

118TH CONGRESS
2D SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on _____

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

2

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
- 12 required processing fees, before the end of the period
- 13 set forth in subsection (c) and who—

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

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

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

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

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

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

23 (2) DEPENDENT SPOUSE AND CHILDREN.—The
24 Secretary may grant certified agricultural dependent
25 status to the spouse or child of an alien granted cer-

1 tified agricultural worker status under paragraph
2 (1) if the spouse or child is not ineligible for cer-
3 tified agricultural dependent status as provided in
4 subsection (b).

5 (b) GROUNDS FOR INELIGIBILITY.—

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

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

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

22 (C) paragraphs (6)(B) and (9)(A) of such
23 section 212(a) shall not apply unless the rel-
24 evant conduct began on or after the date of fil-

1 ing of the application for certified agricultural
2 worker status.

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

16 (A) any felony offense;

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

21 (C) 2 misdemeanor offenses involving
22 moral turpitude (as described in section
23 212(a)(2)(A)(i)(I) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1182(a)(2)(A)(i)(I)),

1 unless an offense is waived by the Secretary
2 under paragraph (3)(B); or

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

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

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

15 (B) subparagraphs (A) and (D) of section
16 212(a)(2) of the Immigration and Nationality
17 Act (8 U.S.C. 1182(a)(2)), unless inadmis-
18 sibility is based on a conviction that would oth-
19 erwise render the alien ineligible under subpara-
20 graph (A), (B), or (D) of paragraph (2).

21 (c) APPLICATION.—

22 (1) APPLICATION PERIOD.—Except as provided
23 in paragraph (2), the Secretary shall accept initial
24 applications for certified agricultural worker status
25 during the 18-month period beginning on the date

1 on which the interim final rule is published in the
2 Federal Register pursuant to section 122(a).

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

10 (3) SUBMISSION OF APPLICATIONS.—

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

21 (B) FARM SERVICE AGENCY OFFICES.—

22 The Secretary, in consultation with the Sec-
23 retary of Agriculture, shall establish a process
24 for the filing of applications under this section

1 at Farm Service Agency offices throughout the
2 United States.

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

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

24 (A) may apply for advance parole, which
25 shall be granted upon demonstrating a legiti-

1 mate need to travel outside the United States
2 for a temporary purpose;

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

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

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

16 (6) WITHDRAWAL OF APPLICATION.—The Sec-
17 retary shall, upon receipt of a request from the ap-
18 plicant to withdraw an application for certified agri-
19 cultural worker status under this subtitle, cease
20 processing of the application, and close the case.
21 Withdrawal of the application shall not prejudice
22 any future application filed by the applicant for any
23 immigration benefit under this Act or under the Im-
24 migration and Nationality Act (8 U.S.C. 1101 et
25 seq.).

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

9 (d) ADJUDICATION AND DECISION.—

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

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

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

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

22 (3) AMENDED APPLICATION.—An alien whose
23 application for certified agricultural worker status is
24 denied under this section may submit an amended
25 application for such status to the Secretary if the

1 amended application is submitted within the applica-
2 tion period described in subsection (c) and contains
3 all the required information and fees that were miss-
4 ing from the initial application.

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

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

21 (a) IN GENERAL.—

22 (1) APPROVAL.—Upon approval of an applica-
23 tion for certified agricultural worker status, or an
24 extension of such status pursuant to section 103, the
25 Secretary shall issue—

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

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

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

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

12 (B) shall contain a digitized photograph;

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

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

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

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

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

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

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

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

20 (b) ABILITY TO CHANGE STATUS.—

21 (1) CHANGE TO CERTIFIED AGRICULTURAL
22 WORKER STATUS.—Notwithstanding section 101(a),
23 an alien with valid certified agricultural dependent
24 status may apply to change to certified agricultural
25 worker status, at any time, if the alien—

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

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

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

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

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

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

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

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

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

9 (d) REVOCATION OF STATUS.—

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

17 (2) INVALIDATION OF DOCUMENTATION.—Upon
18 the Secretary's final determination to revoke an
19 alien's certified agricultural worker or certified agri-
20 cultural dependent status, any documentation issued
21 by the Secretary to such alien under subsection (a)
22 shall automatically be rendered invalid for any pur-
23 pose except for departure from the United States.

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

25 (a) REQUIREMENTS FOR EXTENSIONS OF STATUS.—

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

9 (A) except as provided in section 126(e),
10 has performed agricultural labor or services in
11 the United States for at least 690 hours (or
12 120 work days) for each of the prior 5 years in
13 which the alien held certified agricultural work-
14 er status; and

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

17 (2) DEPENDENT SPOUSE AND CHILDREN.—The
18 Secretary may grant or extend certified agricultural
19 dependent status to the spouse or child of an alien
20 granted an extension of certified agricultural worker
21 status under paragraph (1) if the spouse or child is
22 not ineligible for certified agricultural dependent sta-
23 tus under section 101(b).

24 (3) WAIVER FOR LATE FILINGS.—The Sec-
25 retary may waive an alien's failure to timely file be-

1 fore the expiration of the 120-day period described
2 in paragraph (1) if the alien demonstrates that the
3 delay was due to extraordinary circumstances be-
4 yond the alien's control or for other good cause.

5 (b) STATUS FOR WORKERS WITH PENDING APPLICA-
6 TIONS.—

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

14 (2) DOCUMENTATION OF EMPLOYMENT AU-
15 THORIZATION.—As soon as practicable after receipt
16 of an application to extend certified agricultural
17 worker status under subsection (a), the Secretary
18 shall issue a document to the alien acknowledging
19 the receipt of such application. An employer of the
20 worker may not refuse to accept such document as
21 evidence of employment authorization under section
22 274A(b)(1)(C) of the Immigration and Nationality
23 Act (8 U.S.C. 1324a(b)(1)(C)), pending a final ad-
24 ministrative decision on the application.

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

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

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

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

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

16 (b) TREATMENT OF CERTAIN BREAKS IN PRES-
17 ENCE.—

18 (1) IN GENERAL.—Except as provided in para-
19 graphs (2) and (3), an alien shall be considered to
20 have failed to maintain continuous presence in the
21 United States under this subtitle if the alien de-
22 parted the United States for any period exceeding
23 90 days, or for any periods, in the aggregate, ex-
24 ceeding 180 days.

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

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

16 **SEC. 105. EMPLOYER OBLIGATIONS.**

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

22 (b) CIVIL PENALTIES.—

23 (1) IN GENERAL.—If the Secretary determines,
24 after notice and an opportunity for a hearing, that
25 an employer of an alien with certified agricultural

1 worker status has knowingly failed to provide the
2 record of employment required under subsection (a),
3 or has provided a false statement of material fact in
4 such a record, the employer shall be subject to a civil
5 penalty in an amount not to exceed \$400 per viola-
6 tion.

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

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

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

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

23 (b) ADMISSIBILITY IN IMMIGRATION COURT.—Each
24 record of an alien's application for certified agricultural
25 worker status under this subtitle, application to extend

1 such status, revocation of such status, and each record
2 created pursuant to the administrative review process
3 under subsection (a) is admissible in immigration court,
4 and shall be included in the administrative record.

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

12 **Subtitle B—Optional Earned**
13 **Residence for Long-Term Workers**

14 **SEC. 111. OPTIONAL ADJUSTMENT OF STATUS FOR LONG-**
15 **TERM AGRICULTURAL WORKERS.**

16 (a) REQUIREMENTS FOR ADJUSTMENT OF STA-
17 TUS.—

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

24 (A) except as provided in section 126(e),
25 the alien performed agricultural labor or serv-

1 ices for not less than 575 hours or 100 work
2 days each year—

3 (i) for at least 10 years; and

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

6 (B) the alien has not become ineligible for
7 certified agricultural worker status under sec-
8 tion 101(b).

9 (2) DEPENDENT ALIENS.—

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

15 (i) the qualifying relationship to the
16 principal alien existed on the date on which
17 such alien was granted adjustment of sta-
18 tus under this subtitle; and

19 (ii) the spouse or child is not ineligible
20 for certified agricultural worker dependent
21 status under section 101(b).

22 (B) PROTECTIONS FOR SPOUSES AND
23 CHILDREN.—The Secretary shall establish pro-
24 cedures to allow the spouse or child of a cer-
25 tified agricultural worker to self-petition for

1 lawful permanent residence under this subtitle
2 in cases involving—

3 (i) the death of the certified agricul-
4 tural worker, so long as the spouse or child
5 submits a petition not later than 2 years
6 after the date of the worker's death; or

7 (ii) the spouse or a child being bat-
8 tered or subjected to extreme cruelty by
9 the certified agricultural worker.

10 (3) DOCUMENTATION OF WORK HISTORY.—

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

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

21 (i) has satisfied the requirement;

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

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

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

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

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

22 (2) may not be detained by the Secretary or re-
23 moved from the United States unless the Secretary
24 makes a prima facie determination that such alien

1 is, or has become, ineligible for adjustment of status
2 under subsection (a);

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

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

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

21 (e) WITHDRAWAL OF APPLICATION.—The Secretary
22 shall, upon receipt of a request to withdraw an application
23 for adjustment of status under this subtitle, cease proc-
24 essing of the application, and close the case. Withdrawal
25 of the application shall not prejudice any future applica-

1 tion filed by the applicant for any immigration benefit
2 under this Act or under the Immigration and Nationality
3 Act (8 U.S.C. 1101 et seq.).

4 **SEC. 112. PAYMENT OF TAXES.**

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

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

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

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

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

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

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

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

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

9 **Subtitle C—General Provisions**

10 **SEC. 121. DEFINITIONS.**

11 In this title:

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

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

20 (A) agricultural labor or services (as such
21 term is used in section 101(a)(15)(H)(ii) of the
22 Immigration and Nationality Act (8 U.S.C.
23 1101(a)(15)(H)(ii))), without regard to whether
24 the labor or services are of a seasonal or tem-
25 porary nature; and

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

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

15 (4) APPROPRIATE UNITED STATES DISTRICT
16 COURT.—The term “appropriate United States dis-
17 trict court” means the United States District Court
18 for the District of Columbia or the United States
19 district court with jurisdiction over the alien’s prin-
20 cipal place of residence.

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

24 (6) CONVICTED OR CONVICTION.—The term
25 “convicted” or “conviction” does not include a judg-

1 ment that has been expunged or set aside, that re-
2 sulted in a rehabilitative disposition, or the equiva-
3 lent.

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

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

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

13 (B) any other entity that the Secretary
14 designates as having substantial experience,
15 demonstrated competence, and a history of
16 long-term involvement in the preparation and
17 submission of application for adjustment of sta-
18 tus under title II of the Immigration and Na-
19 tionality Act (8 U.S.C. 1151 et seq.).

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

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

1 **SEC. 122. RULEMAKING; FEES.**

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

12 (b) **FEES.**—

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

17 (2) **FEE WAIVER; INSTALLMENTS.**—

18 (A) **IN GENERAL.**—The Secretary shall es-
19 tablish procedures to allow an alien to—

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

1 (ii) pay any fee or penalty that the
2 Secretary may assess under this title in in-
3 stallments.

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

9 **SEC. 123. BACKGROUND CHECKS.**

10 (a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC
11 DATA.—The Secretary may not grant or extend certified
12 agricultural worker or certified agricultural dependent sta-
13 tus under subtitle A, or grant adjustment of status to that
14 of a lawful permanent resident under subtitle B, unless
15 the alien submits biometric and biographic data, in accord-
16 ance with procedures established by the Secretary. The
17 Secretary shall provide an alternative procedure for aliens
18 who cannot provide all required biometric or biographic
19 data because of a physical impairment.

20 (b) BACKGROUND CHECKS.—The Secretary shall use
21 biometric, biographic, and other data that the Secretary
22 determines appropriate to conduct security and law en-
23 forcement background checks and to determine whether
24 there is any criminal, national security, or other factor
25 that would render the alien ineligible for status under this

1 title. An alien may not be granted any such status under
2 this title unless security and law enforcement background
3 checks are completed to the satisfaction of the Secretary.

4 **SEC. 124. PROTECTION FOR CHILDREN.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (b), for purposes of eligibility for certified agricultural de-
7 pendent status or lawful permanent resident status under
8 this title, a determination of whether an alien is a child
9 shall be made using the age of the alien on the date on
10 which the initial application for certified agricultural
11 worker status is filed with the Secretary of Homeland Se-
12 curity.

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

17 **SEC. 125. LIMITATION ON REMOVAL.**

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

24 (b) ALIENS IN REMOVAL PROCEEDINGS.—Notwith-
25 standing any other provision of the law, the Attorney Gen-

1 eral shall (upon motion by the Secretary with the consent
2 of the alien, or motion by the alien) terminate removal
3 proceedings, without prejudice, against an alien who ap-
4 pears to be prima facie eligible for status under this title,
5 and provide such alien a reasonable opportunity to apply
6 for such status.

7 (c) EFFECT OF FINAL ORDER.—An alien present in
8 the United States who has been ordered removed or has
9 been permitted to depart voluntarily from the United
10 States may, notwithstanding such order or permission to
11 depart, apply for status under this title. Such alien shall
12 not be required to file a separate motion to reopen, recon-
13 sider, or vacate the order of removal. If the Secretary ap-
14 proves the application, the Secretary shall notify the At-
15 torney General of such approval, and the Attorney General
16 shall cancel the order of removal. If the Secretary renders
17 a final administrative decision to deny the application, the
18 order of removal or permission to depart shall be effective
19 and enforceable to the same extent as if the application
20 had not been made, only after all available administrative
21 and judicial remedies have been exhausted.

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

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

4 (2) after having been granted certified agricul-
5 tural worker status or lawful permanent resident
6 status under this title.

7 **SEC. 126. DOCUMENTATION OF AGRICULTURAL WORK HIS-**
8 **TORY.**

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

18 (b) **EVIDENCE.**—An alien may meet the burden of
19 proof under subsection (a) by producing sufficient evi-
20 dence to show the extent of such employment as a matter
21 of just and reasonable inference. Such evidence may in-
22 clude—

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

- 1 (2) employment records maintained by collective
2 bargaining associations;
- 3 (3) tax records or other government records;
- 4 (4) sworn affidavits from individuals who have
5 direct knowledge of the alien's work history; or
- 6 (5) any other documentation designated by the
7 Secretary for such purpose.

8 (c) EXCEPTIONS FOR EXTRAORDINARY CIR-
9 CUMSTANCES.—

10 (1) IMPACT OF COVID-19.—

11 (A) IN GENERAL.—The Secretary may
12 grant certified agricultural worker status to an
13 alien who is otherwise eligible for such status if
14 such alien is able to only partially satisfy the
15 requirement under section 101(a)(1)(A) as a re-
16 sult of reduced hours of employment or other
17 restrictions associated with the public health
18 emergency declared by the Secretary of Health
19 and Human Services under section 319 of the
20 Public Health Service Act (42 U.S.C. 247d)
21 with respect to COVID-19.

22 (B) LIMITATION.—The exception described
23 in subparagraph (A) shall apply only to agricul-
24 tural labor or services required to be performed
25 during the period that—

1 (i) begins on the first day of the pub-
2 lic health emergency described in subpara-
3 graph (A); and

4 (ii) ends 90 days after the date on
5 which such public health emergency termi-
6 nates.

7 (2) EXTRAORDINARY CIRCUMSTANCES.—In de-
8 termining whether an alien has met the requirement
9 under section 103(a)(1)(A) or 111(a)(1)(A), the Sec-
10 retary may credit the alien with not more than 690
11 hours (or 120 work days) of agricultural labor or
12 services in the United States if the alien was unable
13 to perform the required agricultural labor or services
14 due to—

15 (A) pregnancy, parental leave, illness, dis-
16 ease, disabling injury, or physical limitation of
17 the alien;

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

20 (C) severe weather conditions that pre-
21 vented the alien from engaging in agricultural
22 labor or services;

23 (D) reduced hours of employment or other
24 restrictions associated with a public health
25 emergency declared by the Secretary of Health

1 and Human Services under section 319 of the
2 Public Health Service Act (42 U.S.C. 247d); or

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

5 (i) the termination was without just
6 cause; and

7 (ii) the alien was unable to find alter-
8 native agricultural employment after a rea-
9 sonable job search.

10 (3) EFFECT OF DETERMINATION.—A deter-
11 mination under paragraph (1)(E) shall not be con-
12 clusive, binding, or admissible in a separate or sub-
13 sequent judicial or administrative action or pro-
14 ceeding between the alien and a current or prior em-
15 ployer of the alien or any other party.

16 (4) HARDSHIP WAIVER.—

17 (A) IN GENERAL.—As part of the rule-
18 making described in section 122(a), the Sec-
19 retary shall establish procedures allowing for a
20 partial waiver of the requirement under section
21 111(a)(1)(A) for a certified agricultural worker
22 if such worker—

23 (i) has continuously maintained cer-
24 tified agricultural worker status since the
25 date such status was initially granted;

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

3 (iii) is no longer able to engage in ag-
4 ricultural labor or services safely and effec-
5 tively because of—

6 (I) a permanent disability suf-
7 fered while engaging in agricultural
8 labor or services; or

9 (II) deteriorating health or phys-
10 ical ability combined with advanced
11 age.

12 (B) DISABILITY.—In establishing the pro-
13 cedures described in subparagraph (A), the Sec-
14 retary shall consult with the Secretary of
15 Health and Human Services and the Commis-
16 sioner of Social Security to define “permanent
17 disability” for purposes of a waiver under sub-
18 paragraph (A)(iii)(I).

19 (d) EQUINES.—In determining whether an alien has
20 met the work requirement described in 103(a)(1)(A) or
21 111(a)(1)(A), the Secretary may credit the alien for per-
22 forming activities related to equines, including the breed-
23 ing, grooming, training, care, feeding, management, com-
24 petition, and racing of equines.

1 **SEC. 127. EMPLOYER PROTECTIONS.**

2 (a) CONTINUING EMPLOYMENT.—An employer that
3 continues to employ an alien knowing that the alien in-
4 tends to apply for certified agricultural worker status
5 under subtitle A shall not violate section 274A(a)(2) of
6 the Immigration and Nationality Act (8 U.S.C.
7 1324a(a)(2)) by continuing to employ the alien for the du-
8 ration of the application period described in section
9 101(c), and with respect to an alien who applies for cer-
10 tified agricultural status, for the duration of the period
11 during which the alien’s application is pending final deter-
12 mination.

13 (b) USE OF EMPLOYMENT RECORDS.—Copies of em-
14 ployment records or other evidence of employment pro-
15 vided by an alien or by an alien’s employer in support of
16 an alien’s application for certified agricultural worker or
17 adjustment of status under this title may not be used in
18 a civil or criminal prosecution or investigation of that em-
19 ployer under section 274A of the Immigration and Nation-
20 ality Act (8 U.S.C. 1324a) or the Internal Revenue Code
21 of 1986 for the prior unlawful employment of that alien
22 regardless of the outcome of such application.

23 (c) ADDITIONAL PROTECTIONS.—Employers that
24 provide unauthorized aliens with copies of employment
25 records or other evidence of employment in support of an
26 application for certified agricultural worker status or ad-

1 justment of status under this title shall not be subject to
2 civil and criminal liability pursuant to such section 274A
3 for employing such unauthorized aliens. Records or other
4 evidence of employment provided by employers in response
5 to a request for such records for the purpose of estab-
6 lishing eligibility for status under this title may not be
7 used for any purpose other than establishing such eligi-
8 bility.

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

13 **SEC. 128. CORRECTION OF SOCIAL SECURITY RECORDS;**
14 **CONFORMING AMENDMENTS.**

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

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

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

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

23 “(D) who is granted certified agricultural work-
24 er status, certified agricultural dependent status, or

1 lawful permanent resident status under title I of the
2 Affordable and Secure Food Act of 2024,”; and

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

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

14 (c) CONFORMING AMENDMENTS.—

15 (1) SOCIAL SECURITY ACT.—Section 210(a)(1)
16 of the Social Security Act (42 U.S.C. 410(a)(1)) is
17 amended by inserting before the semicolon the fol-
18 lowing: “(other than aliens granted certified agricul-
19 tural worker status or certified agricultural depend-
20 ent status under title I of the Affordable and Secure
21 Food Act of 2024”.

22 (2) INTERNAL REVENUE CODE OF 1986.—Sec-
23 tion 3121(b)(1) of the Internal Revenue Code of
24 1986 is amended by inserting before the semicolon
25 the following: “(other than aliens granted certified

1 agricultural worker status or certified agricultural
2 dependent status under title I of the Affordable and
3 Secure Food Act of 2024”.

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

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

12 “(iv) The Commissioner of Social Se-
13 curity shall, to the extent practicable, co-
14 ordinate with the Secretary of the Depart-
15 ment of Homeland Security to implement
16 an automated system for the Commissioner
17 to assign social security account numbers
18 to aliens granted certified agricultural
19 worker status or certified agricultural de-
20 pendent status under title I of the Afford-
21 able and Secure Food Act of 2024. An
22 alien who is granted such status, and who
23 was not previously assigned a social secu-
24 rity account number, shall request assign-
25 ment of a social security account number

1 and a social security card from the Com-
2 missioner through such system. The Sec-
3 retary shall collect and provide to the Com-
4 missioner such information as the Commis-
5 sioner deems necessary for the Commis-
6 sioner to assign a social security account
7 number, which information may be used by
8 the Commissioner for any purpose for
9 which the Commissioner is otherwise au-
10 thorized under Federal law. The Commis-
11 sioner may maintain, use, and disclose
12 such information only as permitted by the
13 Privacy Act and other Federal law.”.

14 **SEC. 129. DISCLOSURES AND PRIVACY.**

15 (a) IN GENERAL.—The Secretary may not disclose
16 or use information provided in an application for certified
17 agricultural worker status or adjustment of status under
18 this title (including information provided during adminis-
19 trative or judicial review) for the purpose of immigration
20 enforcement.

21 (b) REFERRALS PROHIBITED.—The Secretary, based
22 solely on information provided in an application for cer-
23 tified agricultural worker status or adjustment of status
24 under this title (including information provided during ad-
25 ministrative or judicial review), may not refer an applicant

1 to U.S. Immigration and Customs Enforcement, U.S. Cus-
2 toms and Border Protection, or any designee of either
3 such entity.

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

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

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

13 (3) for national security purposes; or

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

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

19 (e) PRIVACY.—The Secretary shall ensure that ap-
20 propriate administrative and physical safeguards are in
21 place to protect the security, confidentiality, and integrity
22 of personally identifiable information collected, main-
23 tained, and disseminated pursuant to this title.

1 **SEC. 130. PENALTIES FOR FALSE STATEMENTS IN APPLICA-**
2 **TIONS.**

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

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

12 (2) creates or supplies a false writing or docu-
13 ment for use in making such an application,
14 shall be fined in accordance with title 18, United States
15 Code, imprisoned not more than 5 years, or both.

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

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

24 **SEC. 131. DISSEMINATION OF INFORMATION.**

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

1 (1) the Secretary of Homeland Security, in co-
2 operation with qualified designated entities, shall
3 broadly disseminate information described in sub-
4 section (b); and

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

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

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

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

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

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

23 **SEC. 133. REPORTS TO CONGRESS.**

24 Not later than 180 days after the publication of the
25 final rule under section 122(a), and annually thereafter

1 for the following 10 years, the Secretary shall submit a
2 report to the Committee on the Judiciary of the Senate
3 and the Committee on the Judiciary of the House of Rep-
4 resentatives that identifies, for the previous fiscal year—

5 (1) the number of principal aliens who applied
6 for certified agricultural worker status under subtitle
7 A, and the number of dependent spouses and chil-
8 dren included in such applications;

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

14 (3) the number of principal aliens who applied
15 for an extension of their certified agricultural worker
16 status under subtitle A, and the number of depend-
17 ent spouses and children included in such applica-
18 tions;

19 (4) the number of principal aliens who were
20 granted an extension of certified agricultural worker
21 status under subtitle A, and the number of depend-
22 ent spouses and children who were granted certified
23 agricultural dependent status under such an exten-
24 sion;

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

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

9 (7) the number of principal aliens included in
10 petitions described in section 101(e), and the num-
11 ber of dependent spouses and children included in
12 such applications; and

13 (8) the number of principal aliens who were
14 granted H-2A status pursuant to petitions described
15 in section 101(e), and the number of dependent
16 spouses and children who were granted H-4 status.

17 **SEC. 134. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**
18 **CANTS.**

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

24 (b) **ELIGIBLE NONPROFIT ORGANIZATION.**—In this
25 section, the term “eligible nonprofit organization” means

1 an organization described in section 501(c)(3) of the In-
2 ternal Revenue Code of 1986 (excluding a recipient of
3 funds under title X of the Economic Opportunity Act of
4 1964 (42 U.S.C. 2996 et seq.)) that has demonstrated
5 qualifications, experience, and expertise in providing qual-
6 ity services to farm workers or aliens.

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

10 (1) information to the public regarding the eli-
11 gibility and benefits of certified agricultural worker
12 status authorized under this title; and

13 (2) assistance, within the scope of authorized
14 practice of immigration law, to individuals submit-
15 ting applications for certified agricultural worker
16 status or adjustment of status under this title, in-
17 cluding—

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

20 (B) completing applications, including pro-
21 viding assistance in obtaining necessary docu-
22 ments and supporting evidence; and

23 (C) providing any other assistance that the
24 Secretary determines useful to assist aliens in

1 applying for certified agricultural worker status
2 or adjustment of status under this title.

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

9 (e) ELIGIBILITY FOR SERVICES.—Section 504(a)(11)
10 of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall
11 not be construed to prevent a recipient of funds under title
12 X of the Economic Opportunity Act of 1964 (42 U.S.C.
13 2996 et seq.) from providing legal assistance directly re-
14 lated to an application for status under this title or to
15 an alien granted such status.

16 **SEC. 135. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to the Sec-
18 retary, such sums as may be necessary to implement this
19 title, including any amounts needed for costs associated
20 with the initiation of such implementation, for each of the
21 fiscal years 2024 through 2026.

1 **TITLE II—ENSURING AN AGRICULTURAL WORKFORCE FOR**
2 **CULTURAL WORKFORCE FOR**
3 **THE FUTURE**

4 **Subtitle A—Reforming the H-2A**
5 **Temporary Worker Program**

6 **SEC. 201. COMPREHENSIVE AND STREAMLINED ELECTRONIC H-2A PLATFORM.**
7

8 (a) STREAMLINED H-2A PLATFORM.—

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

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

23 (B) serve as a single point of access for the
24 Secretary of Homeland Security, the Secretary of Labor, and State workforce agencies to con-
25

1 currently perform their respective review and
2 adjudicatory responsibilities in the H-2A proc-
3 ess;

4 (C) facilitate communication between em-
5 ployers and agency adjudicators, including by
6 allowing employers to—

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

9 (ii) submit requests for inspections
10 and licensing;

11 (iii) receive notices of approval and
12 denial; and

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

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

19 (2) OBJECTIVES.—In developing the platform
20 described in paragraph (1), the Secretary of Home-
21 land Security, in consultation with the Secretary of
22 Labor, the Secretary of Agriculture, the Secretary of
23 State, and United States Digital Service, shall
24 streamline and improve the H-2A process, including
25 by—

1 (A) eliminating the need for employers to
2 submit duplicate information and documenta-
3 tion to multiple agencies;

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

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

10 (D) ensuring compliance with H-2A pro-
11 gram requirements and the protection of the
12 wages and working conditions of workers.

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

22 (b) ONLINE JOB REGISTRY.—The Secretary of Labor
23 shall maintain a national, publicly-accessible online job
24 registry and database of all job orders submitted by H-
25 2A employers. The registry and database shall—

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

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

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

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

12 Section 218 of the Immigration and Nationality Act
13 (8 U.S.C. 1188) is amended to read as follows:

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

15 “(a) LABOR CERTIFICATION CONDITIONS.—The Sec-
16 retary of Homeland Security may not approve a petition
17 to admit an H-2A worker unless the Secretary of Labor
18 has certified that—

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

24 “(2) the employment of the H-2A worker in
25 such labor or services will not adversely affect the

1 wages and working conditions of workers in the
2 United States who are similarly employed.

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

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

19 “(2) NONDISPLACEMENT OF UNITED STATES
20 WORKERS.—The employer has not and will not dis-
21 place United States workers employed by the em-
22 ployer during the period of employment of the H-
23 2A worker and during the 60-day period imme-
24 diately preceding such period of employment in the

1 job for which the employer seeks approval to employ
2 the H-2A worker.

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

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

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

23 “(A) shall offer such similarly employed
24 workers not less than the same benefits, wages,

1 and working conditions that the employer is of-
2 fering or will provide to the H-2A worker; and

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

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

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

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

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

24 “(c) RECRUITING REQUIREMENTS.—

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

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

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

15 “(i) make reasonable efforts to con-
16 tact any United States worker who the em-
17 ployer or agricultural producer for whom
18 the employer is supplying labor employed
19 in the previous year in the same occupa-
20 tion and area of intended employment for
21 which an H-2A worker is sought (exclud-
22 ing workers who were terminated for cause
23 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 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 DEFICI-
5 CIENCIES.—Not later than 7 business days
6 after the approval of the job order, the Sec-
7 retary of Labor shall review the information
8 necessary to make a labor certification and no-
9 tify the employer through the electronic plat-
10 form if such information does not meet the
11 standards for approval. Such notification shall
12 include a description of any deficiency, and the
13 employer shall be provided 5 business days to
14 cure such deficiency.

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

22 “(E) EXPEDITED ADMINISTRATIVE AP-
23 PEALS OF CERTAIN DETERMINATIONS.—The
24 Secretary of Labor shall by regulation establish
25 a procedure for an employer to request the ex-

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
25 an H-2A worker shall be authorized to stay in

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

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

14 “(C) EXCEPTIONS.—The Secretary of
15 Homeland Security shall deduct absences from
16 the United States that take place during an H-
17 2A worker’s period of authorized stay from the
18 period that the alien is required to remain out-
19 side the United States under subparagraph (B),
20 if the alien or the alien’s employer requests
21 such a deduction, and provides clear and con-
22 vincing proof that the alien qualifies for such a
23 deduction. Such proof shall consist of evidence
24 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 in-
3 cludes all of the provisions under this section, or, in
4 the absence of such a contract, a copy of the job
5 order and the certification described in subpara-
6 graphs (B) and (D) of subsection (h)(2)), which
7 shall be deemed to be the work contract. An H-2A
8 worker moving from one H-2A employer to a subse-
9 quent H-2A employer shall be provided with a copy
10 of the new employment contract no later than the
11 time at which an offer of employment is made by the
12 subsequent employer.

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

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

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

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

24 “(D) if piece rates of pay are used, the
25 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 cruiter, the employer shall use a foreign labor re-
23 cruiter 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:

1 514(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;”;

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 Rural Housing
2 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 cruiters 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 viduals who the person or entity is hiring, re-
2 recruiting, 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—

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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 igned 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 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 1 order under this paragraph; or

12 “(iii) not less than \$10,000 and not
13 more than \$25,000 for each such alien in
14 the case of a person or entity previously
15 subject to more than 1 order under this
16 paragraph; and

17 “(B) may require the person or entity to
18 take other appropriate remedial action.

19 “(3) ORDER FOR CIVIL MONEY PENALTY FOR
20 VERIFICATION VIOLATIONS.—Notwithstanding para-
21 graphs (4) and (5) of section 274A(e) and any other
22 Federal law relating to civil monetary penalties, any
23 person or entity that is required to comply with the
24 provisions of this section that violates section
25 274A(a)(1)(B) shall be required to pay a civil pen-

1 alty in an amount, subject to paragraphs (5), (6),
2 and (7), that is equal to not less than \$1,000 and
3 not more than \$25,000 for each individual with re-
4 spect to whom such violation occurred.

5 “(4) SYSTEM USE VIOLATION.—Failure by a
6 person or entity to utilize the System as required by
7 law or providing information to the System that the
8 person or entity knows or reasonably believes to be
9 false, shall be treated as a violation of section
10 274A(a)(1)(A).

11 “(5) EXEMPTION FROM PENALTY FOR GOOD
12 FAITH VIOLATION.—

13 “(A) IN GENERAL.—A person or entity
14 that uses the System is presumed to have acted
15 with knowledge for purposes of paragraphs
16 (1)(A) and (2) of section 274A(a) if the person
17 or entity fails to make an inquiry to verify the
18 identity and employment authorization of the
19 individual through the System.

20 “(B) GOOD FAITH EXEMPTION.—In the
21 case of imposition of a civil penalty under para-
22 graph (2)(A) with respect to a violation of para-
23 graph (1)(A) or (2) of section 274A(a) for hir-
24 ing or continuation of employment or recruit-
25 ment or referral by a person or entity, and in

1 the case of imposition of a civil penalty under
2 paragraph (3) for a violation of section
3 274A(a)(1)(B) for hiring or recruitment or re-
4 ferral by a person or entity, the penalty other-
5 wise imposed may be waived or reduced if the
6 person or entity establishes that the person or
7 entity acted in good faith.

8 “(6) PENALTY ADJUSTMENT FACTORS.—For
9 purposes of paragraphs (2)(A) and (3), when assess-
10 ing the level of civil money penalties for a particular
11 case, in addition to the good faith of the person or
12 entity being charged, due consideration shall be
13 given to factors such as the size of the business, the
14 seriousness of the violation, whether or not the indi-
15 vidual was an unauthorized alien, and the history of
16 previous violations, which factors may be aggra-
17 vating, mitigating, or neutral depending on the facts
18 of each case.

19 “(7) CRIMINAL PENALTY.—Notwithstanding
20 section 274A(f)(1) and the provisions of any other
21 Federal law relating to fine levels, any person or en-
22 tity required to comply with the provisions under
23 this section that engages in a pattern or practice of
24 violations of paragraph (1) or (2) of section
25 274A(a)—

1 “(A) shall be fined not more than \$5,000
2 for each unauthorized alien with respect to
3 whom such a violation occurs;

4 “(B) shall imprisoned for not more than
5 18 months; or

6 “(C) shall subject to the fine under sub-
7 paragraph (A) and imprisonment under sub-
8 paragraph (B).

9 “(8) ELECTRONIC VERIFICATION COMPENSA-
10 TION ACCOUNT.—Civil money penalties collected
11 pursuant to this subsection shall be deposited in the
12 Electronic Verification Compensation Account for
13 the purpose of compensating individuals for lost
14 wages as a result of a final nonconfirmation issued
15 by the System that was based on government error
16 or omission, in accordance with subsection
17 (b)(4)(F)(ii)(IV).

18 “(9) DEBARMENT.—

19 “(A) IN GENERAL.—If the Secretary deter-
20 mines that a person or entity is a repeat viola-
21 tor of paragraph (1)(A) or (2) of section
22 274A(a) or has been convicted of a crime under
23 section 274A, such person or entity may be con-
24 sidered for debarment from the receipt of Fed-
25 eral contracts, grants, or cooperative agree-

1 ments in accordance with the debarment stand-
2 ards and pursuant to the debarment procedures
3 set forth in the Federal Acquisition Regulation.

4 “(B) NO CONTRACT, GRANT, AGREE-
5 MENT.—If the Secretary or the Attorney Gen-
6 eral determines that a person or entity should
7 be considered for debarment under this para-
8 graph, and such person or entity does not hold
9 a Federal contract, grant or cooperative agree-
10 ment, the Secretary or the Attorney General
11 shall refer the matter to the Administrator of
12 General Services to determine whether to list
13 the person or entity on the List of Parties Ex-
14 cluded from Federal Procurement and Non-
15 procurement Programs, and if so, for what du-
16 ration and under what scope.

17 “(C) CONTRACT, GRANT, AGREEMENT.—If
18 the Secretary or the Attorney General deter-
19 mines that a person or entity should be consid-
20 ered for debarment under this paragraph, and
21 such person or entity holds a Federal contract,
22 grant, or cooperative agreement, the Secretary
23 or the Attorney General—

24 “(i) shall advise all agencies or de-
25 partments holding a contract, grant, or co-

1 operative agreement with the person or en-
2 tity of the Government’s interest in having
3 such person or entity considered for debar-
4 ment; and

5 “(ii) after soliciting and considering
6 the views of all such agencies and depart-
7 ments, may refer the matter to the appro-
8 priate lead agency to determine whether to
9 list the person or entity on the List of Par-
10 ties Excluded from Federal Procurement
11 and Nonprocurement Programs, and if so,
12 for what duration and under what scope.

13 “(D) REVIEW.—Any decision to debar a
14 person or entity in accordance with this sub-
15 section shall be reviewable pursuant to part 9.4
16 of the Federal Acquisition Regulation.

17 “(10) PREEMPTION.—This section preempts
18 any State or local law, ordinance, policy, or rule, in-
19 cluding any criminal or civil fine or penalty struc-
20 ture, relating to the hiring, continued employment,
21 or status verification for employment eligibility pur-
22 poses, of unauthorized aliens, except that a State, lo-
23 cality, municipality, or political subdivision may ex-
24 ercise its authority over business licensing and simi-

1 lar laws as a penalty for failure to use the System
2 as required under this section.

3 “(g) UNFAIR IMMIGRATION-RELATED EMPLOYMENT
4 PRACTICES AND THE SYSTEM.—

5 “(1) IN GENERAL.—In addition to the prohibi-
6 tions on discrimination set forth in section 274B, it
7 is an unfair immigration-related employment prac-
8 tice for a person or entity, in the course of utilizing
9 the System—

10 “(A) to use the System for screening an
11 applicant before the date of hire;

12 “(B) to terminate the employment of an
13 individual or take any adverse employment ac-
14 tion with respect to that individual due to a
15 tentative nonconfirmation issued by the System;

16 “(C) to use the System to screen any indi-
17 vidual for any purpose other than confirmation
18 of identity and employment authorization in ac-
19 cordance with this section;

20 “(D) to use the System to verify the iden-
21 tity and employment authorization of a current
22 employee, including an employee continuing in
23 employment, other than for purposes of
24 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 eligi-
bility.”.

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 Immig-
10 rant 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)”; and

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.