

118TH CONGRESS  
2D SESSION

# S. 4069

To amend the Immigration and Nationality Act to provide for terms and conditions for nonimmigrant workers performing agricultural labor or services, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 22, 2024

Mr. BENNET (for himself, Ms. STABENOW, Ms. KLOBUCHAR, Mr. FETTERMAN, Mr. BLUMENTHAL, Mr. DURBIN, Mrs. GILLIBRAND, Mr. WELCH, and Mr. HICKENLOOPER) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Immigration and Nationality Act to provide for terms and conditions for nonimmigrant workers performing agricultural labor or services, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Affordable and Secure Food Act of 2024”.

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

Sec. 1. Short title; table of contents.

## TITLE I—SECURING THE DOMESTIC AGRICULTURAL WORKFORCE

### Subtitle A—Temporary Status for Certified Agricultural Workers

- Sec. 101. Certified agricultural worker status.
- Sec. 102. Terms and conditions of certified status.
- Sec. 103. Extensions of certified status.
- Sec. 104. Determination of continuous presence.
- Sec. 105. Employer obligations.
- Sec. 106. Administrative and judicial review.

### Subtitle B—Optional Earned Residence for Long-Term Workers

- Sec. 111. Optional adjustment of status for long-term agricultural workers.
- Sec. 112. Payment of taxes.
- Sec. 113. Adjudication and decision; review.

### Subtitle C—General Provisions

- Sec. 121. Definitions.
- Sec. 122. Rulemaking; Fees.
- Sec. 123. Background checks.
- Sec. 124. Protection for children.
- Sec. 125. Limitation on removal.
- Sec. 126. Documentation of agricultural work history.
- Sec. 127. Employer protections.
- Sec. 128. Correction of social security records; conforming amendments.
- Sec. 129. Disclosures and privacy.
- Sec. 130. Penalties for false statements in applications.
- Sec. 131. Dissemination of information.
- Sec. 132. Exemption from numerical limitations.
- Sec. 133. Reports to Congress.
- Sec. 134. Grant program to assist eligible applicants.
- Sec. 135. Authorization of appropriations.

## TITLE II—ENSURING AN AGRICULTURAL WORKFORCE FOR THE FUTURE

### Subtitle A—Reforming the H-2A Temporary Worker Program

- Sec. 201. Comprehensive and streamlined electronic H-2A platform.
- Sec. 202. H-2A program requirements.
- Sec. 203. Agency roles and responsibilities.
- Sec. 204. Worker protection and compliance.
- Sec. 205. Report on wage protections.
- Sec. 206. Portable H-2A visa pilot program.
- Sec. 207. Improving access to permanent residence.

### Subtitle B—Preservation and Construction of Farm Worker Housing

- Sec. 220. Short title.
- Sec. 221. New farm worker housing.
- Sec. 222. Loan and grant limitations.
- Sec. 223. Operating assistance subsidies.
- Sec. 224. Rental assistance contract authority.
- Sec. 225. Eligibility for rural housing vouchers.

- Sec. 226. Permanent establishment of housing preservation and revitalization program.
- Sec. 227. Amount of voucher assistance.
- Sec. 228. Funding for multifamily technical improvements.
- Sec. 229. Plan for preserving affordability of rental projects.
- Sec. 230. Covered housing programs.
- Sec. 231. Eligibility of certified workers.

Subtitle C—Foreign Labor Recruiter Accountability

- Sec. 251. Definitions.
- Sec. 252. Registration of foreign labor recruiters.
- Sec. 253. Enforcement.
- Sec. 254. Authorization of appropriations.

TITLE III—ELECTRONIC VERIFICATION OF EMPLOYMENT  
ELIGIBILITY

- Sec. 301. Electronic employment eligibility verification system.
- Sec. 302. Mandatory electronic verification for the agricultural industry.
- Sec. 303. Coordination with E-Verify Program.
- Sec. 304. Fraud and misuse of documents.
- Sec. 305. Technical and conforming amendments.
- Sec. 306. Protection of Social Security Administration programs.
- Sec. 307. Report on the implementation of the electronic employment verification system.
- Sec. 308. Modernizing and streamlining the employment eligibility verification process.
- Sec. 309. Rulemaking; Paperwork Reduction Act.

1 **TITLE I—SECURING THE DOMES-**  
2 **TIC AGRICULTURAL WORK-**  
3 **FORCE**

4 **Subtitle A—Temporary Status for**  
5 **Certified Agricultural Workers**

6 **SEC. 101. CERTIFIED AGRICULTURAL WORKER STATUS.**

7 (a) **REQUIREMENTS FOR CERTIFIED AGRICULTURAL**  
8 **WORKER STATUS.—**

- 9 (1) **PRINCIPAL ALIENS.—**The Secretary may  
10 grant certified agricultural worker status to an alien  
11 who submits a completed application, including the

1 required processing fees, before the end of the period  
2 set forth in subsection (c) and who—

3 (A) performed agricultural labor or serv-  
4 ices in the United States for at least 1,035  
5 hours (or 180 work days) during the 2-year pe-  
6 riod preceding the date of the introduction of  
7 this Act;

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

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

12 (ii) is under a grant of deferred en-  
13 forced departure, has been paroled into the  
14 United States, or has temporary protected  
15 status under section 244 of the Immigra-  
16 tion and Nationality Act (8 U.S.C. 1254a);

17 (C) subject to section 104, has been con-  
18 tinuously present in the United States since the  
19 date of the introduction of this Act and until  
20 the date on which the alien is granted certified  
21 agricultural worker status; and

22 (D) is not otherwise ineligible for certified  
23 agricultural worker status as provided in sub-  
24 section (b).

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

8           (b) GROUNDS FOR INELIGIBILITY.—

9           (1) GROUNDS OF INADMISSIBILITY.—Except as  
10 provided in paragraph (3), an alien is ineligible for  
11 certified agricultural worker or certified agricultural  
12 dependent status if the Secretary determines that  
13 the alien is inadmissible under section 212(a) of the  
14 Immigration and Nationality Act (8 U.S.C.  
15 1182(a)), except that in determining inadmis-  
16 sibility—

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

19                   (B) subparagraphs (A), (C), (D), (F), and  
20 (G) of such section 212(a)(6) and paragraphs  
21 (9)(C) and (10)(B) of such section 212(a) shall  
22 not apply unless based on the act of unlawfully  
23 entering the United States after the date of in-  
24 troduction of this Act; and

1 (C) paragraphs (6)(B) and (9)(A) of such  
2 section 212(a) shall not apply unless the rel-  
3 evant conduct began on or after the date of fil-  
4 ing of the application for certified agricultural  
5 worker status.

6 (2) ADDITIONAL CRIMINAL BARS.—Except as  
7 provided in paragraph (3), an alien is ineligible for  
8 certified agricultural worker status or certified agri-  
9 cultural dependent status if the Secretary deter-  
10 mines that (other than any offense under State law  
11 for which an essential element is the alien’s immi-  
12 gration status, simple possession of cannabis or can-  
13 nabis-related paraphernalia, any offense involving  
14 cannabis or cannabis-related paraphernalia which is  
15 no longer prosecutable in the State in which the con-  
16 viction was entered, any offense involving civil dis-  
17 obedience without violence, and any minor traffic of-  
18 fense) the alien has been convicted of—

19 (A) any felony offense;

20 (B) an aggravated felony (as defined in  
21 section 101(a)(43) of the Immigration and Na-  
22 tionality Act (8 U.S.C. 1101(a)(43)) at the  
23 time of the conviction);

24 (C) 2 misdemeanor offenses involving  
25 moral turpitude (as described in section

1           212(a)(2)(A)(i)(I) of the Immigration and Na-  
2           tionality Act (8 U.S.C. 1182(a)(2)(A)(i)(I)),  
3           unless an offense is waived by the Secretary  
4           under paragraph (3)(B); or

5           (D) 3 or more misdemeanor offenses not  
6           occurring on the same date, and not arising out  
7           of the same act, omission, or scheme of mis-  
8           conduct.

9           (3) WAIVERS FOR CERTAIN GROUNDS OF INAD-  
10          MISSIBILITY.—For humanitarian purposes, family  
11          unity, or if otherwise in the public interest, the Sec-  
12          retary may waive the grounds of inadmissibility  
13          under—

14               (A) paragraph (1), (6)(E), or (10)(D) of  
15               section 212(a) of the Immigration and Nation-  
16               ality Act (8 U.S.C. 1182(a)); or

17               (B) subparagraphs (A) and (D) of section  
18               212(a)(2) of the Immigration and Nationality  
19               Act (8 U.S.C. 1182(a)(2)), unless inadmis-  
20               sibility is based on a conviction that would oth-  
21               erwise render the alien ineligible under subpara-  
22               graph (A), (B), or (D) of paragraph (2).

23          (c) APPLICATION.—

24               (1) APPLICATION PERIOD.—Except as provided  
25               in paragraph (2), the Secretary shall accept initial

1 applications for certified agricultural worker status  
2 during the 18-month period beginning on the date  
3 on which the interim final rule is published in the  
4 Federal Register pursuant to section 122(a).

5 (2) EXTENSION.—If the Secretary determines,  
6 during the initial period described in paragraph (1),  
7 that additional time is required to process initial ap-  
8 plications for certified agricultural worker status or  
9 for other good cause, the Secretary may extend the  
10 period for accepting applications for up to an addi-  
11 tional 12 months.

12 (3) SUBMISSION OF APPLICATIONS.—

13 (A) IN GENERAL.—An alien may file an  
14 application with the Secretary under this sec-  
15 tion with the assistance of an attorney or a  
16 nonprofit religious, charitable, social service, or  
17 similar organization recognized by the Board of  
18 Immigration Appeals under section 292.2 of  
19 title 8, Code of Federal Regulations. The Sec-  
20 retary shall also create a procedure for accept-  
21 ing applications filed by qualified designated en-  
22 tities with the consent of the applicant.

23 (B) FARM SERVICE AGENCY OFFICES.—

24 The Secretary, in consultation with the Sec-  
25 retary of Agriculture, shall establish a process



1           for the filing of applications under this section  
2           at Farm Service Agency offices throughout the  
3           United States.

4           (4) EVIDENCE OF APPLICATION FILING.—As  
5           soon as practicable after receiving an application for  
6           certified agricultural worker status, the Secretary  
7           shall provide the applicant with a document acknowl-  
8           edging the receipt of such application. Such docu-  
9           ment shall serve as interim proof of the alien’s au-  
10          thorization to accept employment in the United  
11          States and shall be accepted by an employer as evi-  
12          dence of employment authorization under section  
13          274A(b)(1)(C) of the Immigration and Nationality  
14          Act (8 U.S.C. 1324a(b)(1)(C)), if the employer is  
15          employing the holder of such document to perform  
16          agricultural labor or services, pending a final admin-  
17          istrative decision on the application.

18          (5) EFFECT OF PENDING APPLICATION.—Dur-  
19          ing the period beginning on the date on which an  
20          alien applies for certified agricultural worker status  
21          under this subtitle, and ending on the date on which  
22          the Secretary makes a final administrative decision  
23          regarding such application, the alien and any de-  
24          pendents included in the application—

1 (A) may apply for advance parole, which  
2 shall be granted upon demonstrating a legiti-  
3 mate need to travel outside the United States  
4 for a temporary purpose;

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

10 (C) may not be considered unlawfully  
11 present under section 212(a)(9)(B) of the Im-  
12 migration and Nationality Act (8 U.S.C.  
13 1182(a)(9)(B)); and

14 (D) may not be considered an unauthor-  
15 ized alien (as defined in section 274A(h)(3) of  
16 the Immigration and Nationality Act (8 U.S.C.  
17 1324a(h)(3))).

18 (6) WITHDRAWAL OF APPLICATION.—The Sec-  
19 retary shall, upon receipt of a request from the ap-  
20 plicant to withdraw an application for certified agri-  
21 cultural worker status under this subtitle, cease  
22 processing of the application, and close the case.  
23 Withdrawal of the application shall not prejudice  
24 any future application filed by the applicant for any  
25 immigration benefit under this Act or under the Im-

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

3 (7) PROCESSING FEE.—A principal alien, his or  
4 her spouse, or his or her child who submits an appli-  
5 cation for certified agricultural worker status under  
6 this subtitle shall pay a \$250 processing fee, which  
7 shall be deposited into the Immigration Examina-  
8 tions Fee Account pursuant to section 286(m) of the  
9 Immigration and Nationality Act (8 U.S.C.  
10 1356(m)).

11 (d) ADJUDICATION AND DECISION.—

12 (1) IN GENERAL.—Subject to section 123, the  
13 Secretary shall render a decision on an application  
14 for certified agricultural worker status not later than  
15 180 days after the date the application is filed.

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

19 (A) written notice that describes the basis  
20 for ineligibility or the deficiencies in the evi-  
21 dence submitted; and

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

24 (3) AMENDED APPLICATION.—An alien whose  
25 application for certified agricultural worker status is

1 denied under this section may submit an amended  
2 application for such status to the Secretary if the  
3 amended application is submitted within the applica-  
4 tion period described in subsection (c) and contains  
5 all the required information and fees that were miss-  
6 ing from the initial application.

7 (e) **ALTERNATIVE H-2A STATUS.**—An alien who  
8 does not meet the required period of agricultural labor or  
9 services under subsection (a)(1)(A), but is otherwise eligi-  
10 ble for certified agricultural worker status under such sub-  
11 section, shall be eligible for classification as a non-  
12 immigrant described in section 101(a)(15)(H)(ii)(a) of the  
13 Immigration and Nationality Act (8 U.S.C.  
14 1101(a)(15)(H)(ii)(a)) upon approval of a petition sub-  
15 mitted by a sponsoring employer, if the alien has per-  
16 formed at least 575 hours or 100 work days of agricultural  
17 labor or services during the 3-year period preceding the  
18 date of the introduction of this Act. The Secretary shall  
19 create a procedure to provide for such classification with-  
20 out requiring the alien to depart the United States and  
21 obtain a visa abroad.

22 **SEC. 102. TERMS AND CONDITIONS OF CERTIFIED STATUS.**

23 (a) **IN GENERAL.**—

24 (1) **APPROVAL.**—Upon approval of an applica-  
25 tion for certified agricultural worker status, or an

1 extension of such status pursuant to section 103, the  
2 Secretary shall issue—

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

5 (B) documentary evidence of certified agri-  
6 cultural dependent status to any qualified de-  
7 pendent included on such application.

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

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

14 (B) shall contain a digitized photograph;

15 (C) shall serve as a valid travel and entry  
16 document for purposes of applying for admis-  
17 sion to the United States; and

18 (D) shall be accepted during the period of  
19 its validity by an employer as evidence of em-  
20 ployment authorization and identity under sec-  
21 tion 274A(b)(1)(B) of the Immigration and Na-  
22 tionality Act (8 U.S.C. 1324a(b)(1)(B)).

23 (3) VALIDITY PERIOD.—Certified agricultural  
24 worker and certified agricultural dependent status

1 shall be valid for 5½ years beginning on the date of  
2 approval.

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

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

10 (B) be admitted to the United States upon  
11 return from travel abroad without first obtain-  
12 ing a visa if the alien is in possession of—

13 (i) valid, unexpired documentary evi-  
14 dence of certified agricultural worker or  
15 certified agricultural worker dependent sta-  
16 tus as described in subsection (a); or

17 (ii) a travel document that has been  
18 approved by the Secretary and was issued  
19 to the alien after the alien's original docu-  
20 mentary evidence was lost, stolen, or de-  
21 stroyed.

22 (b) ABILITY TO CHANGE STATUS.—

23 (1) CHANGE TO CERTIFIED AGRICULTURAL  
24 WORKER STATUS.—Notwithstanding section 101(a),  
25 an alien with valid certified agricultural dependent

1 status may apply to change to certified agricultural  
2 worker status, at any time, if the alien—

3 (A) submits a completed application, in-  
4 cluding the required processing fees; and

5 (B) is not ineligible for certified agricul-  
6 tural worker status under section 101(b).

7 (2) CLARIFICATION.—Nothing in this title pro-  
8 hibits an alien granted certified agricultural worker  
9 or certified agricultural dependent status from  
10 changing status to any other immigrant or non-  
11 immigrant classification for which the alien may be  
12 eligible.

13 (c) PUBLIC BENEFITS, TAX BENEFITS, AND  
14 HEALTH CARE SUBSIDIES.—Aliens granted certified agri-  
15 cultural worker or certified agricultural dependent sta-  
16 tus—

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

20 (2) shall be eligible for Federal means-tested  
21 public benefits to the same extent as other individ-  
22 uals who are not qualified aliens under section 431  
23 of the Personal Responsibility and Work Oppor-  
24 tunity Reconciliation Act of 1996 (8 U.S.C. 1641);

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

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

8           (5) shall not be subject to the rules applicable  
9 to individuals not lawfully present set forth in sec-  
10 tion 5000A(d)(3) of the Internal Revenue Code of  
11 1986 (26 U.S.C. 5000A(d)(3)).

12       (d) REVOCATION OF STATUS.—

13           (1) IN GENERAL.—The Secretary may revoke  
14 certified agricultural worker or certified agricultural  
15 dependent status if, after providing notice to the  
16 alien and the opportunity to provide evidence to con-  
17 test the proposed revocation, the Secretary deter-  
18 mines that the alien no longer meets the eligibility  
19 requirements for such status under section 101(b).

20           (2) INVALIDATION OF DOCUMENTATION.—Upon  
21 the Secretary's final determination to revoke an  
22 alien's certified agricultural worker or certified agri-  
23 cultural dependent status, any documentation issued  
24 by the Secretary to such alien under subsection (a)



1 shall automatically be rendered invalid for any pur-  
2 pose except for departure from the United States.

3 **SEC. 103. EXTENSIONS OF CERTIFIED STATUS.**

4 (a) REQUIREMENTS FOR EXTENSIONS OF STATUS.—

5 (1) PRINCIPAL ALIENS.—The Secretary may  
6 extend certified agricultural worker status for addi-  
7 tional periods of 5 ½ years to an alien who submits  
8 a completed application, including the required proc-  
9 essing fees, within the 120-day period beginning 60  
10 days before the expiration of the fifth year of the  
11 immediately preceding grant of certified agricultural  
12 worker status, if the alien—

13 (A) except as provided in section 126(c),  
14 has performed agricultural labor or services in  
15 the United States for at least 690 hours (or  
16 120 work days) for each of the prior 5 years in  
17 which the alien held certified agricultural work-  
18 er status; and

19 (B) has not become ineligible for certified  
20 agricultural worker status under section 101(b).

21 (2) DEPENDENT SPOUSE AND CHILDREN.—The  
22 Secretary may grant or extend certified agricultural  
23 dependent status to the spouse or child of an alien  
24 granted an extension of certified agricultural worker  
25 status under paragraph (1) if the spouse or child is

1 not ineligible for certified agricultural dependent sta-  
2 tus under section 101(b).

3 (3) WAIVER FOR LATE FILINGS.—The Sec-  
4 retary may waive an alien’s failure to timely file be-  
5 fore the expiration of the 120-day period described  
6 in paragraph (1) if the alien demonstrates that the  
7 delay was due to extraordinary circumstances be-  
8 yond the alien’s control or for other good cause.

9 (b) STATUS FOR WORKERS WITH PENDING APPLICA-  
10 TIONS.—

11 (1) IN GENERAL.—Certified agricultural worker  
12 status of an alien who timely files an application to  
13 extend such status under subsection (a) (and the  
14 status of the alien’s dependents) shall be automati-  
15 cally extended through the date on which the Sec-  
16 retary makes a final administrative decision regard-  
17 ing such application.

18 (2) DOCUMENTATION OF EMPLOYMENT AU-  
19 THORIZATION.—As soon as practicable after receipt  
20 of an application to extend certified agricultural  
21 worker status under subsection (a), the Secretary  
22 shall issue a document to the alien acknowledging  
23 the receipt of such application. An employer of the  
24 worker may not refuse to accept such document as  
25 evidence of employment authorization under section

1       274A(b)(1)(C) of the Immigration and Nationality  
2       Act (8 U.S.C. 1324a(b)(1)(C)), pending a final ad-  
3       ministrative decision on the application.

4       (c) NOTICE.—Prior to denying an application to ex-  
5       tend certified agricultural worker status, the Secretary  
6       shall provide the alien with—

7               (1) written notice that describes the basis for  
8       ineligibility or the deficiencies of the evidence sub-  
9       mitted; and

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

12       **SEC. 104. DETERMINATION OF CONTINUOUS PRESENCE.**

13       (a) EFFECT OF NOTICE TO APPEAR.—The contin-  
14       uous presence in the United States of an applicant for cer-  
15       tified agricultural worker status under section 101 shall  
16       not terminate when the alien is served a notice to appear  
17       under section 239(a) of the Immigration and Nationality  
18       Act (8 U.S.C. 1229(a)).

19       (b) TREATMENT OF CERTAIN BREAKS IN PRES-  
20       ENCE.—

21              (1) IN GENERAL.—Except as provided in para-  
22       graphs (2) and (3), an alien shall be considered to  
23       have failed to maintain continuous presence in the  
24       United States under this subtitle if the alien de-  
25       parted the United States for any period exceeding

1 90 days, or for any periods, in the aggregate, ex-  
2 ceeding 180 days.

3 (2) EXTENSIONS FOR EXTENUATING CIR-  
4 CUMSTANCES.—The Secretary may extend the time  
5 periods described in paragraph (1) for an alien who  
6 demonstrates that the failure to timely return to the  
7 United States was due to extenuating circumstances  
8 beyond the alien’s control, including the serious ill-  
9 ness of the alien, or death or serious illness of a  
10 spouse, parent, son or daughter, grandparent, or sib-  
11 ling of the alien.

12 (3) TRAVEL AUTHORIZED BY THE SEC-  
13 RETARY.—Any period of travel outside of the United  
14 States by an alien that was authorized by the Sec-  
15 retary shall not be counted toward any period of de-  
16 parture from the United States under paragraph  
17 (1).

18 **SEC. 105. EMPLOYER OBLIGATIONS.**

19 (a) RECORD OF EMPLOYMENT.—An employer of an  
20 alien in certified agricultural worker status shall provide  
21 such alien with a written record of employment each year  
22 during which the alien provides agricultural labor or serv-  
23 ices to such employer as a certified agricultural worker.

24 (b) CIVIL PENALTIES.—

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

10           (2) LIMITATION.—The penalty under paragraph  
11           (1) for failure to provide employment records shall  
12           not apply unless the alien has provided the employer  
13           with evidence of employment authorization described  
14           in section 102 or 103.

15           (3) DEPOSIT OF CIVIL PENALTIES.—Civil pen-  
16           alties collected under this paragraph shall be depos-  
17           ited into the Immigration Examinations Fee Ac-  
18           count under section 286(m) of the Immigration and  
19           Nationality Act (8 U.S.C. 1356(m)).

20 **SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.**

21           (a) ADMINISTRATIVE REVIEW.—The Secretary shall  
22           establish a process by which an applicant may seek admin-  
23           istrative review of a denial of an application for certified  
24           agricultural worker status under this subtitle, an applica-  
25           tion to extend such status, or a revocation of such status.

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

8 (c) **JUDICIAL REVIEW.**—Notwithstanding any other  
 9 provision of law, judicial review of the Secretary’s decision  
 10 to deny an application for certified agricultural worker  
 11 status, an application to extend such status, or the deci-  
 12 sion to revoke such status, shall be limited to the review  
 13 of an order of removal under section 242 of the Immigra-  
 14 tion and Nationality Act (8 U.S.C. 1252).

15 **Subtitle B—Optional Earned**  
 16 **Residence for Long-Term Workers**

17 **SEC. 111. OPTIONAL ADJUSTMENT OF STATUS FOR LONG-**  
 18 **TERM AGRICULTURAL WORKERS.**

19 (a) **REQUIREMENTS FOR ADJUSTMENT OF STA-**  
 20 **TUS.**—

21 (1) **PRINCIPAL ALIENS.**—The Secretary may  
 22 adjust the status of an alien from that of a certified  
 23 agricultural worker to that of a lawful permanent  
 24 resident if the alien submits a completed application,

1 including the required processing and penalty fees,  
2 and the Secretary determines that—

3 (A) except as provided in section 126(e),  
4 the alien performed agricultural labor or serv-  
5 ices for not less than 575 hours or 100 work  
6 days each year—

7 (i) for at least 10 years; and

8 (ii) for at least 4 years while in cer-  
9 tified agricultural worker status; and

10 (B) the alien has not become ineligible for  
11 certified agricultural worker status under sec-  
12 tion 101(b).

13 (2) DEPENDENT ALIENS.—

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

19 (i) the qualifying relationship to the  
20 principal alien existed on the date on which  
21 such alien was granted adjustment of sta-  
22 tus under this subtitle; and

23 (ii) the spouse or child is not ineligible  
24 for certified agricultural worker dependent  
25 status under section 101(b).

1 (B) PROTECTIONS FOR SPOUSES AND  
2 CHILDREN.—The Secretary shall establish pro-  
3 cedures to allow the spouse or child of a cer-  
4 tified agricultural worker to self-petition for  
5 lawful permanent residence under this subtitle  
6 in cases involving—

7 (i) the death of the certified agricul-  
8 tural worker, so long as the spouse or child  
9 submits a petition not later than 2 years  
10 after the date of the worker's death; or

11 (ii) the spouse or a child being bat-  
12 tered or subjected to extreme cruelty by  
13 the certified agricultural worker.

14 (3) DOCUMENTATION OF WORK HISTORY.—

15 (A) IN GENERAL.—An applicant for ad-  
16 justment of status under this section shall not  
17 be required to resubmit evidence of work his-  
18 tory that has been previously submitted to the  
19 Secretary in connection with an approved exten-  
20 sion of certified agricultural worker status.

21 (B) PRESUMPTION OF COMPLIANCE.—The  
22 Secretary shall presume that the work require-  
23 ment has been met if the applicant attests,  
24 under penalty of perjury, that he or she—

25 (i) has satisfied the requirement;



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

4                   (iii) presents documentation dem-  
5                   onstrating compliance with the work re-  
6                   quirement while the applicant was in cer-  
7                   tified agricultural worker status.

8           (b) PENALTY FEE.—In addition to any processing  
9 fee that the Secretary may assess in accordance with sec-  
10 tion 122(b), a principal alien seeking adjustment of status  
11 under this subtitle shall pay a \$750 penalty fee, which  
12 shall be deposited into the Immigration Examinations Fee  
13 Account pursuant to section 286(m) of the Immigration  
14 and Nationality Act (8 U.S.C. 1356(m)).

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

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

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

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

9           (4) may not be considered an unauthorized  
10          alien (as defined in section 274A(h)(3) of the Immi-  
11          gration and Nationality Act (8 U.S.C.  
12          1324a(h)(3))).

13          (d) EVIDENCE OF APPLICATION FILING.—As soon as  
14          practicable after receiving an application for adjustment  
15          of status under this subtitle, the Secretary shall provide  
16          the applicant with a document acknowledging the receipt  
17          of such application. Such document shall serve as interim  
18          proof of the alien’s authorization to accept employment  
19          in the United States and shall be accepted by an employer  
20          as evidence of employment authorization under section  
21          274A(b)(1)(C) of the Immigration and Nationality Act (8  
22          U.S.C. 1324a(b)(1)(C)), pending a final administrative  
23          decision on the application.

24          (e) WITHDRAWAL OF APPLICATION.—The Secretary  
25          shall, upon receipt of a request to withdraw an application

1 for adjustment of status under this subtitle, cease pro-  
2 cessing of the application, and close the case. Withdrawal  
3 of the application shall not prejudice any future applica-  
4 tion filed by the applicant for any immigration benefit  
5 under this Act or under the Immigration and Nationality  
6 Act (8 U.S.C. 1101 et seq.).

7 **SEC. 112. PAYMENT OF TAXES.**

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

11 (b) COMPLIANCE.—An alien may demonstrate com-  
12 pliance with subsection (a) by submitting such documenta-  
13 tion as the Secretary, in consultation with the Secretary  
14 of the Treasury, may require by regulation.

15 **SEC. 113. ADJUDICATION AND DECISION; REVIEW.**

16 (a) IN GENERAL.—Subject to the requirements of  
17 section 123, the Secretary shall render a decision on an  
18 application for adjustment of status under this subtitle not  
19 later than 180 days after the date on which the application  
20 is filed.

21 (b) NOTICE.—Prior to denying an application for ad-  
22 justment of status under this subtitle, the Secretary shall  
23 provide the alien with—

1           (1) written notice that describes the basis for  
2           ineligibility or the deficiencies of the evidence sub-  
3           mitted; and

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

6           (c) ADMINISTRATIVE REVIEW.—The Secretary shall  
7           establish a process by which an applicant may seek admin-  
8           istrative review of a denial of an application for adjust-  
9           ment of status under this subtitle.

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

## 14           **Subtitle C—General Provisions**

### 15           **SEC. 121. DEFINITIONS.**

16           In this title:

17           (1) IN GENERAL.—Except as otherwise pro-  
18           vided, any term used in this title that is used in the  
19           immigration laws shall have the meaning given such  
20           term in the immigration laws (as such term is de-  
21           fined in section 101 of the Immigration and Nation-  
22           ality Act (8 U.S.C. 1101)).

23           (2) AGRICULTURAL LABOR OR SERVICES.—The  
24           term “agricultural labor or services” means—

1 (A) agricultural labor or services (as such  
2 term is used in section 101(a)(15)(H)(ii) of the  
3 Immigration and Nationality Act (8 U.S.C.  
4 1101(a)(15)(H)(ii))), without regard to whether  
5 the labor or services are of a seasonal or tem-  
6 porary nature; and

7 (B) agricultural employment (as such term  
8 is defined in section 3 of the Migrant and Sea-  
9 sonal Agricultural Worker Protection Act (29  
10 U.S.C. 1802)), and including employment with  
11 any agricultural cooperative, without regard to  
12 whether the specific service or activity is tem-  
13 porary or seasonal.

14 (3) APPLICABLE FEDERAL TAX LIABILITY.—  
15 The term “applicable Federal tax liability” means all  
16 Federal income taxes assessed in accordance with  
17 section 6203 of the Internal Revenue Code of 1986  
18 beginning on the date on which the applicant was  
19 authorized to work in the United States as a cer-  
20 tified agricultural worker.

21 (4) APPROPRIATE UNITED STATES DISTRICT  
22 COURT.—The term “appropriate United States dis-  
23 trict court” means the United States District Court  
24 for the District of Columbia or the United States

1 district court with jurisdiction over the alien’s prin-  
2 cipal place of residence.

3 (5) CHILD.—The term “child” has the meaning  
4 given such term in section 101(b)(1) of the Immi-  
5 gration and Nationality Act (8 U.S.C. 1101(b)(1)).

6 (6) CONVICTED OR CONVICTION.—The term  
7 “convicted” or “conviction” does not include a judg-  
8 ment that has been expunged or set aside, that re-  
9 sulted in a rehabilitative disposition, or the equiva-  
10 lent.

11 (7) EMPLOYER.—The term “employer” means  
12 any person or entity, including any labor contractor  
13 or any agricultural association, that employs workers  
14 in agricultural labor or services.

15 (8) QUALIFIED DESIGNATED ENTITY.—The  
16 term “qualified designated entity” means—

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

20 (B) any other entity that the Secretary  
21 designates as having substantial experience,  
22 demonstrated competence, and a history of  
23 long-term involvement in the preparation and  
24 submission of application for adjustment of sta-

1           tus under title II of the Immigration and Na-  
2           tionality Act (8 U.S.C. 1151 et seq.).

3           (9) SECRETARY.—The term “Secretary” means  
4           the Secretary of Homeland Security.

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

8   **SEC. 122. RULEMAKING; FEES.**

9           (a) RULEMAKING.—Not later than 180 days after the  
10          date of the enactment of this Act, the Secretary shall pub-  
11          lish in the Federal Register, an interim final rule imple-  
12          menting this title. Notwithstanding section 553 of title 5,  
13          United States Code, the rule shall be effective, on an in-  
14          terim basis, immediately upon publication, but may be  
15          subject to change and revision after public notice and op-  
16          portunity for comment. The Secretary shall finalize such  
17          rule not later than 1 year after the date of the enactment  
18          of this Act.

19          (b) FEES.—

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

24               (2) FEE WAIVER; INSTALLMENTS.—

1 (A) IN GENERAL.—The Secretary shall es-  
2 tablish procedures to allow an alien to—

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

8 (ii) pay any fee or penalty that the  
9 Secretary may assess under this title in in-  
10 stallments.

11 (B) CLARIFICATION.—Nothing in this sec-  
12 tion shall be read to prohibit an employer from  
13 paying any fee or penalty that the Secretary  
14 may assess under this title on behalf of an alien  
15 and the alien’s spouse or children.

16 **SEC. 123. BACKGROUND CHECKS.**

17 (a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC  
18 DATA.—The Secretary may not grant or extend certified  
19 agricultural worker or certified agricultural dependent sta-  
20 tus under subtitle A, or grant adjustment of status to that  
21 of a lawful permanent resident under subtitle B, unless  
22 the alien submits biometric and biographic data, in accord-  
23 ance with procedures established by the Secretary. The  
24 Secretary shall provide an alternative procedure for aliens



1 who cannot provide all required biometric or biographic  
2 data because of a physical impairment.

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

12 **SEC. 124. PROTECTION FOR CHILDREN.**

13 (a) **IN GENERAL.**—Except as provided in subsection  
14 (b), for purposes of eligibility for certified agricultural de-  
15 pendent status or lawful permanent resident status under  
16 this title, a determination of whether an alien is a child  
17 shall be made using the age of the alien on the date on  
18 which the initial application for certified agricultural  
19 worker status is filed with the Secretary of Homeland Se-  
20 curity.

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

1 **SEC. 125. LIMITATION ON REMOVAL.**

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

8 (b) ALIENS IN REMOVAL PROCEEDINGS.—Notwith-  
9 standing any other provision of the law, the Attorney Gen-  
10 eral shall (upon motion by the Secretary with the consent  
11 of the alien, or motion by the alien) terminate removal  
12 proceedings, without prejudice, against an alien who ap-  
13 pears to be prima facie eligible for status under this title,  
14 and provide such alien a reasonable opportunity to apply  
15 for such status.

16 (c) EFFECT OF FINAL ORDER.—An alien present in  
17 the United States who has been ordered removed or has  
18 been permitted to depart voluntarily from the United  
19 States may, notwithstanding such order or permission to  
20 depart, apply for status under this title. Such alien shall  
21 not be required to file a separate motion to reopen, recon-  
22 sider, or vacate the order of removal. If the Secretary ap-  
23 proves the application, the Secretary shall notify the At-  
24 torney General of such approval, and the Attorney General  
25 shall cancel the order of removal. If the Secretary renders  
26 a final administrative decision to deny the application, the

1 order of removal or permission to depart shall be effective  
2 and enforceable to the same extent as if the application  
3 had not been made, only after all available administrative  
4 and judicial remedies have been exhausted.

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

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

11 (2) after having been granted certified agricul-  
12 tural worker status or lawful permanent resident  
13 status under this title.

14 **SEC. 126. DOCUMENTATION OF AGRICULTURAL WORK HIS-**  
15 **TORY.**

16 (a) BURDEN OF PROOF.—An alien applying for cer-  
17 tified agricultural worker status under subtitle A or ad-  
18 justment of status under subtitle B has the burden of  
19 proving by a preponderance of the evidence that the alien  
20 has worked the requisite number of hours or days required  
21 under section 101, 103, or 111, as applicable. The Sec-  
22 retary shall establish special procedures to properly credit  
23 work in cases in which an alien was employed under an  
24 assumed name.

1 (b) EVIDENCE.—An alien may meet the burden of  
2 proof under subsection (a) by producing sufficient evi-  
3 dence to show the extent of such employment as a matter  
4 of just and reasonable inference. Such evidence may in-  
5 clude—

6 (1) an annual record of certified agricultural  
7 worker employment as described in section 105(a),  
8 or other employment records from employers;

9 (2) employment records maintained by collective  
10 bargaining associations;

11 (3) tax records or other government records;

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

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

16 (c) EXCEPTIONS FOR EXTRAORDINARY CIR-  
17 CUMSTANCES.—

18 (1) IMPACT OF COVID–19.—

19 (A) IN GENERAL.—The Secretary may  
20 grant certified agricultural worker status to an  
21 alien who is otherwise eligible for such status if  
22 such alien is able to only partially satisfy the  
23 requirement under section 101(a)(1)(A) as a re-  
24 sult of reduced hours of employment or other  
25 restrictions associated with the public health

1 emergency declared by the Secretary of Health  
2 and Human Services under section 319 of the  
3 Public Health Service Act (42 U.S.C. 247d)  
4 with respect to COVID–19.

5 (B) LIMITATION.—The exception described  
6 in subparagraph (A) shall apply only to agricul-  
7 tural labor or services required to be performed  
8 during the period that—

9 (i) begins on the first day of the pub-  
10 lic health emergency described in subpara-  
11 graph (A); and

12 (ii) ends 90 days after the date on  
13 which such public health emergency termi-  
14 nates.

15 (2) EXTRAORDINARY CIRCUMSTANCES.—In de-  
16 termining whether an alien has met the requirement  
17 under section 103(a)(1)(A) or 111(a)(1)(A), the Sec-  
18 retary may credit the alien with not more than 690  
19 hours (or 120 work days) of agricultural labor or  
20 services in the United States if the alien was unable  
21 to perform the required agricultural labor or services  
22 due to—

23 (A) pregnancy, parental leave, illness, dis-  
24 ease, disabling injury, or physical limitation of  
25 the alien;

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

3 (C) severe weather conditions that pre-  
4 vented the alien from engaging in agricultural  
5 labor or services;

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

11 (E) termination from agricultural employ-  
12 ment, if the Secretary determines that—

13 (i) the termination was without just  
14 cause; and

15 (ii) the alien was unable to find alter-  
16 native agricultural employment after a rea-  
17 sonable job search.

18 (3) EFFECT OF DETERMINATION.—A deter-  
19 mination under paragraph (1)(E) shall not be con-  
20 clusive, binding, or admissible in a separate or sub-  
21 sequent judicial or administrative action or pro-  
22 ceeding between the alien and a current or prior em-  
23 ployer of the alien or any other party.

24 (4) HARDSHIP WAIVER.—

1           (A) IN GENERAL.—As part of the rule-  
2 making described in section 122(a), the Sec-  
3 retary shall establish procedures allowing for a  
4 partial waiver of the requirement under section  
5 111(a)(1)(A) for a certified agricultural worker  
6 if such worker—

7           (i) has continuously maintained cer-  
8 tified agricultural worker status since the  
9 date such status was initially granted;

10          (ii) has partially completed the re-  
11 quirement under section 111(a)(1)(A); and

12          (iii) is no longer able to engage in ag-  
13 ricultural labor or services safely and effec-  
14 tively because of—

15           (I) a permanent disability suf-  
16 fered while engaging in agricultural  
17 labor or services; or

18           (II) deteriorating health or phys-  
19 ical ability combined with advanced  
20 age.

21          (B) DISABILITY.—In establishing the pro-  
22 cedures described in subparagraph (A), the Sec-  
23 retary shall consult with the Secretary of  
24 Health and Human Services and the Commis-  
25 sioner of Social Security to define “permanent

1           disability” for purposes of a waiver under sub-  
2           paragraph (A)(iii)(I).

3           (d) EQUINES.—In determining whether an alien has  
4 met the work requirement described in 103(a)(1)(A) or  
5 111(a)(1)(A), the Secretary may credit the alien for per-  
6 forming activities related to equines, including the breed-  
7 ing, grooming, training, care, feeding, management, com-  
8 petition, and racing of equines.

9   **SEC. 127. EMPLOYER PROTECTIONS.**

10          (a) CONTINUING EMPLOYMENT.—An employer that  
11 continues to employ an alien knowing that the alien in-  
12 tends to apply for certified agricultural worker status  
13 under subtitle A shall not violate section 274A(a)(2) of  
14 the Immigration and Nationality Act (8 U.S.C.  
15 1324a(a)(2)) by continuing to employ the alien for the du-  
16 ration of the application period described in section  
17 101(c), and with respect to an alien who applies for cer-  
18 tified agricultural status, for the duration of the period  
19 during which the alien’s application is pending final deter-  
20 mination.

21          (b) USE OF EMPLOYMENT RECORDS.—Copies of em-  
22 ployment records or other evidence of employment pro-  
23 vided by an alien or by an alien’s employer in support of  
24 an alien’s application for certified agricultural worker or  
25 adjustment of status under this title may not be used in



1 a civil or criminal prosecution or investigation of that em-  
2 ployer under section 274A of the Immigration and Nation-  
3 ality Act (8 U.S.C. 1324a) or the Internal Revenue Code  
4 of 1986 for the prior unlawful employment of that alien  
5 regardless of the outcome of such application.

6 (c) **ADDITIONAL PROTECTIONS.**—Employers that  
7 provide unauthorized aliens with copies of employment  
8 records or other evidence of employment in support of an  
9 application for certified agricultural worker status or ad-  
10 justment of status under this title shall not be subject to  
11 civil and criminal liability pursuant to such section 274A  
12 for employing such unauthorized aliens. Records or other  
13 evidence of employment provided by employers in response  
14 to a request for such records for the purpose of estab-  
15 lishing eligibility for status under this title may not be  
16 used for any purpose other than establishing such eligi-  
17 bility.

18 (d) **LIMITATION ON PROTECTION.**—The protections  
19 for employers under this section shall not apply if the em-  
20 ployer provides employment records to the alien that are  
21 determined to be fraudulent.

22 **SEC. 128. CORRECTION OF SOCIAL SECURITY RECORDS;**  
23 **CONFORMING AMENDMENTS.**

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

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

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

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

7           “(D) who is granted certified agricultural work-  
8           er status, certified agricultural dependent status, or  
9           lawful permanent resident status under title I of the  
10          Affordable and Secure Food Act of 2024,”; and

11          (4) in the undesignated matter following sub-  
12          paragraph (D), as added by paragraph (3), by strik-  
13          ing “1990.” and inserting “1990, or in the case of  
14          an alien described in subparagraph (D), if such con-  
15          duct is alleged to have occurred before the date on  
16          which the alien was granted status under title I of  
17          the Affordable and Secure Food Act of 2024.”.

18          (b) EFFECTIVE DATE.—The amendments made by  
19          subsection (a) shall take effect on the first day of the sev-  
20          enth month that begins after the date of the enactment  
21          of this Act.

22          (c) CONFORMING AMENDMENTS.—

23                 (1) SOCIAL SECURITY ACT.—Section 210(a)(1)  
24                 of the Social Security Act (42 U.S.C. 410(a)(1)) is  
25                 amended by inserting before the semicolon the fol-

1       lowing: “(other than aliens granted certified agricul-  
2       tural worker status or certified agricultural depend-  
3       ent status under title I of the Affordable and Secure  
4       Food Act of 2024”.

5               (2) INTERNAL REVENUE CODE OF 1986.—Sec-  
6       tion 3121(b)(1) of the Internal Revenue Code of  
7       1986 is amended by inserting before the semicolon  
8       the following: “(other than aliens granted certified  
9       agricultural worker status or certified agricultural  
10      dependent status under title I of the Affordable and  
11      Secure Food Act of 2024”.

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

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

20                      “(iv) The Commissioner of Social Se-  
21                      curity shall, to the extent practicable, co-  
22                      ordinate with the Secretary of the Depart-  
23                      ment of Homeland Security to implement  
24                      an automated system for the Commissioner  
25                      to assign social security account numbers

1 to aliens granted certified agricultural  
2 worker status or certified agricultural de-  
3 pendent status under title I of the Afford-  
4 able and Secure Food Act of 2024. An  
5 alien who is granted such status, and who  
6 was not previously assigned a social secu-  
7 rity account number, shall request assign-  
8 ment of a social security account number  
9 and a social security card from the Com-  
10 missioner through such system. The Sec-  
11 retary shall collect and provide to the Com-  
12 missioner such information as the Commis-  
13 sioner deems necessary for the Commis-  
14 sioner to assign a social security account  
15 number, which information may be used by  
16 the Commissioner for any purpose for  
17 which the Commissioner is otherwise au-  
18 thorized under Federal law. The Commis-  
19 sioner may maintain, use, and disclose  
20 such information only as permitted by the  
21 Privacy Act and other Federal law.”.

22 **SEC. 129. DISCLOSURES AND PRIVACY.**

23 (a) IN GENERAL.—The Secretary may not disclose  
24 or use information provided in an application for certified  
25 agricultural worker status or adjustment of status under

1 this title (including information provided during adminis-  
2 trative or judicial review) for the purpose of immigration  
3 enforcement.

4 (b) REFERRALS PROHIBITED.—The Secretary, based  
5 solely on information provided in an application for cer-  
6 tified agricultural worker status or adjustment of status  
7 under this title (including information provided during ad-  
8 ministrative or judicial review), may not refer an applicant  
9 to U.S. Immigration and Customs Enforcement, U.S. Cus-  
10 toms and Border Protection, or any designee of either  
11 such entity.

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

17 (1) for assistance in the consideration of an ap-  
18 plication under this title;

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

21 (3) for national security purposes; or

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

1 (d) PENALTY.—Any person who knowingly uses, pub-  
2 lishes, or permits information to be examined in violation  
3 of this section shall be fined not more than \$10,000.

4 (e) PRIVACY.—The Secretary shall ensure that ap-  
5 propriate administrative and physical safeguards are in  
6 place to protect the security, confidentiality, and integrity  
7 of personally identifiable information collected, main-  
8 tained, and disseminated pursuant to this title.

9 **SEC. 130. PENALTIES FOR FALSE STATEMENTS IN APPLICA-**  
10 **TIONS.**

11 (a) CRIMINAL PENALTY.—Any person who—

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

20 (2) creates or supplies a false writing or docu-  
21 ment for use in making such an application,

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

24 (b) INADMISSIBILITY.—An alien who is convicted  
25 under subsection (a) shall be deemed inadmissible to the

1 United States under section 212(a)(6)(C)(i) of the Immi-  
2 gration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

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

7 **SEC. 131. DISSEMINATION OF INFORMATION.**

8 (a) IN GENERAL.—Beginning not later than the first  
9 day of the application period described in section 101(c)—

10 (1) the Secretary of Homeland Security, in co-  
11 operation with qualified designated entities, shall  
12 broadly disseminate information described in sub-  
13 section (b); and

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

20 (b) INFORMATION DESCRIBED.—The information de-  
21 scribed in this subsection shall include—

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

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

1 **SEC. 132. EXEMPTION FROM NUMERICAL LIMITATIONS.**

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

7 **SEC. 133. REPORTS TO CONGRESS.**

8       Not later than 180 days after the publication of the  
9 final rule under section 122(a), and annually thereafter  
10 for the following 10 years, the Secretary shall submit a  
11 report to the Committee on the Judiciary of the Senate  
12 and the Committee on the Judiciary of the House of Rep-  
13 resentatives that identifies, for the previous fiscal year—

14           (1) the number of principal aliens who applied  
15       for certified agricultural worker status under subtitle  
16       A, and the number of dependent spouses and chil-  
17       dren included in such applications;

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

23           (3) the number of principal aliens who applied  
24       for an extension of their certified agricultural worker  
25       status under subtitle A, and the number of depend-



1 ent spouses and children included in such applica-  
2 tions;

3 (4) the number of principal aliens who were  
4 granted an extension of certified agricultural worker  
5 status under subtitle A, and the number of depend-  
6 ent spouses and children who were granted certified  
7 agricultural dependent status under such an exten-  
8 sion;

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

13 (6) the number of principal aliens who were  
14 granted lawful permanent resident status under sub-  
15 title B, and the number of spouses and children who  
16 were granted such status as dependents;

17 (7) the number of principal aliens included in  
18 petitions described in section 101(e), and the num-  
19 ber of dependent spouses and children included in  
20 such applications; and

21 (8) the number of principal aliens who were  
22 granted H-2A status pursuant to petitions described  
23 in section 101(e), and the number of dependent  
24 spouses and children who were granted H-4 status.

1 **SEC. 134. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
2 **CANTS.**

3 (a) **ESTABLISHMENT.**—The Secretary shall establish  
4 a program to award grants, on a competitive basis, to eli-  
5 gible nonprofit organizations to assist eligible applicants  
6 under this title by providing them with the services de-  
7 scribed in subsection (c).

8 (b) **ELIGIBLE NONPROFIT ORGANIZATION.**—In this  
9 section, the term “eligible nonprofit organization” means  
10 an organization described in section 501(c)(3) of the In-  
11 ternal Revenue Code of 1986 (excluding a recipient of  
12 funds under title X of the Economic Opportunity Act of  
13 1964 (42 U.S.C. 2996 et seq.)) that has demonstrated  
14 qualifications, experience, and expertise in providing qual-  
15 ity services to farm workers or aliens.

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

19 (1) information to the public regarding the eli-  
20 gibility and benefits of certified agricultural worker  
21 status authorized under this title; and

22 (2) assistance, within the scope of authorized  
23 practice of immigration law, to individuals submit-  
24 ting applications for certified agricultural worker  
25 status or adjustment of status under this title, in-  
26 cluding—

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

3 (B) completing applications, including pro-  
4 viding assistance in obtaining necessary docu-  
5 ments and supporting evidence; and

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

10 (d) SOURCE OF FUNDS.—In addition to any funds  
11 appropriated to carry out this section, the Secretary shall  
12 use up to \$10,000,000 from the Immigration Examina-  
13 tions Fee Account under section 286(m) of the Immigra-  
14 tion and Nationality Act (8 U.S.C. 1356(m)) to carry out  
15 this section.

16 (e) ELIGIBILITY FOR SERVICES.—Section 504(a)(11)  
17 of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall  
18 not be construed to prevent a recipient of funds under title  
19 X of the Economic Opportunity Act of 1964 (42 U.S.C.  
20 2996 et seq.) from providing legal assistance directly re-  
21 lated to an application for status under this title or to  
22 an alien granted such status.

23 **SEC. 135. AUTHORIZATION OF APPROPRIATIONS.**

24 There is authorized to be appropriated to the Sec-  
25 retary, such sums as may be necessary to implement this

1 title, including any amounts needed for costs associated  
2 with the initiation of such implementation, for each of the  
3 fiscal years 2024 through 2026.

4 **TITLE II—ENSURING AN AGRICULTURAL WORKFORCE FOR**  
5 **THE FUTURE**

6 **Subtitle A—Reforming the H-2A**  
7 **Temporary Worker Program**

8 **SEC. 201. COMPREHENSIVE AND STREAMLINED ELECTRONIC H-2A PLATFORM.**

9 (a) STREAMLINED H-2A PLATFORM.—

10 (1) IN GENERAL.—Not later than 1 year after  
11 the date of the enactment of this Act, the Secretary  
12 of Homeland Security, in consultation with the Sec-  
13 retary of Labor, the Secretary of Agriculture, the  
14 Secretary of State, and United States Digital Serv-  
15 ice, shall ensure the establishment of an electronic  
16 platform through which a petition for an H-2A  
17 worker may be filed. Such platform shall—

18 (A) serve as a single point of access for an  
19 employer to input all information and sup-  
20 porting documentation required for obtaining  
21 labor certification from the Secretary of Labor  
22 and the adjudication of the H-2A petition by  
23 the Secretary of Homeland Security;

1 (B) serve as a single point of access for the  
2 Secretary of Homeland Security, the Secretary  
3 of Labor, and State workforce agencies to con-  
4 currently perform their respective review and  
5 adjudicatory responsibilities in the H-2A proc-  
6 ess;

7 (C) facilitate communication between em-  
8 ployers and agency adjudicators, including by  
9 allowing employers to—

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

12 (ii) submit requests for inspections  
13 and licensing;

14 (iii) receive notices of approval and  
15 denial; and

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

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

22 (2) OBJECTIVES.—In developing the platform  
23 described in paragraph (1), the Secretary of Home-  
24 land Security, in consultation with the Secretary of  
25 Labor, the Secretary of Agriculture, the Secretary of

1 State, and United States Digital Service, shall  
2 streamline and improve the H-2A process, including  
3 by—

4 (A) eliminating the need for employers to  
5 submit duplicate information and documenta-  
6 tion to multiple agencies;

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

10 (C) reducing the occurrence of common pe-  
11 tition errors, and otherwise improving and expe-  
12 diting the processing of H-2A petitions; and

13 (D) ensuring compliance with H-2A pro-  
14 gram requirements and the protection of the  
15 wages and working conditions of workers.

16 (3) REPORTS TO CONGRESS.—Not later than 6  
17 months after the date of the enactment of this Act,  
18 and every 3 months thereafter until the H-2A work-  
19 er electronic platform is established pursuant to  
20 paragraph (1), the Secretary of Homeland Security  
21 shall submit a report to the Committee on the Judi-  
22 ciary of the Senate and the Committee on the Judi-  
23 ciary of the House of Representatives that outlines  
24 the status of the electronic platform development.

1 (b) ONLINE JOB REGISTRY.—The Secretary of Labor  
2 shall maintain a national, publicly-accessible online job  
3 registry and database of all job orders submitted by H–  
4 2A employers. The registry and database shall—

5 (1) be searchable using relevant criteria, includ-  
6 ing the types of jobs needed to be filled, the date(s)  
7 and location(s) of need, and the employer(s) named  
8 in the job order;

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

12 (3) provide for public access of job orders ap-  
13 proved under section 218(h)(2) of the Immigration  
14 and Nationality Act (8 U.S.C. 1188(h)(2)).

15 **SEC. 202. H-2A PROGRAM REQUIREMENTS.**

16 Section 218 of the Immigration and Nationality Act  
17 (8 U.S.C. 1188) is amended to read as follows:

18 **“SEC. 218. ADMISSION OF TEMPORARY H-2A WORKERS.**

19 “(a) LABOR CERTIFICATION CONDITIONS.—The Sec-  
20 retary of Homeland Security may not approve a petition  
21 to admit an H–2A worker unless the Secretary of Labor  
22 has certified that—

23 “(1) there are not sufficient United States  
24 workers who are able, willing and qualified, and who  
25 will be available at the time and place needed, to

1 perform the agricultural labor or services described  
2 in the petition; and

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

7 “(b) H–2A PETITION REQUIREMENTS.—An em-  
8 ployer filing a petition for an H–2A worker to perform  
9 agricultural labor or services shall attest to and dem-  
10 onstrate compliance, as and when appropriate, with all ap-  
11 plicable requirements under this section, including the fol-  
12 lowing:

13 “(1) NEED FOR LABOR OR SERVICES.—The em-  
14 ployer has described the need for agricultural labor  
15 or services in a job order that includes a description  
16 of the nature and location of the work to be per-  
17 formed, the material terms and conditions of em-  
18 ployment, the anticipated period or periods (expected  
19 start and end dates) for which the workers will be  
20 needed, the number of job opportunities in which the  
21 employer seeks to employ the workers, and any other  
22 requirement for a job order.

23 “(2) NONDISPLACEMENT OF UNITED STATES  
24 WORKERS.—The employer has not and will not dis-  
25 place United States workers employed by the em-



1        employer during the period of employment of the H-  
2        2A worker and during the 60-day period imme-  
3        diately preceding such period of employment in the  
4        job for which the employer seeks approval to employ  
5        the H-2A worker.

6            “(3) STRIKE OR LOCKOUT.—Each place of em-  
7        ployment described in the petition is not, at the time  
8        of filing the petition and until the petition is ap-  
9        proved, subject to a strike or lockout in the course  
10       of a labor dispute.

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

20           “(5) WAGES, BENEFITS, AND WORKING CONDI-  
21        TIONS.—The employer shall offer and provide, at a  
22        minimum, the wages, benefits, and working condi-  
23        tions required by this section to the H-2A worker  
24        and all workers who are similarly employed. The em-  
25        ployer—

1           “(A) shall offer such similarly employed  
2 workers not less than the same benefits, wages,  
3 and working conditions that the employer is of-  
4 fering or will provide to the H-2A worker; and

5           “(B) may not impose on such similarly em-  
6 ployed workers any restrictions or obligations  
7 that will not be imposed on the H-2A worker.

8           “(6) WORKERS’ COMPENSATION.—If the job op-  
9 portunity is not covered by or is exempt from the  
10 State workers’ compensation law, the employer shall  
11 provide, at no cost to the worker, insurance covering  
12 injury and disease arising out of, and in the course  
13 of, the worker’s employment which will provide bene-  
14 fits at least equal to those provided under the State  
15 workers’ compensation law.

16           “(7) COMPLIANCE WITH APPLICABLE LAWS.—  
17 The employer shall comply with all applicable Fed-  
18 eral, State and local laws and regulations.

19           “(8) COMPLIANCE WITH WORKER PROTEC-  
20 TIONS.—The employer shall comply with section 204  
21 of the Affordable and Secure Food Act of 2024.

22           “(9) COMPLIANCE WITH FOREIGN LABOR RE-  
23 CRUITMENT LAWS.—The employer shall comply with  
24 subtitle C of title II of the Affordable and Secure  
25 Food Act of 2024.

1 “(c) RECRUITING REQUIREMENTS.—

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

5 “(A) JOB ORDER.—As provided in sub-  
6 section (h)(1), the employer shall complete a  
7 job order for posting on the electronic job reg-  
8 istry maintained by the Secretary of Labor and  
9 for distribution by the appropriate State work-  
10 force agency. Such posting shall remain on the  
11 job registry as an active job order through the  
12 period described in paragraph (2)(B).

13 “(B) FORMER WORKERS.—At least 45  
14 days before each start date identified in the pe-  
15 tition, the employer shall—

16 “(i) make reasonable efforts to con-  
17 tact any United States worker who the em-  
18 ployer or agricultural producer for whom  
19 the employer is supplying labor employed  
20 in the previous year in the same occupa-  
21 tion and area of intended employment for  
22 which an H-2A worker is sought (exclud-  
23 ing workers who were terminated for cause  
24 or abandoned the worksite); and

1                   “(ii) post such job opportunity in a  
2                   conspicuous location or locations at the  
3                   place of employment.

4                   “(C) POSITIVE RECRUITMENT.—During  
5                   the period of recruitment, the employer shall  
6                   complete any other positive recruitment steps  
7                   within a multi-State region of traditional or ex-  
8                   pected labor supply where the Secretary of  
9                   Labor finds that there are a significant number  
10                  of qualified United States workers who, if re-  
11                  cruited, would be willing to make themselves  
12                  available for work at the time and place needed.

13                  “(2) PERIOD OF RECRUITMENT.—

14                  “(A) IN GENERAL.—For purposes of this  
15                  subsection, the period of recruitment begins on  
16                  the date on which the job order is posted on the  
17                  online job registry and ends on the date that  
18                  H–2A workers depart for the employer’s place  
19                  of employment. For a petition involving more  
20                  than one start date under subsection (h)(1)(C),  
21                  the end of the period of recruitment shall be de-  
22                  termined by the date of departure of the H–2A  
23                  workers for the final start date identified in the  
24                  petition.

1           “(B) REQUIREMENT TO HIRE US WORK-  
2           ERS.—

3           “(i) IN GENERAL.—Notwithstanding  
4           the limitations of subparagraph (A), the  
5           employer will provide employment to any  
6           qualified United States worker who applies  
7           to the employer for any job opportunity in-  
8           cluded in the petition until the later of—

9                       “(I) the date that is 30 days  
10                      after the date on which work begins;  
11                      or

12                     “(II) the date on which—

13                       “(aa) 33 percent of the work  
14                       contract for the job opportunity  
15                       has elapsed; or

16                       “(bb) if the employer is a  
17                       labor contractor, 50 percent of  
18                       the work contract for the job op-  
19                       portunity has elapsed.

20           “(ii) STAGGERED ENTRY.—For a peti-  
21           tion involving more than one start date  
22           under subsection (h)(1)(C), each start date  
23           designated in the petition shall establish a  
24           separate job opportunity. An employer may  
25           not reject a United States worker because

1           the worker is unable or unwilling to fill  
2           more than one job opportunity included in  
3           the petition.

4           “(iii) EXCEPTION.—Notwithstanding  
5           clause (i), the employer may offer a job op-  
6           portunity to an H-2A worker instead of an  
7           alien granted certified agricultural worker  
8           status under title I of the Affordable and  
9           Secure Food Act of 2024 if the H-2A  
10          worker was employed by the employer in  
11          each of 3 years during the 4-year period  
12          immediately preceding the date of the en-  
13          actment of such Act.

14          “(3) RECRUITMENT REPORT.—

15                 “(A) IN GENERAL.—The employer shall  
16                 maintain a recruitment report through the ap-  
17                 plicable period described in paragraph (2)(B)  
18                 and submit regular updates through the elec-  
19                 tronic platform on the results of recruitment.  
20                 The employer shall retain the recruitment re-  
21                 port, and all associated recruitment documenta-  
22                 tion, for a period of 3 years from the date of  
23                 certification.

24                 “(B) BURDEN OF PROOF.—If the employer  
25                 asserts that any eligible individual who has ap-

1           plied or been referred is not able, willing or  
2           qualified, the employer bears the burden of  
3           proof to establish that the individual is not able,  
4           willing or qualified because of a lawful, employ-  
5           ment-related reason.

6           “(d) WAGE REQUIREMENTS.—

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

11                  “(A) the agreed-upon collective bargaining  
12          wage;

13                  “(B) the adverse effect wage rate (or any  
14          successor wage established under paragraph  
15          (7));

16                  “(C) the prevailing wage (hourly wage or  
17          piece rate); or

18                  “(D) the Federal or State minimum wage.

19           “(2) ADVERSE EFFECT WAGE RATE DETER-  
20          MINATIONS.—

21                  “(A) IN GENERAL.—Except as provided  
22          under subparagraph (B), the applicable adverse  
23          effect wage rate for each State and classifica-  
24          tion for a calendar year shall be the annual av-  
25          erage hourly gross wage for all hired agricul-

1 tural workers in the State, as reported by the  
2 Secretary of Agriculture and the Secretary of  
3 Labor based on a wage survey conducted by  
4 such secretaries under subparagraph (C). If  
5 such wage is not reported, the applicable wage  
6 shall be the State or regional annual gross aver-  
7 age hourly wage for all hired agricultural work-  
8 ers based on the Agricultural Labor Wage sur-  
9 vey conducted pursuant to subparagraph (C).

10 “(B) LIMITATIONS ON WAGE FLUCTUA-  
11 TIONS.—

12 “(i) WAGE FREEZE FOR 2024.—For  
13 calendar year 2024, the adverse effect  
14 wage rate for each State classification  
15 under this subsection shall be the adverse  
16 effect wage rate that was in effect for H-  
17 2A workers in the applicable State on the  
18 date of the introduction of the Affordable  
19 and Secure Food Act of 2024.

20 “(ii) WAGE RATE FOR 2025 THROUGH  
21 2033.—For each of the calendar years 2025  
22 through 2033, the adverse effect wage rate  
23 for each State classification under this  
24 subsection shall be the wage rate cal-



1                   culated under subparagraph (A), except  
2                   that such wage rate may not—

3                   “(I) be more than 1.5 percent  
4                   lower than the wage rate in effect for  
5                   H-2A workers in the applicable State  
6                   and occupational classification in the  
7                   immediately preceding calendar year;

8                   “(II) except as provided in sub-  
9                   clause (III), be more than 3.25 per-  
10                  cent higher than the wage rate in ef-  
11                  fect for H-2A workers in the applica-  
12                  ble State and occupational classifica-  
13                  tion in the immediately preceding cal-  
14                  endar year; and

15                  “(III) if the application of clause  
16                  (II) results in a wage rate that is  
17                  lower than 110 percent of the applica-  
18                  ble Federal or State minimum wage,  
19                  be more than 4.25 percent higher  
20                  than the wage rate in effect for H-2A  
21                  workers in the applicable State and  
22                  occupational classification in the im-  
23                  mediately preceding calendar year.

24                  “(iii) WAGE RATE AFTER 2033.—For  
25                  any calendar year after 2033, the applica-

1 ble wage rate described in paragraph  
2 (1)(B) shall be the wage rate established  
3 pursuant to paragraph (7)(D). Until such  
4 wage rate is effective, the adverse effect  
5 wage rate for each State classification  
6 under this subsection shall be the wage cal-  
7 culated under subparagraph (A), except  
8 that such wage may not be more than 0.5  
9 percent lower or 3 percent higher than the  
10 wage in effect for H-2A workers in the ap-  
11 plicable State classification in the imme-  
12 diately preceding calendar year.

13 “(C) WAGE SURVEYS AND DATA.—

14 “(i) AGRICULTURAL LABOR SUR-  
15 VEY.—The Secretary of Labor, in carrying  
16 out the responsibilities in setting the ad-  
17 verse effect wage rate under subparagraph  
18 (A), shall rely on statistically valid data  
19 from the Department of Agriculture Na-  
20 tional Agricultural Statistics Service’s an-  
21 nual findings from the Agricultural Labor  
22 Survey (commonly referred to as the  
23 ‘Farm Labor Survey’).

24 “(ii) FORM; DATA.—The Secretary of  
25 Agriculture shall conduct the Agricultural

1 Labor Survey in the form of a quarterly  
2 survey of the number of hired agricultural  
3 workers, the number of hours worked, and  
4 the total gross wages paid by type of work-  
5 er, including field workers, livestock work-  
6 ers, and supervisors or managers,  
7 disaggregated by occupational groups and  
8 other workers (who may be classified by  
9 the Standard Occupational Classification  
10 system).

11 “(iii) AUTHORIZATION OF APPROPRIA-  
12 TIONS.—There is authorized to be appro-  
13 priated to the Secretary of Agriculture and  
14 the Secretary of Labor, such sums as may  
15 be necessary for the purposes of carrying  
16 out this subsection.

17 “(3) PUBLICATION; WAGES IN EFFECT.—

18 “(A) PUBLICATION.—Before the first day  
19 of each calendar year, the Secretary of Labor  
20 shall publish the applicable adverse effect wage  
21 rate (or successor wage rate, if any), and pre-  
22 vailing wage, if available, for each State and oc-  
23 cupational classification through notice in the  
24 Federal Register.

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

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

19          “(4) PRODUCTIVITY STANDARD REQUIRE-  
20          MENTS.—If an employer requires 1 or more min-  
21          imum productivity standards as a condition of job  
22          retention, such standards shall be specified in the  
23          job order and shall be no more than those normally  
24          required (at the time of the first petition for H-2A  
25          workers) by other employers for the activity in the

1 area of intended employment, unless the Secretary  
2 of Labor approves a higher minimum standard re-  
3 sulting from material changes in production meth-  
4 ods.

5 “(5) GUARANTEE OF EMPLOYMENT.—

6 “(A) OFFER TO WORKER.—The employer  
7 shall guarantee the worker employment for the  
8 hourly equivalent of at least 80 percent of the  
9 work days of the total period of employment,  
10 beginning with the first work day after the ar-  
11 rival of the worker at the place of employment  
12 and ending on the date specified in the job  
13 offer. For purposes of this subparagraph, the  
14 hourly equivalent means the number of hours in  
15 the work days as stated in the job offer and  
16 shall exclude the worker’s Sabbath and Federal  
17 holidays. If the employer affords the worker less  
18 employment than that required under this para-  
19 graph, the employer shall pay the worker the  
20 amount which the worker would have earned  
21 had the worker, in fact, worked for the guaran-  
22 teed number of hours.

23 “(B) FAILURE TO WORK.—Any hours  
24 which the worker fails to work, up to a max-  
25 imum of the number of hours specified in the

1 job offer for a work day, when the worker has  
2 been offered an opportunity to do so, and all  
3 hours of work actually performed (including vol-  
4 untary work in excess of the number of hours  
5 specified in the job offer in a work day, on the  
6 worker's Sabbath, or on Federal holidays) may  
7 be counted by the employer in calculating  
8 whether the period of guaranteed employment  
9 has been met.

10 “(C) ABANDONMENT OF EMPLOYMENT;  
11 TERMINATION FOR CAUSE.—If the worker vol-  
12 untarily abandons employment without good  
13 cause before the end of the contract period, or  
14 is terminated for cause, the worker is not enti-  
15 tled to the guarantee of employment described  
16 in subparagraph (A).

17 “(D) CONTRACT IMPOSSIBILITY.—If, be-  
18 fore the expiration of the period of employment  
19 specified in the job offer, the services of the  
20 worker are no longer required for reasons be-  
21 yond the control of the employer due to any  
22 form of natural disaster before the guarantee in  
23 subparagraph (A) is fulfilled, the employer may  
24 terminate the worker's employment. In the  
25 event of such termination, the employer shall

1 fulfill the employment guarantee in subpara-  
2 graph (A) for the work days that have elapsed  
3 from the first work day after the arrival of the  
4 worker to the termination of employment. The  
5 employer shall make efforts to transfer a work-  
6 er to other comparable employment acceptable  
7 to the worker. If such transfer is not affected,  
8 the employer shall provide the return transpor-  
9 tation required in subsection (f)(2).

10 “(6) WAGE STANDARDS AFTER 2033.—

11 “(A) STUDY OF ADVERSE EFFECT WAGE  
12 RATE.—Beginning in fiscal year 2031, the Sec-  
13 retary of Agriculture and the Secretary of  
14 Labor shall jointly conduct a study that ad-  
15 dresses—

16 “(i) whether the employment of H–2A  
17 workers has depressed the wages of United  
18 States farm workers;

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

23 “(iii) whether alternative wage stand-  
24 ards would be sufficient to prevent wages  
25 in occupations in which H–2A workers are

1 employed from falling below the wage level  
2 that would have prevailed in the absence of  
3 H-2A employment;

4 “(iv) whether any changes are war-  
5 ranted in the current methodologies for  
6 calculating the adverse effect wage rate  
7 and the prevailing wage rate; and

8 “(v) recommendations for future wage  
9 protection under this section.

10 “(B) FINAL REPORT.—Not later than Oc-  
11 tober 1, 2032, the Secretary of Agriculture and  
12 the Secretary of Labor shall jointly prepare and  
13 submit a report to Congress setting forth—

14 “(i) the findings of the study con-  
15 ducted pursuant to subparagraph (A); and

16 “(ii) recommendations for future wage  
17 protections under this section.

18 “(C) CONSULTATION.—In conducting the  
19 study under subparagraph (A) and preparing  
20 the report under subparagraph (B), the Sec-  
21 retary of Agriculture and the Secretary of  
22 Labor shall consult with representatives of agri-  
23 cultural employers and an equal number of rep-  
24 resentatives of agricultural workers, at the na-  
25 tional, State and local level.



1           “(D) WAGE DETERMINATION AFTER  
2           2033.—Upon publication of the report described  
3           in subparagraph (B), the Secretary of Labor, in  
4           consultation with the Secretary of Agriculture,  
5           shall make a rule to establish a process for an-  
6           nually determining the wage rate for purposes  
7           of paragraph (1)(B) for fiscal years after 2033.  
8           Such process shall be designed to ensure that  
9           the employment of H-2A workers does not un-  
10          dermine the wages and working conditions of  
11          similarly employed United States workers.

12          “(e) HOUSING REQUIREMENTS.—Employers shall  
13          furnish housing in accordance with regulations established  
14          by the Secretary of Labor. Such regulations shall be con-  
15          sistent with the following:

16                 “(1) IN GENERAL.—The employer shall be per-  
17                 mitted at the employer’s option to provide housing  
18                 meeting applicable Federal standards for temporary  
19                 labor camps or to secure housing which meets the  
20                 local standards for rental and/or public accommoda-  
21                 tions or other substantially similar class of habi-  
22                 tation: Provided, That in the absence of applicable  
23                 local standards, State standards for rental and/or  
24                 public accommodations or other substantially similar  
25                 class of habitation shall be met: Provided further,

1 That in the absence of applicable local or State  
2 standards, Federal temporary labor camp standards  
3 shall apply.

4 “(2) FAMILY HOUSING.—Except as otherwise  
5 provided in subsection (i)(5), the employer shall pro-  
6 vide family housing to workers with families who re-  
7 quest it when it is the prevailing practice in the area  
8 and occupation of intended employment to provide  
9 family housing.

10 “(3) UNITED STATES WORKERS.—Notwith-  
11 standing paragraphs (1) and (2), an employer is not  
12 required to provide housing to United States work-  
13 ers who are reasonably able to return to their resi-  
14 dence within the same day.

15 “(4) TIMING OF INSPECTION.—

16 “(A) IN GENERAL.—The Secretary of  
17 Labor or designee shall make a determination  
18 as to whether the housing furnished by an em-  
19 ployer for a worker meets the requirements im-  
20 posed by this subsection prior to the date on  
21 which the Secretary of Labor is required to  
22 make a certification with respect to a petition  
23 for the admission of such worker.

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

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

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

9                   “(f) TRANSPORTATION REQUIREMENTS.—

10                   “(1) TRAVEL TO PLACE OF EMPLOYMENT.—A  
11                   worker who completes 50 percent of the period of  
12                   employment specified in the job order shall be reim-  
13                   bursed by the employer for the cost of the worker’s  
14                   transportation and subsistence from the place from  
15                   which the worker came to work for the employer (or  
16                   place of last employment, if the worker traveled  
17                   from such place) to the place of employment.

18                   “(2) TRAVEL FROM PLACE OF EMPLOYMENT.—  
19                   For a worker who completes the period of employ-  
20                   ment specified in the job order or who is terminated  
21                   without cause, the employer shall provide or pay for  
22                   the worker’s transportation and subsistence from the  
23                   place of employment to the place from which the  
24                   worker, disregarding intervening employment, came  
25                   to work for the employer, or to the place of next em-

1 employment, if the worker has contracted with a subse-  
2 quent employer who has not agreed to provide or  
3 pay for the worker's transportation and subsistence  
4 to such subsequent employer's place of employment.

5 “(3) TRANSPORTATION BETWEEN LIVING QUAR-  
6 TERS AND PLACE OF EMPLOYMENT.—The employer  
7 shall provide transportation for a worker between  
8 housing provided or secured by the employer and the  
9 employer's place of employment at no cost to the  
10 worker.

11 “(4) LIMITATION.—

12 “(A) AMOUNT OF REIMBURSEMENT.—Ex-  
13 cept as provided in subparagraph (B), the  
14 amount of reimbursement provided under para-  
15 graph (1) or (2) to a worker need not exceed  
16 the lesser of—

17 “(i) the actual cost to the worker of  
18 the transportation and subsistence in-  
19 volved; or

20 “(ii) the most economical and reason-  
21 able common carrier transportation  
22 charges and subsistence costs for the dis-  
23 tance involved.

24 “(B) DISTANCE TRAVELED.—For travel to  
25 or from the worker's home country, if the travel

1 distance between the worker’s home and the rel-  
2 evant consulate is 50 miles or less, reimburse-  
3 ment for transportation and subsistence may be  
4 based on transportation to or from the con-  
5 sulate.

6 “(g) HEAT ILLNESS PREVENTION PLAN.—

7 “(1) IN GENERAL.—The employer shall main-  
8 tain a reasonable plan that describes the employer’s  
9 procedures for the prevention of heat illness, includ-  
10 ing appropriate training, access to water and shade,  
11 the provision of breaks, and the protocols for emer-  
12 gency response. Such plan shall—

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

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

20 “(2) CLARIFICATION.—Nothing in this sub-  
21 section is intended to limit any other Federal or  
22 State authority to promulgate, enforce, or maintain  
23 health and safety standards related to heat-related  
24 illness.

1           “(3) TEMPLATE.—Not later than 1 year after  
2 the date of the enactment of the Affordable and Se-  
3 cure Food Act of 2024, the Secretary of Labor, act-  
4 ing through the Assistant Secretary of Labor for Oc-  
5 cupational Safety and Health, shall publish, on the  
6 website of the Occupational Safety and Health Ad-  
7 ministration, a template for a Heat Illness Preven-  
8 tion Plan, which employers could use, at their dis-  
9 cretion, to help them develop such a plan.

10           “(h) H-2A PETITION PROCEDURES.—

11           “(1) SUBMISSION OF PETITION AND JOB  
12 ORDER.—

13           “(A) IN GENERAL.—The employer shall  
14 submit information required for the adjudica-  
15 tion of the H-2A petition, including a job  
16 order, through the electronic platform no more  
17 than 75 calendar days and no fewer than 60  
18 calendar days before the employer’s first date of  
19 need specified in the petition.

20           “(B) FILING BY AGRICULTURAL ASSOCIA-  
21 TIONS.—An association of agricultural pro-  
22 ducers that use agricultural services may file an  
23 H-2A petition under subparagraph (A). If an  
24 association is a joint or sole employer of work-  
25 ers, including agricultural cooperatives, who

1 perform agricultural labor or services, H-2A  
2 workers may be used for the approved job op-  
3 portunities of any of the association's producer  
4 members and such workers may be transferred  
5 among its producer members to perform the ag-  
6 ricultural labor or services for which the peti-  
7 tion was approved.

8 “(C) PETITIONS INVOLVING STAGGERED  
9 ENTRY.—

10 “(i) IN GENERAL.—Except as pro-  
11 vided in clause (ii), an employer may file  
12 a petition involving employment in the  
13 same occupational classification and same  
14 area of intended employment with multiple  
15 start dates if—

16 “(I) the petition involves tem-  
17 porary or seasonal employment and no  
18 more than 10 start dates;

19 “(II) the multiple start dates  
20 share a common end date;

21 “(III) no more than 120 days  
22 separate the first start date and the  
23 final start date listed in the petition;  
24 and

1                   “(IV) the need for multiple start  
2                   dates arises from variations in labor  
3                   needs associated with the job oppor-  
4                   tunity identified in the petition.

5                   “(ii) LABOR CONTRACTORS.—A labor  
6                   contractor may not file a petition described  
7                   in clause (i).

8                   “(2) LABOR CERTIFICATION.—

9                   “(A) REVIEW OF JOB ORDER.—

10                   “(i) IN GENERAL.—The Secretary of  
11                   Labor, in consultation with the relevant  
12                   State workforce agency, shall review the  
13                   job order for compliance with this section  
14                   and notify the employer through the elec-  
15                   tronic platform of any deficiencies not later  
16                   than 7 business days from the date the  
17                   employer submits the necessary informa-  
18                   tion required under paragraph (1)(A). The  
19                   employer shall be provided 5 business days  
20                   to respond to any such notice of deficiency.

21                   “(ii) STANDARD.—The job order must  
22                   include all material terms and conditions  
23                   of employment, including the requirements  
24                   of this section, and must be otherwise con-  
25                   sistent with the minimum standards pro-



1 vided under Federal, State or local law. In  
2 considering the question of whether a spe-  
3 cific qualification is appropriate in a job  
4 order, the Secretary of Labor shall apply  
5 the normal and accepted qualification re-  
6 quired by non-H-2A employers in the  
7 same or comparable occupations and crops.

8 “(iii) EMERGENCY PROCEDURES.—

9 The Secretary of Labor shall establish  
10 emergency procedures for the curing of de-  
11 ficiencies that cannot be resolved during  
12 the period described in clause (i).

13 “(B) APPROVAL OF JOB ORDER.—

14 “(i) IN GENERAL.—Upon approval of  
15 the job order, the Secretary of Labor shall  
16 immediately place for public examination a  
17 copy of the job order on the online job reg-  
18 istry, and the State workforce agency serv-  
19 ing the area of intended employment shall  
20 commence the recruitment of United  
21 States workers.

22 “(ii) REFERRAL OF UNITED STATES  
23 WORKERS.—The Secretary of Labor and  
24 State workforce agency shall keep the job  
25 order active until the end of the period de-

1           scribed in subsection (c)(2) and shall refer  
2           to the employer each United States worker  
3           who applies for the job opportunity.

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

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

14           “(E) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—The  
15           Secretary of Labor shall by regulation establish a procedure for an employer to request the ex-  
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1           pedited review of a denial of a labor certifi-  
2           cation under this section, or the revocation of  
3           such a certification. Such procedure shall re-  
4           quire the Secretary to expeditiously, but no  
5           later than 72 hours after expedited review is re-  
6           quested, issue a de novo determination on a  
7           labor certification that was denied in whole or  
8           in part because of the availability of able, will-  
9           ing and qualified workers if the employer dem-  
10          onstrates, consistent with subsection (c)(3)(B),  
11          that such workers are not actually available at  
12          the time or place such labor or services are re-  
13          quired.

14          “(3) PETITION DECISION.—

15                 “(A) IN GENERAL.—Not later than 7 busi-  
16                 ness days after the Secretary of Labor issues  
17                 the certification, the Secretary of Homeland Se-  
18                 curity shall issue a decision on the petition and  
19                 shall transmit a notice of action to the peti-  
20                 tioner via the electronic platform.

21                 “(B) APPROVAL.—Upon approval of a pe-  
22                 tition under this section, the Secretary of  
23                 Homeland Security shall ensure that such ap-  
24                 proval is noted in the electronic platform and is  
25                 available to the Secretary of State and U.S.

1 Customs and Border Protection, as necessary,  
2 to facilitate visa issuance and admission.

3 “(C) PARTIAL APPROVAL.—A petition for  
4 multiple named beneficiaries may be partially  
5 approved with respect to eligible beneficiaries  
6 notwithstanding the ineligibility, or potential in-  
7 eligibility, of one or more other beneficiaries.

8 “(D) POST-CERTIFICATION AMEND-  
9 MENTS.—The Secretary of Labor shall provide  
10 a process for amending a request for labor cer-  
11 tification in conjunction with an H-2A petition,  
12 subsequent to certification by the Secretary of  
13 Labor, in cases in which the requested amend-  
14 ment does not materially change the petition  
15 (including the job order).

16 “(4) ROLES OF AGRICULTURAL ASSOCIA-  
17 TIONS.—

18 “(A) MEMBER’S VIOLATION DOES NOT  
19 NECESSARILY DISQUALIFY ASSOCIATION OR  
20 OTHER MEMBERS.—If an individual producer  
21 member of a joint employer association is deter-  
22 mined to have committed an act that results in  
23 the denial of a petition with respect to the  
24 member, the denial shall apply only to that  
25 member of the association unless the Secretary

1 of Labor determines that the association or  
2 other member participated in, had knowledge  
3 of, or reason to know of, the violation.

4 “(B) ASSOCIATION’S VIOLATION DOES NOT  
5 NECESSARILY DISQUALIFY MEMBERS.—

6 “(i) If an association representing ag-  
7 ricultural producers as a joint employer is  
8 determined to have committed an act that  
9 results in the denial of a petition with re-  
10 spect to the association, the denial shall  
11 apply only to the association and does not  
12 apply to any individual producer member  
13 of the association unless the Secretary of  
14 Labor determines that the member partici-  
15 pated in, had knowledge of, or reason to  
16 know of, the violation.

17 “(ii) If an association of agricultural  
18 producers certified as a sole employer is  
19 determined to have committed an act that  
20 results in the denial of a petition with re-  
21 spect to the association, no individual pro-  
22 ducer member of such association may be  
23 the beneficiary of the services of H-2A  
24 workers in the commodity and occupation  
25 in which such aliens were employed by the

1           association which was denied during the  
2           period such denial is in force, unless such  
3           producer member employs such aliens in  
4           the commodity and occupation in question  
5           directly or through an association which is  
6           a joint employer of such workers with the  
7           producer member.

8           “(5) SPECIAL PROCEDURES.—For occupations  
9           with established special procedures that were in  
10          place on the date of the enactment of the Affordable  
11          and Secure Food Act of 2024, the Secretary of  
12          Labor, in consultation with the Secretary of Agri-  
13          culture and Secretary of Homeland Security, may by  
14          regulation establish alternate procedures that rea-  
15          sonably modify program requirements under this  
16          section, when the Secretary determines that such  
17          modifications are required due to the unique nature  
18          of the work involved.

19          “(6) CONSTRUCTION OCCUPATIONS.—An em-  
20          ployer may not file a petition under this section on  
21          behalf of a worker if the majority of the worker’s  
22          duties will fall within a construction or extraction oc-  
23          cupational classification.

24          “(7) EQUINES.—Notwithstanding the require-  
25          ment under section 101(a)(15)(H)(ii)(A) that the

1 agricultural labor or services performed by an H-2A  
2 worker be agricultural, the Secretary of Homeland  
3 Security may approve a petition for an H-2A worker  
4 to perform activities related to equines, including the  
5 breeding, grooming, training, care, feeding, manage-  
6 ment, competition, and racing of equines, without  
7 regard to whether the specific service or activity is  
8 of a temporary or seasonal nature.

9 “(i) NON-TEMPORARY OR NON-SEASONAL NEEDS.—

10 “(1) IN GENERAL.—Notwithstanding the re-  
11 quirement under section 101(a)(15)(H)(ii)(a) that  
12 the agricultural labor or services performed by an  
13 H-2A worker be of a temporary or seasonal nature,  
14 the Secretary of Homeland Security may, consistent  
15 with the provisions of this subsection, approve a pe-  
16 tition from a fixed site farm employer for an H-2A  
17 worker to perform agricultural services or labor that  
18 is not of a temporary or seasonal nature.

19 “(2) NUMERICAL LIMITATIONS.—

20 “(A) FIRST 3 FISCAL YEARS.—The total  
21 number of aliens who may be issued visas or  
22 otherwise provided H-2A nonimmigrant status  
23 under paragraph (1) for the first fiscal year  
24 during which the first visa is issued under such

1 paragraph and for each of the following 2 fiscal  
2 years may not exceed 20,000.

3 “(B) FISCAL YEARS 4 THROUGH 10.—

4 “(i) IN GENERAL.—The total number  
5 of aliens who may be issued visas or other-  
6 wise provided H-2A nonimmigrant status  
7 under paragraph (1) for the first fiscal  
8 year following the fiscal years referred to  
9 in subparagraph (A), and for each of the  
10 following 6 fiscal years, may not exceed a  
11 numerical limitation jointly imposed by the  
12 Secretary of Agriculture and Secretary of  
13 Labor in accordance with clause (ii).

14 “(ii) ANNUAL ADJUSTMENTS.—For  
15 each fiscal year referred to in clause (i),  
16 the Secretary of Agriculture and the Sec-  
17 retary of Labor, in consultation with the  
18 Secretary of Homeland Security, shall es-  
19 tablish a numerical limitation for purposes  
20 of clause (i), which may not be lower than  
21 20,000 and may not vary by more than  
22 12.5 percent compared to the numerical  
23 limitation applicable to the immediately  
24 preceding fiscal year. In establishing such



1 numerical limitation, the Secretaries shall  
2 consider—

3 “(I) a demonstrated shortage of  
4 agricultural workers;

5 “(II) the level of unemployment  
6 and underemployment of agricultural  
7 workers during the preceding fiscal  
8 year;

9 “(III) the number of H-2A work-  
10 ers sought by employers during the  
11 preceding fiscal year to engage in ag-  
12 ricultural labor or services not of a  
13 temporary or seasonal nature;

14 “(IV) the number of such H-2A  
15 workers issued a visa in the most re-  
16 cent fiscal year who remain in the  
17 United States in compliance with the  
18 terms of such visa;

19 “(V) the estimated number of  
20 United States workers, including  
21 workers who obtained certified agri-  
22 cultural worker status under title I of  
23 the Affordable and Secure Food Act  
24 of 2024, who worked during the pre-  
25 ceding fiscal year in agricultural labor

1 or services not of a temporary or sea-  
2 sonal nature;

3 “(VI) the number of such United  
4 States workers who accepted jobs of-  
5 fered by employers using the online  
6 job registry during the preceding fis-  
7 cal year;

8 “(VII) any growth or contraction  
9 of the United States agricultural in-  
10 dustry that has increased or decreased  
11 the demand for agricultural workers;  
12 and

13 “(VIII) any changes in the real  
14 wages paid to agricultural workers in  
15 the United States as an indication of  
16 a shortage or surplus of agricultural  
17 labor.

18 “(C) SUBSEQUENT FISCAL YEARS.—For  
19 each fiscal year following the fiscal years re-  
20 ferred to in subparagraph (B), the Secretary of  
21 Agriculture and the Secretary of Labor shall  
22 jointly determine, in consultation with the Sec-  
23 retary of Homeland Security, and after consid-  
24 ering appropriate factors, including the factors  
25 listed in subclauses (I) through (VIII) of sub-

1 paragraph (B)(ii), whether to establish a nu-  
2 merical limitation for such fiscal year. If a nu-  
3 merical limitation is so established—

4 “(i) such numerical limitation may  
5 not be lower than highest number of aliens  
6 admitted under this subsection in any of  
7 the 3 fiscal years immediately preceding  
8 the fiscal year for which the numerical lim-  
9 itation is to be established; and

10 “(ii) the total number of aliens who  
11 may be issued visas or otherwise provided  
12 H-2A nonimmigrant status under para-  
13 graph (1) for such fiscal year may not ex-  
14 ceed such numerical limitation.

15 “(D) EMERGENCY PROCEDURES.—The  
16 Secretary of Agriculture and the Secretary of  
17 Labor, in consultation with the Secretary of  
18 Homeland Security, shall jointly establish, by  
19 regulation, procedures for immediately adjust-  
20 ing a numerical limitation imposed pursuant to  
21 subparagraph (B) or (C) to account for signifi-  
22 cant labor shortages.

23 “(3) ALLOCATION OF VISAS.—

24 “(A) BI-ANNUAL ALLOCATION.—The an-  
25 nual allocation of visas described in paragraph

1 (2) shall be evenly allocated between two halves  
2 of the fiscal year unless the Secretary of Home-  
3 land Security, in consultation with the Sec-  
4 retary of Agriculture and Secretary of Labor,  
5 determines that an alternative allocation would  
6 better accommodate demand for visas. Any un-  
7 used visas in the first half of the fiscal year  
8 shall be added to the allocation for the subse-  
9 quent half of the same fiscal year.

10 “(B) RESERVE FOR DAIRY LABOR OR  
11 SERVICES.—

12 “(i) IN GENERAL.—Of the visa num-  
13 bers made available in each half of the fis-  
14 cal year pursuant to subparagraph (A), 50  
15 percent of such visas shall be reserved for  
16 employers filing petitions seeking H-2A  
17 workers to engage in agricultural labor or  
18 services in the dairy industry.

19 “(ii) EXCEPTION.—If, after 4 months  
20 have elapsed in one half of the fiscal year,  
21 the Secretary of Homeland Security deter-  
22 mines that application of clause (i) will re-  
23 sult in visas going unused during that half  
24 of the fiscal year, clause (i) shall not apply

1 to visas under this paragraph during the  
2 remainder of such calendar half.

3 “(C) RESERVE FOR SMALL FARMER LABOR  
4 OR SERVICES.—

5 “(i) IN GENERAL.—Except as pro-  
6 vided in clause (ii), of the visas made avail-  
7 able during each 6-month period of a fiscal  
8 year pursuant to subparagraph (A), 20  
9 percent shall be reserved for employers (ex-  
10 cluding employers eligible for a reserve  
11 under subparagraph (B)) with fewer than  
12 50 domestic employees that file a petition  
13 seeking H-2A workers to engage in agri-  
14 cultural labor or services.

15 “(ii) EXCEPTION.—If, after 4 months  
16 have elapsed in  $\frac{1}{2}$  of the fiscal year, the  
17 Secretary of Homeland Security deter-  
18 mines that the application of clause (i) will  
19 result in visas going unused during that 6-  
20 month period, clause (i) shall not apply to  
21 visas under this paragraph during the re-  
22 mainder of such 6-month period.

23 “(D) LIMITED ALLOCATION FOR CERTAIN  
24 SPECIAL PROCEDURES INDUSTRIES.—

1           “(i) IN GENERAL.—Notwithstanding  
2           the numerical limitations under paragraph  
3           (2), up to 550 aliens may be issued visas  
4           or otherwise provided H-2A nonimmigrant  
5           status under paragraph (1) in a fiscal year  
6           for range sheep or goat herding.

7           “(ii) LIMITATION.—The total number  
8           of aliens in the United States in valid H-  
9           2A status under clause (i) at any one time  
10          may not exceed 550.

11          “(iii) CLARIFICATION.—Any visas  
12          issued under this subparagraph may not be  
13          considered for purposes of the annual ad-  
14          justments under subparagraphs (B) and  
15          (C) of paragraph (2).

16          “(4) ANNUAL ROUND TRIP HOME.—

17          “(A) IN GENERAL.—In addition to the  
18          other requirements of this section, an employer  
19          shall provide H-2A workers employed under  
20          this subsection, at no cost to such workers, with  
21          annual round trip travel, including transpor-  
22          tation and subsistence during travel, to their  
23          homes in their communities of origin. The em-  
24          ployer must provide such travel within 14  
25          months of the initiation of the worker’s employ-

1           ment, and no more than 14 months can elapse  
2           between each required period of travel.

3           “(B) LIMITATION.—The cost of travel  
4           under subparagraph (A) need not exceed the  
5           lesser of—

6                   “(i) the actual cost to the worker of  
7                   the transportation and subsistence in-  
8                   volved; or

9                   “(ii) the most economical and reason-  
10                  able common carrier transportation  
11                  charges and subsistence costs for the dis-  
12                  tance involved.

13           “(5) FAMILY HOUSING.—An employer seeking  
14           to employ an H-2A worker pursuant to this sub-  
15           section shall offer family housing to workers with  
16           families if such workers are engaged in agricultural  
17           employment that is not of a seasonal or temporary  
18           nature. The worker may reject such an offer. The  
19           employer may not charge the worker for the work-  
20           er’s housing, except that if the worker accepts family  
21           housing, a prorated rent based on the fair market  
22           value for such housing may be charged for the work-  
23           er’s family members.

24           “(6) WORKPLACE SAFETY PLAN FOR YEAR-  
25           ROUND EMPLOYEES.—

1           “(A) IN GENERAL.—If an employer is  
2 seeking to employ a worker in agricultural labor  
3 or services pursuant to this subsection, the em-  
4 ployer shall report all work-related incidents in  
5 accordance with the requirements under section  
6 1904.39 of title 29, Code of Federal Regula-  
7 tions, and maintain an effective worksite safety  
8 and compliance plan to prevent workplace acci-  
9 dents and otherwise ensure safety. Such plan  
10 shall—

11                   “(i) be in writing in English and, to  
12 the extent necessary, any language com-  
13 mon to a significant portion of the workers  
14 if they are not fluent in English; and

15                   “(ii) be posted at a conspicuous loca-  
16 tion at the worksite and provided to em-  
17 ployees prior to the commencement of  
18 labor or services.

19           “(B) CONTENTS OF PLAN.—The Secretary  
20 of Labor, in consultation with the Secretary of  
21 Agriculture, shall establish by regulation the  
22 minimum requirements for the plan described  
23 in subparagraph (A). Such plan shall include  
24 measures to—



1           “(i) require workers (other than the  
2           employer’s family members) whose posi-  
3           tions require contact with animals to com-  
4           plete animal care training, including ani-  
5           mal handling and job-specific animal care;

6           “(ii) protect against sexual harass-  
7           ment and violence, resolve complaints in-  
8           volving harassment or violence, and protect  
9           against retaliation against workers report-  
10          ing harassment or violence; and

11          “(iii) contain other provisions nec-  
12          essary for ensuring workplace safety, as  
13          determined by the Secretary of Labor, in  
14          consultation with the Secretary of Agri-  
15          culture.

16          “(C) CLARIFICATION.—Nothing in this  
17          paragraph is intended—

18                 “(i) to apply to persons or entities  
19                 that are not seeking to employ workers  
20                 under this section; or

21                 “(ii) to limit any other Federal or  
22                 State authority to promulgate, enforce, or  
23                 maintain health and safety standards re-  
24                 lated to the dairy industry.

1       “(j) ELIGIBILITY FOR H-2A STATUS AND ADMISSION  
2 TO THE UNITED STATES.—

3           “(1) DISQUALIFICATION.—An alien shall be in-  
4 eligible for admission to the United States as an H-  
5 2A worker pursuant to a petition filed under this  
6 section if the alien was admitted to the United  
7 States as an H-2A worker within the past 5 years  
8 of the date the petition was filed and—

9           “(A) violated a material provision of this  
10 section, including the requirement to promptly  
11 depart the United States when the alien’s au-  
12 thorized period of admission has expired, unless  
13 the alien has good cause for such failure to de-  
14 part; or

15           “(B) otherwise violated a term or condition  
16 of admission into the United States as an H-  
17 2A worker.

18           “(2) VISA VALIDITY.—A visa issued to an H-  
19 2A worker shall be valid for 3 years and shall allow  
20 for multiple entries during the approved period of  
21 admission.

22           “(3) PERIOD OF AUTHORIZED STAY; ADMIS-  
23 SION.—

24           “(A) IN GENERAL.—An alien admissible as

1 an H-2A worker shall be authorized to stay in  
2 the United States for the period of employment  
3 specified in the petition approved by the Sec-  
4 retary of Homeland Security under this section.  
5 The maximum continuous period of authorized  
6 stay for an H-2A worker is 36 months.

7 “(B) REQUIREMENT TO REMAIN OUTSIDE  
8 THE UNITED STATES.—In the case of an H-2A  
9 worker whose maximum continuous period of  
10 authorized stay (including any extensions) has  
11 expired, the alien may not again be eligible for  
12 such stay until the alien remains outside the  
13 United States for a cumulative period of at  
14 least 45 days.

15 “(C) EXCEPTIONS.—The Secretary of  
16 Homeland Security shall deduct absences from  
17 the United States that take place during an H-  
18 2A worker’s period of authorized stay from the  
19 period that the alien is required to remain out-  
20 side the United States under subparagraph (B),  
21 if the alien or the alien’s employer requests  
22 such a deduction, and provides clear and con-  
23 vincing proof that the alien qualifies for such a  
24 deduction. Such proof shall consist of evidence  
25 including, but not limited to, arrival and depar-

1           ture records, copies of tax returns, and records  
2           of employment abroad.

3           “(D) ADMISSION.—In addition to the max-  
4           imum continuous period of authorized stay, an  
5           H-2A worker’s authorized period of admission  
6           shall include an additional period of 10 days  
7           prior to the beginning of the period of employ-  
8           ment for the purpose of traveling to the place  
9           of employment and 45 days at the end of the  
10          period of employment for the purpose of trav-  
11          eling home or seeking an extension of status  
12          based on a subsequent offer of employment if  
13          the worker has not reached the maximum con-  
14          tinuous period of authorized stay under sub-  
15          paragraph (A) (subject to the exceptions in sub-  
16          paragraph (C)).

17          “(4) CONTINUING H-2A WORKERS.—

18                 “(A) SUCCESSIVE EMPLOYMENT.—An H-  
19                 2A worker is authorized to start new or concur-  
20                 rent employment upon the filing of a nonfrivo-  
21                 lous H-2A petition, or as of the requested start  
22                 date, whichever is later if—

23                         “(i) the petition to start new or con-  
24                         current employment was filed prior to the  
25                         expiration of the H-2A worker’s period of

1 admission as defined in paragraph (3)(D);

2 and

3 “(ii) the H–2A worker has not been  
4 employed without authorization in the  
5 United States from the time of last admis-  
6 sion to the United States in H–2A status  
7 through the filing of the petition for new  
8 employment.

9 “(B) PROTECTION DUE TO IMMIGRANT  
10 VISA BACKLOGS.—Notwithstanding the limita-  
11 tions on the period of authorized stay described  
12 in paragraph (3), any H–2A worker who—

13 “(i) is the beneficiary of an approved  
14 petition, filed under section 204(a)(1)(E)  
15 or (F) for preference status under section  
16 203(b)(3)(A)(iii); and

17 “(ii) is eligible to be granted such sta-  
18 tus but for the annual limitations on visas  
19 under section 203(b)(3)(A),

20 may apply for, and the Secretary of Homeland  
21 Security may grant, an extension of such non-  
22 immigrant status until the Secretary of Home-  
23 land Security issues a final administrative deci-  
24 sion on the alien’s application for adjustment of  
25 status or the Secretary of State issues a final

1 decision on the alien’s application for an immi-  
2 grant visa.

3 “(5) ABANDONMENT OF EMPLOYMENT.—

4 “(A) IN GENERAL.—Except as provided in  
5 subparagraph (B), an H–2A worker who aban-  
6 dons the employment which was the basis for  
7 the worker’s authorized stay, without good  
8 cause, shall be considered to have failed to  
9 maintain H–2A status and shall depart the  
10 United States or be subject to removal under  
11 section 237(a)(1)(C)(i).

12 “(B) GRACE PERIOD TO SECURE NEW EM-  
13 PLOYMENT.—An H–2A worker shall not be con-  
14 sidered to have failed to maintain H–2A status  
15 solely on the basis of a cessation of the employ-  
16 ment on which the alien’s classification was  
17 based for a period of 45 consecutive days, or  
18 until the end of the authorized validity period,  
19 whichever is shorter, once during each author-  
20 ized validity period.

21 “(k) REQUIRED DISCLOSURES.—

22 “(1) DISCLOSURE OF WORK CONTRACT.—Not  
23 later than the time at which an H–2A worker ap-  
24 plies for a visa, or not later than the date on which  
25 work commences for a worker in corresponding em-

1       employment, the employer shall provide such worker  
2       with a copy of the work contract, which shall include  
3       all of the provisions under this section, or, in the ab-  
4       sence of such a contract, a copy of the job order and  
5       the certification described in subparagraphs (B) and  
6       (D) of subsection (h)(2)), which shall be deemed to  
7       be the work contract. An H-2A worker moving from  
8       one H-2A employer to a subsequent H-2A employer  
9       shall be provided with a copy of the new employment  
10      contract no later than the time at which an offer of  
11      employment is made by the subsequent employer.

12           “(2) HOURS AND EARNINGS STATEMENTS.—  
13      The employer shall furnish to H-2A workers, on or  
14      before each payday, in one or more written state-  
15      ments—

16           “(A) the H-2A worker’s total earnings for  
17      the pay period;

18           “(B) the H-2A worker’s hourly rate of  
19      pay, piece rate of pay, or both;

20           “(C) the hours of employment offered to  
21      the H-2A worker and the hours of employment  
22      actually worked by the H-2A worker;

23           “(D) if piece rates of pay are used, the  
24      units produced daily by the H-2A worker;

1           “(E) an itemization of the deductions  
2           made from the H-2A worker’s wages; and

3           “(F) any other information required by  
4           Federal, State or local law.

5           “(3) NOTICE OF WORKER RIGHTS.—The em-  
6           ployer shall post and maintain, in a conspicuous lo-  
7           cation at the place of employment, a poster provided  
8           by the Secretary of Labor in English, and, to the ex-  
9           tent necessary, any language common to a signifi-  
10          cant portion of the workers if they are not fluent in  
11          English, which sets out the rights and protections  
12          for workers employed pursuant to this section.

13          “(l) LABOR CONTRACTORS; FOREIGN LABOR RE-  
14          CRUITERS; PROHIBITION ON FEES.—

15                 “(1) LABOR CONTRACTORS.—

16                         “(A) SURETY BOND.—An employer that is  
17                         a labor contractor who seeks to employ H-2A  
18                         workers shall maintain a surety bond in an  
19                         amount required under subparagraph (B). Such  
20                         bond shall be payable to the Secretary of Labor  
21                         or pursuant to the resolution of a civil or crimi-  
22                         nal proceeding, for the payment of wages and  
23                         benefits, including any assessment of interest,  
24                         owed to an H-2A worker or a similarly em-



1 employed worker, or a worker who has been re-  
2 jected or displaced in violation of this section.

3 “(B) AMOUNT OF BOND.—The Secretary  
4 of Labor shall annually publish in the Federal  
5 Register a schedule of required bond amounts  
6 that are determined by such Secretary to be  
7 sufficient for labor contractors to discharge fi-  
8 nancial obligations under this section based on  
9 the number of workers the labor contractor  
10 seeks to employ and the wages such workers are  
11 required to be paid.

12 “(C) USE OF FUNDS.—Any sums paid to  
13 the Secretary under subparagraph (A) that are  
14 not paid to a worker because of the inability to  
15 do so within a period of 5 years following the  
16 date of a violation giving rise to the obligation  
17 to pay shall remain available to the Secretary  
18 without further appropriation until expended to  
19 support the enforcement of this section.

20 “(2) FOREIGN LABOR RECRUITING.—If the em-  
21 ployer has retained the services of a foreign labor re-  
22 cruter, the employer shall use a foreign labor re-  
23 cruter registered under section 251 of the Afford-  
24 able and Secure Food Act of 2024.

1           “(3) PROHIBITION AGAINST EMPLOYEES PAY-  
2           ING FEES.—Neither the employer nor its agents  
3           shall seek or receive payment of any kind from any  
4           worker for any activity related to the H-2A process,  
5           including payment of the employer’s attorneys’ fees,  
6           application fees, or recruitment costs. An employer  
7           and its agents may receive reimbursement for costs  
8           that are the responsibility and primarily for the ben-  
9           efit of the worker, such as government-required  
10          passport fees.

11          “(4) THIRD-PARTY CONTRACTS.—The contract  
12          between an employer and any labor contractor or  
13          any foreign labor recruiter (or any agent of such  
14          labor contractor or foreign labor recruiter) whom the  
15          employer engages shall include a term providing for  
16          the termination of such contract for cause if the con-  
17          tractor or recruiter, either directly or indirectly, in  
18          the placement or recruitment of H-2A workers seeks  
19          or receives payments or other compensation from  
20          prospective employees. Upon learning that a labor  
21          contractor or foreign labor recruiter has sought or  
22          collected such payments, the employer shall so termi-  
23          nate any contracts with such contractor or recruiter.

24          “(m) ENFORCEMENT AUTHORITY.—

1           “(1) IN GENERAL.—The Secretary of Labor is  
2 authorized to take such actions against employers,  
3 including issuing subpoenas, imposing appropriate  
4 penalties, and seeking monetary and injunctive relief  
5 and specific performance of contractual obligations,  
6 as may be necessary to ensure compliance with the  
7 requirements of this section and with the applicable  
8 terms and conditions of employment. The Solicitor  
9 of Labor may appear on behalf of and represent the  
10 Secretary of Labor in any civil litigation brought  
11 under this chapter, but all such litigation shall be  
12 subject to the direction and control of the Attorney  
13 General.

14           “(2) COMPLAINT PROCESS.—

15           “(A) PROCESS.—The Secretary of Labor  
16 shall establish a process for the receipt, inves-  
17 tigation, and disposition of complaints alleging  
18 failure of an employer to comply with the re-  
19 quirements under this section and with the ap-  
20 plicable terms and conditions of employment.

21           “(B) FILING.—A complaint referred to in  
22 subparagraph (A) may be filed not later than 2  
23 years after the date of the conduct that is the  
24 subject of the complaint.

1           “(C) COMPLAINT NOT EXCLUSIVE.—A  
2 complaint filed under this paragraph is not an  
3 exclusive remedy and the filing of such a com-  
4 plaint does not waive any rights or remedies of  
5 the aggrieved party under this law or other  
6 laws.

7           “(D) DECISION AND REMEDIES.—If the  
8 Secretary of Labor finds, after notice and op-  
9 portunity for a hearing, that the employer failed  
10 to comply with the requirements of this section  
11 or the terms and conditions of employment, the  
12 Secretary of Labor may require payment of un-  
13 paid wages, unpaid benefits, fees assessed in  
14 violation of this section, damages, and civil  
15 money penalties. The Secretary is also author-  
16 ized to impose other administrative remedies,  
17 including disqualification of the employer from  
18 utilizing the H-2A program for a period of up  
19 to 5 years in the event of willful or multiple  
20 material violations. The Secretary is authorized  
21 to permanently disqualify an employer from uti-  
22 lizing the H-2A program upon a subsequent  
23 finding involving willful or multiple material  
24 violations.

1           “(E) DISPOSITION OF PENALTIES.—Civil  
2 penalties collected under this paragraph shall be  
3 deposited into the H-2A Labor Certification  
4 Fee Account established under section 203 of  
5 the Affordable and Secure Food Act of 2024.

6           “(3) STATUTORY CONSTRUCTION.—Nothing in  
7 this subsection may be construed as limiting the au-  
8 thority of the Secretary of Labor to conduct an in-  
9 vestigation—

10           “(A) under any other law, including any  
11 law affecting migrant and seasonal agricultural  
12 workers; or

13           “(B) in the absence of a complaint.

14           “(4) RETALIATION PROHIBITED.—It is a viola-  
15 tion of this subsection for any person to intimidate,  
16 threaten, restrain, coerce, blacklist, discharge, or in  
17 any other manner discriminate against, or to cause  
18 any person to intimidate, threaten, restrain, coerce,  
19 blacklist, or in any manner discriminate against, an  
20 employee, including a former employee or an appli-  
21 cant for employment, because the employee—

22           “(A) has disclosed information to the em-  
23 ployer, or to any other person, that the em-  
24 ployee reasonably believes evidences a violation

1 under this section, or any rule or regulation re-  
2 lating to this section;

3 “(B) has filed a complaint concerning the  
4 employer’s compliance with the requirements  
5 under this section or any rule or regulation per-  
6 taining to this section;

7 “(C) cooperates or seeks to cooperate in an  
8 investigation or other proceeding concerning the  
9 employer’s compliance with the requirements  
10 under this section or any rule or regulation per-  
11 taining to this section; or

12 “(D) has taken steps to exercise or assert  
13 any right or protection under the provisions of  
14 this section, or any rule or regulation pertaining  
15 to this section, or any other relevant Federal,  
16 State, or local law.

17 “(5) INTERAGENCY COMMUNICATION.—The  
18 Secretary of Labor, in consultation with the Sec-  
19 retary of Homeland Security, Secretary of State and  
20 the Equal Employment Opportunity Commission,  
21 shall establish mechanisms by which the agencies  
22 and their components share information, including  
23 by public electronic means, regarding complaints,  
24 studies, investigations, findings and remedies regard-  
25 ing compliance by employers with the requirements

1 of the H-2A program and other employment-related  
2 laws and regulations.

3 “(n) DEFINITIONS.—In this section:

4 “(1) DISPLACE.—The term ‘displace’ means to  
5 lay off a similarly employed United States worker,  
6 other than for lawful job-related reasons, in the oc-  
7 cupation and area of intended employment for the  
8 job for which H-2A workers are sought.

9 “(2) H-2A WORKER.—The term ‘H-2A worker’  
10 means a nonimmigrant described in section  
11 101(a)(15)(H)(ii)(a).

12 “(3) JOB ORDER.—The term ‘job order’ means  
13 the document containing the material terms and  
14 conditions of employment, including obligations and  
15 assurances required under this section or any other  
16 law.

17 “(4) ONLINE JOB REGISTRY.—The term ‘online  
18 job registry’ means the online job registry of the  
19 Secretary of Labor required under section 201(b) of  
20 the Affordable and Secure Food Act of 2024 (or  
21 similar successor registry).

22 “(5) SIMILARLY EMPLOYED.—The term ‘simi-  
23 larly employed’, in the case of a worker, means a  
24 worker in the same occupational classification as the

1 classification or classifications for which the H-2A  
2 worker is sought.

3 “(6) UNITED STATES WORKER.—The term  
4 ‘United States worker’ means any worker who is—

5 “(A) a citizen or national of the United  
6 States;

7 “(B) an alien who is lawfully admitted for  
8 permanent residence, is admitted as a refugee  
9 under section 207, is granted asylum under sec-  
10 tion 208, or is an immigrant otherwise author-  
11 ized to be employed in the United States;

12 “(C) an alien granted certified agricultural  
13 worker status under title I of the Affordable  
14 and Secure Food Act of 2024; or

15 “(D) an individual who is not an unauthor-  
16 ized alien (as defined in section 274A(h)(3))  
17 with respect to the employment in which the  
18 worker is engaging.

19 “(o) FEES; AUTHORIZATION OF APPROPRIATIONS.—

20 “(1) FEES.—

21 “(A) IN GENERAL.—The Secretary of  
22 Homeland Security shall impose a fee to proc-  
23 ess petitions under this section. Such fee shall  
24 be set at a level that is sufficient to recover the  
25 reasonable costs of processing the petition, in-



1 including the reasonable costs of providing labor  
2 certification by the Secretary of Labor.

3 “(B) DISTRIBUTION.—Fees collected  
4 under subparagraph (A) shall be deposited as  
5 offsetting receipts into the immigration exami-  
6 nations fee account in section 286(m), except  
7 that the portion of fees assessed for the Sec-  
8 retary of Labor shall be deposited into the H-  
9 2A Labor Certification Fee Account established  
10 pursuant to section 203(c) of the Affordable  
11 and Secure Food Act of 2024.

12 “(2) APPROPRIATIONS.—There are authorized  
13 to be appropriated for each fiscal year such sums as  
14 necessary for the purposes of—

15 “(A) recruiting United States workers for  
16 labor or services which might otherwise be per-  
17 formed by H-2A workers, including by ensuring  
18 that State workforce agencies are sufficiently  
19 funded to fulfill their functions under this sec-  
20 tion;

21 “(B) enabling the Secretary of Labor to  
22 make determinations and certifications under  
23 this section and under section 212(a)(5)(A)(i);

24 “(C) monitoring and enforcing the terms  
25 and conditions under which H-2A workers (and

1 United States workers employed by the same  
2 employers) are employed in the United States;  
3 and

4 “(D) enabling the Secretary of Agriculture  
5 to carry out the Secretary of Agriculture’s du-  
6 ties and responsibilities under this section.”.

7 **SEC. 203. AGENCY ROLES AND RESPONSIBILITIES.**

8 (a) RESPONSIBILITIES OF THE SECRETARY OF  
9 LABOR.—With respect to the administration of the H-2A  
10 nonimmigrant visa program (referred to in this section as  
11 the “H-2A program”), the Secretary of Labor shall be  
12 responsible for—

13 (1) consulting with State workforce agencies  
14 to—

15 (A) review and process job orders;

16 (B) facilitate the recruitment and referral  
17 of able, willing and qualified United States  
18 workers who will be available at the time and  
19 place needed;

20 (C) determine prevailing wages and prac-  
21 tices; and

22 (D) conduct timely inspections to ensure  
23 compliance with applicable Federal, State, or  
24 local housing standards and Federal regulations  
25 for H-2A housing;

1           (2) determining whether the employer has met  
2           the conditions for approval of the H-2A non-  
3           immigrant visa petition described in section 218 of  
4           the Immigration and Nationality Act (8 U.S.C.  
5           1188);

6           (3) determining, in consultation with the Sec-  
7           retary of Agriculture, whether a job opportunity is  
8           of a seasonal or temporary nature;

9           (4) determining whether the employer has com-  
10          plied or will comply with the H-2A program require-  
11          ments set forth in section 218 of the Immigration  
12          and Nationality Act (8 U.S.C. 1188);

13          (5) processing and investigating complaints con-  
14          sistent with section 218(m) of the Immigration and  
15          Nationality Act (8 U.S.C. 1188(m));

16          (6) referring any matter as appropriate to the  
17          Inspector General of the Department of Labor for  
18          investigation;

19          (7) ensuring that guidance to State workforce  
20          agencies to conduct wage surveys is regularly up-  
21          dated; and

22          (8) issuing such rules and regulations as are  
23          necessary to carry out the Secretary of Labor's re-  
24          sponsibilities under this Act and the amendments  
25          made by this Act.

1 (b) RESPONSIBILITIES OF THE SECRETARY OF  
2 HOMELAND SECURITY.—With respect to the administra-  
3 tion of the H–2A program, the Secretary of Homeland Se-  
4 curity shall be responsible for—

5 (1) adjudicating petitions for the admission of  
6 nonimmigrants described in section  
7 101(a)(15)(H)(2)(a) (referred to in this title as “H–  
8 2A workers”), which shall include an assessment as  
9 to whether each beneficiary will be employed in ac-  
10 cordance with the terms and conditions of the cer-  
11 tification and whether any named beneficiaries qual-  
12 ify for such employment;

13 (2) transmitting a copy of the final decision on  
14 the petition to the employer, and in the case of ap-  
15 proved petitions, ensuring that the petition approval  
16 is reflected in the electronic platform to facilitate the  
17 prompt issuance of a visa by the Department of  
18 State (if required) and the admission of the H–2A  
19 workers to the United States;

20 (3) establishing a reliable and secure method  
21 through which H–2A workers can access information  
22 about their H–2A visa status, including information  
23 on pending, approved, or denied petitions to extend  
24 such status;

1           (4) investigating and preventing fraud in the  
2 program, including the utilization of H-2A workers  
3 for other than allowable agricultural labor or serv-  
4 ices; and

5           (5) issuing such rules and regulations as are  
6 necessary to carry out the Secretary of Homeland  
7 Security's responsibilities under this Act and the  
8 amendments made by this Act.

9           (c) ESTABLISHMENT OF ACCOUNT; USE OF  
10 FUNDS.—

11           (1) ESTABLISHMENT OF ACCOUNT.—There is  
12 established in the general fund of the Treasury a  
13 separate account, which shall be known as the “H-  
14 2A Labor Certification Fee Account”. Notwith-  
15 standing any other provisions of law, there shall be  
16 deposited as offsetting receipts into the account all  
17 amounts—

18                   (A) collected as a civil penalty under sec-  
19 tion 218(m)(2)(E) of the Immigration and Na-  
20 tionality Act (8 U.S.C. 1188(m)(2)(E)); and

21                   (B) collected as a fee under section  
22 218(o)(1)(B) of such Act (8 U.S.C.  
23 1188(o)(1)(B)).

24           (2) USE OF FUNDS.—

1 (A) IN GENERAL.—Except as otherwise  
2 provided in this paragraph, amounts deposited  
3 into the H-2A Labor Certification Fee Account  
4 shall be available (except as otherwise provided  
5 in this paragraph) without fiscal year limitation  
6 and without the requirement for specification in  
7 appropriations Acts to the Secretary of Labor  
8 for use, directly or through grants, contracts, or  
9 other arrangements, in such amounts as the  
10 Secretary of Labor determines are necessary for  
11 the costs of Federal and State administration in  
12 carrying out activities in connection with labor  
13 certification under section 218 of the Immigra-  
14 tion and Nationality Act (8 U.S.C. 1188).

15 (B) EXAMPLES OF APPROVED COSTS.—  
16 Costs authorized under subparagraph (A) may  
17 include—

- 18 (i) personnel salaries and benefits;  
19 (ii) equipment and infrastructure for  
20 adjudication and customer service proc-  
21 esses;  
22 (iii) the operation and maintenance of  
23 an on-line job registry; and  
24 (iv) program integrity activities.

1 (C) CONSIDERATIONS.—In determining  
2 what amounts to transfer to States for State  
3 administration in carrying out activities in con-  
4 nection with labor certification under section  
5 218 of the Immigration and Nationality Act,  
6 the Secretary shall—

7 (i) consider the number of H-2A  
8 workers employed in such State; and

9 (ii) adjust the amount transferred to  
10 such State based on the proportion of H-  
11 2A workers employed in such State.

12 (D) AUDITS; CRIMINAL INVESTIGATIONS.—  
13 Ten percent of the amounts deposited into the  
14 H-2A Labor Certification Fee Account pursu-  
15 ant to paragraph (1) shall be available to the  
16 Office of Inspector General of the Department  
17 of Labor to conduct audits and criminal inves-  
18 tigations relating to foreign labor certification  
19 programs.

20 (3) ADDITIONAL FUNDS.—Amounts available  
21 under paragraph (1) shall be available in addition to  
22 any other funds appropriated or made available to  
23 the Department of Labor under other laws, includ-  
24 ing section 218(o)(2) of the Immigration and Na-  
25 tionality Act (8 U.S.C. 1188(o)(2)).

1 **SEC. 204. WORKER PROTECTION AND COMPLIANCE.**

2 (a) EQUALITY OF TREATMENT.—H-2A workers may  
3 not be denied any right or remedy under any Federal,  
4 State, or local labor or employment law applicable to  
5 United States workers engaged in agricultural employ-  
6 ment.

7 (b) APPLICABILITY OF OTHER LAWS.—

8 (1) MIGRANT AND SEASONAL AGRICULTURAL  
9 WORKER PROTECTION ACT.—H-2A workers shall be  
10 considered migrant agricultural workers for purposes  
11 of the Migrant and Seasonal Agricultural Worker  
12 Protection Act (29 U.S.C. 1801 et seq.).

13 (2) WAIVER OF RIGHTS PROHIBITED.—Agree-  
14 ments by H-2A workers to waive or modify any  
15 rights or protections under this Act or section 218  
16 of the Immigration and Nationality Act, as amended  
17 by section 202, shall be considered void or contrary  
18 to public policy except as provided in a collective  
19 bargaining agreement with a bona fide labor organi-  
20 zation.

21 (3) FRIVOLOUS LAWSUITS PROHIBITED.—A  
22 legal representative of an H-2A worker who seeks to  
23 enforce rights guaranteed under this Act or under  
24 section 218 of the Immigration and Nationality Act,  
25 as amended by section 202, shall comply with Rules  
26 8 and 11 of the Federal Rules of Civil Procedure.



1           (4) DEMAND LETTER PROHIBITIONS.—A legal  
2 representative of an H-2A worker, or a class of  
3 workers, may not send a demand letter to the em-  
4 ployer of such worker, or class of workers, regarding  
5 a violation of the Migrant and Seasonal Agricultural  
6 Worker Protection Act (29 U.S.C. 1801 et seq.) and  
7 demanding a monetary payment without a good  
8 faith basis that there are sufficient facts to support  
9 such an allegation.

10           (5) THIRD-PARTY LAWSUITS.—All named plain-  
11 tiffs in a lawsuit against the employer of an H-2A  
12 worker shall be a real party in interest and may not  
13 be a third party who is not an H-2A worker, except  
14 as otherwise expressly permitted under this Act or  
15 any other law.

16           (6) MEDIATION.—

17           (A) FREE MEDIATION SERVICES.—The  
18 Federal Mediation and Conciliation Service  
19 shall be available to assist in resolving disputes  
20 arising under this section between H-2A work-  
21 ers and agricultural employers without charge  
22 to the parties.

23           (B) LAWSUITS.—If an H-2A worker files  
24 a civil lawsuit alleging 1 or more violations of  
25 the Migrant and Seasonal Agricultural Worker

1 Protection Act (29 U.S.C. 1801 et seq.), not  
2 later than 60 days after filing proof of service  
3 of the complaint, a party to the lawsuit may file  
4 a request with the Federal Mediation and Con-  
5 ciliation Service to assist the parties in reaching  
6 a satisfactory resolution of all issues involving  
7 all parties to the dispute.

8 (C) NOTICE.—Upon filing a request under  
9 subparagraph (B) and giving of notice to the  
10 parties, the parties shall attempt mediation  
11 within the period specified in subparagraph  
12 (D), except that nothing in this paragraph shall  
13 limit the ability of a court to order preliminary  
14 injunctive relief to protect health and safety or  
15 to otherwise prevent irreparable harm.

16 (D) 90-DAY LIMIT.—The Federal Medi-  
17 ation and Conciliation Service may conduct me-  
18 diation or other nonbinding dispute resolution  
19 activities for a period not to exceed 90 days be-  
20 ginning on the date on which the Federal Medi-  
21 ation and Conciliation Service receives a request  
22 for assistance under subparagraph (B) unless  
23 the parties agree to an extension of such period.

24 (E) AUTHORIZATION OF APPROPRIA-  
25 TIONS.—

1 (i) IN GENERAL.—Subject to clause  
2 (ii), there is authorized to be appropriated  
3 to the Federal Mediation and Conciliation  
4 Service \$5,600,000 for fiscal year 2024  
5 and \$4,600,000 for each of the following  
6 10 fiscal years to carry out this subpara-  
7 graph.

8 (ii) MEDIATION.—Notwithstanding  
9 any other provision of law, the Director of  
10 the Federal Mediation and Conciliation  
11 Service is authorized—

12 (I) to conduct the mediation or  
13 other dispute resolution activities from  
14 any other account containing amounts  
15 available to the Director; and

16 (II) to reimburse such account  
17 with amounts appropriated pursuant  
18 to clause (i).

19 (F) PRIVATE MEDIATION.—If all parties  
20 agree, a private mediator may be employed as  
21 an alternative to the Federal Mediation and  
22 Conciliation Service.

23 (c) FARM LABOR CONTRACTOR REQUIREMENTS.—

24 (1) SURETY BONDS.—

1                   (A) REQUIREMENT.—Section 101 of the  
2                   Migrant and Seasonal Agricultural Worker Pro-  
3                   tection Act (29 U.S.C. 1811), is amended by  
4                   adding at the end the following:

5                   “(e) A farm labor contractor shall maintain a surety  
6                   bond in an amount determined by the Secretary to be suf-  
7                   ficient for ensuring the ability of the farm labor contractor  
8                   to discharge its financial obligations, including payment  
9                   of wages and benefits to employees. Such a bond shall be  
10                  available to satisfy any amounts ordered to be paid by the  
11                  Secretary or by court order for failure to comply with the  
12                  obligations of this Act. The Secretary of Labor shall annu-  
13                  ally publish in the Federal Register a schedule of required  
14                  bond amounts that are determined by such Secretary to  
15                  be sufficient for farm labor contractors to discharge finan-  
16                  cial obligations based on the number of workers to be cov-  
17                  ered.”.

18                  (B) REGISTRATION DETERMINATIONS.—  
19                  Section 103(a) of the Migrant and Seasonal Ag-  
20                  ricultural Worker Protection Act (29 U.S.C.  
21                  1813(a)), is amended—

22                         (i) in paragraph (4), by striking “or”  
23                         at the end;

24                         (ii) in paragraph (5)(B), by striking  
25                         “or” at the end;

1 (iii) in paragraph (6), by striking the  
2 period at the end and inserting “;”; and

3 (iv) by adding at the end the fol-  
4 lowing:

5 “(7) has failed to maintain a surety bond in  
6 compliance with section 101(e); or

7 “(8) has been disqualified by the Secretary of  
8 Labor from importing nonimmigrants described in  
9 section 101(a)(15)(H)(ii) of the Immigration and  
10 Nationality Act.”.

11 (2) SUCCESSORS IN INTEREST.—

12 (A) DECLARATION.—Section 102 of the  
13 Migrant and Seasonal Agricultural Worker Pro-  
14 tection Act (29 U.S.C. 1812), is amended—

15 (i) in paragraph (4), by striking  
16 “and” at the end;

17 (ii) in paragraph (5), by striking the  
18 period at the end and inserting “; and”;  
19 and

20 (iii) by adding at the end the fol-  
21 lowing:

22 “(6) a declaration, subscribed and sworn to by  
23 the applicant, stating whether the applicant has a  
24 familial, contractual, or employment relationship  
25 with, or shares vehicles, facilities, property, or em-

1 ployees with, a person who has been refused  
2 issuance or renewal of a certificate, or has had a  
3 certificate suspended or revoked, pursuant to section  
4 103.”.

5 (B) REBUTTABLE PRESUMPTION.—Section  
6 103 of the Migrant and Seasonal Agricultural  
7 Worker Protection Act (29 U.S.C. 1813), as  
8 amended by this Act, is further amended by in-  
9 serting after subsection (a) the following new  
10 subsection (and by redesignating the subse-  
11 quent subsections accordingly):

12 “(b)(1) There shall be a rebuttable presumption that  
13 an applicant for issuance or renewal of a certificate is not  
14 the real party in interest in the application if the appli-  
15 cant—

16 “(A) is the immediate family member of any  
17 person who has been refused issuance or renewal of  
18 a certificate, or has had a certificate suspended or  
19 revoked; and

20 “(B) identifies a vehicle, facility, or real prop-  
21 erty under paragraph (2) or (3) of section 102 that  
22 has been previously listed by a person who has been  
23 refused issuance or renewal of a certificate, or has  
24 had a certificate suspended or revoked.

1       “(2) An applicant described in paragraph (1) bears  
2 the burden of demonstrating to the Secretary’s satisfac-  
3 tion that the applicant is the real party in interest in the  
4 application.”.

5       (d) CONFORMING AMENDMENT.—Section 3(8)(B) of  
6 the Migrant and Seasonal Agricultural Worker Protection  
7 Act (29 U.S.C. 1802(8)(B)) is amended to read as follows:

8               “(B) The term ‘migrant agricultural worker’  
9 does not include any immediate family member of an  
10 agricultural employer or a farm labor contractor.”.

11 **SEC. 205. REPORT ON WAGE PROTECTIONS.**

12       (a) IN GENERAL.—Not later than 3 years after the  
13 date of the enactment of this Act, and every 3 years there-  
14 after, the Secretary of Labor and the Secretary of Agri-  
15 culture shall submit a report to the Committee on the Ju-  
16 diciary of the Senate and the Committee on the Judiciary  
17 of the House of Representatives that addresses—

18               (1) whether, and the manner in which, the em-  
19 ployment of H-2A workers in the United States has  
20 impacted the wages, working conditions, or job op-  
21 portunities of United States farm workers;

22               (2) whether, and the manner in which, the ad-  
23 verse effect wage rate increases or decreases wages  
24 on United States farms, broken down by geographic  
25 region and farm size;

1           (3) whether any potential impact of the adverse  
2 effect wage rate varies based on the percentage of  
3 workers in a geographic region that are H-2A work-  
4 ers;

5           (4) the degree to which the adverse effect wage  
6 rate is affected by the inclusion in wage surveys of  
7 piece rate compensation, bonus payments, and other  
8 pay incentives, and whether such forms of incentive  
9 compensation should be surveyed and reported sepa-  
10 rately from hourly base rates;

11           (5) whether, and the manner in which, other  
12 factors may artificially affect the adverse effect wage  
13 rate, including factors that may be specific to a re-  
14 gion, State, or region within a State;

15           (6) whether, and the manner in which, the H-  
16 2A program affects the ability of United States  
17 farms to compete with agricultural commodities im-  
18 ported from outside the United States;

19           (7) the number and percentage of farm workers  
20 in the United States whose incomes are below the  
21 poverty line;

22           (8) whether alternative wage standards would  
23 be sufficient to prevent wages in occupations in  
24 which H-2A workers are employed from falling



1 below the wage level that would have prevailed in the  
2 absence of the H-2A program;

3 (9) whether any changes are warranted in the  
4 current methodologies for calculating the adverse ef-  
5 fect wage rate and the prevailing wage; and

6 (10) recommendations for future wage protec-  
7 tion for United States farm workers.

8 (b) INTERVIEWS.—In gathering information for the  
9 report required subsection (a), the Secretary of Labor and  
10 the Secretary of Agriculture shall interview equal numbers  
11 of representatives of agricultural employers and agricul-  
12 tural workers, both locally and nationally.

13 **SEC. 206. PORTABLE H-2A VISA PILOT PROGRAM.**

14 (a) ESTABLISHMENT OF PILOT PROGRAM.—

15 (1) IN GENERAL.—

16 (A) RULEMAKING.—Not later than 18  
17 months after the date of the enactment of this  
18 Act, the Secretary of Homeland Security, in  
19 consultation with the Secretary of Labor and  
20 the Secretary of Agriculture, shall promulgate  
21 regulations establishing a 6-year pilot program  
22 to facilitate the free movement and employment  
23 of temporary or seasonal H-2A workers to per-  
24 form agricultural labor or services for agricul-

1 tural employers registered with the Secretary of  
2 Agriculture.

3 (B) PROGRAM REQUIREMENTS.—Notwith-  
4 standing the requirements under section 218 of  
5 the Immigration and Nationality Act (8 U.S.C.  
6 1188), the regulations promulgated pursuant to  
7 subparagraph (A) shall establish the require-  
8 ments for the pilot program in accordance with  
9 subsection (b).

10 (C) DEFINED TERMS.—In this section:

11 (i) PORTABLE H-2A WORKER.—The  
12 term “portable H-2A worker” means an  
13 H-2A worker described in subparagraph  
14 (A).

15 (ii) PORTABLE H-2A STATUS.—The  
16 term “portable H-2A status” means the  
17 immigration status of a portable H-2A  
18 worker.

19 (2) ONLINE PLATFORM.—

20 (A) ESTABLISHMENT.—The Secretary of  
21 Homeland Security, in consultation with the  
22 Secretary of Labor and the Secretary of Agri-  
23 culture, shall establish and maintain an online  
24 electronic platform to connect portable H-2A  
25 workers with registered agricultural employers

1 seeking workers to perform temporary or sea-  
2 sonal agricultural labor or services.

3 (B) POSTING OF JOB OPPORTUNITIES.—

4 Employers shall post information regarding  
5 available job opportunities on the platform es-  
6 tablished pursuant to subparagraph (A), which  
7 shall include—

8 (i) a description of the nature and lo-  
9 cation of the work to be performed;

10 (ii) the anticipated period or periods  
11 during which workers are needed; and

12 (iii) the terms and conditions of em-  
13 ployment.

14 (C) SEARCH CRITERIA.—The platform es-  
15 tablished pursuant to subparagraph (A) shall  
16 allow portable H-2A workers to search for  
17 available job opportunities using relevant cri-  
18 teria, including the types of jobs needed to be  
19 filled and the dates and locations workers are  
20 needed by an employer.

21 (3) LIMITATION.—Notwithstanding the  
22 issuance of the regulation described in paragraph  
23 (1), the Secretary of State may not issue a portable  
24 H-2A visa and the Secretary of Homeland Security  
25 may not confer portable H-2A status on any alien

1 until the Secretary of Homeland Security, in con-  
2 sultation with the Secretary of Labor and the Sec-  
3 retary of Agriculture, determines that—

4 (A) a sufficient number of employers have  
5 been designated as registered agricultural em-  
6 ployers pursuant to subsection (b)(1); and

7 (B) the employers referred to in subpara-  
8 graph (A) have sufficient job opportunities to  
9 employ a reasonable number of portable H-2A  
10 workers to initiate the pilot program.

11 (b) PILOT PROGRAM ELEMENTS.—

12 (1) REGISTERED AGRICULTURAL EMPLOY-  
13 ERS.—

14 (A) DESIGNATION.—Agricultural employ-  
15 ers shall be provided the ability to seek designa-  
16 tion as registered agricultural employers. Rea-  
17 sonable fees may be assessed commensurate  
18 with the cost of processing applications for des-  
19 ignation. A designation shall be valid for a pe-  
20 riod of up to 3 years unless revoked for failure  
21 to comply with program requirements. Reg-  
22 istered employers that comply with program re-  
23 quirements may apply to renew such designa-  
24 tion for additional periods of up to 3 years for

1 the duration of the pilot program established  
2 pursuant to subsection (a).

3 (B) LIMITATIONS.—Registered agricultural  
4 employers—

5 (i) may employ aliens with portable  
6 H-2A status without filing a petition; and

7 (ii) shall pay such aliens not less than  
8 the wage required under section 218(d) of  
9 the Immigration and Nationality Act, as  
10 amended by section 202.

11 (C) WORKERS' COMPENSATION.—If a job  
12 opportunity is not covered by, or is exempt  
13 from, the applicable State workers' compensa-  
14 tion law, a registered agricultural employer  
15 shall provide to portable H-2A workers, at no  
16 cost to such workers, insurance covering injury  
17 and disease arising out of, and in the course of,  
18 the worker's employment, which will provide  
19 benefits that are at least equal to the benefits  
20 provided under the applicable State workers'  
21 compensation law.

22 (2) DESIGNATED WORKERS.—

23 (A) IN GENERAL.—Individuals who were  
24 previously admitted to the United States in H-  
25 2A status, and have maintained such status

1 during the period of their admission, may apply  
2 for portable H-2A status. Portable H-2A work-  
3 ers shall be subject to the provisions regarding  
4 visa validity and periods of authorized stay and  
5 admission applicable to H-2A workers de-  
6 scribed in paragraphs (2) and (3) of section  
7 218(j) of the Immigration and Nationality Act,  
8 as added by section 202.

9 (B) LIMITATIONS ON AVAILABILITY OF  
10 PORTABLE H-2A STATUS.—

11 (i) INITIAL OFFER OF EMPLOYMENT  
12 REQUIRED.—An alien may not be granted  
13 portable H-2A status without an initial  
14 valid offer of employment from a registered  
15 agricultural employer to perform tem-  
16 porary or agricultural labor or services.

17 (ii) NUMERICAL LIMITATIONS.—

18 (I) IN GENERAL.—Subject to  
19 subclause (II), the total number of  
20 aliens who may simultaneously hold  
21 valid portable H-2A status may not  
22 exceed 10,000.

23 (II) FURTHER LIMITATION.—The  
24 Secretary of Homeland Security may  
25 further limit the total number of

1           aliens who may be granted portable  
2           H-2A status if the Secretary deter-  
3           mines that there are an insufficient  
4           number of registered agricultural em-  
5           ployers or job opportunities to support  
6           the employment of the number of  
7           portable H-2A workers authorized  
8           under subclause (I).

9           (C) SCOPE OF EMPLOYMENT.—A portable  
10          H-2A worker, during the period of his or her  
11          admission, may perform temporary or seasonal  
12          agricultural labor or services for any employer  
13          in the United States that is designated as a  
14          registered agricultural employer pursuant to  
15          paragraph (1). An employment arrangement  
16          under this section may be terminated by the  
17          portable H-2A worker or the registered agricul-  
18          tural employer at any time.

19          (D) MAINTENANCE OF STATUS.—

20                 (i) TRANSFER TO NEW EMPLOY-  
21                 MENT.—If a portable H-2A worker desires  
22                 to maintain portable H-2A status after the  
23                 conclusion of such worker's employment  
24                 with a registered agricultural employer,  
25                 such worker shall secure new employment

1 with another registered agricultural em-  
2 ployer not later than 60 days after the last  
3 day of employment with the previous em-  
4 ployer.

5 (ii) MAINTENANCE OF STATUS.—A  
6 portable H-2A worker who does not secure  
7 new employment with a registered agricul-  
8 tural employer during the 60-day period  
9 referred to in clause (i)—

10 (I) shall be considered to have  
11 failed to maintain portable H-2A sta-  
12 tus; and

13 (II) shall depart the United  
14 States or be subject to removal under  
15 section 237(a)(1)(C)(i) of the Immig-  
16 ration and Nationality Act (8 U.S.C.  
17 1227(a)(1)(C)(i)).

18 (3) ENFORCEMENT.—

19 (A) IN GENERAL.—The Secretary of Labor  
20 shall conduct investigations and random audits  
21 of employers to ensure compliance with the em-  
22 ployment-related requirements under this sec-  
23 tion, in accordance with section 218(m) of the  
24 Immigration and Nationality Act, as added by  
25 section 202.



1 (B) PENALTIES.—The Secretary of Labor  
2 is authorized to collect reasonable civil penalties  
3 for violations of this section, which may be ex-  
4 pended by the Secretary for the administration  
5 and enforcement of this section.

6 (4) ELIGIBILITY FOR SERVICES.—Section 305  
7 of the Immigration Reform and Control Act of 1986  
8 (8 U.S.C. 1101 note) is amended by striking “other  
9 employment rights as provided in the worker’s spe-  
10 cific contract under which the nonimmigrant was ad-  
11 mitted” and inserting “employment-related rights”.

12 (c) REPORT.—Not later than 30 months after the  
13 commencement of the pilot program established pursuant  
14 to subsection (a), the Secretary of Homeland Security, in  
15 consultation with the Secretary of Labor and the Sec-  
16 retary of Agriculture, shall submit a report to the Com-  
17 mittee on the Judiciary of the Senate and the Committee  
18 on the Judiciary of the House of Representatives that in-  
19 cludes—

20 (1) the number of employers designated as reg-  
21 istered agricultural employers, disaggregated by geo-  
22 graphic region, farm size, and the number of job op-  
23 portunities offered by such employers;

24 (2) the number of employers whose designation  
25 as a registered agricultural employer was revoked;

1           (3) the number of individuals granted portable  
2 H–2A status during each fiscal year and the number  
3 of such individuals who maintained portable H–2A  
4 status during all or a portion of the 3-year period  
5 of the pilot program;

6           (4) an assessment of the impact of the pilot  
7 program on the wages and working conditions of  
8 United States farm workers;

9           (5) the results of a survey of individuals grant-  
10 ed portable H–2A status that describes their experi-  
11 ences with and their feedback regarding the pilot  
12 program;

13           (6) the results of a survey of registered agricul-  
14 tural employers that describes their experiences with  
15 and their feedback regarding the pilot program;

16           (7) an assessment regarding whether the pilot  
17 program should be continued and any recommenda-  
18 tions for improving the pilot program; and

19           (8) findings and recommendations regarding ef-  
20 fective recruitment mechanisms, including the use of  
21 new technology—

22                   (A) to match workers with employers; and

23                   (B) to ensure compliance with applicable  
24 labor and employment laws and regulations.

1 **SEC. 207. IMPROVING ACCESS TO PERMANENT RESIDENCE.**

2 (a) **WORLDWIDE LEVEL.**—Section 201(d)(1)(A) of  
3 the Immigration and Nationality Act (8 U.S.C.  
4 1151(d)(1)(A)) is amended by striking “140,000” and in-  
5 serting “200,000”.

6 (b) **VISAS FOR FARM WORKERS.**—Section 203(b) of  
7 the Immigration and Nationality Act (8 U.S.C. 1153(b))  
8 is amended—

9 (1) in paragraph (1) by striking “28.6 percent  
10 of such worldwide level” and inserting “40,040”;

11 (2) in paragraph (2)(A) by striking “28.6 per-  
12 cent of such worldwide level” and inserting  
13 “40,040”;

14 (3) in paragraph (3)—

15 (A) in subparagraph (A)—

16 (i) in the matter before clause (i), by  
17 striking “28.6 percent of such worldwide  
18 level” and inserting “100,040”; and

19 (ii) by amending clause (iii) to read as  
20 follows:

21 “(iii) **OTHER WORKERS.**—Other quali-  
22 fied immigrants who, at the time of peti-  
23 tioning for classification under this para-  
24 graph—

25 “(I) are capable of performing  
26 unskilled labor, not of a temporary or

1 seasonal nature, for which qualified  
 2 workers are not available in the  
 3 United States; or

4 “(II) can demonstrate employ-  
 5 ment in the United States as an H-  
 6 2A nonimmigrant worker for at least  
 7 100 days in each of at least 10 years  
 8 or for at least 1,000 days within the  
 9 preceding 10-year period.”;

10 (B) by amending subparagraph (B) to read

11 as follows:

12 “(B) VISAS ALLOCATED FOR OTHER  
 13 WORKERS.—

14 “(i) IN GENERAL.—Except as pro-  
 15 vided in clauses (ii) and (iii), 60,000 of the  
 16 visas made available under this paragraph  
 17 shall be reserved for qualified immigrants  
 18 described in subparagraph (A)(iii).

19 “(ii) PREFERENCE FOR AGRICUL-  
 20 TURAL WORKERS.—Subject to clause (iii),  
 21 not fewer than 50,000 of the visas de-  
 22 scribed in clause (i) shall be reserved for—

23 “(I) qualified immigrants de-  
 24 scribed in subparagraph (A)(iii)(I)  
 25 who will be performing agricultural

1 labor or services in the United States;  
2 and

3 “(II) qualified immigrants de-  
4 scribed in subparagraph (A)(iii)(II).

5 “(iii) EXCEPTION.—If because of the  
6 application of clause (ii), the total number  
7 of visas available under this paragraph for  
8 a calendar quarter exceeds the number of  
9 qualified immigrants who otherwise may be  
10 issued such a visa, clause (ii) shall not  
11 apply to visas under this paragraph during  
12 the remainder of such calendar quarter.

13 “(iv) NO PER COUNTRY LIMITS.—  
14 Visas described under clause (ii) shall be  
15 issued without regard to the numerical lim-  
16 itation under section 202(a)(2).”; and

17 (C) by amending subparagraph (C) by  
18 striking “An immigrant visa” and inserting  
19 “Except for qualified immigrants petitioning for  
20 classification under subparagraph (A)(iii)(II),  
21 an immigrant visa”;

22 (4) in paragraph (4), by striking “7.1 percent  
23 of such worldwide level” and inserting “9,940”; and

1           (5) in paragraph (5)(A), in the matter before  
2           clause (i), by striking “7.1 percent of such world-  
3           wide level” and inserting “9,940”.

4           (c) WESTERN HEMISPHERE PROCEDURES.—The  
5           Secretary of Homeland Security, in consultation with the  
6           Secretary of Labor and the Secretary of State, may—

7           (1) identify countries in the Western Hemi-  
8           sphere with large flows of migration outside of nor-  
9           mal trade and travel routes to the United States;  
10          and

11          (2) develop tools and resources and establish  
12          procedures to connect prospective workers described  
13          in section 203(b)(3)(A)(iii) of the Immigration and  
14          Nationality Act (8 U.S.C. 1153(b)(3)(A)(iii)) from  
15          such countries to United States employers seeking  
16          temporary workers to perform agricultural labor or  
17          services.

18          (d) PETITIONING PROCEDURE.—Section  
19          204(a)(1)(E) of the Immigration and Nationality Act (8  
20          U.S.C. 1154(a)(1)(E)) is amended by inserting “or  
21          203(b)(3)(A)(iii)(II)” after “203(b)(1)(A)”.

22          (e) DUAL INTENT.—Section 214(b) of the Immigra-  
23          tion and Nationality Act (8 U.S.C. 1184(b)) is amended  
24          by striking “section 101(a)(15)(H)(i) except subclause

1 (b1) of such section” and inserting “clause (i), except sub-  
 2 clause (b1), or (ii)(a) of section 101(a)(15)(H)”.

3 **Subtitle B—Preservation and Con-**  
 4 **struction of Farm Worker Hous-**  
 5 **ing**

6 **SEC. 220. SHORT TITLE.**

7 This subtitle may be cited as the “Strategy and In-  
 8 vestment in Rural Housing Preservation Act of 2024”.

9 **SEC. 221. NEW FARM WORKER HOUSING.**

10 Section 513(e) of the Housing Act of 1949 (42  
 11 U.S.C. 1483(e)) is amended by adding at the end the fol-  
 12 lowing:

13 “(e) FUNDING FOR FARM WORKER HOUSING.—

14 “(1) SECTION 514 FARM WORKER HOUSING  
 15 LOANS.—

16 “(A) INSURANCE AUTHORITY.—The Sec-  
 17 retary of Agriculture, to the extent approved in  
 18 appropriation Acts, may insure loans under sec-  
 19 tion 514 totaling not more than \$20,000,000  
 20 during each of the fiscal years 2024 through  
 21 2033.

22 “(B) AUTHORIZATION OF APPROPRIA-  
 23 TIONS.—There is authorized to be appropriated  
 24 \$75,000,000 for each of the fiscal years 2024  
 25 through 2033 for the cost (as such term is de-

1           fined in section 502(5) of the Congressional  
2           Budget Act of 1974 (2 U.S.C. 661a(5))) of  
3           loans insured pursuant to subparagraph (A).

4           “(2) SECTION 516 GRANTS FOR FARMWORKER  
5           HOUSING.—There is authorized to be appropriated  
6           \$30,000,000 for each of the fiscal years 2024  
7           through 2033 for financial assistance authorized  
8           under section 516.

9           “(3) SECTION 521 HOUSING ASSISTANCE.—  
10          There is authorized to be appropriated \$26,800,000  
11          for each of the fiscal years 2024 through 2033 for—

12                 “(A) rental assistance agreements entered  
13                 into or renewed pursuant to section 521(a)(2);  
14                 or

15                 “(B) agreements entered into in lieu of  
16                 debt forgiveness or payments for eligible house-  
17                 holds authorized under section 502(c)(5)(D).

18          “(4) ADMINISTRATIVE EXPENSES.—There is  
19          authorized to be appropriated 5 percent of any  
20          amounts made available for the housing assistance  
21          program under this section for any fiscal year, which  
22          shall be used for administrative expenses for such  
23          program.”.



1 **SEC. 222. LOAN AND GRANT LIMITATIONS.**

2 Section 514 of the Housing Act of 1949 (42 U.S.C.  
3 1484) is amended by inserting after subsection (c) the fol-  
4 lowing:

5 “(d) PER PROJECT LIMITATIONS ON ASSISTANCE.—  
6 If the Secretary, in making available assistance in any  
7 area under this section or section 516, establishes a limita-  
8 tion on the amount of assistance available per project, the  
9 limitation on a grant or loan award per project shall not  
10 be less than \$5,000,000.”.

11 **SEC. 223. OPERATING ASSISTANCE SUBSIDIES.**

12 Section 521(a)(5) of the Housing Act of 1949 (42  
13 U.S.C. 1490a(a)(5)) is amended—

14 (1) in subparagraph (A) by striking “migrant  
15 farmworkers” and inserting “migrant farm workers  
16 or domestic farm labor legally admitted to the  
17 United States and authorized to work in agri-  
18 culture”;

19 (2) in subparagraph (B)—

20 (A) by striking “In any fiscal year” and  
21 inserting the following: “

22 “(i) HOUSING FOR MIGRANT FARM  
23 WORKERS.—In any fiscal year”;

24 (B) by inserting “providing housing for mi-  
25 grant farm workers” after “any project”; and

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

1           “(ii) HOUSING FOR OTHER FARM  
2           LABOR.—The assistance provided under  
3           this paragraph in any fiscal year for any  
4           project providing housing for domestic  
5           farm labor legally admitted to the United  
6           States and authorized to work in agri-  
7           culture may not exceed an amount equal to  
8           50 percent of the operating costs for such  
9           project for such year, as determined by the  
10          Secretary. The owner of such project does  
11          not qualify for operating assistance unless  
12          the Secretary certifies that—

13                   “(I) such project was unoccupied  
14                   or underutilized before making units  
15                   available to such farm labor; and

16                   “(II) a grant under this section  
17                   will not displace any farm worker who  
18                   is a United States worker.”; and

19          (3) in subparagraph (D)—

20                   (A) by redesignating clauses (i) and (ii) as  
21                   clause (ii) and (iii), respectively; and

22                   (B) by inserting before clause (ii), as re-  
23                   designated, the following:

24                   “(iii) The term ‘domestic farm labor’ has  
25                   the meaning given such term in section

1           514(f)(3), except that subparagraph (A) of such  
2           section shall not apply for purposes of this  
3           paragraph.”.

4 **SEC. 224. RENTAL ASSISTANCE CONTRACT AUTHORITY.**

5           Section 521(d) of the Housing Act of 1949 (42  
6 U.S.C. 1490a(d)) is amended—

7           (1) in paragraph (1)—

8                   (A) by redesignating subparagraphs (B)  
9                   and (C) as paragraphs (C) and (D), respec-  
10                   tively; and

11                   (B) by inserting after subparagraph (A)  
12                   the following:

13                   “(B) upon the request of an owner of a project  
14                   financed under section 514 or 515, the Secretary is  
15                   authorized to enter into renewal of such agreements  
16                   for a period equal to the shorter of 20 years or the  
17                   term of the loan, subject to amounts made available  
18                   for such purpose in appropriations Acts;” and

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

20                   “(3) If any rental assistance contract authority be-  
21                   comes available because of the termination of assistance  
22                   on behalf of an assisted family—

23                   “(A) at the option of the owner of the rental  
24                   project, the Secretary shall provide the owner a pe-  
25                   riod of 6 months before such assistance is made

1 available pursuant to subparagraph (B) during  
2 which the owner may use such assistance authority  
3 to provide assistance of behalf of an eligible unas-  
4 sisted family that—

5 “(i) is residing in the same rental project  
6 that the assisted family resided in prior to such  
7 termination; or

8 “(ii) newly occupies a dwelling unit in such  
9 rental project during such period; and

10 “(B) except for assistance used in accordance  
11 with subparagraph (A), the Secretary shall use such  
12 remaining authority to provide such assistance on  
13 behalf of eligible families residing in other rental  
14 projects originally financed under section 515 or  
15 under sections 514 and 516.”.

16 **SEC. 225. ELIGIBILITY FOR RURAL HOUSING VOUCHERS.**

17 Section 542 of the Housing Act of 1949 (42 U.S.C.  
18 1490r) is amended by adding at the end the following:

19 “(c) **ELIGIBILITY OF HOUSEHOLDS IN SECTIONS**  
20 **514, 515, AND 516 PROJECTS.**—The Secretary, in con-  
21 sultation with the Under Secretary of Agriculture for  
22 Rural Development, may provide rural housing vouchers  
23 under this section for any low-income household (including  
24 households not receiving rental assistance) residing in a  
25 property financed with a loan made or insured under sec-

1 tion 514 or 515 which has been prepaid without restric-  
 2 tions imposed by the Secretary pursuant to section  
 3 502(e)(5)(G)(ii)(I), has been foreclosed, or has matured  
 4 after September 30, 2005, or residing in a property as-  
 5 sisted under section 514 or 516 that is owned by a non-  
 6 profit organization or public agency.”.

7 **SEC. 226. PERMANENT ESTABLISHMENT OF HOUSING PRES-**  
 8 **ERVATION AND REVITALIZATION PROGRAM.**

9 Title V of the Housing Act of 1949 (42 U.S.C. 1471  
 10 et seq.) is amended by adding at the end the following:

11 **“SEC. 545. HOUSING PRESERVATION AND REVITALIZATION**  
 12 **PROGRAM.**

13 “(a) ESTABLISHMENT.—The Secretary shall carry  
 14 out a program that preserves and revitalizes multifamily  
 15 rental housing projects financed under section 515 or  
 16 under sections 514 and 516.

17 “(b) NOTICE OF MATURING LOANS.—

18 “(1) TO OWNERS.—The Secretary shall provide  
 19 annual written notice to each owner of a property fi-  
 20 nanced under section 515 or under sections 514 and  
 21 516 that will mature during the 4-year period begin-  
 22 ning on the date on which such notice is provided.  
 23 Such notice shall set forth—

1           “(A) the options and financial incentives  
2 that are available to facilitate the extension of  
3 the loan term; or

4           “(B) the option to decouple a rental assist-  
5 ance contract pursuant to subsection (f).

6           “(2) TO TENANTS.—

7           “(A) IN GENERAL.—Not later than 2 years  
8 before the date of maturity of a loan authorized  
9 under section 515 or under sections 514 and  
10 516 for real property, the owner of such prop-  
11 erty who received a notice pursuant to para-  
12 graph (1) shall provide written notice to each  
13 household residing in such property to inform  
14 the household of—

15                   “(i) the date of the loan maturity;

16                   “(ii) the possible actions that may  
17 happen with respect to the property on or  
18 after such date; and

19                   “(iii) how to protect their right to re-  
20 side in federally assisted housing after  
21 such date.

22           “(B) LANGUAGE.—Each notice provided  
23 under subparagraph (A)—

24                   “(i) shall be written in plain English;

25                   and

1                   “(ii) shall be translated to other lan-  
2                   guages if the relevant property is located  
3                   in an area in which a significant number  
4                   of residents speak such other languages.

5                   “(C) NOTICE TEMPLATE.—Not later than  
6                   1 year after the date of the enactment of this  
7                   Act, the Under Secretary of Agriculture for  
8                   Rural Development, in consultation with the  
9                   Secretary of Housing and Urban Development,  
10                  should publish a template of a notice that own-  
11                  ers may use to provide the information required  
12                  under this paragraph to their tenants.

13                  “(c) LOAN RESTRUCTURING.—Under the program  
14                  carried out under this section, the Secretary may restruc-  
15                  ture such existing housing loans as the Secretary considers  
16                  appropriate to ensure that such projects have sufficient  
17                  resources to preserve the projects to provide safe and af-  
18                  fordable housing for low-income residents and farm labor-  
19                  ers by—

20                         “(1) reducing or eliminating interest;

21                         “(2) deferring loan payments;

22                         “(3) subordinating, reducing, or reamortizing  
23                  loan debt; and

24                         “(4) providing other financial assistance, in-  
25                  cluding advances, payments, and incentives (includ-

1       ing the ability of owners to obtain reasonable re-  
2       turns on investment) required by the Secretary.

3       “(d) RENEWAL OF RENTAL ASSISTANCE.—If the  
4 Secretary offers to restructure a loan pursuant to sub-  
5 section (c), the Secretary shall offer to renew the rental  
6 assistance contract under section 521(a)(2) for a 20-year  
7 term, subject to annual appropriations, if the property  
8 owner agrees to bring the property up to such standards  
9 that will ensure its maintenance as decent, safe, and sani-  
10 tary housing for the full term of the rental assistance con-  
11 tract.

12       “(e) RESTRICTIVE USE AGREEMENTS.—

13               “(1) REQUIREMENT.—As part of the preserva-  
14 tion and revitalization agreement for a project, the  
15 Secretary shall obtain a restrictive use agreement  
16 that obligates the owner to operate the project in ac-  
17 cordance with the provisions under this title.

18               “(2) TERM.—

19                       “(A) NO EXTENSION OF RENTAL ASSIST-  
20 ANCE CONTRACT.—Unless the Secretary enters  
21 into a 20-year extension of the rental assistance  
22 contract for the project, the term of the restric-  
23 tive use agreement for the project shall be equal  
24 to the term of the restructured loan for the  
25 project.



1           “(B) EXTENSION OF RENTAL ASSISTANCE  
2           CONTRACT.—If the Secretary enters into a 20-  
3           year extension of the rental assistance contract  
4           for a project, the term of the restrictive use  
5           agreement for the project shall be 20 years.

6           “(C) TERMINATION.—The Secretary may  
7           terminate the 20-year use restrictive use agree-  
8           ment for a project before the end of its term if  
9           the 20-year rental assistance contract for the  
10          project with the owner is terminated at any  
11          time for reasons outside the owner’s control.

12          “(f) DECOUPLING OF RENTAL ASSISTANCE.—

13           “(1) RENEWAL OF RENTAL ASSISTANCE CON-  
14           TRACT.—If the Secretary determines that a matur-  
15           ing loan for a project cannot reasonably be restruc-  
16           tured in accordance with subsection (c) and the  
17           project was operating with rental assistance under  
18           section 521, the Secretary may renew the rental as-  
19           sistance contract, notwithstanding any provision of  
20           section 521, for a term, subject to annual appropria-  
21           tions, of at least 10 years but not more than 20  
22           years.

23           “(2) RENTS.—Any agreement to extend the  
24           term of the rental assistance contract under section  
25           521 for a project shall obligate the owner to con-

1       tinue to maintain the project as decent, safe and  
2       sanitary housing and to operate the development in  
3       accordance with this title, except that rents shall be  
4       based on the lesser of—

5               “(A) the budget-based needs of the project;

6               or

7               “(B) the operating cost adjustment factor  
8       as a payment standard as provided under sec-  
9       tion 524 of the Multifamily Assisted Housing  
10       Reform and Affordability Act of 1997 (42  
11       U.S.C. 1437 note).

12       “(g) MULTIFAMILY HOUSING TRANSFER TECHNICAL  
13 ASSISTANCE.—Under the program under this section, the  
14 Secretary may provide grants to qualified non-profit orga-  
15 nizations and public housing agencies to provide technical  
16 assistance, including financial and legal services, to bor-  
17 rowers under loans under this title for multifamily housing  
18 to facilitate the acquisition of such multifamily housing  
19 properties in areas where the Secretary determines there  
20 is a risk of loss of affordable housing.

21       “(h) TRANSFER OF RENTAL ASSISTANCE.—After the  
22 loan or loans for a rental project originally financed under  
23 section 515 or both sections 514 and 516 have matured  
24 or have been prepaid and the owner has chosen not to  
25 restructure the loan pursuant to subsection (c), a tenant

1 residing in such project shall have 18 months prior to loan  
2 maturation or prepayment to transfer the rental assist-  
3 ance assigned to the tenant's unit to another rental project  
4 originally financed under section 515 or both sections 514  
5 and 516, and the owner of the initial project may rent  
6 the tenant's previous unit to a new tenant without income  
7 restrictions.

8       “(i) ADMINISTRATIVE EXPENSES.—Of any amounts  
9 made available for the program under this section for any  
10 fiscal year, the Secretary may use not more than  
11 \$1,000,000 for administrative expenses for carrying out  
12 such program.

13       “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
14 is authorized to be appropriated for the program under  
15 this section \$100,000,000 for each of the fiscal years 2024  
16 through 2028.”.

17 **SEC. 227. AMOUNT OF VOUCHER ASSISTANCE.**

18       Notwithstanding any other provision of law, the  
19 amount of the monthly assistance payment for the house-  
20 hold on whose behalf a rural housing voucher is provided  
21 pursuant to section 542 of the Housing Act of 1949 (42  
22 U.S.C. 1490r), shall be determined in accordance with  
23 subsection (a) of such section 542.

1 **SEC. 228. FUNDING FOR MULTIFAMILY TECHNICAL IM-**  
2 **PROVEMENTS.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to the Department of Agri-  
5 culture \$50,000,000 for fiscal year 2024, which shall be  
6 used to improve the technology of the Department of Agri-  
7 culture that is used to process loans for multifamily hous-  
8 ing and otherwise managing such housing.

9 (b) AVAILABILITY OF FUNDS.—The improvements  
10 authorized under subsection (a) shall be made during the  
11 5-year period beginning upon the date that the amounts  
12 appropriated under such subsection are available. Such  
13 amounts shall remain available until the last day of such  
14 5-year period.

15 **SEC. 229. PLAN FOR PRESERVING AFFORDABILITY OF**  
16 **RENTAL PROJECTS.**

17 (a) PLAN.—Not later than 6 months after the date  
18 of the enactment of this Act, the Secretary of Agriculture  
19 (referred to in this section as the “Secretary”) shall sub-  
20 mit a written plan to Congress for preserving the afford-  
21 ability for low-income families of rental projects for which  
22 loans were made under section 514 or 515 of the Housing  
23 Act of 1949 (42 U.S.C. 1484 and 1485) and avoiding the  
24 displacement of tenant households. Such plan shall—

25 (1) set forth specific performance goals and  
26 measures;

1           (2) set forth the specific actions and mecha-  
2 nisms by which such goals will be achieved;

3           (3) set forth specific measurements by which  
4 progress towards achievement of each goal can be  
5 measured;

6           (4) provide for detailed reporting on outcomes;  
7 and

8           (5) include any legislative recommendations to  
9 assist in achievement of the goals under the plan.

10 (b) CONSULTATION.—

11           (1) IN GENERAL.—Not less frequently than  
12 quarterly, the Secretary shall consult with the indi-  
13 viduals described in paragraph (2) to assist the Sec-  
14 retary—

15           (A) in preserving the properties described  
16 in subsection (a) through the housing preserva-  
17 tion and revitalization program authorized  
18 under section 545 of the Housing Act of 1949,  
19 as added by section 226; and

20           (B) in implementing the plan required  
21 under subsection (a).

22           (2) CONSULTEES.—The individuals described in  
23 this paragraph are—

24           (A) a State Director of Rural Development  
25 for the Department of Agriculture;

1 (B) the Administrator for the Rural Hous-  
2 ing Service of the Department of Agriculture;

3 (C) 2 representatives of for-profit devel-  
4 opers or owners of multifamily rural rental  
5 housing;

6 (D) 2 representatives of non-profit devel-  
7 opers or owners of multifamily rural rental  
8 housing;

9 (E) 2 representatives of State housing fi-  
10 nance agencies;

11 (F) 2 representatives of tenants of multi-  
12 family rural rental housing;

13 (G) 1 representative of a community devel-  
14 opment financial institution that is involved in  
15 preserving the affordability of housing assisted  
16 under sections 514, 515, and 516 of the Hous-  
17 ing Act of 1949 (42 U.S.C. 1484, 1485, and  
18 1486);

19 (H) 1 representative of a nonprofit organi-  
20 zation that operates nationally and has actively  
21 participated in the preservation of housing as-  
22 sisted by the Rural Housing Service by con-  
23 ducting research regarding, and providing fi-  
24 nancing and technical assistance for, preserving  
25 the affordability of such housing;

1 (I) 1 representative of low-income housing  
2 tax credit investors;

3 (J) 1 representative of regulated financial  
4 institutions that finance affordable multifamily  
5 rural rental housing developments; and

6 (K) 2 representatives from non-profit orga-  
7 nizations representing farm workers, including  
8 one organization representing farm worker  
9 women.

10 (3) CONDUCT OF CONSULTATIONS.—In con-  
11 sulting with the individuals described in paragraph  
12 (2), the Secretary may request that such individ-  
13 uals—

14 (A) assist the Rural Housing Service of  
15 the Department of Agriculture to improve esti-  
16 mates of the size, scope, and condition of rental  
17 housing portfolio of the Service, including the  
18 time frames for maturity of mortgages and  
19 costs for preserving the portfolio as affordable  
20 housing;

21 (B) review current policies and procedures  
22 of the Rural Housing Service regarding—

23 (i) the preservation of affordable rent-  
24 al housing financed under sections 514,  
25 515, 516, and 538 of the Housing Act of

1 1949 (42 U.S.C. 1484, 1485, 1486, and  
2 1490);

3 (ii) the housing preservation and re-  
4 talization program authorized under sec-  
5 tion 545 of such Act, as added by section  
6 226; and

7 (iii) the rental assistance program;

8 (C) make recommendations regarding im-  
9 provements and modifications to the policies  
10 and procedures referred to in subparagraph  
11 (B); and

12 (D) provide ongoing review of Rural Hous-  
13 ing Service program results.

14 (4) TRAVEL COSTS.—Any amounts made avail-  
15 able for administrative costs of the Department of  
16 Agriculture may be used for costs of travel by indi-  
17 viduals described in paragraph (2) to carry out the  
18 activities described in paragraph (3).

19 **SEC. 230. COVERED HOUSING PROGRAMS.**

20 Section 41411(a)(3) of the Violence Against Women  
21 Act of 1994 (34 U.S.C. 12491(a)(3)) is amended—

22 (1) in subparagraph (O), by striking “and” at  
23 the end;

24 (2) by redesignating subparagraph (P) as sub-  
25 paragraph (Q); and



1           (3) by inserting after subparagraph (O) the fol-  
2           lowing:

3                   “(P) rural development housing voucher  
4                   assistance provided by the Secretary of Agri-  
5                   culture pursuant to section 542 of the Housing  
6                   Act of 1949 (42 U.S.C. 1490r), without regard  
7                   to subsection (b) of such section, and applicable  
8                   appropriation Acts; and”.

9   **SEC. 231. ELIGIBILITY OF CERTIFIED WORKERS.**

10          Section 214(a) of the Housing and Community De-  
11          velopment Act of 1980 (42 U.S.C. 1436a(a)) is amend-  
12          ed—

13               (1) in paragraph (6), by striking “or” at the  
14               end;

15               (2) by redesignating paragraph (7) as para-  
16               graph (8); and

17               (3) by inserting after paragraph (6) the fol-  
18               lowing:

19                   “(7) an alien granted certified agricultural  
20                   worker or certified agricultural dependent status  
21                   under title I of the Affordable and Secure Food Act  
22                   of 2024, but solely for financial assistance made  
23                   available pursuant to section 521 or 542 of the  
24                   Housing Act of 1949 (42 U.S.C. 1490a and 1490r);  
25                   or”.

1                   **Subtitle C—Foreign Labor**  
2                   **Recruiter Accountability**

3 **SEC. 251. DEFINITIONS.**

4           In this subtitle:

5                   (1) FOREIGN LABOR RECRUITER.—The term  
6           “foreign labor recruiter” means any person who per-  
7           forms foreign labor recruiting activity in exchange  
8           for money or other valuable consideration paid or  
9           promised to be paid, to recruit individuals to work  
10          as nonimmigrant workers described in section  
11          101(a)(15)(H)(ii)(a) of the Immigration and Nation-  
12          ality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), including  
13          any person who performs foreign labor recruiting ac-  
14          tivity wholly outside of the United States. Such term  
15          does not include any entity of the United States  
16          Government or an employer, or employee of an em-  
17          ployer, who engages in foreign labor recruiting activ-  
18          ity solely to find employees for that employer’s own  
19          use, and without the participation of any other for-  
20          eign labor recruiter.

21                   (2) FOREIGN LABOR RECRUITING ACTIVITY.—  
22          The term “foreign labor recruiting activity” means  
23          recruiting, soliciting, or related activities with re-  
24          spect to an individual who resides outside of the  
25          United States in furtherance of employment in the

1 United States, including when such activity occurs  
2 wholly outside of the United States.

3 (3) PERSON.—The term “person” means any  
4 natural person or any corporation, company, firm,  
5 partnership, joint stock company or association or  
6 other organization or entity (whether organized  
7 under law or not), including municipal corporations.

8 (4) RECRUITMENT FEES.—The term “recruit-  
9 ment fees” has the meaning given to such term  
10 under section 22.1702 of title 22 of the Code of  
11 Federal Regulations, as in effect on the date of en-  
12 actment of this Act.

13 **SEC. 252. REGISTRATION OF FOREIGN LABOR RECRUITERS.**

14 (a) IN GENERAL.—Not later than 1 year after the  
15 date of the enactment of this Act, the Secretary of Labor,  
16 in consultation with the Secretary of State and the Sec-  
17 retary of Homeland Security, shall establish procedures  
18 for the electronic registration of foreign labor recruiters  
19 engaged in the recruitment of nonimmigrant workers de-  
20 scribed in section 101(a)(15)(H)(ii)(a) of the Immigration  
21 and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to  
22 perform agricultural labor or services in the United States.

23 (b) PROCEDURAL REQUIREMENTS.—The procedures  
24 described in subsection (a) shall—

1           (1) require the applicant to submit a sworn dec-  
2           laration—

3                   (A) stating the applicant's permanent  
4                   place of residence or principal place of business,  
5                   as applicable;

6                   (B) describing the foreign labor recruiting  
7                   activities in which the applicant is engaged; and

8                   (C) including such other relevant informa-  
9                   tion as the Secretary of Labor and the Sec-  
10                  retary of State may require;

11           (2) include an expeditious means to update and  
12           renew registrations;

13           (3) include a process, which shall include the  
14           placement of personnel at each United States diplo-  
15           matic mission in accordance with subsection (g)(2),  
16           to receive information from the public regarding for-  
17           eign labor recruiters who have allegedly engaged in  
18           a foreign labor recruiting activity that is prohibited  
19           under this subtitle;

20           (4) include procedures for the receipt and proc-  
21           essing of complaints against foreign labor recruiters  
22           and for remedies, including the revocation of a reg-  
23           istration or the assessment of fines upon a deter-  
24           mination by the Secretary of Labor that the foreign

1 labor recruiter has violated the requirements under  
2 this subtitle;

3 (5) require the applicant to post a bond in an  
4 amount sufficient to ensure the ability of the appli-  
5 cant to discharge its responsibilities and ensure pro-  
6 tection of workers, including payment of wages; and

7 (6) allow the Secretary of Labor and the Sec-  
8 retary of State to consult with other appropriate  
9 Federal agencies to determine whether any reason  
10 exists to deny registration to a foreign labor re-  
11 cruitor or revoke such registration.

12 (c) ATTESTATIONS.—Foreign labor recruiters reg-  
13 istering under this subtitle shall attest and agree to abide  
14 by the following requirements:

15 (1) PROHIBITED FEES.—The foreign labor re-  
16 cruitor, including any agent or employee of such for-  
17 eign labor recruiter, shall not assess any recruitment  
18 fees on a worker for any foreign labor recruiting ac-  
19 tivity.

20 (2) PROHIBITION ON FALSE AND MISLEADING  
21 INFORMATION.—The foreign labor recruiter shall not  
22 knowingly provide materially false or misleading in-  
23 formation to any worker concerning any matter re-  
24 quired to be disclosed under this subtitle.

1           (3) REQUIRED DISCLOSURES.—The foreign  
2 labor recruiter shall ascertain and disclose to the  
3 worker in writing in English and in the primary lan-  
4 guage of the worker at the time of the worker’s re-  
5 cruitment, the following information:

6           (A) The identity and address of the em-  
7 ployer and the identity and address of the per-  
8 son conducting the recruiting on behalf of the  
9 employer, including each subcontractor or agent  
10 involved in such recruiting.

11           (B) A copy of the approved job order or  
12 work contract under section 218 of the Immi-  
13 gration and Nationality Act (8 U.S.C. 1188),  
14 including all assurances and terms and condi-  
15 tions of employment.

16           (C) A statement, in a form specified by the  
17 Secretary—

18           (i) describing the general terms and  
19 conditions associated with obtaining an H-  
20 2A nonimmigrant visa and maintaining H-  
21 2A nonimmigrant status;

22           (ii) affirming the prohibition on the  
23 assessment of fees described in paragraph  
24 (1), and explaining that such fees, if paid

1 by the employer, may not be passed on to  
2 the worker;

3 (iii) describing the protections af-  
4 farded the worker under this subtitle, in-  
5 cluding procedures for reporting violations  
6 to the Secretary of State, filing a com-  
7 plaint with the Secretary of Labor, or fil-  
8 ing a civil action; and

9 (iv) describing the protections af-  
10 farded the worker by section 202 of the  
11 William Wilberforce Trafficking Victims  
12 Protection Reauthorization Act of 2008 (8  
13 U.S.C. 1375b), including the telephone  
14 number for the national human trafficking  
15 resource center hotline number.

16 (4) BOND.—The foreign labor recruiter shall  
17 agree to maintain a bond sufficient to ensure the  
18 ability of the foreign labor recruiter to discharge its  
19 responsibilities and ensure protection of workers,  
20 and to forfeit such bond in an amount determined  
21 by the Secretary under subsections (b)(1)(C)(ii) or  
22 (c)(2)(C) of section 253 for failure to comply with  
23 the provisions under this subtitle.

24 (5) COOPERATION IN INVESTIGATION.—The  
25 foreign labor recruiter shall agree to cooperate in

1 any investigation under section 253 by the Secretary  
2 or other appropriate authorities.

3 (6) NO RETALIATION.—The foreign labor re-  
4 cruiter shall agree to refrain from intimidating,  
5 threatening, restraining, coercing, discharging,  
6 blacklisting or in any other manner discriminating  
7 or retaliating against any worker or their family  
8 members (including a former worker or an applicant  
9 for employment) because such worker disclosed in-  
10 formation to any person based on a reason to believe  
11 that the foreign labor recruiter, or any agent or sub-  
12 contractee of such foreign labor recruiter, is engag-  
13 ing or has engaged in a foreign labor recruiting ac-  
14 tivity that does not comply with this subtitle.

15 (7) EMPLOYEES, AGENTS, AND  
16 SUBCONTRACTEES.—The foreign labor recruiter  
17 shall consent to be liable for the conduct of any  
18 agents or subcontractees of any level in relation to  
19 the foreign labor recruiting activity of the agent or  
20 subcontractee to the same extent as if the foreign  
21 labor recruiter had engaged in such conduct.

22 (8) ENFORCEMENT.—If the foreign labor re-  
23 cruiter is conducting foreign labor recruiting activity  
24 wholly outside the United States, such foreign labor  
25 recruiter shall—



1 (A) establish a registered agent in the  
2 United States who is authorized to accept serv-  
3 ice of process on behalf of the foreign labor re-  
4 cruiter for the purpose of any administrative  
5 proceeding under this title or in any civil action  
6 in any Federal or State court, if such service is  
7 made in accordance with the appropriate Fed-  
8 eral or State rules for service of process, as ap-  
9 plicable; and

10 (B) as a condition of registration, consent  
11 to the jurisdiction of any Federal or State court  
12 in a State where recruited workers are placed.

13 (d) TERM OF REGISTRATION.—Unless suspended or  
14 revoked, a registration under this section shall be valid  
15 for 2 years.

16 (e) APPLICATION FEE.—The Secretary of Labor  
17 shall require a foreign labor recruiter that submits an ap-  
18 plication for registration under this section to pay a rea-  
19 sonable fee, sufficient to cover the full costs of carrying  
20 out the registration activities under this subtitle.

21 (f) NOTIFICATION.—

22 (1) EMPLOYER NOTIFICATION.—

23 (A) IN GENERAL.—Not less frequently  
24 than once every year, an employer of H-2A  
25 workers shall provide the Secretary with the

1 names and addresses of all foreign labor re-  
2 cruiterers engaged to perform foreign labor re-  
3 cruiting activity on behalf of the employer,  
4 whether the foreign labor recruiter is to receive  
5 any economic compensation for such services,  
6 and, if so, the identity of the person or entity  
7 who is paying for the services.

8 (B) AGREEMENT TO COOPERATE.—In ad-  
9 dition to the requirements of subparagraph (A),  
10 the employer shall—

11 (i) provide to the Secretary the iden-  
12 tity of any foreign labor recruiter whom  
13 the employer has reason to believe is en-  
14 gaging in foreign labor recruiting activities  
15 that do not comply with this subtitle; and

16 (ii) promptly respond to any request  
17 by the Secretary for information regarding  
18 the identity of a foreign labor recruiter  
19 with whom the employer has a contract or  
20 other agreement.

21 (2) FOREIGN LABOR RECRUITER NOTIFICA-  
22 TION.—A registered foreign labor recruiter shall no-  
23 tify the Secretary, not less frequently than once  
24 every year, of the identity of any subcontractee,  
25 agent, or foreign labor recruiter employee involved in

1 any foreign labor recruiting activity for, or on behalf  
2 of, the foreign labor recruiter.

3 (g) ADDITIONAL RESPONSIBILITIES OF THE SEC-  
4 RETARY OF STATE.—

5 (1) LISTS.—The Secretary of State, in con-  
6 sultation with the Secretary of Labor shall maintain  
7 and make publicly available in written form and on  
8 the websites of United States embassies in the offi-  
9 cial language of that country, and on websites main-  
10 tained by the Secretary of Labor, regularly updated  
11 lists—

12 (A) of foreign labor recruiters who hold  
13 valid registrations under this section, includ-  
14 ing—

15 (i) the name and address of the for-  
16 eign labor recruiter;

17 (ii) the countries in which such re-  
18 cruiters conduct recruitment;

19 (iii) the employers for whom recruit-  
20 ing is conducted;

21 (iv) the occupations that are the sub-  
22 ject of recruitment;

23 (v) the States where recruited workers  
24 are employed; and

1 (vi) the name and address of the reg-  
2 istered agent in the United States who is  
3 authorized to accept service of process on  
4 behalf of the foreign labor recruiter; and  
5 (B) of foreign labor recruiters whose reg-  
6 istration the Secretary has revoked.

7 (2) PERSONNEL.—The Secretary of State shall  
8 ensure that each United States diplomatic mission is  
9 staffed with a person who shall be responsible for re-  
10 ceiving information from members of the public re-  
11 garding potential violations of the requirements ap-  
12 plicable to registered foreign labor recruiters and en-  
13 suring that such information is conveyed to the Sec-  
14 retary of Labor for evaluation and initiation of an  
15 enforcement action, if appropriate.

16 (3) VISA APPLICATION PROCEDURES.—The Sec-  
17 retary of State shall ensure that consular officers  
18 issuing visas to nonimmigrants under section  
19 101(a)(1)(H)(ii)(a) of the Immigration and Nation-  
20 ality Act (8 U.S.C. 11001(a)(1)(H)(ii)(a))—

21 (A) provide to and review with the appli-  
22 cant, in the applicant's language (or a language  
23 the applicant understands), a copy of the infor-  
24 mation and resources pamphlet required by sec-  
25 tion 202 of the William Wilberforce Trafficking

1           Victims Protection Reauthorization Act of 2008  
2           (8 U.S.C. 1375b);

3           (B) ensure that the applicant has a copy of  
4           the approved job offer or work contract;

5           (C) note in the visa application file wheth-  
6           er the foreign labor recruiter has a valid reg-  
7           istration under this section; and

8           (D) if the foreign labor recruiter holds a  
9           valid registration, review and include in the visa  
10          application file, the foreign labor recruiter's dis-  
11          closures required by subsection (c)(3).

12          (4) DATA.—The Secretary of State shall make  
13          publicly available online, on an annual basis, data  
14          disclosing the gender, country of origin (and State,  
15          county, or province, if available), age, wage, level of  
16          training, and occupational classification,  
17          disaggregated by State, of nonimmigrant workers  
18          described in section 101(a)(15)(H)(ii)(a) of the Im-  
19          migration and Nationality Act (8 U.S.C.  
20          1101(a)(15)(H)(ii)(a)).

21 **SEC. 253. ENFORCEMENT.**

22          (a) DENIAL OR REVOCATION OF REGISTRATION.—

23                  (1) GROUNDS FOR DENIAL OR REVOCATION.—

24          The Secretary of Labor shall deny an application for  
25          registration, or revoke a registration, if the Sec-

1       retary determines that the foreign labor recruiter, or  
2       any agent or subcontractee of such foreign labor re-  
3       cruiter—

4               (A) knowingly made a material misrepre-  
5               sentation in the registration application;

6               (B) materially failed to comply with one or  
7               more of the attestations provided under section  
8               252(c); or

9               (C) is not the real party in interest.

10           (2) NOTICE.—Before denying an application for  
11           registration or revoking a registration under this  
12           subsection, the Secretary of Labor shall provide  
13           written notice of the intent to deny or revoke the  
14           registration to the foreign labor recruiter. Such no-  
15           tice shall—

16               (A) articulate with specificity all grounds  
17               for denial or revocation; and

18               (B) provide the foreign labor recruiter with  
19               not less than 60 days to respond.

20           (3) RE-REGISTRATION.—A foreign labor re-  
21           cruiter whose registration was revoked under sub-  
22           section (a) may re-register if the foreign labor re-  
23           cruiter demonstrates, to the Secretary of Labor's  
24           satisfaction, that the foreign labor recruiter—

1 (A) has not violated any requirement  
2 under this subtitle during the 5 year-period im-  
3 mediately preceding the date on which an appli-  
4 cation for registration was filed; and

5 (B) has taken sufficient steps to prevent  
6 future violations of this subtitle.

7 (b) ADMINISTRATIVE ENFORCEMENT.—

8 (1) COMPLAINT PROCESS.—

9 (A) FILING.—A complaint may be filed  
10 with the Secretary of Labor, in accordance with  
11 the procedures established under section  
12 252(b)(4) not later than 2 years after the ear-  
13 lier of—

14 (i) the date on which the last action  
15 constituting the conduct that is the subject  
16 of the complaint took place; or

17 (ii) the date on which the aggrieved  
18 party had actual knowledge of such con-  
19 duct.

20 (B) DECISION AND PENALTIES.—If the  
21 Secretary of Labor determines, after notice and  
22 an opportunity for a hearing, that a foreign  
23 labor recruiter failed to comply with any of the  
24 requirements under this subtitle, the Secretary  
25 of Labor may—

1 (i) levy a fine against the foreign  
2 labor recruiter in an amount not more  
3 than—

4 (I) \$10,000 per violation; and

5 (II) \$25,000 per violation, upon  
6 the third violation;

7 (ii) order the forfeiture (or partial for-  
8 feiture) of the bond and release of as much  
9 of the bond as the Secretary determines is  
10 necessary for the worker to recover prohib-  
11 ited recruitment fees;

12 (iii) refuse to issue or renew a reg-  
13 istration, or revoke a registration; or

14 (iv) disqualify the foreign labor re-  
15 cruiter from registration for a period of up  
16 to 5 years, or in the case of a subsequent  
17 finding involving willful or multiple mate-  
18 rial violations, permanently disqualify the  
19 foreign labor recruiter from registration.

20 (2) AUTHORITY TO ENSURE COMPLIANCE.—The  
21 Secretary of Labor is authorized to take other such  
22 actions, including issuing subpoenas and seeking ap-  
23 propriate injunctive relief, as may be necessary to  
24 assure compliance with the terms and conditions of  
25 this subtitle.



1           (3) STATUTORY CONSTRUCTION.—Nothing in  
2 this subsection may be construed as limiting the au-  
3 thority of the Secretary of Labor to conduct an in-  
4 vestigation—

5                   (A) under any other law, including any law  
6 affecting migrant and seasonal agricultural  
7 workers; or

8                   (B) in the absence of a complaint.

9           (c) CIVIL ACTION.—

10           (1) IN GENERAL.—The Secretary of Labor or  
11 any person aggrieved by a violation of this subtitle  
12 may bring a civil action against any foreign labor re-  
13 cruiting, or any employer that does not meet the re-  
14 quirements under subsection (d)(1), in any court of  
15 competent jurisdiction—

16                   (A) to seek remedial action, including in-  
17 junctive relief; and

18                   (B) for damages in accordance with the  
19 provisions of this subsection.

20           (2) AWARD FOR CIVIL ACTION FILED BY AN IN-  
21 DIVIDUAL.—

22                   (A) IN GENERAL.—If a court finds, in a  
23 civil action filed by an individual under para-  
24 graph (1), that the defendant has violated any

1 provision of this subtitle, the court may  
2 award—

3 (i) damages, up to and including an  
4 amount equal to the amount of actual  
5 damages, and statutory damages of up to  
6 \$1,000 per plaintiff per violation, or other  
7 equitable relief, except that with respect to  
8 statutory damages—

9 (I) multiple infractions of a sin-  
10 gle provision of this subtitle (or of a  
11 regulation under this subtitle) shall  
12 constitute only one violation for pur-  
13 poses of this subsection to determine  
14 the amount of statutory damages due  
15 a plaintiff; and

16 (II) if such complaint is certified  
17 as a class action the court may  
18 award—

19 (aa) damages up to an  
20 amount equal to the amount of  
21 actual damages; and

22 (bb) statutory damages of  
23 not more than the lesser of up to  
24 \$1,000 per class member per vio-

1                   lation, or up to \$500,000; and  
2                   other equitable relief;

3                   (ii) reasonable attorneys' fees and  
4                   costs; and

5                   (iii) such other and further relief as  
6                   necessary to effectuate the purposes of this  
7                   subtitle.

8                   (B) CRITERIA.—In determining the  
9                   amount of statutory damages to be awarded  
10                  under subparagraph (A), the court may con-  
11                  sider whether an attempt was made to resolve  
12                  the issues in dispute before the resort to litiga-  
13                  tion.

14                  (C) BOND.—To satisfy the damages, fees,  
15                  and costs found owing under this paragraph,  
16                  the Secretary shall release as much of the bond  
17                  held pursuant to section 252(c)(4) as is nec-  
18                  essary.

19                  (3) SUMS RECOVERED IN ACTIONS BY THE SEC-  
20                  RETARY OF LABOR.—

21                  (A) ESTABLISHMENT OF ACCOUNT.—  
22                  There is established in the general fund of the  
23                  Treasury a separate account, which shall be  
24                  known as the "H-2A Foreign Labor Recruiter  
25                  Compensation Account". Notwithstanding any

1 other provisions of law, there shall be deposited,  
2 as offsetting receipts into such account, all  
3 sums recovered in an action by the Secretary of  
4 Labor under this subsection.

5 (B) USE OF FUNDS.—Amounts deposited  
6 into the H-2A Foreign Labor Recruiter Com-  
7 pensation Account shall be paid directly to each  
8 worker affected by a violation under this sub-  
9 title. Any such sums not paid to a worker be-  
10 cause of inability to do so within a period of 5  
11 years following the date such funds are depos-  
12 ited into the account shall remain available to  
13 the Secretary until expended. The Secretary  
14 may transfer all or a portion of such remaining  
15 sums to appropriate agencies to support the en-  
16 forcement of the laws prohibiting the trafficking  
17 and exploitation of persons or programs that  
18 aid trafficking victims.

19 (d) EMPLOYER SAFE HARBOR.—

20 (1) IN GENERAL.—An employer that hires  
21 workers referred by a foreign labor recruiter with a  
22 valid registration at the time of hiring shall not be  
23 held jointly liable for a violation committed solely by  
24 a foreign labor recruiter under this subtitle—

1 (A) in any administrative action initiated  
2 by the Secretary concerning such violation; or

3 (B) in any Federal or State civil court ac-  
4 tion filed against the foreign labor recruiter by  
5 or on behalf of such workers or other aggrieved  
6 party under this subtitle.

7 (2) RULE OF CONSTRUCTION.—Nothing in this  
8 subtitle may be construed to prohibit an aggrieved  
9 party or parties from bringing a civil action for vio-  
10 lations of this subtitle or any other Federal or State  
11 law against any employer who hired workers referred  
12 by a foreign labor recruiter—

13 (A) without a valid registration at the time  
14 of hire; or

15 (B) with a valid registration if the em-  
16 ployer knew or learned of the violation and  
17 failed to report such violation to the Secretary  
18 of Labor.

19 (e) PAROLE TO PURSUE RELIEF.—If other immigra-  
20 tion relief is not available, the Secretary of Homeland Se-  
21 curity may grant parole to permit an individual to remain  
22 legally in the United States for time sufficient to fully and  
23 effectively participate in all legal proceedings related to  
24 any action taken pursuant to subsection (b) or (c) or sec-  
25 tion 202, 204, or 206.

1 (f) WAIVER OF RIGHTS.—Agreements by employees  
 2 purporting to waive or to modify their rights under this  
 3 subtitle shall be void as contrary to public policy.

4 (g) LIABILITY FOR AGENTS.—Foreign labor recruit-  
 5 ers shall be subject to the provisions of this section for  
 6 violations committed by the foreign labor recruiter’s  
 7 agents or subcontractees of any level in relation to their  
 8 foreign labor recruiting activity to the same extent as if  
 9 the foreign labor recruiter had committed such a violation.

10 **SEC. 254. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated such sums as  
 12 may be necessary for the Secretary of Labor and the Sec-  
 13 retary of State to carry out the provisions of this subtitle.

14 **TITLE III—ELECTRONIC**  
 15 **VERIFICATION OF EMPLOY-**  
 16 **MENT ELIGIBILITY**

17 **SEC. 301. ELECTRONIC EMPLOYMENT ELIGIBILITY**  
 18 **VERIFICATION SYSTEM.**

19 (a) IN GENERAL.—Chapter 8 of title II of the Immi-  
 20 gration and Nationality Act (8 U.S.C. 1321 et seq.) is  
 21 amended by inserting after section 274D the following:

1 **“SEC. 274E. REQUIREMENTS FOR THE ELECTRONIC**  
2 **VERIFICATION OF EMPLOYMENT ELIGI-**  
3 **BILITY.**

4 “(a) EMPLOYMENT ELIGIBILITY VERIFICATION SYS-  
5 TEM.—

6 “(1) IN GENERAL.—The Secretary of Homeland  
7 Security (referred to in this section as the ‘Sec-  
8 retary’) shall establish and administer an electronic  
9 verification system (referred to in this section as the  
10 ‘System’), patterned on the E-Verify Program de-  
11 scribed in section 403(a) of the Illegal Immigration  
12 Reform and Immigrant Responsibility Act of 1996  
13 (8 U.S.C. 1324a note) (as in effect on the day be-  
14 fore the effective date described in section 303(a)(4)  
15 of the Affordable and Secure Food Act of 2024),  
16 and using the employment eligibility confirmation  
17 system established under section 404 of such Act (8  
18 U.S.C. 1324a note) (as so in effect) as a foundation,  
19 through which the Secretary shall—

20 “(A) respond to legitimate inquiries made  
21 by persons or entities seeking to verify the iden-  
22 tity and employment authorization of individ-  
23 uals that such persons or entities have hired, or  
24 to recruit or refer for a fee, for employment in  
25 the United States; and

1           “(B) maintain records of the inquiries that  
2           were made, and of verifications provided (or not  
3           provided) to such persons or entities as evidence  
4           of compliance with the requirements of this sec-  
5           tion.

6           “(2) INITIAL RESPONSE DEADLINE.—

7           “(A) IN GENERAL.—The System shall pro-  
8           vide confirmation or a tentative nonconfirma-  
9           tion of an individual’s identity and employment  
10          authorization as soon as practicable, but not  
11          later than 3 calendar days after the initial in-  
12          quiry.

13          “(B) EXTENSION OF TIME PERIOD.—If a  
14          person or other entity attempts in good faith to  
15          make an inquiry through the System during a  
16          period in which the System is offline due to a  
17          technical issue, a natural disaster, or another  
18          reason, the System shall provide the confirma-  
19          tion or nonconfirmation required under sub-  
20          paragraph (A) as soon as practicable after the  
21          System becomes fully operational.

22          “(3) GENERAL DESIGN AND OPERATION OF  
23          SYSTEM.—The Secretary shall design and operate  
24          the System—



1           “(A) using responsive web design and  
2 other technology approaches to maximize its  
3 ease of use and accessibility for users on a vari-  
4 ety of electronic devices and screen sizes, and in  
5 remote locations;

6           “(B) to maximize the accuracy of re-  
7 sponses to inquiries submitted by persons or en-  
8 tities;

9           “(C) to maximize the reliability of the Sys-  
10 tem and to register each instance when the Sys-  
11 tem is unable to receive inquiries;

12           “(D) to maintain and safeguard the pri-  
13 vacy and security of the personally identifiable  
14 information maintained by or submitted to the  
15 System, in accordance with applicable law;

16           “(E) to provide direct notification of an in-  
17 quiry to an individual with respect to whom the  
18 inquiry is made, including the results of such  
19 inquiry, and information related to the process  
20 for challenging the results, in cases in which the  
21 individual has established a user account as de-  
22 scribed in paragraph (4)(B) or an electronic  
23 mail or messaging address for the individual is  
24 submitted by the person or entity at the time  
25 the inquiry is made; and

1           “(F) to maintain appropriate administra-  
2           tive, technical, and physical safeguards to pre-  
3           vent misuse of the System and unfair immigra-  
4           tion-related employment practices.

5           “(4) MEASURES TO PREVENT IDENTITY THEFT  
6           AND OTHER FORMS OF FRAUD.—To prevent identity  
7           theft and other forms of fraud, the Secretary shall  
8           design and operate the System with the following at-  
9           tributes:

10           “(A) PHOTO MATCHING TOOL.—The Sys-  
11           tem shall display a digital photograph of the in-  
12           dividual, if available, that corresponds to the  
13           document presented by an individual to estab-  
14           lish identity and employment authorization so  
15           that the person or entity that makes an inquiry  
16           can compare the photograph displayed by the  
17           System to the photograph on the document pre-  
18           sented by the individual. The individual may  
19           not be deemed ineligible for employment solely  
20           for failure to match using the photo matching  
21           tool. The verification of an individual’s employ-  
22           ment eligibility shall be made based on the to-  
23           tality of the information available.

24           “(B) INDIVIDUAL MONITORING AND SUS-  
25           PENSION OF IDENTIFYING INFORMATION.—The

1 System shall enable individuals to establish user  
2 accounts, after authentication of an individual's  
3 identity, that would allow each individual—

4 “(i) to confirm the individual's own  
5 employment authorization;

6 “(ii) to receive electronic notification  
7 when the individual's Social Security ac-  
8 count number or other personally identi-  
9 fying information has been submitted to  
10 the System;

11 “(iii) to monitor the use history of the  
12 individual's personally identifying informa-  
13 tion in the System, including the identities  
14 of all persons or entities that have sub-  
15 mitted such identifying information to the  
16 System, the date of each query run, and  
17 the System response for each query run;

18 “(iv) to suspend or limit the use of  
19 the individual's Social Security account  
20 number or other personally identifying in-  
21 formation for purposes of the System; and

22 “(v) to provide notice to the Depart-  
23 ment of Homeland Security of any sus-  
24 pected identity fraud or other improper use  
25 of personally identifying information.

1           “(C) BLOCKING MISUSED SOCIAL SECUR-  
2           RITY ACCOUNT NUMBERS.—

3           “(i) IN GENERAL.—The Secretary, in  
4           consultation with the Commissioner of So-  
5           cial Security (referred to in this section as  
6           the ‘Commissioner’), shall issue, after pub-  
7           lication in the Federal Register and an op-  
8           portunity for public comment, a final rule  
9           establishing a process by which Social Se-  
10          curity account numbers that have been  
11          identified to be subject to unusual multiple  
12          use in the System or that are otherwise  
13          suspected or determined to have been com-  
14          promised by identity fraud or other misuse,  
15          will be blocked from use in the System un-  
16          less an individual using such a number es-  
17          tablishes, through secure and fair proce-  
18          dures, that the individual is the legitimate  
19          holder of such number.

20          “(ii) CONTINUATION OF EXISTING  
21          SELF LOCK SYSTEM.—During the period in  
22          which the Commissioner of Social Security  
23          is developing the process required under  
24          clause (i), the Commissioner shall maintain  
25          the Self Lock system that permits individ-

1 uals to prevent unauthorized users from  
2 using their Social Security account num-  
3 bers to confirm employment authorization  
4 through E-Verify.

5 “(iii) NOTICE.—If the Secretary  
6 blocks or suspends a Social Security ac-  
7 count number pursuant to this subpara-  
8 graph, the Secretary shall provide notice to  
9 the persons or entities that have made in-  
10 quires to the System using such account  
11 number that the identity and employment  
12 authorization of the individual who pro-  
13 vided such account number must be re-  
14 verified.

15 “(D) ADDITIONAL IDENTITY AUTHENTICA-  
16 TION TOOL.—The Secretary shall develop addi-  
17 tional security measures to adequately verify  
18 the identity of an individual whose identity may  
19 not be verified using the photo matching tool  
20 described in subparagraph (A). Such additional  
21 security measures shall be—

22 “(i) kept up-to-date with technological  
23 advances;

1           “(ii) designed to provide a high level  
2           of certainty with respect to identity au-  
3           thentication; and

4           “(iii) designed to safeguard the indi-  
5           vidual’s privacy and civil liberties.

6           “(E) CHILD-LOCK PILOT PROGRAM.—The  
7           Secretary, in consultation with the Commis-  
8           sioner, shall establish a reliable, secure pro-  
9           gram, on a limited, pilot basis, for suspending  
10          or limiting the use of the Social Security ac-  
11          count number or other personally identifying in-  
12          formation of children for purposes of the Sys-  
13          tem.

14          “(5) RESPONSIBILITIES OF THE COMMISSIONER  
15          OF SOCIAL SECURITY.—The Commissioner—

16                 “(A) in consultation with the Secretary,  
17                 shall establish a reliable, secure method that,  
18                 within the periods specified in paragraph (2)  
19                 and subsection (b)(4)(D)(i)(II), compares the  
20                 name and Social Security account number pro-  
21                 vided in an inquiry against such information  
22                 maintained by the Commissioner in order to  
23                 validate (or not validate)—

24                         “(i) the information provided by the  
25                         person or entity with respect to an indi-

1           vidual whose identity and employment au-  
2           thorization the person or entity seeks to  
3           confirm;

4           “(ii) the correspondence of the name  
5           and number; and

6           “(iii) whether the individual has pre-  
7           sented a Social Security account number  
8           that is not valid for employment;

9           “(B) may not disclose or release Social Se-  
10          curity information (other than such confirma-  
11          tion or nonconfirmation) under the System ex-  
12          cept as provided under this section;

13          “(C) shall coordinate and provide the De-  
14          partment of Homeland Security with access to  
15          the Social Security Administration’s systems  
16          that are necessary to resolve tentative noncon-  
17          firmations without direct Social Security Ad-  
18          ministration involvement; and

19          “(D) shall establish electronic or call-in  
20          resolution systems.

21          “(6) RESPONSIBILITIES OF THE SECRETARY OF  
22          HOMELAND SECURITY.—

23          “(A) IN GENERAL.—The Secretary shall  
24          establish a reliable, secure method that, within  
25          the time periods specified in paragraph (2) and

1 subsection (b)(4)(D)(i)(II), compares the name  
2 and identification or other authorization num-  
3 ber (or any other information determined rel-  
4 evant by the Secretary) that are provided in an  
5 inquiry against such information maintained or  
6 accessed by the Secretary in order to validate  
7 (or not validate)—

8 “(i) the information provided;

9 “(ii) the correspondence of the name  
10 and number; and

11 “(iii) whether the individual is author-  
12 ized to be employed in the United States.

13 “(B) TRAINING.—The Secretary shall pro-  
14 vide and regularly update required training and  
15 training materials on the use of the System for  
16 persons and entities making inquiries.

17 “(C) AUDIT.—The Secretary shall provide  
18 for periodic auditing of the System to detect  
19 and prevent misuse, discrimination, fraud, and  
20 identity theft, to protect privacy and assess  
21 System accuracy, and to preserve the integrity  
22 and security of the information in the System.

23 “(D) NOTICE OF SYSTEM CHANGES.—The  
24 Secretary shall provide appropriate notification  
25 to persons and entities registered in the System



1 of any change made by the Secretary or the  
2 Commissioner related to permitted and prohib-  
3 ited documents, and use of the System.

4 “(7) RESPONSIBILITIES OF THE SECRETARY OF  
5 STATE.—As part of the System, the Secretary of  
6 State shall—

7 “(A) provide to the Secretary with access  
8 to passport and visa information as needed to  
9 confirm that—

10 “(i) a passport or passport card pre-  
11 sented under subsection (b)(3)(A)(i) con-  
12 firms the employment authorization and  
13 identity of the individual presenting such  
14 document;

15 “(ii) a passport, passport card, or visa  
16 photograph matches the Secretary of  
17 State’s records; and

18 “(B) provide such assistance as the Sec-  
19 retary may request to resolve tentative noncon-  
20 firmations or final nonconfirmations relating to  
21 information described in subparagraph (A).

22 “(8) UPDATING INFORMATION.—The Commis-  
23 sioner, the Secretary, and the Secretary of State  
24 shall—

1           “(A) update records in their custody in a  
2           manner that promotes maximum accuracy of  
3           the System; and

4           “(B) provide a process for the prompt cor-  
5           rection of erroneous information, including in-  
6           stances in which it is brought to their attention  
7           through the tentative nonconfirmation review  
8           process under subsection (b)(4)(D).

9           “(9) MANDATORY AND VOLUNTARY SYSTEM  
10          USERS.—

11           “(A) MANDATORY USERS.—Except as oth-  
12           erwise provided under Federal or State law, in-  
13           cluding sections 302 and 303 of the Affordable  
14           and Secure Food Act of 2024, nothing in this  
15           section may be construed to require the use of  
16           the System by any person or entity hiring, re-  
17           cruiting, or referring for a fee, an individual for  
18           employment in the United States.

19           “(B) VOLUNTARY USERS.—Beginning  
20           after the date that is 30 days after the date on  
21           which final rules are published under section  
22           309(a) of the Affordable and Secure Food Act  
23           of 2024, a person or entity may use the System  
24           on a voluntary basis to seek verification of the  
25           identity and employment authorization of indi-

1 individuals who the person or entity is hiring, re-  
2 cruiting, or referring for a fee for employment  
3 in the United States.

4 “(C) PROCESS FOR NON-USERS.—The em-  
5 ployment verification process for any person or  
6 entity hiring, recruiting, or referring for a fee,  
7 an individual for employment in the United  
8 States shall be governed by section 274A(b) un-  
9 less the person or entity—

10 “(i) is required by Federal or State  
11 law to use the System; or

12 “(ii) has opted to use the System vol-  
13 untarily in accordance with subparagraph  
14 (B).

15 “(10) NO FEE FOR USE OR INCLUSION.—The  
16 Secretary may not charge a fee to any individual,  
17 person, or entity to use the System or to be included  
18 in the System.

19 “(11) SYSTEM SAFEGUARDS.—

20 “(A) REQUIREMENT TO DEVELOP.—The  
21 Secretary, in consultation with the Commis-  
22 sioner, the Secretary of State, and other appro-  
23 priate Federal officials, shall—

24 “(i) develop policies and procedures to  
25 ensure protection of the privacy and secu-

1 rity of personally identifiable information  
2 and identifiers contained in the records  
3 accessed or maintained by the System; and

4 “(ii) develop and deploy appropriate  
5 privacy and security training for Federal  
6 employees accessing the records under the  
7 System.

8 “(B) PRIVACY AUDITS.—

9 “(i) IN GENERAL.—The Secretary,  
10 acting through the Chief Privacy Officer of  
11 the Department of Homeland Security,  
12 shall conduct regular privacy audits of the  
13 policies and procedures established pursu-  
14 ant to subparagraph (A), including—

15 “(I) any collection, use, dissemi-  
16 nation, and maintenance of personally  
17 identifiable information; and

18 “(II) any associated information  
19 technology systems.

20 “(ii) REVIEWS.—The Chief Privacy  
21 Officer shall—

22 “(I) review the results of the au-  
23 dits conducted pursuant to clause (i);  
24 and

1                   “(II) recommend to the Secretary  
2                   any changes that may be necessary to  
3                   improve the privacy protections of the  
4                   System.

5                   “(C) PRIVACY AND ACCURACY CERTIFI-  
6                   CATION.—The Inspector General of the Depart-  
7                   ment of Homeland Security shall certify to the  
8                   Secretary, the Committee on the Judiciary of  
9                   the Senate, and the Committee on the Judiciary  
10                  of the House of Representatives that—

11                  “(i) the System appropriately protects  
12                  the privacy and security of personally iden-  
13                  tifiable information and identifiers con-  
14                  tained in the records accessed or main-  
15                  tained by the System;

16                  “(ii) during 2 consecutive years begin-  
17                  ning after the date of the enactment of the  
18                  Affordable and Secure Food Act of 2024,  
19                  the System’s error rate is not higher than  
20                  the error rate of the System during the  
21                  preceding year; and

22                  “(iii) specific steps are being taken to  
23                  continue to reduce such error rate.

24                  “(D) ACCURACY AUDITS.—Beginning on  
25                  November 30 of the fiscal year beginning after

1 the fiscal year during which the certification  
2 was submitted pursuant to subparagraph (C),  
3 and annually thereafter, the Inspector General  
4 of the Department of Homeland Security shall  
5 submit a report to the Secretary, the Com-  
6 mittee on the Judiciary of the Senate, and the  
7 Committee on the Judiciary of the House of  
8 Representatives that—

9 “(i) describes in detail—

10 “(I) the error rate of the System  
11 during the previous fiscal year; and

12 “(II) the methodology employed  
13 to prepare the report; and

14 “(ii) includes recommendations for  
15 how the System’s error rate may be re-  
16 duced.

17 “(b) NEW HIRES, RECRUITMENT, AND REFERRAL.—

18 Notwithstanding section 274A(b), the requirements re-  
19 ferred to in paragraphs (1)(B) and (3) of section 274A(a)  
20 are, in the case of a person or entity that uses the System  
21 for the hiring, recruiting, or referring for a fee, an indi-  
22 vidual for employment in the United States, the following:

23 “(1) INDIVIDUAL ATTESTATION OF EMPLOY-  
24 MENT AUTHORIZATION.—During the period begin-  
25 ning on the date on which an offer of employment

1 is accepted and ending on the date of hire, the indi-  
2 vidual shall attest, under penalty of perjury on a  
3 form designated by the Secretary, that the individual  
4 is authorized to be employed in the United States by  
5 providing on such form—

6 “(A) the individual’s name and date of  
7 birth;

8 “(B) the individual’s Social Security ac-  
9 count number (unless the individual has applied  
10 for and not yet been issued such a number);

11 “(C) whether the individual is—

12 “(i) a citizen or national of the United  
13 States;

14 “(ii) an alien lawfully admitted for  
15 permanent residence; or

16 “(iii) an alien who is otherwise au-  
17 thorized by the Secretary to be employed  
18 in the United States; and

19 “(D) if the individual does not attest to  
20 United States citizenship or nationality, such  
21 identification or other authorization number es-  
22 tablished by the Department of Homeland Se-  
23 curity for the alien as the Secretary may speci-  
24 fy.

1           “(2) EMPLOYER ATTESTATION AFTER EXAM-  
2           INATION OF DOCUMENTS.—Not later than 3 busi-  
3           ness days after the date of hire, the individual or en-  
4           tity shall attest, under penalty of perjury on the  
5           form designated under paragraph (1), the  
6           verification that the individual is not an unauthor-  
7           ized alien by—

8                   “(A) obtaining from the individual the in-  
9                   formation described in paragraph (1) and re-  
10                  cording such information on the form;

11                  “(B) examining—

12                          “(i) a document described in para-  
13                          graph (3)(A); or

14                          “(ii) a document described in para-  
15                          graph (3)(B) and a document described in  
16                          paragraph (3)(C); and

17                  “(C) attesting that the information re-  
18                  corded on the form is consistent with the docu-  
19                  ments examined.

20           “(3) ACCEPTABLE DOCUMENTS.—

21                   “(A) DOCUMENTS ESTABLISHING EMPLOY-  
22                   MENT AUTHORIZATION AND IDENTITY.—A doc-  
23                   ument described in this subparagraph is an in-  
24                   dividual’s—



- 1           “(i) United States passport or pass-  
2 port card;
- 3           “(ii) permanent resident card that  
4 contains a photograph;
- 5           “(iii) foreign passport containing tem-  
6 porary evidence of lawful permanent resi-  
7 dence in the form of an official I-551 (or  
8 successor) stamp from the Department of  
9 Homeland Security or a printed notation  
10 on a machine-readable immigrant visa;
- 11           “(iv) unexpired employment author-  
12 ization document that contains a photo-  
13 graph;
- 14           “(v) in the case of a nonimmigrant  
15 alien authorized to engage in employment  
16 for a specific employer incident to status,  
17 a foreign passport with Form I-94, Form  
18 I-94A, or other documentation as des-  
19 ignated by the Secretary specifying the  
20 alien’s nonimmigrant status as long as  
21 such status has not yet expired and the  
22 proposed employment is not in conflict  
23 with any restrictions or limitations identi-  
24 fied in the documentation;

1           “(vi) passport from the Federated  
2 States of Micronesia or the Republic of the  
3 Marshall Islands with Form I-94, Form I-  
4 94A, or other documentation as designated  
5 by the Secretary, indicating nonimmigrant  
6 admission under the Compact of Free As-  
7 sociation Between the United States and  
8 the Federated States of Micronesia or the  
9 Republic of the Marshall Islands; or

10           “(vii) another document designated by  
11 the Secretary, by notice published in the  
12 Federal Register, if the document—

13           “(I) contains a photograph of the  
14 individual, biometric identification  
15 data, and other personal identifying  
16 information relating to the individual;

17           “(II) is evidence of authorization  
18 for employment in the United States;  
19 and

20           “(III) contains security features  
21 to make it resistant to tampering,  
22 counterfeiting, and fraudulent use.

23           “(B) DOCUMENTS ESTABLISHING IDEN-  
24 TITY.—A document described in this subpara-  
25 graph is—

1           “(i) an individual’s driver’s license or  
2           identification card if the license or card—

3                   “(I) was issued by a State or an  
4                   outlying possession of the United  
5                   States;

6                   “(II) contains a photograph and  
7                   personal identifying information relat-  
8                   ing to the individual; and

9                   “(III) meets the requirements  
10                  under section 202 of the REAL ID  
11                  Act of 2005 (division B of Public Law  
12                  109–13; 49 U.S.C. 30301 note) and  
13                  complies with the travel rules under  
14                  the Western Hemisphere Travel Ini-  
15                  tiative;

16           “(ii) an individual’s unexpired United  
17           States military identification card;

18           “(iii) an individual’s unexpired Native  
19           American tribal identification document  
20           issued by a tribal entity recognized by the  
21           Bureau of Indian Affairs; or

22           “(iv) a document establishing identity  
23           that the Secretary determines, by notice  
24           published in the Federal Register, to be ac-

1           ceptable for purposes of this subparagraph,  
2           if such documentation contains—

3                   “(I) a photograph of the indi-  
4                   vidual and other personal identifying  
5                   information relating to the individual;  
6                   and

7                   “(II) security features to make it  
8                   resistant to tampering, counterfeiting,  
9                   and fraudulent use.

10                   “(C) DOCUMENTS ESTABLISHING EMPLOY-  
11                   MENT AUTHORIZATION.—A document described  
12                   in this subparagraph is—

13                   “(i) an individual’s Social Security ac-  
14                   count number card (other than such a card  
15                   which specifies on its face that the  
16                   issuance of the card does not authorize em-  
17                   ployment in the United States); or

18                   “(ii) a document establishing employ-  
19                   ment authorization that the Secretary de-  
20                   termines, by notice published in the Fed-  
21                   eral Register, to be acceptable for purposes  
22                   of this subparagraph if such documenta-  
23                   tion contains security features to make it  
24                   resistant to tampering, counterfeiting, and  
25                   fraudulent use.

1           “(D) AUTHORITY TO PROHIBIT USE OF  
2 CERTAIN DOCUMENTS.—If the Secretary deter-  
3 mines that any document or class of documents  
4 described in subparagraph (A), (B), or (C) does  
5 not reliably establish identity or employment  
6 authorization or is being used fraudulently to  
7 an unacceptable degree, the Secretary, by notice  
8 published in the Federal Register, may prohibit  
9 or place conditions on the use of such document  
10 or class of documents for purposes of this sec-  
11 tion.

12           “(E) AUTHORITY TO WAIVE PHOTOGRAPH  
13 REQUIREMENT.—The Secretary, in the sole dis-  
14 cretion of the Secretary, may confirm the iden-  
15 tity of an individual who submits a document  
16 described in subparagraph (B)(iv) that does not  
17 contain a photograph of the individual under  
18 exceptional circumstances, including the individ-  
19 ual’s religious beliefs.

20           “(4) USE OF THE SYSTEM TO SCREEN IDEN-  
21 TITY AND EMPLOYMENT AUTHORIZATION.—

22           “(A) IN GENERAL.—A person or entity  
23 that uses the System for the hiring, recruiting,  
24 or referring for a fee an individual for employ-  
25 ment in the United States, during the period

1 described in subparagraph (B), shall submit an  
2 inquiry through the System to seek confirma-  
3 tion of the identity and employment authoriza-  
4 tion of the individual.

5 “(B) CONFIRMATION PERIOD.—

6 “(i) IN GENERAL.—Except as pro-  
7 vided in clause (ii), and subject to sub-  
8 section (d), the confirmation period shall  
9 begin on the date of hire and end on the  
10 date that is 3 business days after the date  
11 of hire, or such other reasonable period as  
12 the Secretary may prescribe.

13 “(ii) SPECIAL RULE.—The confirma-  
14 tion period of an alien who is authorized to  
15 be employed in the United States and pro-  
16 vides evidence from the Social Security Ad-  
17 ministration that the alien has applied for  
18 a Social Security account number shall end  
19 3 business days after the alien receives  
20 such Social Security account number.

21 “(C) CONFIRMATION.—A person or entity  
22 receiving confirmation of an individual’s iden-  
23 tity and employment authorization shall record  
24 such confirmation on the form designated by  
25 the Secretary for purposes of paragraph (1).

1 “(D) TENTATIVE NONCONFIRMATION.—

2 “(i) IN GENERAL.—In cases of ten-  
3 tative nonconfirmation, the Secretary, in  
4 consultation with the Commissioner, shall  
5 provide a process for—

6 “(I) an individual to contest the  
7 tentative nonconfirmation not later  
8 than 10 business days after the date  
9 of the receipt of the notice described  
10 in clause (ii); and

11 “(II) the Secretary to issue a  
12 confirmation or final nonconfirmation  
13 of an individual’s identity and employ-  
14 ment authorization not later than 30  
15 days after the Secretary receives no-  
16 tice from the individual contesting a  
17 tentative nonconfirmation.

18 “(ii) NOTICE.—Not later than 3 busi-  
19 ness days after receiving a tentative non-  
20 confirmation of an individual’s identity or  
21 employment authorization in the System, a  
22 person or entity shall—

23 “(I) provide such individual with  
24 written notification—

1           “(aa) in a language under-  
2           stood by the individual;

3           “(bb) on a form designated  
4           by the Secretary; and

5           “(cc) that includes a de-  
6           scription of the individual’s right  
7           to contest the tentative noncon-  
8           firmation; and

9           “(II) attest, under penalty of  
10          perjury, that the person or entity pro-  
11          vided (or attempted to provide) such  
12          notice to the individual, who shall ac-  
13          knowledge receipt of such notice in a  
14          manner specified by the Secretary.

15          “(iii) NO CONTEST.—

16          “(I) IN GENERAL.—A tentative  
17          nonconfirmation shall become final if,  
18          upon receiving the notice described in  
19          clause (ii), the individual—

20                 “(aa) refuses to acknowledge  
21                 receipt of such notice;

22                 “(bb) acknowledges in writ-  
23                 ing, in a manner specified by the  
24                 Secretary, that the individual will



1 not contest the tentative noncon-  
2 firmation; or

3 “(cc) fails to contest the  
4 tentative nonconfirmation within  
5 the 10-business-day period begin-  
6 ning on the date the individual  
7 received such notice.

8 “(II) RECORD OF NO CON-  
9 TEST.—The person or entity shall—

10 “(aa) indicate in the System  
11 that the individual refused to ac-  
12 knowledge receipt of, or did not  
13 contest, the tentative noncon-  
14 firmation; and

15 “(bb) specify the reason that  
16 the tentative nonconfirmation be-  
17 came final under subclause (I).

18 “(III) EFFECT OF FAILURE TO  
19 CONTEST.—An individual’s failure to  
20 contest a tentative nonconfirmation  
21 shall not be considered an admission  
22 of any fact with respect to any viola-  
23 tion of this Act or any other provision  
24 of law.

25 “(iv) CONTEST.—

1           “(I) IN GENERAL.—An individual  
2           may contest a tentative nonconfirma-  
3           tion by using the tentative noncon-  
4           firmation review process under clause  
5           (i), not later than 10 business days  
6           after receiving the notice described in  
7           clause (ii). Except as provided in  
8           clause (iii), the nonconfirmation shall  
9           remain tentative until a confirmation  
10          or final nonconfirmation is provided  
11          by the System.

12          “(II) PROHIBITION ON TERMI-  
13          NATION.—A person or entity may not  
14          terminate employment or take any ad-  
15          verse employment action against an  
16          individual for failure to obtain con-  
17          firmation of the individual’s identity  
18          and employment authorization until  
19          the person or entity receives a notice  
20          of final nonconfirmation from the Sys-  
21          tem. Nothing in this subclause may be  
22          construed to prohibit an employer  
23          from terminating the employment of  
24          the individual for any other lawful  
25          reason.

1                   “(III) CONFIRMATION OR FINAL  
2                   NONCONFIRMATION.—The Secretary,  
3                   in consultation with the Commis-  
4                   sioner, shall issue notice of a con-  
5                   firmation or final nonconfirmation of  
6                   the individual’s identity and employ-  
7                   ment authorization not later than 30  
8                   days after the date on which the Sec-  
9                   retary receives notice from the indi-  
10                  vidual contesting the tentative non-  
11                  confirmation.

12                  “(IV) CONTINUANCE.—If the rel-  
13                  evant data needed to confirm the  
14                  identity of an individual is not main-  
15                  tained by the Department of Home-  
16                  land Security, the Social Security Ad-  
17                  ministration, or the Department of  
18                  State, or if the employee is unable to  
19                  contact the Department of Homeland  
20                  Security or the Social Security Ad-  
21                  ministration, the Secretary, in the sole  
22                  discretion of the Secretary, may place  
23                  the case in continuance.

24                  “(E) FINAL NONCONFIRMATION.—

1           “(i) NOTICE.—If a person or entity  
2 receives a final nonconfirmation of an indi-  
3 vidual’s identity or employment authoriza-  
4 tion, the person or entity, not later than 5  
5 business days after receiving such final  
6 nonconfirmation, shall—

7                   “(I) notify such individual of the  
8 final nonconfirmation in writing, on a  
9 form designated by the Secretary,  
10 which shall include information re-  
11 garding the individual’s right to ap-  
12 peal the final nonconfirmation in ac-  
13 cordance with subparagraph (F); and

14                   “(II) attest, under penalty of  
15 perjury, that the person or entity pro-  
16 vided (or attempted to provide) the  
17 notice to the individual, who shall ac-  
18 knowledge receipt of such notice in a  
19 manner designated by the Secretary.

20           “(ii) TERMINATION OR NOTIFICATION  
21 OF CONTINUED EMPLOYMENT.—If a per-  
22 son or entity receives a final nonconfirma-  
23 tion regarding an individual, the person or  
24 entity may terminate employment of the  
25 individual. If the person or entity does not

1 terminate such employment pending appeal  
2 of the final nonconfirmation, the person or  
3 entity shall notify the Secretary of such  
4 fact through the System. Failure to notify  
5 the Secretary in accordance with this  
6 clause shall be deemed a violation of sec-  
7 tion 274A(a)(1)(A).

8 “(iii) PRESUMPTION OF VIOLATION  
9 FOR CONTINUED EMPLOYMENT.—If a per-  
10 son or entity continues to employ an indi-  
11 vidual after receipt of a final nonconfirma-  
12 tion, and an appeal of the nonconfirmation  
13 is not pending, there shall be a rebuttable  
14 presumption that the person or entity has  
15 violated paragraphs (1)(A) and (2) of sec-  
16 tion 274A(a).

17 “(F) APPEAL OF FINAL NONCONFIRMA-  
18 TION.—

19 “(i) ADMINISTRATIVE APPEAL.—The  
20 Secretary, in consultation with the Com-  
21 missioner and the Assistant Attorney Gen-  
22 eral for Civil Rights, shall develop a proc-  
23 ess by which an individual may seek ad-  
24 ministrative review of a final nonconfirma-  
25 tion. Such process shall—

1           “(I) permit the individual to sub-  
2           mit additional evidence establishing  
3           identity or employment authorization;

4           “(II) ensure prompt resolution of  
5           an appeal, including a response to the  
6           appeal in all circumstances within 60  
7           days; and

8           “(III) permit the Secretary to  
9           impose a civil money penalty equal to  
10          not more than \$500 on any individual  
11          who files a frivolous appeal or files an  
12          appeal for purposes of delay.

13          “(ii)    COMPENSATION    FOR    LOST  
14          WAGES    RESULTING    FROM    GOVERNMENT  
15          ERROR    OR    OMISSION.—

16               “(I) IN GENERAL.—If, upon con-  
17               sideration of an appeal of a final non-  
18               confirmation, the Secretary deter-  
19               mines that the final nonconfirmation  
20               was issued in error, the Secretary  
21               shall further determine whether the  
22               final nonconfirmation was the result  
23               of government error or omission. If  
24               the Secretary determines that the  
25               final nonconfirmation was solely the

1 result of Government error or omis-  
2 sion and the individual was termi-  
3 nated from employment, the Secretary  
4 shall compensate the individual for  
5 lost wages.

6 “(II) CALCULATION OF LOST  
7 WAGES.—Lost wages shall be cal-  
8 culated based on the wage rate and  
9 work schedule that were in effect  
10 prior to the individual’s termination.  
11 The individual shall be compensated  
12 for lost wages beginning on the first  
13 scheduled work day after employment  
14 was terminated and ending 90 days  
15 after completion of the administrative  
16 review process described in this sub-  
17 paragraph or the day the individual is  
18 reinstated or obtains other employ-  
19 ment, whichever occurs first.

20 “(III) LIMITATION ON COM-  
21 PENSATION.—Compensation for lost  
22 wages may not be awarded for any pe-  
23 riod during which the individual was  
24 not authorized for employment in the  
25 United States.

## 1                   “(IV) SOURCE OF FUNDS.—

2                   There is established in the general  
3                   fund of the Treasury, a separate ac-  
4                   count, which shall be known as the  
5                   ‘Electronic Verification Compensation  
6                   Account’. Monetary penalties collected  
7                   pursuant to subsections (f) and (g)  
8                   shall be deposited in the Electronic  
9                   Verification Compensation Account  
10                  and shall remain available for pur-  
11                  poses of providing compensation for  
12                  lost wages under this clause.

13                  “(iii) JUDICIAL REVIEW.—Not later  
14                  than 30 days after the dismissal of an ap-  
15                  peal under this subparagraph, an indi-  
16                  vidual may seek judicial review of such dis-  
17                  missal in the United States District Court  
18                  in the jurisdiction in which the employer  
19                  resides or conducts business.

## 20                  “(5) RETENTION OF VERIFICATION RECORDS.—

21                  “(A) IN GENERAL.—After completing the  
22                  form designated by the Secretary under para-  
23                  graph (1) with respect to an individual, a per-  
24                  son or entity shall retain such form in paper,  
25                  microfiche, microfilm, electronic, or other for-



1 mat deemed acceptable by the Secretary, and  
2 make such form available for inspection by offi-  
3 cers of the Department of Homeland Security,  
4 the Department of Justice, or the Department  
5 of Labor during the period beginning on the  
6 date the verification is completed and ending on  
7 the later of—

8 “(i) the date that is 3 years after the  
9 date of hire; or

10 “(ii) the date that is 1 year after the  
11 date on which such individual’s employ-  
12 ment is terminated.

13 “(B) COPYING OF DOCUMENTATION PER-  
14 MITTED.—Notwithstanding any other provision  
15 of law, a person or entity may, for the purpose  
16 of complying with the requirements under this  
17 section—

18 “(i) copy a document presented by an  
19 individual pursuant to this subsection; and

20 “(ii) retain such copy.

21 “(c) REVERIFICATION OF PREVIOUSLY HIRED INDI-  
22 VIDUALS.—

23 “(1) MANDATORY REVERIFICATION.—A person  
24 or entity that uses the System for the hiring, re-  
25 cruiting, or referring for a fee an individual for em-

1 employment in the United States shall submit an in-  
2 quiry through the System to verify the identity and  
3 employment authorization of—

4 “(A) an individual with a limited period of  
5 employment authorization, when such employ-  
6 ment authorization expires;

7 “(B) an individual, not later than 10 days  
8 after receiving a notification from the Secretary  
9 requiring the verification of such individual pur-  
10 suant to subsection (a)(4)(C); and

11 “(C) an individual employed by an em-  
12 ployer required to participate in the E-Verify  
13 Program described in section 403(a) of the Ille-  
14 gal Immigration Reform and Immigrant Re-  
15 sponsibility Act of 1996 (8 U.S.C. 1324a note)  
16 by reason of any Federal, State, or local law,  
17 Executive order, rule, regulation, or delegation  
18 of authority, including employers required to  
19 participate in such program by reason of Fed-  
20 eral acquisition laws (and regulations promul-  
21 gated under such laws, including the Federal  
22 Acquisition Regulation).

23 “(2) REVERIFICATION PROCEDURES.—The  
24 verification procedures under subsection (b) shall

1 apply to reverifications under this subsection, except  
2 that employers shall—

3 “(A) use a form designated by the Sec-  
4 retary for purposes of this paragraph; and

5 “(B) retain the form in paper, microfiche,  
6 microfilm, electronic, or other format approved  
7 by the Secretary, and make the form available  
8 for inspection by officers of the Department of  
9 Homeland Security, the Department of Justice,  
10 or the Department of Labor during the period  
11 beginning on the date the reverification com-  
12 mences and ending on the later of—

13 “(i) the date that is 3 years after the  
14 date of reverification; or

15 “(ii) the date that is 1 year after the  
16 date on which the individual’s employment  
17 is terminated.

18 “(d) GOOD FAITH COMPLIANCE.—

19 “(1) IN GENERAL.—Except as otherwise pro-  
20 vided in this subsection, a person or entity that uses  
21 the System is considered to have complied with the  
22 requirements under this section notwithstanding a  
23 technical failure of the System, or other technical or  
24 procedural failure to meet such requirement if there

1 was a good faith attempt to comply with such re-  
2 quirement.

3 “(2) EXCEPTION FOR FAILURE TO CORRECT  
4 AFTER NOTICE.—Paragraph (1) shall not apply if—

5 “(A) the failure of the person or entity to  
6 meet a requirement under this section is not de-  
7 minimis;

8 “(B) the Secretary has provided notice to  
9 the person or entity of such failure, including  
10 an explanation as to why such failure is not de-  
11 minimis;

12 “(C) the person or entity has been pro-  
13 vided a period of not less than 30 days (begin-  
14 ning after the date of the notice) to correct  
15 such failure; and

16 “(D) the person or entity has not corrected  
17 such failure voluntarily within such period.

18 “(3) EXCEPTION FOR PATTERN OR PRACTICE  
19 VIOLATORS.—Paragraph (1) shall not apply to a  
20 person or entity that has engaged or is engaging in  
21 a pattern or practice of violations of paragraph  
22 (1)(A) or (2) of section 274A(a).

23 “(4) DEFENSE.—A person or entity that uses  
24 the System for the hiring, recruiting, or referring for

1 a fee an individual for employment in the United  
2 States—

3 “(A) shall not be liable to a job applicant,  
4 an employee, the Federal Government, or a  
5 State or local government, under Federal,  
6 State, or local criminal or civil law, for any em-  
7 ployment-related action taken with respect to  
8 an employee in good-faith reliance on informa-  
9 tion provided by the System; and

10 “(B) shall be deemed to have established  
11 compliance with its obligations under this sec-  
12 tion, absent a showing by the Secretary, by  
13 clear and convincing evidence, that the em-  
14 ployer had knowledge that an employee is an  
15 unauthorized alien.

16 “(e) LIMITATIONS.—

17 “(1) NO NATIONAL IDENTIFICATION CARD.—  
18 Nothing in this section may be construed to author-  
19 ize, directly or indirectly, the issuance or use of na-  
20 tional identification cards or the establishment of a  
21 national identification card.

22 “(2) USE OF RECORDS.—Notwithstanding any  
23 other provision of law, nothing in this section may  
24 be construed to permit or allow any department, bu-  
25 reau, or other agency of the United States Govern-

1 ment to utilize any information, database, or other  
2 records assembled under this section for any purpose  
3 other than the verification of identity and employ-  
4 ment authorization of an individual or to ensure the  
5 secure, appropriate, and non-discriminatory use of  
6 the System.

7 “(f) PENALTIES.—

8 “(1) IN GENERAL.—Except as otherwise pro-  
9 vided in this subsection, the provisions of sub-  
10 sections (e) through (g) of section 274A shall apply  
11 with respect to compliance with the provisions under  
12 this section and penalties for noncompliance for per-  
13 sons or entities that use the System.

14 “(2) CEASE AND DESIST ORDER WITH CIVIL  
15 MONEY PENALTIES FOR HIRING, RECRUITING, AND  
16 REFERRAL VIOLATIONS.—Notwithstanding the civil  
17 money penalties set forth in section 274A(e)(4), with  
18 respect to a violation of paragraph (1)(A) or (2) of  
19 section 274A(a) by a person or entity that is subject  
20 to the provisions under this section that has hired,  
21 recruited, or referred for a fee, an individual for em-  
22 ployment in the United States, a cease and desist  
23 order—

1           “(A) shall require the person or entity to  
2           pay a civil penalty in an amount, subject to  
3           subsection (d), that is equal to—

4                   “(i) not less than \$2,500 and not  
5                   more than \$5,000 for each unauthorized  
6                   alien with respect to whom a violation of  
7                   either such subsection occurred;

8                   “(ii) not less than \$5,000 and not  
9                   more than \$10,000 for each such alien in  
10                  the case of a person or entity previously  
11                  subject to more than 1 order under this  
12                  paragraph; or

13                  “(iii) not less than \$10,000 and not  
14                  more than \$25,000 for each such alien in  
15                  the case of a person or entity previously  
16                  subject to more than 1 order under this  
17                  paragraph; and

18           “(B) may require the person or entity to  
19           take other appropriate remedial action.

20           “(3) ORDER FOR CIVIL MONEY PENALTY FOR  
21           VERIFICATION VIOLATIONS.—Notwithstanding para-  
22           graphs (4) and (5) of section 274A(e) and any other  
23           Federal law relating to civil monetary penalties, any  
24           person or entity that is required to comply with the  
25           provisions of this section that violates section

1 274A(a)(1)(B) shall be required to pay a civil pen-  
2 alty in an amount, subject to paragraphs (5), (6),  
3 and (7), that is equal to not less than \$1,000 and  
4 not more than \$25,000 for each individual with re-  
5 spect to whom such violation occurred.

6 “(4) SYSTEM USE VIOLATION.—Failure by a  
7 person or entity to utilize the System as required by  
8 law or providing information to the System that the  
9 person or entity knows or reasonably believes to be  
10 false, shall be treated as a violation of section  
11 274A(a)(1)(A).

12 “(5) EXEMPTION FROM PENALTY FOR GOOD  
13 FAITH VIOLATION.—

14 “(A) IN GENERAL.—A person or entity  
15 that uses the System is presumed to have acted  
16 with knowledge for purposes of paragraphs  
17 (1)(A) and (2) of section 274A(a) if the person  
18 or entity fails to make an inquiry to verify the  
19 identity and employment authorization of the  
20 individual through the System.

21 “(B) GOOD FAITH EXEMPTION.—In the  
22 case of imposition of a civil penalty under para-  
23 graph (2)(A) with respect to a violation of para-  
24 graph (1)(A) or (2) of section 274A(a) for hir-  
25 ing or continuation of employment or recruit-



1           ment or referral by a person or entity, and in  
2           the case of imposition of a civil penalty under  
3           paragraph (3) for a violation of section  
4           274A(a)(1)(B) for hiring or recruitment or re-  
5           ferral by a person or entity, the penalty other-  
6           wise imposed may be waived or reduced if the  
7           person or entity establishes that the person or  
8           entity acted in good faith.

9           “(6) PENALTY ADJUSTMENT FACTORS.—For  
10          purposes of paragraphs (2)(A) and (3), when assess-  
11          ing the level of civil money penalties for a particular  
12          case, in addition to the good faith of the person or  
13          entity being charged, due consideration shall be  
14          given to factors such as the size of the business, the  
15          seriousness of the violation, whether or not the indi-  
16          vidual was an unauthorized alien, and the history of  
17          previous violations, which factors may be aggra-  
18          vating, mitigating, or neutral depending on the facts  
19          of each case.

20          “(7) CRIMINAL PENALTY.—Notwithstanding  
21          section 274A(f)(1) and the provisions of any other  
22          Federal law relating to fine levels, any person or en-  
23          tity required to comply with the provisions under  
24          this section that engages in a pattern or practice of

1 violations of paragraph (1) or (2) of section  
2 274A(a)—

3 “(A) shall be fined not more than \$5,000  
4 for each unauthorized alien with respect to  
5 whom such a violation occurs;

6 “(B) shall imprisoned for not more than  
7 18 months; or

8 “(C) shall subject to the fine under sub-  
9 paragraph (A) and imprisonment under sub-  
10 paragraph (B).

11 “(8) ELECTRONIC VERIFICATION COMPENSA-  
12 TION ACCOUNT.—Civil money penalties collected  
13 pursuant to this subsection shall be deposited in the  
14 Electronic Verification Compensation Account for  
15 the purpose of compensating individuals for lost  
16 wages as a result of a final nonconfirmation issued  
17 by the System that was based on government error  
18 or omission, in accordance with subsection  
19 (b)(4)(F)(ii)(IV).

20 “(9) DEBARMENT.—

21 “(A) IN GENERAL.—If the Secretary deter-  
22 mines that a person or entity is a repeat viola-  
23 tor of paragraph (1)(A) or (2) of section  
24 274A(a) or has been convicted of a crime under  
25 section 274A, such person or entity may be con-

1           sidered for debarment from the receipt of Fed-  
2           eral contracts, grants, or cooperative agree-  
3           ments in accordance with the debarment stand-  
4           ards and pursuant to the debarment procedures  
5           set forth in the Federal Acquisition Regulation.

6           “(B) NO CONTRACT, GRANT, AGREE-  
7           MENT.—If the Secretary or the Attorney Gen-  
8           eral determines that a person or entity should  
9           be considered for debarment under this para-  
10          graph, and such person or entity does not hold  
11          a Federal contract, grant or cooperative agree-  
12          ment, the Secretary or the Attorney General  
13          shall refer the matter to the Administrator of  
14          General Services to determine whether to list  
15          the person or entity on the List of Parties Ex-  
16          cluded from Federal Procurement and Non-  
17          procurement Programs, and if so, for what du-  
18          ration and under what scope.

19          “(C) CONTRACT, GRANT, AGREEMENT.—If  
20          the Secretary or the Attorney General deter-  
21          mines that a person or entity should be consid-  
22          ered for debarment under this paragraph, and  
23          such person or entity holds a Federal contract,  
24          grant, or cooperative agreement, the Secretary  
25          or the Attorney General—

1           “(i) shall advise all agencies or de-  
2           partments holding a contract, grant, or co-  
3           operative agreement with the person or en-  
4           tity of the Government’s interest in having  
5           such person or entity considered for debar-  
6           ment; and

7           “(ii) after soliciting and considering  
8           the views of all such agencies and depart-  
9           ments, may refer the matter to the appro-  
10          priate lead agency to determine whether to  
11          list the person or entity on the List of Par-  
12          ties Excluded from Federal Procurement  
13          and Nonprocurement Programs, and if so,  
14          for what duration and under what scope.

15          “(D) REVIEW.—Any decision to debar a  
16          person or entity in accordance with this sub-  
17          section shall be reviewable pursuant to part 9.4  
18          of the Federal Acquisition Regulation.

19          “(10) PREEMPTION.—This section preempts  
20          any State or local law, ordinance, policy, or rule, in-  
21          cluding any criminal or civil fine or penalty struc-  
22          ture, relating to the hiring, continued employment,  
23          or status verification for employment eligibility pur-  
24          poses, of unauthorized aliens, except that a State, lo-  
25          cality, municipality, or political subdivision may ex-

1        exercise its authority over business licensing and simi-  
2        lar laws as a penalty for failure to use the System  
3        as required under this section.

4        “(g) UNFAIR IMMIGRATION-RELATED EMPLOYMENT  
5 PRACTICES AND THE SYSTEM.—

6            “(1) IN GENERAL.—In addition to the prohibi-  
7        tions on discrimination set forth in section 274B, it  
8        is an unfair immigration-related employment prac-  
9        tice for a person or entity, in the course of utilizing  
10       the System—

11            “(A) to use the System for screening an  
12        applicant before the date of hire;

13            “(B) to terminate the employment of an  
14        individual or take any adverse employment ac-  
15        tion with respect to that individual due to a  
16        tentative nonconfirmation issued by the System;

17            “(C) to use the System to screen any indi-  
18        vidual for any purpose other than confirmation  
19        of identity and employment authorization in ac-  
20        cordance with this section;

21            “(D) to use the System to verify the iden-  
22        tity and employment authorization of a current  
23        employee, including an employee continuing in  
24        employment, other than for purposes of  
25        reverification authorized under subsection (c);

1           “(E) to use the System to discriminate  
2 based on national origin or citizenship status;

3           “(F) to willfully fail to provide an indi-  
4 vidual with any notice required under this chap-  
5 ter;

6           “(G) to require an individual to make an  
7 inquiry under the self-verification procedures  
8 described in subsection (a)(4)(B) or to provide  
9 the results of such an inquiry as a condition of  
10 employment, or hiring, recruiting, or referring;  
11 or

12           “(H) to terminate the employment of an  
13 individual or take any adverse employment ac-  
14 tion with respect to that individual based upon  
15 the need to verify the identity and employment  
16 authorization of the individual in accordance  
17 with subsection (b).

18           “(2) PREEMPLOYMENT SCREENING AND BACK-  
19 GROUND CHECK.—Nothing in paragraph (1)(A) may  
20 be construed to preclude a preemployment screening  
21 or background check that is required or permitted  
22 under any other provision of law.

23           “(3) CIVIL MONEY PENALTIES FOR UNFAIR IM-  
24 MIGRATION-RELATED EMPLOYMENT PRACTICES IN-  
25 VOLVING SYSTEM MISUSE.—Notwithstanding section

1 274B(g)(2)(B)(iv), the penalties that may be im-  
2 posed by an administrative law judge with respect to  
3 a finding that a person or entity has engaged in an  
4 unfair immigration-related employment practice de-  
5 scribed in paragraph (1) are—

6 “(A) not less than \$1,000 and not more  
7 than \$4,000 for each aggrieved individual;

8 “(B) in the case of a person or entity pre-  
9 viously subject to a single order under this  
10 paragraph, not less than \$4,000 and not more  
11 than \$10,000 for each aggrieved individual; and

12 “(C) in the case of a person or entity pre-  
13 viously subject to more than 1 order under this  
14 paragraph, not less than \$6,000 and not more  
15 than \$20,000 for each aggrieved individual.

16 “(4) ELECTRONIC VERIFICATION COMPENSA-  
17 TION ACCOUNT.—

18 “(A) USE OF CIVIL MONETARY PEN-  
19 ALTIES.—Civil money penalties collected under  
20 this subsection shall be deposited into the Elec-  
21 tronic Verification Compensation Account for  
22 the purpose of compensating individuals for lost  
23 wages as a result of a final nonconfirmation  
24 issued by the System that was based on a Gov-

1           ernment error or omission described in sub-  
2           section (b)(4)(F)(ii)(IV).

3           “(B) ALTERNATIVE USE OF FUNDS.—Any  
4           amounts deposited into the Electronic  
5           Verification Compensation Account pursuant to  
6           subparagraph (A) that are not used within 5  
7           years to compensate individuals under such  
8           subparagraph shall be made available to the  
9           Secretary and the Attorney General to provide  
10          education to employers and employees regard-  
11          ing the requirements, obligations, and rights  
12          under the System.

13          “(h) CLARIFICATION.—All rights and remedies pro-  
14          vided under any Federal, State, or local law relating to  
15          workplace rights, including back pay, are available to an  
16          employee despite—

17                 “(1) the employee’s status as an unauthorized  
18                 alien during or after the period of employment; or

19                 “(2) the employer’s or employee’s failure to  
20                 comply with the requirements under this section.

21          “(i) DEFINED TERM.—In this section, the term ‘date  
22          of hire’ means the date on which employment for pay or  
23          other remuneration commences.”.

24          (b) CONFORMING AMENDMENT.—The table of con-  
25          tents for the Immigration and Nationality Act (8 U.S.C.



1 1101 note) is amended by inserting after the item relating  
2 to section 274D the following:

“Sec. 274E. Requirements for the electronic verification of employment eligibility.”.

3 **SEC. 302. MANDATORY ELECTRONIC VERIFICATION FOR**  
4 **THE AGRICULTURAL INDUSTRY.**

5 (a) **DEFINED TERM.**—In this section, the term “agri-  
6 cultural employment” means agricultural labor or services  
7 (as defined in section 101(a)(15)(H)(ii) of the Immigra-  
8 tion and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii))).

9 (b) **IN GENERAL.**—The requirements for the elec-  
10 tronic verification of identity and employment authoriza-  
11 tion described in section 274E of the Immigration and Na-  
12 tionality Act, as add by section 301, shall apply to a per-  
13 son or entity hiring, recruiting, or referring for a fee an  
14 individual for agricultural employment in the United  
15 States in accordance with the effective dates set forth in  
16 subsection (c).

17 (c) **EFFECTIVE DATES.**—

18 (1) **HIRING.**—The requirements described in  
19 subsection (b) shall apply to a person or entity hir-  
20 ing an individual for agricultural employment in the  
21 United States—

22 (A) with respect to employers that, on the  
23 date of the enactment of this Act, have 500 or

1 more employees in the United States, beginning  
2 on the later of—

3 (i) the date that is 6 months after the  
4 date on which the Secretary of Homeland  
5 Security makes the certification required  
6 under section 274E(a)(11) of the Immigra-  
7 tion and Nationality Act, as added by sec-  
8 tion 301(a); or

9 (ii) 6 years after the date of the en-  
10 actment of this Act;

11 (B) with respect to employers that, on the  
12 date of the enactment of this Act, have 100 or  
13 more employees in the United States, but fewer  
14 than 500 such employees, beginning on the date  
15 that is 3 months after the date on which such  
16 requirements are applicable to employers de-  
17 scribed in subparagraph (A);

18 (C) with respect to employers that, on the  
19 date of the enactment of this Act, have 20 or  
20 more employees in the United States, but fewer  
21 than 100 such employees, beginning on the date  
22 that is 6 months after the date on which such  
23 requirements are applicable to employers de-  
24 scribed in subparagraph (A); and

1 (D) with respect to employers that, on the  
2 date of the enactment of this Act, have fewer  
3 than 20 employees in the United States, begin-  
4 ning on the date that is 9 months after the date  
5 on which such requirements are applicable to  
6 employers described in subparagraph (A).

7 (2) RECRUITING AND REFERRING FOR A FEE.—  
8 The requirements under subsection (b) shall apply to  
9 any person or entity recruiting or referring for a fee  
10 an individual for agricultural employment in the  
11 United States on the date that is 1 year after the  
12 completion of the application period described in sec-  
13 tion 101(c).

14 (3) TRANSITION RULE.—Except as required  
15 under subtitle A of title IV of the Illegal Immigra-  
16 tion Reform and Immigrant Responsibility Act of  
17 1996 (8 U.S.C. 1324a note), as in effect on the day  
18 before the effective date described in section  
19 303(a)(4), Executive Order 13465 (8 U.S.C. 1324a  
20 note; relating to Government procurement), or any  
21 State law requiring persons or entities to use the E-  
22 Verify Program described in section 403(a) of the Il-  
23 legal Immigration Reform and Immigrant Responsi-  
24 bility Act of 1996 (8 U.S.C. 1324a note), as in ef-  
25 fect on the day before such effective date, sections

1 274A and 274B of the Immigration and Nationality  
2 Act (8 U.S.C. 1324a and 1324b) shall apply to a  
3 person or entity hiring, recruiting, or referring an  
4 individual for employment in the United States until  
5 the applicable effective date under this subsection.

6 (4) E-VERIFY VOLUNTARY USERS AND OTHERS  
7 DESIRING EARLY COMPLIANCE.—Nothing in this  
8 subsection may be construed to prohibit persons or  
9 entities, including persons or entities that have vol-  
10 untarily elected to participate in the E-Verify Pro-  
11 gram described in section 403(a) of the Illegal Im-  
12 migration Reform and Immigrant Responsibility Act  
13 of 1996 (8 U.S.C. 1324a note), as in effect on the  
14 day before the effective date described in section  
15 303(a)(4), from seeking early compliance on a vol-  
16 untary basis.

17 (5) DELAYED IMPLEMENTATION.—The Sec-  
18 retary of Homeland Security, in consultation with  
19 the Secretary of Agriculture, may delay the effective  
20 dates described in paragraphs (1) and (2) for a pe-  
21 riod not to exceed 180 days if the Secretary deter-  
22 mines, based on the most recent report described in  
23 section 133 and other relevant data, that a signifi-  
24 cant number of applications under section 101 re-  
25 main pending.

1 (d) RURAL ACCESS TO ASSISTANCE FOR TENTATIVE  
2 NONCONFIRMATION REVIEW PROCESS.—

3 (1) IN GENERAL.—The Secretary of Homeland  
4 Security, in coordination with the Secretary of Agri-  
5 culture, and in consultation with the Commissioner  
6 of Social Security, shall create a process for individ-  
7 uals to seek assistance in contesting a tentative non-  
8 confirmation (as described in section 274E(b)(4)(D)  
9 of the Immigration and Nationality Act, as added by  
10 section 301(a)), at local offices or service centers of  
11 the Department of Agriculture.

12 (2) STAFFING AND RESOURCES.—The Sec-  
13 retary of Homeland Security and the Secretary of  
14 Agriculture shall ensure that local offices and service  
15 centers of the Department of Agriculture are staffed  
16 appropriately and have the resources necessary to  
17 provide information and support to individuals seek-  
18 ing the assistance described in paragraph (1), in-  
19 cluding by facilitating communication between such  
20 individuals and the Department of Homeland Secu-  
21 rity or the Social Security Administration.

22 (3) RULE OF CONSTRUCTION.—Nothing in this  
23 subsection may be construed to delegate authority or  
24 transfer responsibility for reviewing and resolving  
25 tentative nonconfirmations from the Secretary of

1 Homeland Security and the Commissioner of Social  
2 Security to the Secretary of Agriculture.

3 (e) DOCUMENT ESTABLISHING EMPLOYMENT AU-  
4 THORIZATION AND IDENTITY.—In accordance with section  
5 274E(b)(3)(A)(vii) of the Immigration and Nationality  
6 Act, as added by section 301(a), and not later than 1 year  
7 after the completion of the application period described in  
8 section 101(c), the Secretary of Homeland Security shall  
9 recognize documentary evidence of certified agricultural  
10 worker status described in section 102(a)(2) as valid proof  
11 of employment authorization and identity for purposes of  
12 section 274E(b)(3)(A) of such Act.

13 **SEC. 303. COORDINATION WITH E-VERIFY PROGRAM.**

14 (a) REPEAL.—

15 (1) IN GENERAL.—Subtitle A of title IV of the  
16 Illegal Immigration Reform and Immigrant Respon-  
17 sibility Act of 1996 (8 U.S.C. 1324a note) is re-  
18 pealed.

19 (2) CLERICAL AMENDMENT.—The table of sec-  
20 tions, in section 1(d) of the Illegal Immigration Re-  
21 form and Immigrant Responsibility Act of 1996, is  
22 amended by striking the items relating to subtitle A  
23 of title IV.

24 (3) REFERENCES.—Any reference in any Fed-  
25 eral, State, or local law, Executive order, rule, regu-

1 lation, or delegation of authority, or any document  
2 of, or pertaining to, the Department of Homeland  
3 Security, Department of Justice, or the Social Secu-  
4 rity Administration, to the E-Verify Program de-  
5 scribed in section 403(a) of the Illegal Immigration  
6 Reform and Immigrant Responsibility Act of 1996  
7 (8 U.S.C. 1324a note), or to the employment eligi-  
8 bility confirmation system established under section  
9 404 of the Illegal Immigration Reform and Immi-  
10 grant Responsibility Act of 1996 (8 U.S.C. 1324a  
11 note), is deemed to refer to the employment eligi-  
12 bility confirmation system established under section  
13 274E of the Immigration and Nationality Act, as  
14 added by section 301(a).

15 (4) EFFECTIVE DATE.—This subsection, and  
16 the amendments made by this subsection, shall take  
17 effect on the date that is 30 days after the date on  
18 which final rules are published pursuant to section  
19 309(a).

20 (b) FORMER E-VERIFY MANDATORY USERS, IN-  
21 CLUDING FEDERAL CONTRACTORS.—Beginning on the ef-  
22 fective date set forth in subsection (a)(4), the Secretary  
23 of Homeland Security shall require employers required to  
24 participate in the E-Verify Program described in section  
25 403(a) of the Illegal Immigration Reform and Immigrant

1 Responsibility Act of 1996 (8 U.S.C. 1324a note) by rea-  
2 son of any Federal, State, or local law, Executive order,  
3 rule, regulation, or delegation of authority, including em-  
4 ployers required to participate in such program by reason  
5 of Federal acquisition laws (and regulations promulgated  
6 under those laws, including the Federal Acquisition Regu-  
7 lation), to comply with the requirements under section  
8 274E of the Immigration and Nationality Act, as added  
9 by section 301(a) (and any additional requirements of  
10 such Federal acquisition laws and regulation) instead of  
11 any requirement to participate in the E-Verify Program.

12 (c) FORMER E-VERIFY VOLUNTARY USERS.—Begin-  
13 ning on the effective date set forth in subsection (a)(4),  
14 the Secretary of Homeland Security shall provide for the  
15 voluntary compliance with the requirements under section  
16 274E of the Immigration and Nationality Act, as added  
17 by section 301(a), by employers voluntarily electing to par-  
18 ticipate in the E-Verify Program described in section  
19 403(a) of the Illegal Immigration Reform and Immigrant  
20 Responsibility Act of 1996 (8 U.S.C. 1324a note) before  
21 such effective date.

22 **SEC. 304. FRAUD AND MISUSE OF DOCUMENTS.**

23 Section 1546(b) of title 18, United States Code, is  
24 amended—



1           (1) in paragraph (1), by striking “identification  
2 document,” and inserting “identification document  
3 or document intended to establish employment au-  
4 thorization,”;

5           (2) in paragraph (2), by striking “identification  
6 document” and inserting “identification document or  
7 document intended to establish employment author-  
8 ization,”; and

9           (3) in the undesignated matter following para-  
10 graph (3) by striking “of section 274A(b)” and in-  
11 serting “under section 274A(b) or 274E(b)”.

12 **SEC. 305. TECHNICAL AND CONFORMING AMENDMENTS.**

13           (a) UNLAWFUL EMPLOYMENT OF ALIENS.—Section  
14 274A of the Immigration and Nationality Act (8 U.S.C.  
15 1324a) is amended—

16           (1) in subsection (a)(1)(B)—

17                   (A) by striking “subsection (b) or (ii)” and  
18 inserting the following: “subsection (b); or

19                   “(ii)”;

20                   (B) in clause (ii), by striking “subsection  
21 (b).” and inserting “section 274E.”; and

22           (2) in subsection (b), in the matter preceding  
23 paragraph (1), by striking “The requirements re-  
24 ferred” and inserting “Except as provided in section  
25 274E, the requirements referred”.

1 (b) UNFAIR IMMIGRATION-RELATED EMPLOYMENT  
2 PRACTICES.—Section 274B(a) of the Immigration and  
3 Nationality Act (8 U.S.C. 1324b(a)) is amended—

4 (1) in paragraph (1)(B), by striking “in the  
5 case of a protected individual (as defined in para-  
6 graph (3)),”;

7 (2) by striking paragraph (3); and

8 (3) by inserting after paragraph (2) the fol-  
9 lowing:

10 “(3) MISUSE OF VERIFICATION SYSTEM.—It is  
11 an unfair immigration-related employment practice  
12 for a person or other entity to misuse the  
13 verification system as described in section  
14 274E(g).”.

15 **SEC. 306. PROTECTION OF SOCIAL SECURITY ADMINISTRA-**  
16 **TION PROGRAMS.**

17 (a) FUNDING UNDER AGREEMENT.—Effective for all  
18 fiscal years beginning on or after October 1, 2024, the  
19 Commissioner of Social Security and the Secretary of  
20 Homeland Security shall ensure that an agreement is in  
21 place that—

22 (1) provides funds to the Commissioner for the  
23 full costs of the responsibilities of the Commissioner  
24 with respect to employment eligibility verification,

1 including responsibilities described in this title and  
2 in the amendments made by this title, such as—

3 (A) acquiring, installing, and maintaining  
4 technological equipment and systems necessary  
5 for the fulfillment of such responsibilities, but  
6 only that portion of such costs that are attrib-  
7 utable exclusively to such responsibilities; and

8 (B) responding to individuals who contest  
9 a tentative nonconfirmation or administratively  
10 appeal a final nonconfirmation provided with  
11 respect to employment eligibility verification;

12 (2) provides the funds required under para-  
13 graph (1) annually in advance of the applicable  
14 quarter based on an estimating methodology agreed  
15 to by the Commissioner and the Secretary (except in  
16 such instances where the delayed enactment of an  
17 annual appropriation may preclude such quarterly  
18 payments); and

19 (3) requires an annual accounting and reconcili-  
20 ation of the actual costs incurred and the funds pro-  
21 vided under such agreement, which shall be reviewed  
22 by the Inspector General of the Social Security Ad-  
23 ministration and the Inspector General of the De-  
24 partment of Homeland Security.

1 (b) CONTINUATION OF EMPLOYMENT VERIFICATION  
2 IN ABSENCE OF TIMELY AGREEMENT.—

3 (1) IN GENERAL.—In any case in which the  
4 agreement required under subsection (a) for any fis-  
5 cal year beginning on or after October 1, 2024, has  
6 not been reached as of October 1 of such fiscal year,  
7 the latest agreement described in such subsection  
8 shall be deemed in effect on an interim basis for  
9 such fiscal year until such time as an agreement re-  
10 quired under subsection (a) is subsequently reached,  
11 except that the terms of such interim agreement  
12 shall be modified to adjust for inflation and any in-  
13 crease or decrease in the volume of requests under  
14 the employment eligibility verification system.

15 (2) NOTIFICATION REQUIREMENTS.—

16 (A) IN GENERAL.—Not later than October  
17 1 of any fiscal year during which an interim  
18 agreement applies under paragraph (1), the  
19 Commissioner and the Secretary shall notify the  
20 Committee on Finance of the Senate, the Com-  
21 mittee on the Judiciary of the Senate, the Com-  
22 mittee on Appropriations of the Senate, the  
23 Committee on Ways and Means of the House of  
24 Representatives, the Committee on the Judici-  
25 ary of the House of Representatives, and the

1           Committee on Appropriations of the House of  
2           Representatives of the failure to reach the  
3           agreement required under subsection (a) for  
4           such fiscal year.

5           (B) QUARTERLY NOTIFICATIONS.—Until  
6           the agreement required under subsection (a)  
7           has been reached for a fiscal year, the Commis-  
8           sioner and the Secretary, not later than the end  
9           of each 90-day period after October 1 of such  
10          fiscal year, shall notify the congressional com-  
11          mittees referred to in subparagraph (A) of the  
12          status of negotiations between the Commis-  
13          sioner and the Secretary in order to reach such  
14          an agreement.

15 **SEC. 307. REPORT ON THE IMPLEMENTATION OF THE**  
16                   **ELECTRONIC EMPLOYMENT VERIFICATION**  
17                   **SYSTEM.**

18          Not later than 2 years after the date on which final  
19          rules are published pursuant to section 309(a), and annu-  
20          ally thereafter, the Secretary of Homeland Security and  
21          the Attorney General shall jointly submit a report to Con-  
22          gress that includes—

23               (1) an assessment of the accuracy rates of the  
24               responses of the electronic employment verification  
25               system established under section 274E of the Immi-

1       gration and Nationality Act, as added by section  
2       301(a) (referred to in this section and section 308  
3       as the “System”), including tentative and final non-  
4       confirmation notices issued to employment-author-  
5       ized individuals and confirmation notices issued to  
6       individuals who are not employment-authorized;

7               (2) an assessment of any challenges faced by  
8       persons or entities (including small employers) in  
9       utilizing the System;

10              (3) an assessment of any challenges faced by  
11       employment-authorized individuals who are issued  
12       tentative or final nonconfirmation notices;

13              (4) an assessment of the incidence of unfair im-  
14       migration-related employment practices described in  
15       section 274E(g) of the Immigration and Nationality  
16       Act, related to the use of the System;

17              (5) an assessment of the photo matching and  
18       other identity authentication tools described in sec-  
19       tion 274E(a)(4) of the Immigration and Nationality  
20       Act, including—

21                      (A) the accuracy rates of such tools;

22                      (B) the effectiveness of such tools at pre-  
23       venting identity fraud and other misuse of iden-  
24       tifying information;

1 (C) any challenges faced by persons, enti-  
2 ties, or individuals utilizing such tools;

3 (D) operation and maintenance costs asso-  
4 ciated with such tools; and

5 (E) the privacy and civil liberties safe-  
6 guards associated with such tools;

7 (6) a summary of the activities and findings of  
8 the U.S. Citizenship and Immigrations Services E-  
9 Verify Monitoring and Compliance Branch (referred  
10 to in this paragraph as the “Branch”), or any suc-  
11 cessor office, including—

12 (A) the number, types and outcomes of au-  
13 dits, internal reviews, and other compliance ac-  
14 tivities initiated by the Branch in the previous  
15 year;

16 (B) the capacity of the Branch to detect  
17 and prevent violations of section 274E(g) of the  
18 Immigration and Nationality Act; and

19 (C) an assessment of the degree to which  
20 persons and entities misuse the System, includ-  
21 ing—

22 (i) using the System before an individ-  
23 ual’s date of hire;

24 (ii) failing to provide required notifi-  
25 cations to individuals;

1 (iii) using the System to interfere with  
2 or otherwise impede individuals' assertions  
3 of their rights under other laws; and

4 (iv) using the System for unauthor-  
5 ized purposes; and

6 (7) an assessment of the impact of implementa-  
7 tion of the System in the agricultural industry and  
8 the use of the verification system in agricultural in-  
9 dustry hiring and business practices.

10 **SEC. 308. MODERNIZING AND STREAMLINING THE EMPLOY-**  
11 **MENT ELIGIBILITY VERIFICATION PROCESS.**

12 Not later than 1 year after the date of the enactment  
13 of this Act, the Secretary of Homeland Security, in con-  
14 sultation with the Commissioner of Social Security, shall  
15 submit a plan to Congress for modernizing and stream-  
16 lining the employment eligibility verification process. Such  
17 plan shall include—

18 (1) procedures to allow persons and entities to  
19 verify the identity and employment authorization of  
20 newly hired individuals where the in-person, physical  
21 examination of identity and employment authoriza-  
22 tion documents is not practicable;

23 (2) a proposal to create a simplified employ-  
24 ment verification process that allows employers that  
25 utilize the System—



1 (A) to verify the identity and employment  
2 authorization of individuals without having to  
3 complete and retain Form I-9, Employment  
4 Eligibility Verification, in paper, electronic, or  
5 any subsequent replacement form; and

6 (B) to maintain evidence of an inspection  
7 of the employee's eligibility to work; and

8 (3) any other proposal that the Secretary deter-  
9 mines would simplify the employment eligibility  
10 verification process without compromising the integ-  
11 rity or security of the System.

12 **SEC. 309. RULEMAKING; PAPERWORK REDUCTION ACT.**

13 (a) RULEMAKING.—

14 (1) PROPOSED RULES.—Not later than 270  
15 days before the end of the application period de-  
16 scribed in section 101(c), the Secretary of Homeland  
17 Security shall promulgate and publish in the Federal  
18 Register proposed rules implementing this title and  
19 the amendments made by this title.

20 (2) FINAL RULES.—The Secretary shall finalize  
21 the rules promulgated pursuant to paragraph (1)  
22 not later than 180 days after the date on which they  
23 are published in the Federal Register.

24 (b) PAPERWORK REDUCTION ACT.—

1           (1) IN GENERAL.—The requirements under  
2 chapter 35 of title 44, United States Code, (com-  
3 monly known as the “Paperwork Reduction Act”)  
4 shall apply to any action to implement this title or  
5 the amendments made by this title.

6           (2) ELECTRONIC FORMS.—All forms designated  
7 or established by the Secretary that are necessary to  
8 implement this title and the amendments made by  
9 this title—

10                   (A) shall be made available in paper or  
11                   electronic formats; and

12                   (B) shall be designed in such a manner to  
13                   facilitate electronic completion, storage, and  
14                   transmittal.

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