a)(27)) is amended in subparagraph (D)—

13 (1) by inserting “(i)” before “an immigrant
14 who is an employee”;

15 (2) by inserting “or” after “grant such sta-
16 tus;” and

17 (3) by inserting after clause (i), as designated
18 by paragraph (1), the following:

19 “(ii) an immigrant who is the surviving
20 spouse or child of an employee of the United
21 States Government abroad killed in the line of
22 duty, provided that the employee had performed
23 faithful service for a total of 15 years, or more,
24 and that the principal officer of a Foreign Serv-
25 ice establishment (or, in the case of the Amer-

1 ican Institute of Taiwan, the Director thereof)
2 in his or her discretion, recommends the grant-
3 ing of special immigrant status to the spouse or
4 child and the Secretary of State approves such
5 recommendation and finds that it is in the na-
6 tional interest to grant such status;”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) take effect beginning on January 31, 2013,
9 and shall have retroactive effect.

10 **SEC. 2322. REUNIFICATION OF CERTAIN FAMILIES OF FILI-**
11 **PINO VETERANS OF WORLD WAR II.**

12 (a) SHORT TITLE.—This section may be cited as the
13 “Filipino Veterans Family Reunification Act”.

14 (b) EXEMPTION FROM IMMIGRANT VISA LIMIT.—
15 Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by
16 sections 2103(c), 2212(d), and 2307(b), is further amend-
17 ed by adding at the end the following:

18 “(O) Aliens who—

19 “(i) are the sons or daughters of a citizen
20 of the United States; and

21 “(ii) have a parent (regardless of whether
22 the parent is living or dead) who was natural-
23 ized pursuant to—

1 “(I) section 405 of the Immigration
2 Act of 1990 (Public Law 101–649; 8
3 U.S.C. 1440 note); or

4 “(II) title III of the Act of October
5 14, 1940 (54 Stat. 1137, chapter 876), as
6 added by section 1001 of the Second War
7 Powers Act, 1942 (56 Stat. 182, chapter
8 199).”.

9 **SEC. 2323. ENSURING COMPLIANCE WITH RESTRICTIONS**
10 **ON WELFARE AND PUBLIC BENEFITS FOR**
11 **ALIENS.**

12 (a) GENERAL PROHIBITION.—No officer or employee
13 of the Federal Government may—

14 (1) waive compliance with any requirement in
15 title IV of the Personal Responsibility and Work Op-
16 portunity Reconciliation Act of 1996 (8 U.S.C. 1601
17 et seq.) in effect on the date of enactment of this
18 Act or with any restriction on eligibility for any form
19 of assistance or benefit described in section 403(a)
20 of the Personal Responsibility and Work Oppor-
21 tunity Reconciliation Act of 1996 (8 U.S.C.
22 1613(a)) established under a provision of this Act or
23 an amendment made by this Act;

24 (2) waive the prohibition under subsection
25 (d)(3) of section 245B of the Immigration and Na-

1 tionality Act (as added by section 2101 of this Act)
2 on eligibility for Federal means-tested public bene-
3 fits for any alien granted registered provisional im-
4 migrant status under section 245B of the Immigra-
5 tion and Nationality Act;

6 (3) waive the prohibition under subsection
7 (c)(3) of section 2211 of this Act on eligibility for
8 Federal means-tested public benefits for any alien
9 granted blue card status under that section;

10 (4) waive the prohibition under subsection (c)
11 of section 2309 of this Act on eligibility for Federal
12 means-tested public benefits for any noncitizen who
13 is lawfully present in the United States pursuant to
14 section 101(a)(15)(V) of the Immigration and Na-
15 tionality Act (8 U.S.C. 1101(a)(15)(V)) (as amend-
16 ed by section 2309(a)); or

17 (5) waive the prohibition under subsection
18 (w)(2)(C) of section 214 of the Immigration and Na-
19 tionality Act (8 U.S.C. 1184(w)(2)(C)) (as added by
20 section 4504(b) of this Act) on eligibility for any as-
21 sistance or benefits described in section 403(a) of
22 the Personal Responsibility and Work Opportunity
23 Reconciliation Act of 1996 (8 U.S.C. 1613(a)) for
24 any alien described in section 101(a)(15)(Y) of the
25 Immigration and Nationality Act (8 U.S.C.

1 1101(a)(15)(Y) (as added by section 4504 of this
2 Act) who is issued a nonimmigrant visa.

3 (b) ENSURING COMPLIANCE WITH FEDERAL WEL-
4 FARE LAW.—

5 (1) NO WAIVER OF REQUIREMENTS.—Notwith-
6 standing section 1115(a) of the Social Security Act
7 (42 U.S.C. 1315(a)), the Secretary of Health and
8 Human Services shall not waive compliance by a
9 State, or otherwise permit a State to not comply,
10 with the requirements for the temporary assistance
11 for needy families program referenced in section
12 408(e) of the Social Security Act (42 U.S.C. 608(e))
13 and the requirements for that program in section
14 408(g) of such Act (42 U.S.C. 608(g)).

15 (2) NO WAIVER OF PENALTIES.—The Secretary
16 of Health and Human Services shall apply section
17 409 of the Social Security Act (42 U.S.C. 609) to
18 any State that fails to comply with any of the re-
19 quirements specified in paragraph (1).

20 **Subtitle D—Conrad State 30 and**
21 **Physician Access**

22 **SEC. 2401. CONRAD STATE 30 PROGRAM.**

23 Section 220(c) of the Immigration and Nationality
24 Technical Corrections Act of 1994 (Public Law 103–416;

1 8 U.S.C. 1182 note) is amended by striking “and before
2 September 30, 2015”.

3 **SEC. 2402. RETAINING PHYSICIANS WHO HAVE PRACTICED**
4 **IN MEDICALLY UNDERSERVED COMMU-**
5 **NITIES.**

6 Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended
7 by sections 2103(c), 2212(d)(2), 2307(b), and 2323(b) is
8 further amended by adding at the end the following:

9 “(P)(i) Alien physicians who have completed
10 service requirements of a waiver requested under
11 section 203(b)(2)(B)(ii), including alien physicians
12 who completed such service before the date of the
13 enactment of the Border Security, Economic Oppor-
14 tunity, and Immigration Modernization Act and any
15 spouses or children of such alien physicians.

16 “(ii) Nothing in this subparagraph may be con-
17 strued—

18 “(I) to prevent the filing of a petition with
19 the Secretary of Homeland Security for classi-
20 fication under section 204(a) or the filing of an
21 application for adjustment of status under sec-
22 tion 245 by an alien physician described in this
23 subparagraph prior to the date by which such
24 alien physician has completed the service de-
25 scribed in section 214(l) or worked full-time as

1 a physician for an aggregate of 5 years at the
2 location identified in the section 214(l) waiver
3 or in an area or areas designated by the Sec-
4 retary of Health and Human Services as having
5 a shortage of health care professionals; or

6 “(II) to permit the Secretary of Homeland
7 Security to grant such a petition or application
8 until the alien has satisfied all the requirements
9 of the waiver received under section 214(l).”.

10 **SEC. 2403. EMPLOYMENT PROTECTIONS FOR PHYSICIANS.**

11 (a) IN GENERAL.—Section 214(l)(1)(C) (8 U.S.C.
12 1184(l)(1)(C)) is amended by striking clauses (i) and (ii)
13 and inserting the following:

14 “(i) the alien demonstrates a bona fide
15 offer of full-time employment, at a health care
16 organization, which employment has been deter-
17 mined by the Secretary of Homeland Security
18 to be in the public interest; and

19 “(ii) the alien agrees to begin employment
20 with the health facility or health care organiza-
21 tion in a geographic area or areas which are
22 designated by the Secretary of Health and
23 Human Services as having a shortage of health
24 care professionals by the later of the date that
25 is 90 days after receiving such waiver, 90 days

1 after completing graduate medical education or
2 training under a program approved pursuant to
3 section 212(j)(1), or 90 days after receiving
4 nonimmigrant status or employment authoriza-
5 tion, provided that the alien or the alien's em-
6 ployer petitions for such nonimmigrant status
7 or employment authorization within 90 days of
8 completing graduate medical education or train-
9 ing and agrees to continue to work for a total
10 of not less than 3 years in any status author-
11 ized for such employment under this subsection,
12 unless—

13 “(I) the Secretary determines that ex-
14 tenuating circumstances exist that justify a
15 lesser period of employment at such facility
16 or organization, in which case the alien
17 shall demonstrate another bona fide offer
18 of employment at a health facility or
19 health care organization, for the remainder
20 of such 3-year period;

21 “(II) the interested agency that re-
22 quested the waiver attests that extenuating
23 circumstances exist that justify a lesser pe-
24 riod of employment at such facility or or-
25 ganization in which case the alien shall

1 demonstrate another bona fide offer of em-
2 ployment at a health facility or health care
3 organization so designated by the Sec-
4 retary of Health and Human Services, for
5 the remainder of such 3-year period; or

6 “(III) if the alien elects not to pursue
7 a determination of extenuating cir-
8 cumstances pursuant to subclause (I) or
9 (II), the alien terminates the alien’s em-
10 ployment relationship with such facility or
11 organization, in which case the alien shall
12 be employed for the remainder of such 3-
13 year period, and 1 additional year for each
14 termination, at another health facility or
15 health care organization in a geographic
16 area or areas which are designated by the
17 Secretary of Health and Human Services
18 as having a shortage of health care profes-
19 sionals; and”.

20 (b) PHYSICIAN EMPLOYMENT IN UNDERSERVED
21 AREAS.—Section 214(l)(1) (8 U.S.C. 1184(l)(1)), as
22 amended by subsection (a), is further amended by adding
23 at the end the following:

24 “(E) If a physician pursuing graduate medical
25 education or training pursuant to section

1 101(a)(15)(J) applies for a Conrad J–1 waiver with
2 an interested State department of health and the ap-
3 plication is denied because the State has requested
4 the maximum number of waivers permitted for that
5 fiscal year, the physician’s nonimmigrant status
6 shall be automatically extended for 6 months if the
7 physician agrees to seek a waiver under this sub-
8 section (except for subparagraph (D)(ii)) to work for
9 an employer in a State that has not yet requested
10 the maximum number of waivers. The physician
11 shall be authorized to work only for such employer
12 from the date on which a new waiver application is
13 filed with the State until the date on which the Sec-
14 retary of Homeland Security denies such waiver or
15 issues work authorization for such employment pur-
16 suant to the approval of such waiver.”.

17 (c) GRADUATE MEDICAL EDUCATION OR TRAIN-
18 ING.—Section 214(h)(1), as amended by section 4401(b)
19 of this Act, is further amended by inserting “(J) (if enter-
20 ing the United States for graduate medical education or
21 training),” after “(H)(i)(c),”.

22 (d) CONTRACT REQUIREMENTS.—Section 214(l) (8
23 U.S.C. 1184(l)) is amended by adding at the end the fol-
24 lowing:

1 “(4) An alien granted a waiver under paragraph
2 (1)(C) shall enter into an employment agreement with the
3 contracting health facility or health care organization
4 that—

5 “(A) specifies the maximum number of on-call
6 hours per week (which may be a monthly average)
7 that the alien will be expected to be available and
8 the compensation the alien will receive for on-call
9 time;

10 “(B) specifies whether the contracting facility
11 or organization will pay for the alien’s malpractice
12 insurance premiums, including whether the employer
13 will provide malpractice insurance and, if so, the
14 amount of such insurance that will be provided;

15 “(C) describes all of the work locations that the
16 alien will work and a statement that the contracting
17 facility or organization will not add additional work
18 locations without the approval of the Federal agency
19 or State agency that requested the waiver; and

20 “(D) does not include a non-compete provision.

21 “(5) An alien granted a waiver under paragraph
22 (1)(C) whose employment relationship with a health facil-
23 ity or health care organization terminates during the 3-
24 year service period required by such paragraph—

1 “(A) shall have a period of 120 days beginning
2 on the date of such termination of employment to
3 submit to the Secretary of Homeland Security appli-
4 cations or petitions to commence employment with
5 another contracting health facility or health care or-
6 ganization in a geographic area or areas which are
7 designated by the Secretary of Health and Human
8 Services as having a shortage of health care profes-
9 sionals;

10 “(B) shall be considered to be maintaining law-
11 ful status in an authorized stay during the 120-day
12 period referred to in subsection (A); and

13 “(C) shall not be considered to be fulfilling the
14 3-year term of service during the 120-day period re-
15 ferred to in subparagraph (A).”.

16 **SEC. 2404. ALLOTMENT OF CONRAD 30 WAIVERS.**

17 (a) IN GENERAL.—Section 214(l) (8 U.S.C. 1184(l)),
18 as amended by section 2403, is further amended by adding
19 at the end the following:

20 “(6)(A)(i) All States shall be allotted a total of 35
21 waivers under paragraph (1)(B) for a fiscal year if 90 per-
22 cent of the waivers available to the States receiving at
23 least 5 waivers were used in the previous fiscal year.

24 “(ii) When an allocation has occurred under clause
25 (i), all States shall be allotted an additional 5 waivers

1 under paragraph (1)(B) for each subsequent fiscal year
2 if 90 percent of the waivers available to the States receiv-
3 ing at least 5 waivers were used in the previous fiscal year.
4 If the States are allotted 45 or more waivers for a fiscal
5 year, the States will only receive an additional increase
6 of 5 waivers the following fiscal year if 95 percent of the
7 waivers available to the States receiving at least 1 waiver
8 were used in the previous fiscal year.

9 “(B) Any increase in allotments under subparagraph
10 (A) shall be maintained indefinitely, unless in a fiscal year,
11 the total number of such waivers granted is 5 percent
12 lower than in the last year in which there was an increase
13 in the number of waivers allotted pursuant to this para-
14 graph, in which case—

15 “(i) the number of waivers allotted shall be de-
16 creased by 5 for all States beginning in the next fis-
17 cal year; and

18 “(ii) each additional 5 percent decrease in such
19 waivers granted from the last year in which there
20 was an increase in the allotment, shall result in an
21 additional decrease of 5 waivers allotted for all
22 States, provided that the number of waivers allotted
23 for all States shall not drop below 30.”.

24 (b) ACADEMIC MEDICAL CENTERS.—Section
25 214(l)(1)(D) (8 U.S.C. 1184(l)(1)(D)) is amended—

1 (1) in clause (ii), by striking “and” at the end;

2 (2) in clause (iii), by striking the period at the

3 end and inserting “; and”; and

4 (3) by adding at the end the following:

5 “(iv) in the case of a request by an inter-
6 ested State agency—

7 “(I) the head of such agency deter-
8 mines that the alien is to practice medicine
9 in, or be on the faculty of a residency pro-
10 gram at, an academic medical center (as
11 that term is defined in section
12 411.355(e)(2) of title 42, Code of Federal
13 Regulations, or similar successor regula-
14 tion), without regard to whether such facil-
15 ity is located within an area designated by
16 the Secretary of Health and Human Serv-
17 ices as having a shortage of health care
18 professionals; and

19 “(II) the head of such agency deter-
20 mines that—

21 “(aa) the alien physician’s work
22 is in the public interest; and

23 “(bb) the grant of such waiver
24 would not cause the number of the
25 waivers granted on behalf of aliens for

1 such State for a fiscal year (within
2 the limitation in subparagraph (B)
3 and subject to paragraph (6)) in ac-
4 cordance with the conditions of this
5 clause to exceed 3.”.

6 **SEC. 2405. AMENDMENTS TO THE PROCEDURES, DEFINI-**
7 **TIONS, AND OTHER PROVISIONS RELATED TO**
8 **PHYSICIAN IMMIGRATION.**

9 (a) ALLOWABLE VISA STATUS FOR PHYSICIANS FUL-
10 FILLING WAIVER REQUIREMENTS IN MEDICALLY UNDER-
11 SERVED AREAS.—Section 214(l)(2)(A) (8 U.S.C.
12 1184(l)(2)(A)) is amended by striking “an alien described
13 in section 101(a)(15)(H)(i)(b).” and inserting “any status
14 authorized for employment under this Act.”.

15 (b) SHORT TERM WORK AUTHORIZATION FOR PHY-
16 SICIANS COMPLETING THEIR RESIDENCIES.—A physician
17 completing graduate medical education or training as de-
18 scribed in section 212(j) of the Immigration and Nation-
19 ality Act (8 U.S.C. 1182(j)) as a nonimmigrant described
20 in section 101(a)(15)(H)(i) of such Act (8 U.S.C.
21 1101(a)(15)(H)(i)) shall have such nonimmigrant status
22 automatically extended until October 1 of the fiscal year
23 for which a petition for a continuation of such non-
24 immigrant status has been submitted in a timely manner
25 and where the employment start date for the beneficiary

1 of such petition is October 1 of that fiscal year. Such phy-
2 sician shall be authorized to be employed incident to status
3 during the period between the filing of such petition and
4 October 1 of such fiscal year. However, the physician's
5 status and employment authorization shall terminate 30
6 days from the date such petition is rejected, denied, or
7 revoked. A physician's status and employment authoriza-
8 tion will automatically extend to October 1 of the next fis-
9 cal year if all visas as described in such section
10 101(a)(15)(H)(i) authorized to be issued for the fiscal
11 year have been issued.

12 (c) APPLICABILITY OF SECTION 212(e) TO SPOUSES
13 AND CHILDREN OF J-1 EXCHANGE VISITORS.—A spouse
14 or child of an exchange visitor described in section
15 101(a)(15)(J) of the Immigration and Nationality Act (8
16 U.S.C. 1101(a)(15)(J)) shall not be subject to the require-
17 ments of section 212(e) of the Immigration and Nation-
18 ality Act (8 U.S.C. 1182(e)).

19 **Subtitle E—Integration**

20 **SEC. 2501. DEFINITIONS.**

21 In this subtitle:

22 (1) CHIEF.—The term “Chief” means the Chief
23 of the Office.

1 (2) FOUNDATION.—The term “Foundation”
2 means the United States Citizenship Foundation es-
3 tablished pursuant to section 2531.

4 (3) IEACA GRANTS.—The term “IEACA
5 grants” means Initial Entry, Adjustment, and Citi-
6 zenship Assistance grants authorized under section
7 2537.

8 (4) IMMIGRANT INTEGRATION.—The term “im-
9 migrant integration” means the process by which
10 immigrants—

11 (A) join the mainstream of civic life by en-
12 gaging and sharing ownership in their local
13 community, the United States, and the prin-
14 ciples of the Constitution;

15 (B) attain financial self-sufficiency and up-
16 ward economic mobility for themselves and their
17 family members; and

18 (C) acquire English language skills and re-
19 lated cultural knowledge necessary to effectively
20 participate in their community.

21 (5) LINGUISTIC INTEGRATION.—The term “lin-
22 guistic integration” means the acquisition, by limited
23 English proficient individuals, of English language
24 skills and related cultural knowledge necessary to

1 meaningfully and effectively fulfill their roles as
2 community members, family members, and workers.

(6) OFFICE.—The term “Office” means the Office of Citizenship and New Americans established in U.S. Citizenship and Immigration Services under section 2511.

(7) RECEIVING COMMUNITIES.—The term “receiving communities” means the long-term residents of the communities in which immigrants settle.

(8) **TASK FORCE.**—The term “Task Force” means the Task Force on New Americans established pursuant to section 2521.

(9) USCF COUNCIL.—The term “USCF Council” means the Council of Directors of the Foundation.

16 **CHAPTER 1—CITIZENSHIP AND NEW**
17 **AMERICANS**

18 **Subchapter A—Office of Citizenship and New**
19 **Americans**

20 SEC. 2511. OFFICE OF CITIZENSHIP AND NEW AMERICANS.

21 (a) RENAMING OFFICE OF CITIZENSHIP.—

(1) IN GENERAL.—Beginning on the date of the enactment of this Act, the Office of Citizenship in U.S. Citizenship and Immigration Services shall be

1 referred to as the “Office of Citizenship and New
2 Americans”.

3 (2) REFERENCES.—Any reference in a law, reg-
4 ulation, document, paper, or other record of the
5 United States to the Office of Citizenship in U.S.
6 Citizenship and Immigration Services shall be
7 deemed to be a reference to the Office of Citizenship
8 and New Americans.

9 (3) TECHNICAL AND CONFORMING AMEND-
10 MENTS.—Section 451 of the Homeland Security Act
11 of 2002 (6 U.S.C. 271) is amended—

12 (A) in the section heading, by striking
13 “**BUREAU OF**” and inserting “**U.S.**”;

14 (B) in subsection (a)(1), by striking “the
15 ‘Bureau of’” and inserting “‘U.S.’”;

16 (C) by striking “the Bureau of” each place
17 such terms appears and inserting “U.S.”; and

18 (D) in subsection (f)—

19 (i) by amending the subsection head-
20 ing to read as follows: “OFFICE OF CITI-
21 ZENSHIP AND NEW AMERICANS”; and

22 (ii) by striking paragraph (1) and in-
23 serting the following:

24 “(1) CHIEF.—The Office of Citizenship and
25 New Americans shall be within U.S. Citizenship and

1 Immigration Services and shall be headed by the
2 Chief of the Office of Citizenship and New Ameri-
3 cans.”.

4 (b) FUNCTIONS.—Section 451(f) of such Act (6
5 U.S.C. 271(f)), as amended by subsection (a)(3)(D), is
6 further amended by striking paragraph (2) and inserting
7 the following:

8 “(2) FUNCTIONS.—The Chief of the Office of
9 Citizenship and New Americans shall—

10 “(A) promote institutions and provide
11 training on citizenship responsibilities for aliens
12 interested in becoming naturalized citizens of
13 the United States, including the development of
14 educational materials for such aliens;

15 “(B) provide general leadership, consulta-
16 tion, and coordination of the immigrant integra-
17 tion programs across the Federal Government
18 and with State and local entities;

19 “(C) in coordination with the Task Force
20 on New Americans established under section
21 2521 of the Border Security, Economic Oppor-
22 tunity, and Immigration Modernization Act—

23 “(i) advise the Director of U.S. Citi-
24 zenship and Immigration Services, the Sec-

1 retary of Homeland Security, and the Do-
2 mestic Policy Council, on—

3 “(I) the challenges and opportu-
4 nities relating to the linguistic, eco-
5 nomic, and civic integration of immi-
6 grants and their young children and
7 progress in meeting integration goals
8 and indicators; and

9 “(II) immigrant integration con-
10 siderations relating to Federal budg-
11 ets;

12 “(ii) establish national goals for intro-
13 ducing new immigrants into the United
14 States and measure the degree to which
15 such goals are met;

16 “(iii) evaluate the scale, quality, and
17 effectiveness of Federal Government efforts
18 in immigrant integration and provide ad-
19 vice on appropriate actions; and

20 “(iv) identify the integration implica-
21 tions of new or proposed immigration poli-
22 cies and provide recommendations for ad-
23 dressing such implications;

24 “(D) serve as a liaison and intermediary
25 with State and local governments and other en-

1 ties to assist in establishing local goals, task
2 forces, and councils to assist in—

3 “(i) introducing immigrants into the
4 United States; and

5 “(ii) promoting citizenship education
6 and awareness among aliens interested in
7 becoming naturalized citizens of the United
8 States;

9 “(E) coordinate with other Federal agen-
10 cies to provide information to State and local
11 governments on the demand for existing Fed-
12 eral and State English education programs and
13 best practices for immigrants who recently ar-
14 rived in the United States;

15 “(F) assist States in coordinating the ac-
16 tivities of the grant programs authorized under
17 sections 2537 and 2538 of the Border Security,
18 Economic Opportunity, and Immigration Mod-
19 ernization Act;

20 “(G) submit a biennial report to the appro-
21 priate congressional committees that describes
22 the activities of the Office of Citizenship and
23 New Americans; and

24 “(H) carry out such other functions and
25 activities as Secretary may assign.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 subsections (a) and (b) shall take effect on the date that
3 is 1 year after the date of the enactment of this Act.

4 **Subchapter B—Task Force on New**
5 **Americans**

6 **SEC. 2521. ESTABLISHMENT.**

7 (a) IN GENERAL.—The Secretary shall establish a
8 Task Force on New Americans.

9 (b) FULLY FUNCTIONAL.—The Task Force shall be
10 fully functional not later than 18 months after the date
11 of the enactment of this Act.

12 **SEC. 2522. PURPOSE.**

13 The purposes of the Task Force are—

14 (1) to establish a coordinated Federal program
15 and policy response to immigrant integration issues;
16 and

17 (2) to advise and assist the Federal Govern-
18 ment in identifying and fostering policies to carry
19 out the policies and goals established under this
20 chapter.

21 **SEC. 2523. MEMBERSHIP.**

22 (a) IN GENERAL.—The Task Force shall be com-
23 prised of—

24 (1) the Secretary, who shall serve as Chair of
25 the Task Force;

- 1 (2) the Secretary of the Treasury;
 - 2 (3) the Attorney General;
 - 3 (4) the Secretary of Commerce;
 - 4 (5) the Secretary of Labor;
 - 5 (6) the Secretary of Health and Human Serv-
 - 6 ices;
 - 7 (7) the Secretary of Housing and Urban Devel-
 - 8 opment;
 - 9 (8) the Secretary of Transportation;
 - 10 (9) the Secretary of Education;
 - 11 (10) the Director of the Office of Management
 - 12 and Budget;
 - 13 (11) the Administrator of the Small Business
 - 14 Administration;
 - 15 (12) the Director of the Domestic Policy Coun-
 - 16 cil;
 - 17 (13) the Director of the National Economic
 - 18 Council; and
 - 19 (14) the National Security Advisor.
- 20 (b) DELEGATION.—A member of the Task Force may
- 21 delegate a senior official, at the Assistant Secretary, Dep-
- 22 uty Administrator, Deputy Director, or Assistant Attorney
- 23 General level, to perform the functions of a Task Force
- 24 member described in section 2524.

1 **SEC. 2524. FUNCTIONS.**

2 (a) MEETINGS; FUNCTIONS.—The Task Force
3 shall—

4 (1) meet at the call of the Chair; and

5 (2) perform such functions as the Secretary
6 may prescribe.

7 (b) COORDINATED RESPONSE.—The Task Force
8 shall work with executive branch agencies—

9 (1) to provide a coordinated Federal response
10 to issues that impact the lives of new immigrants
11 and receiving communities, including—

12 (A) access to youth and adult education
13 programming;

14 (B) workforce training;

15 (C) health care policy;

16 (D) access to naturalization; and

17 (E) community development challenges;

18 and

19 (2) to ensure that Federal programs and poli-
20 cies adequately address such impacts.

21 (c) LIAISONS.—Members of the Task Force shall
22 serve as liaisons to their respective agencies to ensure the
23 quality and timeliness of their agency’s participation in ac-
24 tivities of the Task Force, including—

25 (1) creating integration goals and indicators;

1 (2) implementing the biannual consultation
2 process with the agency's State and local counter-
3 parts; and

4 (3) reporting on agency data collection, policy,
5 and program efforts relating to achieving the goals
6 and indicators referred to in paragraph (1).

7 (d) RECOMMENDATIONS.—Not later than 18 months
8 after the end of the period specified in section 2521(b),
9 the Task Force shall—

10 (1) provide recommendations to the Domestic
11 Policy Council and the Secretary on the effects of
12 pending legislation and executive branch policy pro-
13 posals;

14 (2) suggest changes to Federal programs or
15 policies to address issues of special importance to
16 new immigrants and receiving communities;

17 (3) review and recommend changes to policies
18 that have a distinct impact on new immigrants and
19 receiving communities; and

20 (4) assist in the development of legislative and
21 policy proposals of special importance to new immi-
22 grants and receiving communities.

1 **CHAPTER 2—PUBLIC-PRIVATE**
2 **PARTNERSHIP**

3 **SEC. 2531. ESTABLISHMENT OF UNITED STATES CITIZEN-**
4 **SHIP FOUNDATION.**

5 The Secretary, acting through the Director of U.S.
6 Citizenship and Immigration Services, is authorized to es-
7 tablish a nonprofit corporation or a not-for-profit, public
8 benefit, or similar entity, which shall be known as the
9 “United States Citizenship Foundation”.

10 **SEC. 2532. FUNDING.**

11 (a) GIFTS TO FOUNDATION.—In order to carry out
12 the purposes set forth in section 2533, the Foundation
13 may—

14 (1) solicit, accept, and make gifts of money and
15 other property in accordance with section 501(c)(3)
16 of the Internal Revenue Code of 1986;

17 (2) engage in coordinated work with the De-
18 partment, including the Office and U.S. Citizenship
19 and Immigration Services; and

20 (3) accept, hold, administer, invest, and spend
21 any gift, devise, or bequest of real or personal prop-
22 erty made to the Foundation.

23 (b) GIFTS TO OFFICE OF CITIZENSHIP AND NEW
24 AMERICANS.—The Office may accept gifts from the Foun-
25 dation to support the functions of the Office.

1 **SEC. 2533. PURPOSES.**

2 The purposes of the Foundation are—

3 (1) to expand citizenship preparation programs
4 for lawful permanent residents;

5 (2) to provide direct assistance for aliens seek-
6 ing provisional immigrant status, legal permanent
7 resident status, or naturalization as a United States
8 citizen; and

9 (3) to coordinate immigrant integration with
10 State and local entities.

11 **SEC. 2534. AUTHORIZED ACTIVITIES.**

12 The Foundation shall carry out its purpose by—

13 (1) making United States citizenship instruc-
14 tion and naturalization application services acces-
15 sible to low-income and other underserved lawful
16 permanent resident populations;

17 (2) developing, identifying, and sharing best
18 practices in United States citizenship preparation;

19 (3) supporting innovative and creative solutions
20 to barriers faced by those seeking naturalization;

21 (4) increasing the use of, and access to, tech-
22 nology in United States citizenship preparation pro-
23 grams;

24 (5) engaging receiving communities in the
25 United States citizenship and civic integration proc-
26 ess;

1 (6) administering the New Citizens Award Pro-
2 gram to recognize, in each calendar year, not more
3 than 10 United States citizens who—

4 (A) have made outstanding contributions
5 to the United States; and

6 (B) have been naturalized during the 10-
7 year period ending on the date of such recogni-
8 tion;

9 (7) fostering public education and awareness;

10 (8) coordinating its immigrant integration ef-
11 forts with the Office;

12 (9) awarding grants to eligible public or private
13 nonprofit organizations under section 2537; and

14 (10) awarding grants to State and local govern-
15 ments under section 2538.

16 **SEC. 2535. COUNCIL OF DIRECTORS.**

17 (a) MEMBERS.—To the extent consistent with section
18 501(c)(3) of the Internal Revenue Code of 1986, the
19 Foundation shall have a Council of Directors, which shall
20 be comprised of—

21 (1) the Director of U.S. Citizenship and Immi-
22 gration Services;

23 (2) the Chief of the Office of Citizenship and
24 New Americans; and

1 (3) 10 directors, appointed by the ex-officio di-
2 rectors designated in paragraphs (1) and (2), from
3 national community-based organizations that pro-
4 mote and assist permanent residents with natu-
5 ralization.

6 (b) APPOINTMENT OF EXECUTIVE DIRECTOR.—The
7 USCF Council shall appoint an Executive Director, who
8 shall oversee the day-to-day operations of the Foundation.

9 **SEC. 2536. POWERS.**

10 The Executive Director is authorized to carry out the
11 purposes set forth in section 2533 on behalf of the Foun-
12 dation by—

13 (1) accepting, holding, administering, investing,
14 and spending any gift, devise, or bequest of real or
15 personal property made to the Foundation;

16 (2) entering into contracts and other financial
17 assistance agreements with individuals, public or pri-
18 vate organizations, professional societies, and gov-
19 ernment agencies to carry out the functions of the
20 Foundation;

21 (3) entering into such other contracts, leases,
22 cooperative agreements, and other transactions as
23 the Executive Director considers appropriate to
24 carry out the activities of the Foundation; and

1 (4) charging such fees for professional services
2 furnished by the Foundation as the Executive Direc-
3 tor determines reasonable and appropriate.

4 **SEC. 2537. INITIAL ENTRY, ADJUSTMENT, AND CITIZENSHIP**
5 **ASSISTANCE GRANT PROGRAM.**

6 (a) AUTHORIZATION.—The Secretary, acting through
7 the Director of U.S. Citizenship and Immigration Serv-
8 ices, may award Initial Entry, Adjustment, and Citizen-
9 ship Assistance grants to eligible public or private, non-
10 profit organizations.

11 (b) USE OF GRANT FUNDS.—IEACA grants shall be
12 used for the design and implementation of programs that
13 provide direct assistance, within the scope of the author-
14 ized practice of immigration law—

15 (1) to aliens who are preparing an initial appli-
16 cation for registered provisional immigrant status
17 under section 245B of the Immigration and Nation-
18 ality Act and to aliens who are preparing an initial
19 application for blue card status under section 2211,
20 including assisting applicants in—

21 (A) screening to assess prospective appli-
22 cants' potential eligibility or lack of eligibility;

23 (B) completing applications;

24 (C) gathering proof of identification, em-
25 ployment, residence, and tax payment;

1 (D) gathering proof of relationships of eli-
2 gible family members;

3 (E) applying for any waivers for which ap-
4 plicants and qualifying family members may be
5 eligible; and

6 (F) any other assistance that the Secretary
7 or grantee considers useful to aliens who are in-
8 terested in applying for registered provisional
9 immigrant status;

10 (2) to aliens seeking to adjust their status
11 under section 245, 245B, 245C, or 245F of the Im-
12 migration and Nationality Act;

13 (3) to legal permanent residents seeking to be-
14 come naturalized United States citizens; and

15 (4) to applicants on—

16 (A) the rights and responsibilities of
17 United States citizenship;

18 (B) civics-based English as a second lan-
19 guage;

20 (C) civics, with a special emphasis on com-
21 mon values and traditions of Americans, includ-
22 ing an understanding of the history of the
23 United States and the principles of the Con-
24 stitution; and

25 (D) applying for United States citizenship.

1 **SEC. 2538. PILOT PROGRAM TO PROMOTE IMMIGRANT IN-**
2 **TEGRATION AT STATE AND LOCAL LEVELS.**

3 (a) GRANTS AUTHORIZED.—The Chief shall establish
4 a pilot program through which the Chief may award
5 grants, on a competitive basis, to States and local govern-
6 ments or other qualifying entities, in collaboration with
7 State and local governments—

8 (1) to establish New Immigrant Councils to
9 carry out programs to integrate new immigrants; or

10 (2) to carry out programs to integrate new im-
11 migrants.

12 (b) APPLICATION.—A State or local government de-
13 siring a grant under this section shall submit an applica-
14 tion to the Chief at such time, in such manner, and con-
15 taining such information as the Chief may reasonably re-
16 quire, including—

17 (1) a proposal to meet an objective or combina-
18 tion of objectives set forth in subsection (d)(3);

19 (2) the number of new immigrants in the appli-
20 cant's jurisdiction; and

21 (3) a description of the challenges in intro-
22 ducing and integrating new immigrants into the
23 State or local community.

24 (c) PRIORITY.—In awarding grants under this sec-
25 tion, the Chief shall give priority to States and local gov-
26 ernments or other qualifying entities that—

1 (1) use matching funds from non-Federal
2 sources, which may include in-kind contributions;

3 (2) demonstrate collaboration with public and
4 private entities to achieve the goals of the com-
5 prehensive plan developed pursuant to subsection
6 (d)(3);

7 (3) are 1 of the 10 States with the highest rate
8 of foreign-born residents; or

9 (4) have experienced a large increase in the
10 population of immigrants during the most recent 10-
11 year period relative to past migration patterns,
12 based on data compiled by the Office of Immigration
13 Statistics or the United States Census Bureau.

14 (d) AUTHORIZED ACTIVITIES.—A grant awarded
15 under this subsection may be used—

16 (1) to form a New Immigrant Council, which
17 shall—

18 (A) consist of between 15 and 19 individ-
19 uals, inclusive, from the State, local govern-
20 ment, or qualifying organization;

21 (B) include, to the extent practicable, rep-
22 resentatives from—

23 (i) business;

24 (ii) faith-based organizations;

25 (iii) civic organizations;

- 1 (iv) philanthropic organizations;
- 2 (v) nonprofit organizations, including
- 3 those with legal and advocacy experience
- 4 working with immigrant communities;
- 5 (vi) key education stakeholders, such
- 6 as State educational agencies, local edu-
- 7 cational agencies, community colleges, and
- 8 teachers;
- 9 (vii) State adult education offices;
- 10 (viii) State or local public libraries;
- 11 and
- 12 (ix) State or local governments; and
- 13 (C) meet not less frequently than once
- 14 each quarter;
- 15 (2) to provide subgrants to local communities,
- 16 city governments, municipalities, nonprofit organiza-
- 17 tions (including veterans' and patriotic organiza-
- 18 tions), or other qualifying entities;
- 19 (3) to develop, implement, expand, or enhance
- 20 a comprehensive plan to introduce and integrate new
- 21 immigrants into the State by—
- 22 (A) improving English language skills;
- 23 (B) engaging caretakers with limited
- 24 English proficiency in their child's education

1 through interactive parent and child literacy ac-
2 tivities;

3 (C) improving and expanding access to
4 workforce training programs;

5 (D) teaching United States history, civics
6 education, citizenship rights, and responsibil-
7 ities;

8 (E) promoting an understanding of the
9 form of government and history of the United
10 States and the principles of the Constitution;

11 (F) improving financial literacy; and

12 (G) focusing on other key areas of impor-
13 tance to integration in our society; and

14 (4) to engage receiving communities in the citi-
15 zenship and civic integration process by—

16 (A) increasing local service capacity;

17 (B) building meaningful connections be-
18 tween newer immigrants and long-time resi-
19 dents;

20 (C) communicating the contributions of re-
21 ceiving communities and new immigrants; and

22 (D) engaging leaders from all sectors of
23 the community.

24 (e) REPORTING AND EVALUATION.—

1 (1) ANNUAL REPORT.—Each grant recipient
2 shall submit an annual report to the Office that de-
3 scribes—

4 (A) the activities undertaken by the grant
5 recipient, including how such activities meet the
6 goals of the Office, the Foundation, and the
7 comprehensive plan described in subsection
8 (d)(3);

9 (B) the geographic areas being served;

10 (C) the number of immigrants in such
11 areas; and

12 (D) the primary languages spoken in such
13 areas.

14 (2) ANNUAL EVALUATION.—The Chief shall
15 conduct an annual evaluation of the grant program
16 established under this section—

17 (A) to assess and improve the effectiveness
18 of such grant program;

19 (B) to assess the future needs of immi-
20 grants and of State and local governments re-
21 lated to immigrants; and

22 (C) to ensure that grantees recipients and
23 subgrantees are acting within the scope and
24 purpose of this subchapter.

1 **SEC. 2539. NATURALIZATION CEREMONIES.**

2 (a) IN GENERAL.—The Chief, in consultation with
3 the Director of the National Park Service, the Archivist
4 of the United States, and other appropriate Federal offi-
5 cials, shall develop and implement a strategy to enhance
6 the public awareness of naturalization ceremonies.

7 (b) VENUES.—In developing the strategy under sub-
8 section (a), the Secretary shall consider the use of out-
9 standing and historic locations as venues for select natu-
10 ralization ceremonies.

11 (c) REPORTING REQUIREMENT.—The Secretary shall
12 annually submit a report to Congress that contains—

13 (1) the content of the strategy developed under
14 subsection (a); and

15 (2) the progress made towards the implementa-
16 tion of such strategy.

17 **CHAPTER 3—FUNDING**

18 **SEC. 2541. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) OFFICE OF CITIZENSHIP AND NEW AMERI-
20 CANS.—In addition to any amounts otherwise made avail-
21 able to the Office, there are authorized to be appropriated
22 to carry out the functions described in section 451(f)(2)
23 of the Homeland Security Act of 2002 (6 U.S.C.
24 271(f)(2)), as amended by section 2511(b)—

25 (1) \$10,000,000 for the 5-year period ending
26 on September 30, 2018; and

1 (2) such sums as may be necessary for fiscal
2 year 2019 and subsequent fiscal years.

3 (b) GRANT PROGRAMS.—There are authorized to be
4 appropriated to implement the grant programs authorized
5 under sections 2537 and 2538, and to implement the
6 strategy under section 2539—

7 (1) \$100,000,000 for the 5-year period ending
8 on September 30, 2018; and

9 (2) such sums as may be necessary for fiscal
10 year 2019 and subsequent fiscal years.

11 **CHAPTER 4—REDUCE BARRIERS TO**
12 **NATURALIZATION**

13 **SEC. 2551. WAIVER OF ENGLISH REQUIREMENT FOR SEN-**
14 **IOR NEW AMERICANS.**

15 Section 312 (8 U.S.C. 1423) is amended by striking
16 subsection (b) and inserting the following:

17 “(b) The requirements under subsection (a) shall not
18 apply to any person who—

19 “(1) is unable to comply with such require-
20 ments because of physical or mental disability, in-
21 cluding developmental or intellectual disability; or

22 “(2) on the date on which the person’s applica-
23 tion for naturalization is filed under section 334—

24 “(A) is older than 65 years of age; and

1 “(B) has been living in the United States
2 for periods totaling at least 5 years after being
3 lawfully admitted for permanent residence.

4 “(c) The requirement under subsection (a)(1) shall
5 not apply to any person who, on the date on which the
6 person’s application for naturalization is filed under sec-
7 tion 334—

8 “(1) is older than 50 years of age and has been
9 living in the United States for periods totaling at
10 least 20 years after being lawfully admitted for per-
11 manent residence;

12 “(2) is older than 55 years of age and has been
13 living in the United States for periods totaling at
14 least 15 years after being lawfully admitted for per-
15 manent residence; or

16 “(3) is older than 60 years of age and has been
17 living in the United States for periods totaling at
18 least 10 years after being lawfully admitted for per-
19 manent residence.

20 “(d) The Secretary of Homeland Security may waive,
21 on a case-by-case basis, the requirement under subsection
22 (a)(2) on behalf of any person who, on the date on which
23 the person’s application for naturalization is filed under
24 section 334—

25 “(1) is older than 60 years of age; and

1 “(2) has been living in the United States for
2 periods totaling at least 10 years after being lawfully
3 admitted for permanent residence.”.

4 **SEC. 2552. FILING OF APPLICATIONS NOT REQUIRING REG-**
5 **ULAR INTERNET ACCESS.**

6 (a) ELECTRONIC FILING NOT REQUIRED.—

7 (1) IN GENERAL.—The Secretary may not re-
8 quire that an applicant or petitioner for permanent
9 residence or citizenship of the United States use an
10 electronic method to file any application, or access to
11 a customer account.

12 (2) SUNSET DATE.—This subsection shall cease
13 to be effective on October 1, 2020.

14 (b) NOTIFICATION REQUIREMENT.—Beginning on
15 October 1, 2020, the Secretary may not require that an
16 applicant or petitioner for permanent residence or citizen-
17 ship of the United States use an electronic method to file
18 any application or access to a customer account unless the
19 Secretary notifies the Committee on the Judiciary of the
20 Senate and the Committee on the Judiciary of the House
21 of Representatives of such requirement not later than 30
22 days before the effective date of such requirement.

1 **SEC. 2553. PERMISSIBLE USE OF ASSISTED HOUSING BY**
2 **BATTERED IMMIGRANTS.**

3 Section 214 of the Housing and Community Develop-
4 ment Act of 1980 (42 U.S.C. 1436a) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (6), by striking “; or”
7 and inserting a semicolon;

8 (B) by redesignating paragraph (7) as
9 paragraph (8); and

10 (C) by inserting after paragraph (6) the
11 following new paragraph:

12 “(7) a qualified alien described in section
13 431(c) of the Personal Responsibility and Work Op-
14 portunity Reconciliation Act of 1996 (8 U.S.C.
15 1641(c)); or”; and

16 (2) in subsection (c)—

17 (A) in paragraph (1)(A), by striking
18 “paragraphs (1) through (6)” and inserting
19 “paragraphs (1) through (7)”; and

20 (B) in paragraph (2)(A), by inserting
21 “(other than a qualified alien described in sec-
22 tion 431(c) of the Personal Responsibility and
23 Work Opportunity Reconciliation Act of 1996
24 (8 U.S.C. 1641(c)))” after “any alien”.

1 **SEC. 2554. UNITED STATES CITIZENSHIP FOR INTER-**
2 **NATIONALLY ADOPTED INDIVIDUALS.**

3 (a) **AUTOMATIC CITIZENSHIP.**—Section 104 of the
4 Child Citizenship Act of 2000 (Public Law 106–395; 8
5 U.S.C. 1431 note) is amended to read as follows:

6 **“SEC. 104. APPLICABILITY.**

7 “The amendments made by this title shall apply to
8 any individual who satisfies the requirements under sec-
9 tion 320 or 322 of the Immigration and Nationality Act,
10 regardless of the date on which such requirements were
11 satisfied.”.

12 (b) **MODIFICATION OF PREADoption VISITATION**
13 **REQUIREMENT.**—Section 101(b)(1)(F)(i) (8 U.S.C.
14 1101(b)(1)(F)(i)), as amended by section 2312, is further
15 amended by striking “at least twenty-five years of age,
16 who personally saw and observed the child prior to or dur-
17 ing the adoption proceedings;” and inserting “who is at
18 least 25 years of age, at least 1 of whom personally saw
19 and observed the child before or during the adoption pro-
20 ceedings;”.

21 (c) **AUTOMATIC CITIZENSHIP FOR CHILDREN OF**
22 **UNITED STATES CITIZENS WHO ARE PHYSICALLY**
23 **PRESENT IN THE UNITED STATES.**—

24 (1) **IN GENERAL.**—Section 320(a)(3) (8 U.S.C.
25 1431(a)(3)) is amended to read as follows:

1 “(3) The child is physically present in the
2 United States in the legal custody of the citizen par-
3 ent pursuant to a lawful admission.”.

4 (2) APPLICABILITY TO INDIVIDUAL’S WHO NO
5 LONGER HAVE LEGAL STATUS.—Notwithstanding
6 the lack of legal status or physical presence in the
7 United States, a person shall be deemed to meet the
8 requirements under section 320 of the Immigration
9 and Nationality Act, as amended by paragraph (1),
10 if the person—

11 (A) was born outside of the United States;

12 (B) was adopted by a United States citizen
13 before the person reached 18 years of age;

14 (C) was legally admitted to the United
15 States; and

16 (D) would have qualified for automatic
17 United States citizenship if the amendments
18 made by paragraph (1) had been in effect at
19 the time of such admission.

20 (d) RETROACTIVE APPLICATION.—Section 320(b) (8
21 U.S.C. 1431(b)) is amended by inserting “, regardless of
22 the date on which the adoption was finalized” before the
23 period at the end.

24 (e) APPLICABILITY.—The amendments made by this
25 section shall apply to any individual adopted by a citizen

1 of the United States regardless of whether the adoption
2 occurred prior to, on, or after the date of the enactment
3 of the Child Citizenship Act of 2000.

4 **SEC. 2555. TREATMENT OF CERTAIN PERSONS AS HAVING**
5 **SATISFIED ENGLISH AND CIVICS, GOOD**
6 **MORAL CHARACTER, AND HONORABLE SERV-**
7 **ICE AND DISCHARGE REQUIREMENTS FOR**
8 **NATURALIZATION.**

9 (a) IMMIGRATION AND NATIONALITY ACT.—The Im-
10 migration and Nationality Act is amended by inserting
11 after section 329A (8 U.S.C. 1440–1) the following new
12 section:

13 **“SEC. 329B. PERSONS WHO HAVE RECEIVED AN AWARD FOR**
14 **ENGAGEMENT IN ACTIVE COMBAT OR ACTIVE**
15 **PARTICIPATION IN COMBAT.**

16 “(a) IN GENERAL.—

17 “(1) IN GENERAL.—For purposes of naturaliza-
18 tion and continuing citizenship under the following
19 provisions of law, a person who has received an
20 award described in subsection (b) shall be treated—

21 “(A) as having satisfied the requirements
22 in sections 312(a), 316(a)(3), and subsections
23 (b)(3), (c), and (e) of section 328; and

24 “(B) except as provided in paragraph (2),
25 under sections 328 and 329, as having served

1 honorably in the Armed Forces for (in the case
2 of section 328) a period or periods aggregating
3 one year, and, if separated from such service,
4 as having been separated under honorable con-
5 ditions.

6 “(2) REVOCATION.—Notwithstanding para-
7 graph (1)(B), any person who separated from the
8 Armed Forces under other than honorable conditions
9 may be subject to revocation of citizenship under
10 section 328(f) or 329(c) if the other requirements of
11 such section are met.

12 “(b) APPLICATION.—This section shall apply with re-
13 spect to the following awards from the Armed Forces of
14 the United States:

15 “(1) The Combat Infantryman Badge from the
16 Army.

17 “(2) The Combat Medical Badge from the
18 Army.

19 “(3) The Combat Action Badge from the Army.

20 “(4) The Combat Action Ribbon from the
21 Navy, the Marine Corps, or the Coast Guard.

22 “(5) The Air Force Combat Action Medal.

23 “(6) Any other award that the Secretary of De-
24 fense determines to be an equivalent award for en-

1 gagement in active combat or active participation in
2 combat.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of such Act (8 U.S.C. 1101 et seq.) is amended by insert-
5 ing after the item relating to section 329A the following:

 “Sec. 329B. Persons who have received an award for engagement in active
 combat or active participation in combat.”.