NOT VOTING—9

Aderholt	Hunter	O'Halleran
Barragán	Lieu, Ted	Rooney (FL)
Gabbard	Norman	Serrano

□ 1427

Mr. GARCÍA of Illinois changed his vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. BARRAGÁN. Mr. Speaker, I regret to inform you that I am unable to be present for votes today. Had I been present, I would have voted "yea" on rollcall No. 668, "yea" on rollcall No. 669, and "yea" on rollcall No. 670.

MOTION TO RECONSIDER ON H. RES. 758, PROVIDING FOR CONSIDERATION OF H.R. 3, LOWER DRUG COSTS NOW ACT OF 2019; PROVIDING FOR CONSIDERATION OF H.R. 5038, FARM WORKFORCE MODERNIZATION ACT OF 2019; AND PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO ACCOMPANY S. 1790, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020

Mr. MCGOVERN. Mr. Speaker, I have a motion at the desk on the resolution (H. Res. 758) providing for consideration of the bill (H.R. 3) to establish a fair price negotiation program, protect the Medicare program from excessive price increases, and establish an out-of-pocket maximum for Medicare part D enrollees, and for other purposes; providing for consideration of the bill (H.R. 5038) 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; and providing for consideration of the conference report to accompany the bill (S. 1790) to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MCGOVERN moves to reconsider the vote on adoption of House Resolution 758.

MOTION TO TABLE

Mr. NADLER. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Nadler moves to table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BIGGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 196, nays 170, not voting 64, as follows:

[Roll No. 671]

YEAS—196

Adams	Garcia (TX)	Ocasio-Cortez
Aguilar	Golden	Omar
Allred	Gonzalez (TX)	Pallone
Amash	Gottheimer	Panetta
Axne	Green, Al (TX)	Payne
Beatty	Grijalva	Perlmutter
Bera	Hastings	Peters
Bishop (GA)	Hayes	Peterson
Blumenauer	Heck	Phillips
Blunt Rochester	Higgins (NY)	Pingree
Bonamici	Himes	Pocan
Boyle, Brendan F.	Horn, Kendra S.	Porter
	Horsford	Pressley
Brindisi	Houlahan	Price (NC)
Brown (MD)	Hoyer	Quigley
Bustos	Jackson Lee	Richmond
Butterfield	Jayapal	Rose (NY)
Carbajal	Jeffries	Rouda
Cárdenas	Johnson (GA)	Roybal-Allard
Carson (IN)	Johnson (TX)	Ruiz
Cartwright	Kaptur	Ruppersberger
Casten (IL)	Keating	Rush
Castor (FL)	Kennedy	Ryan
Castro (TX)	Khanna	Sánchez
Chu, Judy	Kildee	Scanlon
Cicilline	Kilmer	Schakowsky
Cisneros	Kim	Schiff
Clark (MA)	Kind	Schneider
Clarke (NY)	Kirkpatrick	Schrier
Clay	Krishnamoorthi	Scott (VA)
Cleaver	Kuster (NH)	Shalala
Clyburn	Lamb	Sherman
Cohen	Larsen (WA)	Sherrill
Connolly	Larson (CT)	Sires
Costa	Lawrence	Slotkin
Courtney	Lawson (FL)	Soto
Cox (CA)	Lee (CA)	Speier
Craig	Lee (NV)	Stevens
Crist	Levin (CA)	Suozzi
Cuellar	Levin (MI)	Swalwell (CA)
Cunningham	Lewis	Takano
Davids (KS)	Lipinski	Thompson (CA)
Davis (CA)	Loebsack	Thompson (MS)
Davis, Danny K.	Lofgren	Titus
Dean	Lowey	Tlaib
DeFazio	Luján	Tonko
DeGette	Luria	Torres (CA)
DeLauro	Lynch	Torres Small (NM)
Delgado	Malinowski	
Demings	Maloney, Carolyn B.	Trahan
DeSaulnier		Trone
Deutch	Matsui	Underwood
Dingell	McBath	Van Drew
Doyle, Michael F.	McCollum	Vargas
	McEachin	Veasey
Engel	McGovern	Vela
Escobar	McNerney	Velázquez
Eshoo	Meeks	Visclosky
Evans	Meng	Wasserman Schultz
Finkenauer	Moore	
Fletcher	Morelle	Waters
Foster	Moulton	Watson Coleman
Frankel	Murphy (FL)	Welch
Fudge	Nadler	Wexton
Gallego	Napolitano	Wild
Garamendi	Neguse	Wilson (FL)
García (IL)	Norcross	Yarmuth

NAYS—170

Abraham	Burgess	Fitzpatrick
Allen	Byrne	Fleischmann
Amodei	Calvert	Flores
Armstrong	Carter (GA)	Foxx (NC)
Arrington	Carter (TX)	Fulcher
Babin	Chabot	Gallagher
Bacon	Cheney	Gianforte
Baird	Cline	Gibbs
Balderson	Cloud	Gohmert
Banks	Cole	Gooden
Barr	Comer	Gosar
Bergman	Cook	Granger
Biggs	Crawford	Graves (GA)
Bilirakis	Crenshaw	Graves (LA)
Bishop (NC)	Curtis	Graves (MO)
Bishop (UT)	Davidson (OH)	Griffith
Brooks (AL)	Davis, Rodney	Guest
Brooks (IN)	DesJarlais	Guthrie
Buchanan	Diaz-Balart	Harris
Buck	Duncan	Hartzler
Bucshon	Dunn	Hern, Kevin
Budd	Emmer	Herrera Beutler
Burchett	Ferguson	Hice (GA)
Higgins (LA)	McHenry	Simpson
Hill (AR)	McKinley	Smith (MO)
Holding	Meadows	Smith (NE)
Hollingsworth	Meuser	Smith (NJ)
Hudson	Miller	Smucker
Huizenga	Mitchell	Spano
Hurd (TX)	Moolenaar	Stauber
Johnson (LA)	Mooney (WV)	Stefanik
Johnson (OH)	Mullin	Steil
Johnson (SD)	Murphy (NC)	Stewart
Jordan	Newhouse	Stivers
Joyce (OH)	Palazzo	Taylor
Joyce (PA)	Palmer	Thompson (PA)
Katko	Pence	Thornberry
Keller	Perry	Timmons
Kelly (MS)	Posey	Upton
Kelly (PA)	Ratcliffe	Wagner
King (IA)	Reed	Walberg
Kinzinger	Rice (SC)	Walden
Kustoff (TN)	Riggleman	Walker
LaHood	Roby	Walorski
LaMalfa	Rodgers (WA)	Waltz
Lamborn	Roe, David P.	Watkins
Latta	Rogers (AL)	Weber (TX)
Long	Rogers (KY)	Webster (FL)
Loudermilk	Rose, John W.	Westerman
Lucas	Rouzer	Williams
Luetkemeyer	Roy	Wilson (SC)
Marshall	Rutherford	Wittman
Massie	Scalise	Womack
Mast	Schweikert	Yoho
McCarthy	Scott, Austin	Young
McCaul	Sensenbrenner	Zeldin
McClintock	Shimkus	

NOT VOTING—64

Aderholt	Green (TN)	Pappas
Barragán	Grothman	Pascrell
Bass	Haaland	Raskin
Beyer	Hagedorn	Reschenthaler
Bost	Harder (CA)	Rice (NY)
Brady	Huffman	Rooney (FL)
Brownley (CA)	Hunter	Sarbanes
Case	Kelly (IL)	Schrader
Collins (GA)	King (NY)	Scott, David
Conaway	Langevin	Serrano
Cooper	Lesko	Sewell (AL)
Correa	Lieu, Ted	Smith (WA)
Crow	Lowenthal	Spanberger
DelBene	Maloney, Sean	Stanton
Doggett	Marchant	Steube
Espaillat	McAdams	Tipton
Estes	Mucarsel-Powell	Turner
Fortenberry	Neal	Wenstrup
Gabbard	Norman	Woodall
Gaetz	Nunes	Wright
Gomez	O'Halleran	
Gonzalez (OH)	Olson	

□ 1439

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. PASCRELL. Mr. Speaker, I want to state for the record that on December 11, 2019, I missed one roll call vote. Had I been present I would have voted:

Yes—Rollcall Vote 671—Table Motion to Reconsider H. Res. 758.

Mr. GOMEZ. Mr. Speaker, on December 11, 2019, I am not recorded on rollcall vote No. 671. Had I been present, I would have voted "yea."

Stated against:

Mr. CONAWAY. Mr. Speaker, had I been present, I would have voted "nay" on rollcall No. 671.

Mr. ESTES. Mr. Speaker, I was not present for rollcall vote No. 671 on the motion to table the motion to reconsider, adoption on H. Res. 758. Had I been present, I would have voted "nay."

FARM WORKFORCE MODERNIZATION ACT OF 2019

Mr. NADLER. Mr. Speaker, pursuant to House Resolution 758, I call up the bill (H.R. 5038) 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 758, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–42, modified by the amendment printed in part C of House Report 116–334, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Farm Workforce Modernization Act of 2019''.

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

TITLE I—SECURING THE DOMESTIC AGRICULTURAL WORKFORCE

Subtitle A—Temporary Status for Certified Agricultural Workers

SEC. 101. CERTIFIED AGRICULTURAL WORKER STATUS.

(a) REQUIREMENTS FOR CERTIFIED AGRICULTURAL WORKER STATUS.—

(1) PRINCIPAL ALIENS.—The Secretary may grant certified agricultural worker status to an alien who submits a completed application, including the required processing fees, before the end of the period set forth in subsection (c) and who—

(A) performed agricultural labor or services in the United States for at least 1,035 hours (or 180 work days) during the 2-year period preceding the date of the introduction of this Act;

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

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

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

(C) subject to section 104, has been continuously present in the United States since the date of the introduction of this Act and until the date on which the alien is granted certified agricultural worker status; and

(D) is not otherwise ineligible for certified agricultural worker status as provided in subsection (b).

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

(b) GROUNDS FOR INELIGIBILITY.—

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

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

(B) subparagraphs (A), (C), (D), (F), and (G) of such section 212(a)(6) and paragraphs (9)(C) and (10)(B) of such section 212(a) shall not apply unless based on the act of unlawfully entering the United States after the date of introduction of this Act; and

(C) paragraphs (6)(B) and (9)(A) of such section 212(a) shall not apply unless the relevant conduct began on or after the date of filing of the application for certified agricultural worker status.

(2) ADDITIONAL CRIMINAL BARS.—Except as provided in paragraph (3), an alien is ineligible for certified agricultural worker or certified agricultural dependent status if the Secretary determines that, excluding any offense under State law for which an essential element is the alien's immigration status and any minor traffic offense, the alien has been convicted of—

(A) any felony offense;

(B) an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) at the time of the conviction);

(C) two misdemeanor offenses involving moral turpitude, as described in section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)(I)), unless an offense is waived by the Secretary under paragraph (3)(B); or

(D) three or more misdemeanor offenses not occurring on the same date, and not arising out of the same act, omission, or scheme of misconduct.

(3) WAIVERS FOR CERTAIN GROUNDS OF INADMISSIBILITY.—For humanitarian purposes, family unity, or if otherwise in the public interest, the Secretary may waive the grounds of inadmissibility under—

(A) paragraph (1), (6)(E), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); or

(B) subparagraphs (A) and (D) of section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), unless inadmissibility is based on a conviction that would otherwise render the alien ineligible under subparagraph (A), (B), or (D) of paragraph (2).

(c) APPLICATION.—

(1) APPLICATION PERIOD.—Except as provided in paragraph (2), the Secretary shall accept initial applications for certified agricultural worker status during the 18-month period beginning on the date on which the interim final rule is published in the Federal Register pursuant to section 122(a).

(2) EXTENSION.—If the Secretary determines, during the initial period described in paragraph (1), that additional time is required to process initial applications for certified agricultural worker status or for other good cause, the Secretary may extend the period for accepting applications for up to an additional 12 months.

(3) SUBMISSION OF APPLICATIONS.—

(A) IN GENERAL.—An alien may file an application with the Secretary under this section with the assistance of an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations. The Secretary shall also create a procedure for accepting applications filed by qualified designated entities with the consent of the applicant.

(B) FARM SERVICE AGENCY OFFICES.—The Secretary, in consultation with the Secretary of Agriculture, shall establish a process for the filing of applications under this section at Farm Service Agency offices throughout the United States.

(4) EVIDENCE OF APPLICATION FILING.—As soon as practicable after receiving an application for certified agricultural worker status, the Secretary shall provide the applicant with a document acknowledging the receipt of such application. Such document shall serve as interim proof of the alien's authorization to accept employment in the United States and shall be accepted by an employer as evidence of employment authorization under section 274A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(C)), if the employer is employing the holder of such document to perform agricultural labor or services, pending a final administrative decision on the application.

(5) EFFECT OF PENDING APPLICATION.—During the period beginning on the date on which an alien applies for certified agricultural worker status under this subtitle, and ending on the date on which the Secretary makes a final administrative decision regarding such application, the alien and any dependents included in the application—

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

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

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

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))).

(6) WITHDRAWAL OF APPLICATION.—The Secretary shall, upon receipt of a request from the applicant to withdraw an application for certified agricultural worker status under this subtitle, cease processing of the application, and close the case. Withdrawal of the application shall not prejudice any future application filed by the applicant for any immigration benefit under this Act or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(d) ADJUDICATION AND DECISION.—

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

(2) NOTICE.—Prior to denying an application for certified agricultural worker status, the Secretary shall provide the alien with—

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

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

(3) AMENDED APPLICATION.—An alien whose application for certified agricultural worker status is denied under this section may submit an amended application for such status to the Secretary if the amended application is submitted within the application period described in subsection (c) and contains all the required information and fees that were missing from the initial application.

(e) ALTERNATIVE H-2A STATUS.—An alien who has not met the required period of agricultural labor or services under subsection (a)(1)(A), but is otherwise eligible for certified agricultural worker status under such subsection, shall be eligible for classification as a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) upon approval of a petition submitted by a sponsoring employer, if the alien has performed at least 575 hours (or 100 work days) of agricultural labor or services during the 3-year period preceding the date of the introduction of this Act. The Secretary shall create a procedure to provide for such classification without requiring the alien to depart the United States and obtain a visa abroad.

SEC. 102. TERMS AND CONDITIONS OF CERTIFIED STATUS.

(a) IN GENERAL.—

(1) APPROVAL.—Upon approval of an application for certified agricultural worker status, or an extension of such status pursuant to section 103, the Secretary shall issue—

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

(B) documentary evidence of certified agricultural dependent status to any qualified dependent included on such application.

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

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

(B) shall contain a digitized photograph;

(C) shall serve as a valid travel and entry document for purposes of applying for admission to the United States; and

(D) shall be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)).

(3) VALIDITY PERIOD.—Certified agricultural worker and certified agricultural dependent status shall be valid for five and one-half years beginning on the date of approval.

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

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

(B) be admitted to the United States upon return from travel abroad without first obtaining a visa if the alien is in possession of—

(i) valid, unexpired documentary evidence of certified agricultural worker or certified agricultural worker dependent status as described in subsection (a); or

(ii) a travel document that has been approved by the Secretary and was issued to the alien after the alien's original documentary evidence was lost, stolen, or destroyed.

(b) ABILITY TO CHANGE STATUS.—

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

(A) submits a completed application, including the required processing fees; and

(B) is not ineligible for certified agricultural worker status under section 101(b).

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

(c) PROHIBITION ON PUBLIC BENEFITS, TAX BENEFITS, AND HEALTH CARE SUBSIDIES.—Aliens granted certified agricultural worker or certified agricultural dependent status shall be considered lawfully present in the United States for all purposes for the duration of their status, except that such aliens—

(1) shall be ineligible for Federal means-tested public benefits to the same extent as other individuals who are not qualified aliens under section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641);

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

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

(4) shall be subject to the rules applicable to individuals not lawfully present set forth in section 5000A(d)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 5000A(d)(3)).

(d) REVOCATION OF STATUS.—

(1) IN GENERAL.—The Secretary may revoke certified agricultural worker or certified agricultural dependent status if, after providing notice to the alien and the opportunity to provide evidence to contest the proposed revocation, the Secretary determines that the alien no longer meets the eligibility requirements for such status under section 101(b).

(2) INVALIDATION OF DOCUMENTATION.—Upon the Secretary's final determination to revoke an alien's certified agricultural worker or certified agricultural dependent status, any documentation issued by the Secretary to such alien under subsection (a) shall automatically be rendered invalid for any purpose except for departure from the United States.

SEC. 103. EXTENSIONS OF CERTIFIED STATUS.

(a) REQUIREMENTS FOR EXTENSIONS OF STATUS.—

(1) PRINCIPAL ALIENS.—The Secretary may extend certified agricultural worker status for additional periods of five and one-half years to an alien who submits a completed application, including the required processing fees, within the 120-day period beginning 60 days before the expiration of the fifth year of the immediately preceding grant of certified agricultural worker status, if the alien—

(A) except as provided in section 126(c), has performed agricultural labor or services in the United States for at least 575 hours (or 100 work days) for each of the prior five years in which the alien held certified agricultural worker status; and

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

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

(3) WAIVER FOR LATE FILINGS.—The Secretary may waive an alien's failure to timely file before the expiration of the 120-day period described in paragraph (1) if the alien demonstrates that the delay was due to extraordinary circumstances beyond the alien's control or for other good cause.

(b) STATUS FOR WORKERS WITH PENDING APPLICATIONS.—

(1) IN GENERAL.—Certified agricultural worker status of an alien who timely files an application to extend such status under subsection (a) (and the status of the alien's dependents) shall be automatically extended through the date on which the Secretary makes a final administrative decision regarding such application.

(2) DOCUMENTATION OF EMPLOYMENT AUTHORIZATION.—As soon as practicable after receipt of an application to extend certified agricultural worker status under subsection (a), the Secretary shall issue a document to the alien acknowledging the receipt of such application. An employer of the worker may not refuse to accept such document as evidence of employment authorization under section 274A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(C)), pending a final administrative decision on the application.

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

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

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

SEC. 104. DETERMINATION OF CONTINUOUS PRESENCE.

(a) EFFECT OF NOTICE TO APPEAR.—The continuous presence in the United States of an applicant for certified agricultural worker status under section 101 shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(b) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an alien shall be considered to have failed to maintain continuous presence in the United States under this subtitle if the alien departed the United States for any period exceeding 90 days, or for any periods, in the aggregate, exceeding 180 days.

(2) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in paragraph (1) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a spouse, parent, son or daughter, grandparent, or sibling of the alien.

(3) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary shall not be counted toward any period of departure from the United States under paragraph (1).

SEC. 105. EMPLOYER OBLIGATIONS.

(a) RECORD OF EMPLOYMENT.—An employer of an alien in certified agricultural worker status shall provide such alien with a written record of employment each year during which the alien provides agricultural labor or services to such employer as a certified agricultural worker.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—If the Secretary determines, after notice and an opportunity for a hearing, that an employer of an alien with certified agricultural worker status has knowingly failed to provide the record of employment required under subsection (a), or has provided a false statement of material fact in such a record, the employer shall be subject to a civil penalty in an amount not to exceed $500 per violation.

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

(3) DEPOSIT OF CIVIL PENALTIES.—Civil penalties collected under this paragraph shall be deposited into the Immigration Examinations Fee Account under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) ADMINISTRATIVE REVIEW.—The Secretary shall establish a process by which an applicant may seek administrative review of a denial of an application for certified agricultural worker status under this subtitle, an application to extend such status, or a revocation of such status.

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

(c) JUDICIAL REVIEW.—Notwithstanding any other provision of law, judicial review of the Secretary's decision to deny an application for certified agricultural worker status, an application to extend such status, or the decision to revoke such status, shall be limited to the review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

Subtitle B—Optional Earned Residence for Long-term Workers

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

(a) REQUIREMENTS FOR ADJUSTMENT OF STATUS.—

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

(A) except as provided in section 126(c), the alien performed agricultural labor or services for not less than 575 hours (or 100 work days) each year—

(i) for at least 10 years prior to the date of the enactment of this Act and for at least 4 years in certified agricultural worker status; or

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

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

(2) DEPENDENT ALIENS.—

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

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

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

(B) PROTECTIONS FOR SPOUSES AND CHILDREN.—The Secretary of Homeland Security shall establish procedures to allow the spouse or child of a certified agricultural worker to self-petition for lawful permanent residence under this subtitle in cases involving—

(i) the death of the certified agricultural worker, so long as the spouse or child submits a petition not later than 2 years after the date of the worker's death; or

(ii) the spouse or a child being battered or subjected to extreme cruelty by the certified agricultural worker.

(3) DOCUMENTATION OF WORK HISTORY.—An applicant for adjustment of status under this section shall not be required to resubmit evidence of work history that has been previously submitted to the Secretary in connection with an approved extension of certified agricultural worker status.

(b) PENALTY FEE.—In addition to any processing fee that the Secretary may assess in accordance with section 122(b), a principal alien seeking adjustment of status under this subtitle shall pay a $1,000 penalty fee, which shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C.1356(m)).

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

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

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

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

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

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

(e) WITHDRAWAL OF APPLICATION.—The Secretary shall, upon receipt of a request to withdraw an application for adjustment of status under this subtitle, cease processing of the application, and close the case. Withdrawal of the application shall not prejudice any future application filed by the applicant for any immigration benefit under this Act or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 112. PAYMENT OF TAXES.

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

(b) COMPLIANCE.—An alien may demonstrate compliance with subsection (a) by submitting such documentation as the Secretary, in consultation with the Secretary of the Treasury, may require by regulation.

SEC. 113. ADJUDICATION AND DECISION; REVIEW.

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

(b) NOTICE.—Prior to denying an application for adjustment of status under this subtitle, the Secretary shall provide the alien with—

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

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

(c) ADMINISTRATIVE REVIEW.—The Secretary shall establish a process by which an applicant may seek administrative review of a denial of an application for adjustment of status under this subtitle.

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

Subtitle C—General Provisions

SEC. 121. DEFINITIONS.

In this title:

(1) IN GENERAL.—Except as otherwise provided, any term used in this title that is used in the immigration laws shall have the meaning given such term in the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(2) AGRICULTURAL LABOR OR SERVICES.—The term ''agricultural labor or services'' means—

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

(B) agricultural employment as such term is defined in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802), without regard to whether the specific service or activity is temporary or seasonal.

(3) APPLICABLE FEDERAL TAX LIABILITY.—The term ''applicable Federal tax liability'' means

all Federal income taxes assessed in accordance with section 6203 of the Internal Revenue Code of 1986 beginning on the date on which the applicant was authorized to work in the United States as a certified agricultural worker.

(4) APPROPRIATE UNITED STATES DISTRICT COURT.—The term ''appropriate United States district court'' means the United States District Court for the District of Columbia or the United States district court with jurisdiction over the alien's principal place of residence.

(5) CHILD.—The term ''child'' has the meaning given such term in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(6) CONVICTED OR CONVICTION.—The term ''convicted'' or ''conviction'' does not include a judgment that has been expunged or set aside, that resulted in a rehabilitative disposition, or the equivalent.

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

(8) QUALIFIED DESIGNATED ENTITY.—The term ''qualified designated entity'' means—

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

(B) any other entity that the Secretary designates as having substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of application for adjustment of status under title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

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

SEC. 122. RULEMAKING; FEES.

(a) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register, an interim final rule implementing this title. Notwithstanding section 553 of title 5, United States Code, the rule shall be effective, on an interim basis, immediately upon publication, but may be subject to change and revision after public notice and opportunity for comment. The Secretary shall finalize such rule not later than 1 year after the date of the enactment of this Act.

(b) FEES.—

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

(2) FEE WAIVER; INSTALLMENTS.—

(A) IN GENERAL.—The Secretary shall establish procedures to allow an alien to—

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

(ii) pay any fee or penalty that the Secretary may assess under this title in installments.

(B) CLARIFICATION.—Nothing in this section shall be read to prohibit an employer from paying any fee or penalty that the Secretary may assess under this title on behalf of an alien and the alien's spouse or children.

SEC. 123. BACKGROUND CHECKS.

(a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant or extend certified agricultural worker or certified agricultural dependent status under subtitle A, or grant adjustment of status to that of a lawful permanent resident under subtitle B, unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who cannot provide all required biometric or biographic data because of a physical impairment.

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

SEC. 124. PROTECTION FOR CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), for purposes of eligibility for certified agricultural dependent status or lawful permanent resident status under this title, a determination of whether an alien is a child shall be made using the age of the alien on the date on which the initial application for certified agricultural worker status is filed with the Secretary of Homeland Security.

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

SEC. 125. LIMITATION ON REMOVAL.

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

(b) ALIENS IN REMOVAL PROCEEDINGS.—Notwithstanding any other provision of the law, the Attorney General shall (upon motion by the Secretary with the consent of the alien, or motion by the alien) terminate removal proceedings, without prejudice, against an alien who appears to be prima facie eligible for status under this title, and provide such alien a reasonable opportunity to apply for such status.

(c) EFFECT OF FINAL ORDER.—An alien present in the United States who has been ordered removed or has been permitted to depart voluntarily from the United States may, notwithstanding such order or permission to depart, apply for status under this title. Such alien shall not be required to file a separate motion to reopen, reconsider, or vacate the order of removal. If the Secretary approves the application, the Secretary shall notify the Attorney General of such approval, and the Attorney General shall cancel the order of removal. If the Secretary renders a final administrative decision to deny the application, the order of removal or permission to depart shall be effective and enforceable to the same extent as if the application had not been made, only after all available administrative and judicial remedies have been exhausted.

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

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

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

SEC. 126. DOCUMENTATION OF AGRICULTURAL WORK HISTORY.

(a) BURDEN OF PROOF.—An alien applying for certified agricultural worker status under subtitle A or adjustment of status under subtitle B has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 101, 103, or 111, as applicable. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

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

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

(2) employment records maintained by collective bargaining associations;

(3) tax records or other government records;

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

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

(c) EXCEPTION FOR EXTRAORDINARY CIRCUMSTANCES.—

(1) IN GENERAL.—In determining whether an alien has met the requirement under section 103(a)(1)(A) or 111(a)(1)(A), the Secretary may credit the alien with not more than 575 hours (or 100 work days) of agricultural labor or services in the United States if the alien was unable to perform the required agricultural labor or services due to—

(A) pregnancy, illness, disease, disabling injury, or physical limitation of the alien;

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

(C) severe weather conditions that prevented the alien from engaging in agricultural labor or services; or

(D) termination from agricultural employment, if the Secretary determines that—

(i) the termination was without just cause; and

(ii) the alien was unable to find alternative agricultural employment after a reasonable job search.

(2) EFFECT OF DETERMINATION.—A determination under paragraph (1)(D) shall not be conclusive, binding, or admissible in a separate or subsequent judicial or administrative action or proceeding between the alien and a current or prior employer of the alien or any other party.

SEC. 127. EMPLOYER PROTECTIONS.

(a) CONTINUING EMPLOYMENT.—An employer that continues to employ an alien knowing that the alien intends to apply for certified agricultural worker status under subtitle A shall not violate section 274A(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(2)) by continuing to employ the alien for the duration of the application period under section 101(c), and with respect to an alien who applies for certified agricultural status, for the duration of the period during which the alien's application is pending final determination.

(b) USE OF EMPLOYMENT RECORDS.—Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for certified agricultural worker or adjustment of status under this title may not be used in a civil or criminal prosecution or investigation of that employer under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) or the Internal Revenue Code of 1986 for the prior unlawful employment of that alien regardless of the outcome of such application.

(c) ADDITIONAL PROTECTIONS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment in support of an application for certified agricultural worker status or adjustment of status under this title shall not be subject to civil and criminal liability pursuant to such section 274A for employing such unauthorized aliens. Records or other evidence of employment provided by employers in response to a request for such records for the purpose of establishing eligibility for status under this title may not be used for any purpose other than establishing such eligibility.

(d) LIMITATION ON PROTECTION.—The protections for employers under this section shall not apply if the employer provides employment

records to the alien that are determined to be fraudulent.

SEC. 128. CORRECTION OF SOCIAL SECURITY RECORDS; CONFORMING AMENDMENTS.

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

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted certified agricultural worker status, certified agricultural dependent status, or lawful permanent resident status under title I of the Farm Work Modernization Act of 2019,''; and

(4) in the undesignated matter following subparagraph (D), as added by paragraph (3), by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted status under title I of the Farm Work Modernization Act of 2019.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—

(1) SOCIAL SECURITY ACT.—Section 210(a)(1) of the Social Security Act (42 U.S.C. 410(a)(1)) is amended by inserting before the semicolon the following: ''(other than aliens granted certified agricultural worker status or certified agricultural dependent status under title I of the Farm Work Modernization Act of 2019''.

(2) INTERNAL REVENUE CODE OF 1986.—Section 3121(b)(1) of the Internal Revenue Code of 1986 is amended by inserting before the semicolon the following: ''(other than aliens granted certified agricultural worker status or certified agricultural dependent status under title I of the Farm Work Modernization Act of 2019''.

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

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

''(iv) The Commissioner of Social Security shall, to the extent practicable, coordinate with the Secretary of the Department of Homeland Security to implement an automated system for the Commissioner to assign social security account numbers to aliens granted certified agricultural worker status or certified agricultural dependent status under title I of the Farm Work Modernization Act of 2019. An alien who is granted such status, and who was not previously assigned a social security account number, shall request assignment of a social security account number and a social security card from the Commissioner through such system. The Secretary shall collect and provide to the Commissioner such information as the Commissioner deems necessary for the Commissioner to assign a social security account number, which information may be used by the Commissioner for any purpose for which the Commissioner is otherwise authorized under Federal law. The Commissioner may maintain, use, and disclose such information only as permitted by the Privacy Act and other Federal law.''.

SEC. 129. DISCLOSURES AND PRIVACY.

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

(b) REFERRALS PROHIBITED.—The Secretary, based solely on information provided in an application for certified agricultural worker status or adjustment of status under this title (including information provided during administrative or judicial review), may not refer an applicant to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

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

(1) for assistance in the consideration of an application under this title;

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

(3) for national security purposes; or

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

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

(e) PRIVACY.—The Secretary shall ensure that appropriate administrative and physical safeguards are in place to protect the security, confidentiality, and integrity of personally identifiable information collected, maintained, and disseminated pursuant to this title.

SEC. 130. PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.

(a) CRIMINAL PENALTY.—Any person who—

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

(2) creates or supplies a false writing or document for use in making such an application,

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

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

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

SEC. 131. DISSEMINATION OF INFORMATION.

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

(1) the Secretary of Homeland Security, in cooperation with qualified designated entities, shall broadly disseminate information described in subsection (b); and

(2) the Secretary of Agriculture, in consultation with the Secretary of Homeland Security, shall disseminate to agricultural employers a document containing the information described in subsection (b) for posting at employer worksites.

(b) INFORMATION DESCRIBED.—The information described in this subsection shall include—

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

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

SEC. 132. EXEMPTION FROM NUMERICAL LIMITATIONS.

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

SEC. 133. REPORTS TO CONGRESS.

Not later than 180 days after the publication of the final rule under section 122(a), and annually thereafter for the following 10 years, the Secretary shall submit a report to Congress that identifies, for the previous fiscal year—

(1) the number of principal aliens who applied for certified agricultural worker status under subtitle A, and the number of dependent spouses and children included in such applications;

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

(3) the number of principal aliens who applied for an extension of their certified agricultural worker status under subtitle A, and the number of dependent spouses and children included in such applications;

(4) the number of principal aliens who were granted an extension of certified agricultural worker status under subtitle A, and the number of dependent spouses and children who were granted certified agricultural dependent status under such an extension;

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

(6) the number of principal aliens who were granted lawful permanent resident status under subtitle B, and the number of spouses and children who were granted such status as dependents;

(7) the number of principal aliens included in petitions described in section 101(e), and the number of dependent spouses and children included in such applications; and

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

SEC. 134. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) ESTABLISHMENT.—The Secretary shall establish a program to award grants, on a competitive basis, to eligible nonprofit organizations to assist eligible applicants under this title by providing them with the services described in subsection (c).

(b) ELIGIBLE NONPROFIT ORGANIZATION.—For purposes of this section, the term ''eligible nonprofit organization'' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (excluding a recipient of funds under title X of the Economic Opportunity Act of 1964 (42 U.S.C. 2996 et seq.)) that has demonstrated qualifications, experience, and expertise in providing quality services to farm workers or aliens.

(c) USE OF FUNDS.—Grant funds awarded under this section may be used for the design and implementation of programs that provide—

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

(2) assistance, within the scope of authorized practice of immigration law, to individuals submitting applications for certified agricultural worker status or adjustment of status under this title, including—

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

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

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

(d) SOURCE OF FUNDS.—In addition to any funds appropriated to carry out this section, the Secretary may use up to $10,000,000 from the Immigration Examinations Fee Account under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to carry out this section.

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

SEC. 135. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary, such sums as may be necessary to implement this title, including any amounts needed for costs associated with the initiation of such implementation, for each of fiscal years 2020 through 2022.

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.

(a) STREAMLINED H-2A PLATFORM.—

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

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

(B) serve as a single point of access for the Secretary of Homeland Security, the Secretary of Labor, and State workforce agencies to concurrently perform their respective review and adjudicatory responsibilities in the H–2A process;

(C) facilitate communication between employers and agency adjudicators, including by allowing employers to—

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

(ii) submit requests for inspections and licensing;

(iii) receive notices of approval and denial; and

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

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

(2) OBJECTIVES.—In developing the platform described in paragraph (1), the Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of Agriculture, the Secretary of State, and United States Digital Service, shall streamline and improve the H–2A process, including by—

(A) eliminating the need for employers to submit duplicate information and documentation to multiple agencies;

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

(C) reducing the occurrence of common petition errors, and otherwise improving and expediting the processing of H–2A petitions; and

(D) ensuring compliance with H–2A program requirements and the protection of the wages and working conditions of workers.

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

(1) be searchable using relevant criteria, including the types of jobs needed to be filled, the date(s) and location(s) of need, and the employer(s) named in the job order;

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

(3) provide for public access of job orders approved under section 218(h)(2) of the Immigration and Nationality Act.

SEC. 202. H–2A PROGRAM REQUIREMENTS.

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

"SEC. 218. ADMISSION OF TEMPORARY H–2A WORKERS.

''(a) LABOR CERTIFICATION CONDITIONS.—The Secretary of Homeland Security may not approve a petition to admit an H–2A worker unless the Secretary of Labor has certified that—

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

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

''(b) H–2A PETITION REQUIREMENTS.—An employer filing a petition for an H–2A worker to perform agricultural labor or services shall attest to and demonstrate compliance, as and when appropriate, with all applicable requirements under this section, including the following:

''(1) NEED FOR LABOR OR SERVICES.—The employer has described the need for agricultural labor or services in a job order that includes a description of the nature and location of the work to be performed, the anticipated period or periods (expected start and end dates) for which the workers will be needed, and the number of job opportunities in which the employer seeks to employ the workers.

''(2) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer has not and will not displace United States workers employed by the employer during the period of employment of the H–2A worker and during the 60-day period immediately preceding such period of employment in the job for which the employer seeks approval to employ the H–2A worker.

''(3) STRIKE OR LOCKOUT.—Each place of employment described in the petition is not, at the time of filing the petition and until the petition is approved, subject to a strike or lockout in the course of a labor dispute.

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

''(5) WAGES, BENEFITS, AND WORKING CONDITIONS.—The employer shall offer and provide, at a minimum, the wages, benefits, and working conditions required by this section to the H–2A worker and all workers who are similarly employed. The employer—

''(A) shall offer such similarly employed workers not less than the same benefits, wages, and working conditions that the employer is offering or will provide to the H–2A worker; and

''(B) may not impose on such similarly employed workers any restrictions or obligations that will not be imposed on the H–2A worker.

''(6) WORKERS' COMPENSATION.—If the job opportunity is not covered by or is exempt from the State workers' compensation law, the employer shall provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law.

''(7) COMPLIANCE WITH LABOR AND EMPLOYMENT LAWS.—The employer shall comply with all applicable Federal, State and local employment-related laws and regulations.

''(8) COMPLIANCE WITH FOREIGN LABOR RECRUITMENT LAWS.—The employer shall comply with subtitle C of title II of the Farm Workforce Modernization Act of 2019.

''(c) RECRUITING REQUIREMENTS.—

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

''(A) JOB ORDER.—As provided in subsection (h)(1), the employer shall complete a job order for posting on the electronic job registry maintained by the Secretary of Labor and for distribution by the appropriate State workforce agency. Such posting shall remain on the job registry as an active job order through the period described in paragraph (2)(B).

''(B) FORMER WORKERS.—At least 45 days before each start date identified in the petition, the employer shall—

''(i) make reasonable efforts to contact any United States worker the employer employed in the previous year in the same occupation and area of intended employment for which an H–2A worker is sought (excluding workers who were terminated for cause or abandoned the worksite); and

''(ii) post such job opportunity in a conspicuous location or locations at the place of employment.

''(C) POSITIVE RECRUITMENT.—During the period of recruitment, the employer shall complete any other positive recruitment steps within a multi-State region of traditional or expected labor supply where the Secretary of Labor finds that there are a significant number of qualified United States workers who, if recruited, would be willing to make themselves available for work at the time and place needed.

''(2) PERIOD OF RECRUITMENT.—

''(A) IN GENERAL.—For purposes of this subsection, the period of recruitment begins on the date on which the job order is posted on the online job registry and ends on the date that H–2A workers depart for the employer's place of employment. For a petition involving more than 1 start date under subsection (h)(1)(C), the end of the period of recruitment shall be determined by the date of departure of the H–2A workers for the final start date identified in the petition.

''(B) REQUIREMENT TO HIRE US WORKERS.—

''(i) IN GENERAL.—Notwithstanding the limitations of subparagraph (A), the employer will provide employment to any qualified United States worker who applies to the employer for any job opportunity included in the petition until the later of—

''(I) the date that is 30 days after the date on which work begins; or

''(II) the date on which—

''(aa) 33 percent of the work contract for the job opportunity has elapsed; or

''(bb) if the employer is a labor contractor, 50 percent of the work contract for the job opportunity has elapsed.

''(ii) STAGGERED ENTRY.—For a petition involving more than 1 start date under subsection (h)(1)(C), each start date designated in the petition shall establish a separate job opportunity. An employer may not reject a United States worker because the worker is unable or unwilling to fill more than 1 job opportunity included in the petition.

''(iii) EXCEPTION.—Notwithstanding clause (i), the employer may offer a job opportunity to an H-2A worker instead of an alien granted certified agricultural worker status under title I of the Farm Workforce Modernization Act of 2019 if the H-2A worker was employed by the employer in each of 3 years during the most recent 4-year period.

''(3) RECRUITMENT REPORT.—

''(A) IN GENERAL.—The employer shall maintain a recruitment report through the applicable period described in paragraph (2)(B) and submit regular updates through the electronic platform on the results of recruitment. The employer

shall retain the recruitment report, and all associated recruitment documentation, for a period of 3 years from the date of certification.

''(B) BURDEN OF PROOF.—If the employer asserts that any eligible individual who has applied or been referred is not able, willing or qualified, the employer bears the burden of proof to establish that the individual is not able, willing or qualified because of a lawful, employment-related reason.

''(d) WAGE REQUIREMENTS.—

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

''(A) the agreed-upon collective bargaining wage;

''(B) the adverse effect wage rate (or any successor wage established under paragraph (7));

''(C) the prevailing wage (hourly wage or piece rate); or

''(D) the Federal or State minimum wage.

''(2) ADVERSE EFFECT WAGE RATE DETERMINATIONS.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), the applicable adverse effect wage rate for each State and occupational classification for a calendar year shall be as follows:

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

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

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

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

''(B) LIMITATIONS ON WAGE FLUCTUATIONS.—

''(i) WAGE FREEZE FOR CALENDAR YEAR 2020.—For calendar year 2020, the adverse effect wage rate for each State and occupational classification under this subsection shall be the adverse effect wage rate that was in effect for H–2A workers in the applicable State in calendar year 2019.

''(ii) CALENDAR YEARS 2021 THROUGH 2029.—For each of calendar years 2021 through 2029, the adverse effect wage rate for each State and occupational classification under this subsection shall be the wage calculated under subparagraph (A), except that such wage may not—

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

''(II) except as provided in clause (III), be more than 3.25 percent higher than the wage in effect for H–2A workers in the applicable State and occupational classification in the immediately preceding calendar year; and

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

''(iii) CALENDAR YEARS AFTER 2029.—For any calendar year after 2029, the applicable wage rate described in paragraph (1)(B) shall be the wage rate established pursuant to paragraph (7)(D). Until such wage rate is effective, the adverse effect wage rate for each State and occupational classification under this subsection shall be the wage calculated under subparagraph (A), except that such wage may not be more than 1.5 percent lower or 3.25 percent higher than the wage in effect for H–2A workers in the applicable State and occupational classification in the immediately preceding calendar year.

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

''(4) PUBLICATION; WAGES IN EFFECT.—

''(A) PUBLICATION.—Prior to the start of each calendar year, the Secretary of Labor shall publish the applicable adverse effect wage rate (or successor wage rate, if any), and prevailing wage if available, for each State and occupational classification through notice in the Federal Register.

''(B) JOB ORDERS IN EFFECT.—Except as provided in subparagraph (C), publication by the Secretary of Labor of an updated adverse effect wage rate or prevailing wage for a State and occupational classification shall not affect the wage rate guaranteed in any approved job order for which recruitment efforts have commenced at the time of publication.

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

''(5) WORKERS PAID ON A PIECE RATE OR OTHER INCENTIVE BASIS.—If an employer pays by the piece rate or other incentive method and requires 1 or more minimum productivity standards as a condition of job retention, such standards shall be specified in the job order and shall be no more than those normally required (at the time of the first petition for H–2A workers) by other employers for the activity in the area of intended employment, unless the Secretary of Labor approves a higher minimum standard resulting from material changes in production methods.

''(6) GUARANTEE OF EMPLOYMENT.—

''(A) OFFER TO WORKER.—The employer shall guarantee the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the worker less employment than that required under this paragraph, the employer shall pay the worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

''(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) ABANDONMENT OF EMPLOYMENT; TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment without good cause before the end of the contract period, or is terminated for cause, the worker is not entitled to the guarantee of employment described in subparagraph (A).

''(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. The employer shall make efforts to transfer a worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in subsection (f)(2).

''(7) WAGE STANDARDS AFTER 2029.—

''(A) STUDY OF ADVERSE EFFECT WAGE RATE.—Beginning in fiscal year 2026, the Secretary of Agriculture and Secretary of Labor shall jointly conduct a study that addresses—

''(i) whether the employment of H–2A workers has depressed the wages of United States farm workers;

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

''(iii) whether alternative wage standards would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(v) recommendations for future wage protection under this section.

''(B) FINAL REPORT.—Not later than October 1, 2027, the Secretary of Agriculture and Secretary of Labor shall jointly prepare and submit a report to the Congress setting forth the findings of the study conducted under subparagraph (A) and recommendations for future wage protections under this section.

''(C) CONSULTATION.—In conducting the study under subparagraph (A) and preparing the report under subparagraph (B), the Secretary of Agriculture and Secretary of Labor shall consult with representatives of agricultural employers and an equal number of representatives of agricultural workers, at the national, State and local level.

''(D) WAGE DETERMINATION AFTER 2029.—Upon publication of the report described in subparagraph (B), the Secretary of Labor, in consultation with and the approval of the Secretary of Agriculture, shall make a rule to establish a process for annually determining the wage rate for purposes of paragraph (1)(B) for fiscal years after 2029. Such process shall be designed to ensure that the employment of H-2A workers does not undermine the wages and working conditions of similarly employed United States workers.

''(e) HOUSING REQUIREMENTS.—Employers shall furnish housing in accordance with regulations established by the Secretary of Labor. Such regulations shall be consistent with the following:

''(1) IN GENERAL.—The employer shall be permitted at the employer's option to provide housing meeting applicable Federal standards for temporary labor camps or to secure housing which meets the local standards for rental and/or public accommodations or other substantially similar class of habitation: Provided, That in the absence of applicable local standards, State standards for rental and/or public accommodations or other substantially similar class of habitation shall be met: Provided further, That in the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(2) FAMILY HOUSING.—Except as otherwise provided in subsection (i)(5), the employer shall

provide family housing to workers with families who request it when it is the prevailing practice in the area and occupation of intended employment to provide family housing.

''(3) UNITED STATES WORKERS.—Notwithstanding paragraphs (1) and (2), an employer is not required to provide housing to United States workers who are reasonably able to return to their residence within the same day.

''(4) TIMING OF INSPECTION.—

''(A) IN GENERAL.—The Secretary of Labor or designee shall make a determination as to whether the housing furnished by an employer for a worker meets the requirements imposed by this subsection prior to the date on which the Secretary of Labor is required to make a certification with respect to a petition for the admission of such worker.

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

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

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

''(f) TRANSPORTATION REQUIREMENTS.—

''(1) TRAVEL TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment specified in the job order shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(2) TRAVEL FROM PLACE OF EMPLOYMENT.—For a worker who completes the period of employment specified in the job order or who is terminated without cause, the employer shall provide or pay for the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(3) LIMITATION.—

''(A) AMOUNT OF REIMBURSEMENT.—Except as provided in subparagraph (B), the amount of reimbursement provided under paragraph (1) or (2) to a worker need not exceed the lesser of—

''(i) the actual cost to the worker of the transportation and subsistence involved; or

''(ii) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(B) DISTANCE TRAVELED.—For travel to or from the worker's home country, if the travel distance between the worker's home and the relevant consulate is 50 miles or less, reimbursement for transportation and subsistence may be based on transportation to or from the consulate.

''(g) HEAT ILLNESS PREVENTION PLAN.—

''(1) IN GENERAL.—The employer shall maintain a reasonable plan that describes the employer's procedures for the prevention of heat illness, including appropriate training, access to water and shade, the provision of breaks, and the protocols for emergency response. Such plan shall—

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

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

''(2) CLARIFICATION.—Nothing in this subsection is intended to limit any other Federal or State authority to promulgate, enforce, or maintain health and safety standards related to heat-related illness.

''(h) H–2A PETITION PROCEDURES.—

''(1) SUBMISSION OF PETITION AND JOB ORDER.—

''(A) IN GENERAL.—The employer shall submit information required for the adjudication of the H–2A petition, including a job order, through the electronic platform no more than 75 calendar days and no fewer than 60 calendar days before the employer's first date of need specified in the petition.

''(B) FILING BY AGRICULTURAL ASSOCIATIONS.—An association of agricultural producers that use agricultural services may file an H–2A petition under subparagraph (A). If an association is a joint or sole employer of workers who perform agricultural labor or services, H–2A workers may be used for the approved job opportunities of any of the association's producer members and such workers may be transferred among its producer members to perform the agricultural labor or services for which the petition was approved.

''(C) PETITIONS INVOLVING STAGGERED ENTRY.—

''(i) IN GENERAL.—Except as provided in clause (ii), an employer may file a petition involving employment in the same occupational classification and same area of intended employment with multiple start dates if—

''(I) the petition involves temporary or seasonal employment and no more than 10 start dates;

''(II) the multiple start dates share a common end date;

''(III) no more than 120 days separate the first start date and the final start date listed in the petition; and

''(IV) the need for multiple start dates arises from variations in labor needs associated with the job opportunity identified in the petition.

''(ii) LABOR CONTRACTORS.—A labor contractor may not file a petition described in clause (i) unless the labor contractor—

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

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

''(2) LABOR CERTIFICATION.—

''(A) REVIEW OF JOB ORDER.—

''(i) IN GENERAL.—The Secretary of Labor, in consultation with the relevant State workforce agency, shall review the job order for compliance with this section and notify the employer through the electronic platform of any deficiencies not later than 7 business days from the date the employer submits the necessary information required under paragraph (1)(A). The employer shall be provided 5 business days to respond to any such notice of deficiency.

''(ii) STANDARD.—The job order must include all material terms and conditions of employment, including the requirements of this section, and must be otherwise consistent with the minimum standards provided under Federal, State or local law. In considering the question of whether a specific qualification is appropriate in a job order, the Secretary of Labor shall apply the normal and accepted qualification required by non-H–2A employers in the same or comparable occupations and crops.

''(iii) EMERGENCY PROCEDURES.—The Secretary of Labor shall establish emergency procedures for the curing of deficiencies that cannot be resolved during the period described in clause (i).

''(B) APPROVAL OF JOB ORDER.—

''(i) IN GENERAL.—Upon approval of the job order, the Secretary of Labor shall immediately place for public examination a copy of the job order on the online job registry, and the State workforce agency serving the area of intended employment shall commence the recruitment of United States workers.

''(ii) REFERRAL OF UNITED STATES WORKERS.—The Secretary of Labor and State workforce agency shall keep the job order active until the end of the period described in subsection (c)(2) and shall refer to the employer each United States worker who applies for the job opportunity.

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

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

''(E) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—The Secretary of Labor shall by regulation establish a procedure for an employer to request the expedited review of a denial of a labor certification under this section, or the revocation of such a certification. Such procedure shall require the Secretary to expeditiously, but no later than 72 hours after expedited review is requested, issue a de novo determination on a labor certification that was denied in whole or in part because of the availability of able, willing and qualified workers if the employer demonstrates, consistent with subsection (c)(3)(B), that such workers are not actually available at the time or place such labor or services are required.

''(3) PETITION DECISION.—

''(A) IN GENERAL.—Not later than 7 business days after the Secretary of Labor issues the certification, the Secretary of Homeland Security shall issue a decision on the petition and shall transmit a notice of action to the petitioner via the electronic platform.

''(B) APPROVAL.—Upon approval of a petition under this section, the Secretary of Homeland Security shall ensure that such approval is noted in the electronic platform and is available to the Secretary of State and U.S. Customs and Border Protection, as necessary, to facilitate visa issuance and admission.

''(C) PARTIAL APPROVAL.—A petition for multiple named beneficiaries may be partially approved with respect to eligible beneficiaries notwithstanding the ineligibility, or potential ineligibility, of one or more other beneficiaries.

''(D) POST-CERTIFICATION AMENDMENTS.—The Secretary of Labor shall provide a process for amending a request for labor certification in conjunction with an H–2A petition, subsequent to certification by the Secretary of Labor, in cases in which the requested amendment does not materially change the petition (including the job order).

''(4) ROLES OF AGRICULTURAL ASSOCIATIONS.—

''(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual producer member of a joint employer association is determined to have committed an act that results in the denial of a petition with respect to the member, the denial shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge of, or reason to know of, the violation.

''(B) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—

''(i) If an association representing agricultural producers as a joint employer is determined to have committed an act that results in the denial of a petition with respect to the association, the denial shall apply only to the association and does not apply to any individual producer member of the association unless the Secretary of Labor determines that the member participated in, had knowledge of, or reason to know of, the violation.

''(ii) If an association of agricultural producers certified as a sole employer is determined to have committed an act that results in the denial of a petition with respect to the association, no individual producer member of such association may be the beneficiary of the services of H–2A workers in the commodity and occupation in which such aliens were employed by the association which was denied during the period such denial is in force, unless such producer member employs such aliens in the commodity and occupation in question directly or through an association which is a joint employer of such workers with the producer member.

''(5) SPECIAL PROCEDURES.—The Secretary of Labor, in consultation with the Secretary of Agriculture and Secretary of Homeland Security, may by regulation establish alternate procedures that reasonably modify program requirements under this section, when the Secretary determines that such modifications are required due to the unique nature of the work involved.

''(6) CONSTRUCTION OCCUPATIONS.—An employer may not file a petition under this section on behalf of a worker if the majority of the worker's duties will fall within a construction or extraction occupational classification.

''(i) NON-TEMPORARY OR -SEASONAL NEEDS.—

''(1) IN GENERAL.—Notwithstanding the requirement in section 101(a)(15)(H)(ii)(a) that the agricultural labor or services performed by an H–2A worker be of a temporary or seasonal nature, the Secretary of Homeland Security may, consistent with the provisions of this subsection, approve a petition for an H–2A worker to perform agricultural services or labor that is not of a temporary or seasonal nature.

''(2) NUMERICAL LIMITATIONS.—

''(A) FIRST 3 FISCAL YEARS.—The total number of aliens who may be issued visas or otherwise provided H–2A nonimmigrant status under paragraph (1) for the first fiscal year during which the first visa is issued under such paragraph and for each of the following two fiscal years may not exceed 20,000.

''(B) FISCAL YEARS 4 THROUGH 10.—

''(i) IN GENERAL.—The total number of aliens who may be issued visas or otherwise provided H–2A nonimmigrant status under paragraph (1) for the first fiscal year following the fiscal years referred to in subparagraph (A) and for each of the following six fiscal years may not exceed a numerical limitation jointly imposed by the Secretary of Agriculture and Secretary of Labor in accordance with clause (ii).

''(ii) ANNUAL ADJUSTMENTS.—For each fiscal year referred to in clause (i), the Secretary of Agriculture and Secretary of Labor, in consultation with the Secretary of Homeland Security, shall establish a numerical limitation for purposes of clause (i). Such numerical limitation may not be lower 20,000 and may not vary by more than 12.5 percent compared to the numerical limitation applicable to the immediately preceding fiscal year. In establishing such numerical limitation, the Secretaries shall consider appropriate factors, including—

''(I) a demonstrated shortage of agricultural workers;

''(II) the level of unemployment and underemployment of agricultural workers during the preceding fiscal year;

''(III) the number of H–2A workers sought by employers during the preceding fiscal year to engage in agricultural labor or services not of a temporary or seasonal nature;

''(IV) the number of such H–2A workers issued a visa in the most recent fiscal year who remain in the United States in compliance with the terms of such visa;

''(V) the estimated number of United States workers, including workers who obtained certified agricultural worker status under title I of the Farm Workforce Modernization Act of 2019, who worked during the preceding fiscal year in agricultural labor or services not of a temporary or seasonal nature;

''(VI) the number of such United States workers who accepted jobs offered by employers using the online job registry during the preceding fiscal year;

''(VII) any growth or contraction of the United States agricultural industry that has increased or decreased the demand for agricultural workers; and

''(VIII) any changes in the real wages paid to agricultural workers in the United States as an indication of a shortage or surplus of agricultural labor.

''(C) SUBSEQUENT FISCAL YEARS.—For each fiscal year following the fiscal years referred to in subparagraph (B), the Secretary of Agriculture and Secretary of Labor shall jointly determine, in consultation with the Secretary of Homeland Security, and after considering appropriate factors, including those factors listed in subclauses (I) through (VIII) of subparagraph (B)(ii), whether to establish a numerical limitation for that fiscal year. If a numerical limitation is so established—

''(i) such numerical limitation may not be lower than highest number of aliens admitted under this subsection in any of the three fiscal years immediately preceding the fiscal year for which the numerical limitation is to be established; and

''(ii) the total number of aliens who may be issued visas or otherwise provided H–2A nonimmigrant status under paragraph (1) for that fiscal year may not exceed such numerical limitation.

''(D) EMERGENCY PROCEDURES.—The Secretary of Agriculture and Secretary of Labor, in consultation with the Secretary of Homeland Security, shall jointly establish by regulation procedures for immediately adjusting a numerical limitation imposed under subparagraph (B) or (C) to account for significant labor shortages.

''(3) ALLOCATION OF VISAS.—

''(A) BI-ANNUAL ALLOCATION.—The annual allocation of visas described in paragraph (2) shall be evenly allocated between two halves of the fiscal year unless the Secretary of Homeland Security, in consultation with the Secretary of Agriculture and Secretary of Labor, determines that an alternative allocation would better accommodate demand for visas. Any unused visas in the first half of the fiscal year shall be added to the allocation for the subsequent half of the same fiscal year.

''(B) RESERVE FOR DAIRY LABOR OR SERVICES.—

''(i) IN GENERAL.—Of the visa numbers made available in each half of the fiscal year pursuant to subparagraph (A), 50 percent of such visas shall be reserved for employers filing petitions seeking H–2A workers to engage in agricultural labor or services in the dairy industry.

''(ii) EXCEPTION.—If, after four months have elapsed in one half of the fiscal year, the Secretary of Homeland Security determines that application of clause (i) will result in visas going unused during that half of the fiscal year, clause (i) shall not apply to visas under this paragraph during the remainder of such calendar half.

''(C) LIMITED ALLOCATION FOR CERTAIN SPECIAL PROCEDURES INDUSTRIES.—

''(i) IN GENERAL.—Notwithstanding the numerical limitations under paragraph (2), up to 500 aliens may be issued visas or otherwise provided H-2A nonimmigrant status under paragraph (1) in a fiscal year for range sheep or goat herding.

''(ii) LIMITATION.—The total number of aliens in the United States in valid H-2A status under clause (i) at any one time may not exceed 500.

''(iii) CLARIFICATION.—Any visas issued under this subparagraph may not be considered for purposes of the annual adjustments under subparagraphs (B) and (C) of paragraph (2).

''(4) ANNUAL ROUND TRIP HOME.—

''(A) IN GENERAL.—In addition to the other requirements of this section, an employer shall provide H–2A workers employed under this subsection, at no cost to such workers, with annual round trip travel, including transportation and subsistence during travel, to their homes in their communities of origin. The employer must provide such travel within 14 months of the initiation of the worker's employment, and no more than 14 months can elapse between each required period of travel.

''(B) LIMITATION.—The cost of travel under subparagraph (A) need not exceed the lesser of—

''(i) the actual cost to the worker of the transportation and subsistence involved; or

''(ii) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(5) FAMILY HOUSING.—An employer seeking to employ an H–2A worker pursuant to this subsection shall offer family housing to workers with families if such workers are engaged in agricultural employment that is not of a seasonal or temporary nature. The worker may reject such an offer. The employer may not charge the worker for the worker's housing, except that if the worker accepts family housing, a prorated rent based on the fair market value for such housing may be charged for the worker's family members.

''(6) WORKPLACE SAFETY PLAN FOR DAIRY EMPLOYEES.—

''(A) IN GENERAL.—If an employer is seeking to employ a worker in agricultural labor or services in the dairy industry pursuant to this subsection, the employer must report incidents consistent with the requirements under section 1904.39 of title 29, Code of Federal Regulations, and maintain an effective worksite safety and compliance plan to prevent workplace accidents and otherwise ensure safety. Such plan shall—

''(i) be in writing in English and, to the extent necessary, any language common to a significant portion of the workers if they are not fluent in English; and

''(ii) be posted at a conspicuous location at the worksite and provided to employees prior to the commencement of labor or services.

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

''(i) require workers (other than the employer's family members) whose positions require contact with animals to complete animal care training, including animal handling and job-specific animal care;

''(ii) protect against sexual harassment and violence, resolve complaints involving harassment or violence, and protect against retaliation against workers reporting harassment or violence; and

''(iii) contain other provisions necessary for ensuring workplace safety, as determined by the Secretary of Labor, in consultation with the Secretary of Agriculture.

''(C) CLARIFICATION.—Nothing in this paragraph is intended to apply to persons or entities that are not seeking to employ workers under this section. Nothing in this paragraph is intended to limit any other Federal or State authority to promulgate, enforce, or maintain health and safety standards related to the dairy industry.

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

''(1) DISQUALIFICATION.—An alien shall be ineligible for admission to the United States as an H–2A worker pursuant to a petition filed under this section if the alien was admitted to the United States as an H–2A worker within the past 5 years of the date the petition was filed and—

''(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission has expired, unless the alien has good cause for such failure to depart; or

''(B) otherwise violated a term or condition of admission into the United States as an H–2A worker.

''(2) VISA VALIDITY.—A visa issued to an H–2A worker shall be valid for three years and shall allow for multiple entries during the approved period of admission.

''(3) PERIOD OF AUTHORIZED STAY; ADMISSION.—

''(A) IN GENERAL.—An alien admissible as an H–2A worker shall be authorized to stay in the United States for the period of employment specified in the petition approved by the Secretary of Homeland Security under this section. The maximum continuous period of authorized stay for an H–2A worker is 36 months.

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

''(C) EXCEPTIONS.—The Secretary of Homeland Security shall deduct absences from the United States that take place during an H–2A worker's period of authorized stay from the period that the alien is required to remain outside the United States under subparagraph (B), if the alien or the alien's employer requests such a deduction, and provides clear and convincing proof that the alien qualifies for such a deduction. Such proof shall consist of evidence including, but not limited to, arrival and departure records, copies of tax returns, and records of employment abroad.

''(D) ADMISSION.—In addition to the maximum continuous period of authorized stay, an H–2A worker's authorized period of admission shall include an additional period of 10 days prior to the beginning of the period of employment for the purpose of traveling to the place of employment and 45 days at the end of the period of employment for the purpose of traveling home or seeking an extension of status based on a subsequent offer of employment if the worker has not reached the maximum continuous period of authorized stay under subparagraph (A) (subject to the exceptions in subparagraph (C)).

''(4) CONTINUING H-2A WORKERS.—

''(A) SUCCESSIVE EMPLOYMENT.—An H–2A worker is authorized to start new or concurrent employment upon the filing of a nonfrivolous H–2A petition, or as of the requested start date, whichever is later if—

''(i) the petition to start new or concurrent employment was filed prior to the expiration of the H–2A worker's period of admission as defined in paragraph (3)(D); and

''(ii) the H–2A worker has not been employed without authorization in the United States from the time of last admission to the United States in H–2A status through the filing of the petition for new employment.

''(B) PROTECTION DUE TO IMMIGRANT VISA BACKLOGS.—Notwithstanding the limitations on the period of authorized stay described in paragraph (3), any H–2A worker who—

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

''(ii) is eligible to be granted such status but for the annual limitations on visas under section 203(b)(3)(A),

may apply for, and the Secretary of Homeland Security may grant, an extension of such nonimmigrant status until the Secretary of Homeland Security issues a final administrative decision on the alien's application for adjustment of status or the Secretary of State issues a final decision on the alien's application for an immigrant visa.

''(5) ABANDONMENT OF EMPLOYMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an H–2A worker who abandons the employment which was the basis for the worker's authorized stay, without good cause, shall be considered to have failed to maintain H–2A status and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(B) GRACE PERIOD TO SECURE NEW EMPLOYMENT.—An H–2A worker shall not be considered to have failed to maintain H–2A status solely on the basis of a cessation of the employment on which the alien's classification was based for a period of 45 consecutive days, or until the end of the authorized validity period, whichever is shorter, once during each authorized validity period.

''(k) REQUIRED DISCLOSURES.—

''(1) DISCLOSURE OF WORK CONTRACT.—Not later than the time the H–2A worker applies for a visa, the employer shall provide the worker with a copy of the work contract that includes the disclosures and rights under this section (or in the absence of such a contract, a copy of the job order and proof of the certification described in subparagraphs (B) and (D) of subsection (h)(2)). An H–2A worker moving from one H–2A employer to a subsequent H–2A employer shall be provided with a copy of the new employment contract no later than the time an offer of employment is made by the subsequent employer.

''(2) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to H–2A workers, on or before each payday, in 1 or more written statements—

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

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

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

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

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

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

''(3) NOTICE OF WORKER RIGHTS.—The employer must post and maintain in a conspicuous location at the place of employment, a poster provided by the Secretary of Labor in English, and, to the extent necessary, any language common to a significant portion of the workers if they are not fluent in English, which sets out the rights and protections for workers employed pursuant to this section.

''(l) LABOR CONTRACTORS; FOREIGN LABOR RECRUITERS; PROHIBITION ON FEES.—

''(1) LABOR CONTRACTORS.—

''(A) SURETY BOND.—An employer that is a labor contractor who seeks to employ H–2A workers shall maintain a surety bond in an amount required under subparagraph (B). Such bond shall be payable to the Secretary of Labor or pursuant to the resolution of a civil or criminal proceeding, for the payment of wages and benefits, including any assessment of interest, owed to an H-2A worker or a similarly employed United States worker, or a United States worker who has been rejected or displaced in violation of this section.

''(B) AMOUNT OF BOND.—The Secretary of Labor shall annually publish in the Federal Register a schedule of required bond amounts that are determined by such Secretary to be sufficient for labor contractors to discharge financial obligations under this section based on the number of workers the labor contractor seeks to employ and the wages such workers are required to be paid.

''(C) PREMIUM BOND.—A labor contractor seeking to file a petition involving more than 1 start date under subsection (h)(1)(C) shall maintain a surety bond that is at least 15 percent higher than the applicable bond amount determined by the Secretary under subparagraph (B).

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

''(2) PROHIBITION AGAINST EMPLOYEES PAYING FEES.—Neither the employer nor its agents shall seek or receive payment of any kind from any worker for any activity related to the H–2A process, including payment of the employer's attorneys' fees, application fees, or recruitment costs. An employer and its agents may receive reimbursement for costs that are the responsibility and primarily for the benefit of the worker, such as government-required passport fees.

''(3) THIRD PARTY CONTRACTS.—The contract between an employer and any labor contractor or any foreign labor recruiter (or any agent of such labor contractor or foreign labor recruiter) whom the employer engages shall include a term providing for the termination of such contract for cause if the contractor or recruiter, either directly or indirectly, in the placement or recruitment of H–2A workers seeks or receives payments or other compensation from prospective employees. Upon learning that a labor contractor or foreign labor recruiter has sought or collected such payments, the employer shall so terminate any contracts with such contractor or recruiter.

''(m) ENFORCEMENT AUTHORITY.—

''(1) IN GENERAL.—The Secretary of Labor is authorized to take such actions against employers, including imposing appropriate penalties and seeking monetary and injunctive relief and specific performance of contractual obligations, as may be necessary to ensure compliance with the requirements of this section and with the applicable terms and conditions of employment.

''(2) COMPLAINT PROCESS.—

''(A) PROCESS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints alleging failure of an employer to comply with the requirements under this section and with the applicable terms and conditions of employment.

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

''(C) COMPLAINT NOT EXCLUSIVE.—A complaint filed under this paragraph is not an exclusive remedy and the filing of such a complaint does not waive any rights or remedies of the aggrieved party under this law or other laws.

''(D) DECISION AND REMEDIES.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer failed to comply with the requirements of this section or the terms and conditions of employment, the Secretary of Labor may require payment of unpaid wages, unpaid benefits, fees assessed in violation of this section, damages, and civil money penalties. The Secretary is also authorized to impose other administrative remedies, including disqualification of the employer from utilizing the H–2A program for a period of up to 5 years in the event of willful or multiple material violations. The Secretary is authorized to permanently disqualify an employer from utilizing the H–2A program upon a subsequent finding involving willful or multiple material violations.

''(E) DISPOSITION OF PENALTIES.—Civil penalties collected under this paragraph shall be deposited into the H–2A Labor Certification Fee Account established under section 203 of the Farm Workforce Modernization Act of 2019.

''(3) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed as limiting the authority of the Secretary of Labor to conduct an investigation—

''(A) under any other law, including any law affecting migrant and seasonal agricultural workers; or

''(B) in the absence of a complaint.

''(4) RETALIATION PROHIBITED.—It is a violation of this subsection for any person to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate

against, or to cause any person to intimidate, threaten, restrain, coerce, blacklist, or in any manner discriminate against, an employee, including a former employee or an applicant for employment, because the employee—

''(A) has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation under this section, or any rule or regulation relating to this section;

''(B) has filed a complaint concerning the employer's compliance with the requirements under this section or any rule or regulation pertaining to this section;

''(C) cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements under this section or any rule or regulation pertaining to this section; or

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

''(5) INTERAGENCY COMMUNICATION.—The Secretary of Labor, in consultation with the Secretary of Homeland Security, Secretary of State and the Equal Employment Opportunity Commission, shall establish mechanisms by which the agencies and their components share information, including by public electronic means, regarding complaints, studies, investigations, findings and remedies regarding compliance by employers with the requirements of the H–2A program and other employment-related laws and regulations.

''(n) DEFINITIONS.—In this section:

''(1) DISPLACE.—The term 'displace' means to lay off a similarly employed United States worker, other than for lawful job-related reasons, in the occupation and area of intended employment for the job for which H–2A workers are sought.

''(2) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(3) JOB ORDER.—The term 'job order' means the document containing the material terms and conditions of employment, including obligations and assurances required under this section or any other law.

''(4) ONLINE JOB REGISTRY.—The term 'online job registry' means the online job registry of the Secretary of Labor required under section 201(b) of the Farm Workforce Modernization Act of 2019 (or similar successor registry).

''(5) SIMILARLY EMPLOYED.—The term 'similarly employed', in the case of a worker, means a worker in the same occupational classification as the classification or classifications for which the H–2A worker is sought.

''(6) UNITED STATES WORKER.—The term 'United States worker' means any worker who is—

''(A) a citizen or national of the United States;

''(B) an alien who is lawfully admitted for permanent residence, is admitted as a refugee under section 207, is granted asylum under section 208, or is an immigrant otherwise authorized to be employed in the United States;

''(C) an alien granted certified agricultural worker status under title I of the Farm Workforce Modernization Act of 2019; or

''(D) an individual who is not an unauthorized alien (as defined in section 274A(h)(3)) with respect to the employment in which the worker is engaging.

''(o) FEES; AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEES.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee to process petitions under this section. Such fee shall be set at a level that is sufficient to recover the reasonable costs of processing the petition, including the reasonable costs of providing labor certification by the Secretary of Labor.

''(B) DISTRIBUTION.—Fees collected under subparagraph (A) shall be deposited as offsetting receipts into the immigration examinations fee account in section 286(m), except that the portion of fees assessed for the Secretary of Labor shall be deposited into the H–2A Labor Certification Fee Account established pursuant to section 203(c) of the Farm Workforce Modernization Act of 2019 .

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

''(A) recruiting United States workers for labor or services which might otherwise be performed by H–2A workers, including by ensuring that State workforce agencies are sufficiently funded to fulfill their functions under this section;

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

''(C) monitoring the terms and conditions under which H–2A workers (and United States workers employed by the same employers) are employed in the United States; and

''(D) enabling the Secretary of Agriculture to carry out the Secretary of Agriculture's duties and responsibilities under this section.''.

SEC. 203. AGENCY ROLES AND RESPONSIBILITIES.

(a) RESPONSIBILITIES OF THE SECRETARY OF LABOR.—With respect to the administration of the H–2A program, the Secretary of Labor shall be responsible for—

(1) consulting with State workforce agencies to—

(A) review and process job orders;

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

(C) determine prevailing wages and practices; and

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

(2) determining whether the employer has met the conditions for approval of the H–2A petition described in section 218 of the Immigration and Nationality Act (8 U.S.C. 1188);

(3) determining, in consultation with the Secretary of Agriculture, whether a job opportunity is of a seasonal or temporary nature;

(4) determining whether the employer has complied or will comply with the H–2A program requirements set forth in section 218 of the Immigration and Nationality Act (8 U.S.C. 1188);

(5) processing and investigating complaints consistent with section 218(m) of the Immigration and Nationality Act (8 U.S.C. 1188(m));

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

(7) ensuring that guidance to State workforce agencies to conduct wage surveys is regularly updated; and

(8) issuing such rules and regulations as are necessary to carry out the Secretary of Labor's responsibilities under section 218 of the Immigration and Nationality Act (8 U.S.C. 1188).

(b) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—With respect to the administration of the H–2A program, the Secretary of Homeland Security shall be responsible for—

(1) adjudicating petitions for the admission of H–2A workers, which shall include an assessment as to whether each beneficiary will be employed in accordance with the terms and conditions of the certification and whether any named beneficiaries qualify for such employment;

(2) transmitting a copy of the final decision on the petition to the employer, and in the case of approved petitions, ensuring that the petition approval is reflected in the electronic platform to facilitate the prompt issuance of a visa by the Department of State (if required) and the admission of the H–2A workers to the United States;

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

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

(5) issuing such rules and regulations as are necessary to carry out the Secretary of Homeland Security's responsibilities under section 218 of the Immigration and Nationality Act (8 U.S.C. 1188).

(c) ESTABLISHMENT OF ACCOUNT AND USE OF FUNDS.—

(1) ESTABLISHMENT OF ACCOUNT.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''H–2A Labor Certification Fee Account''. Notwithstanding any other provisions of law, there shall be deposited as offsetting receipts into the account all amounts—

(A) collected as a civil penalty under section 218(m)(2)(E)of the Immigration and Nationality Act; and

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

(2) USE OF FEES.—Amounts deposited into the H–2A Labor Certification Fee Account shall be available (except as otherwise provided in this paragraph) without fiscal year limitation and without the requirement for specification in appropriations Acts to the Secretary of Labor for use, directly or through grants, contracts, or other arrangements, in such amounts as the Secretary of Labor determines are necessary for the costs of Federal and State administration in carrying out activities in connection with labor certification under section 218 of the Immigration and Nationality Act. Such costs may include personnel salaries and benefits, equipment and infrastructure for adjudication and customer service processes, the operation and maintenance of an on-line job registry, and program integrity activities. The Secretary, in determining what amounts to transfer to States for State administration in carrying out activities in connection with labor certification under section 218 of the Immigration and Nationality Act shall consider the number of H–2A workers employed in that State and shall adjust the amount transferred to that State accordingly. In addition, 10 percent of the amounts deposited into the H–2A Labor Certification Fee Account shall be available to the Office of Inspector General of the Department of Labor to conduct audits and criminal investigations relating to such foreign labor certification programs.

(3) ADDITIONAL FUNDS.—Amounts available under paragraph (1) shall be available in addition to any other funds appropriated or made available to the Department of Labor under other laws, including section 218(o)(2) of the Immigration and Nationality Act.

SEC. 204. WORKER PROTECTION AND COMPLIANCE.

(a) EQUALITY OF TREATMENT.—H–2A workers shall not be denied any right or remedy under any Federal, State, or local labor or employment law applicable to United States workers engaged in agricultural employment.

(b) APPLICABILITY OF OTHER LAWS.—

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

(2) WAIVER OF RIGHTS PROHIBITED.—Agreements by H–2A workers to waive or modify any rights or protections under this Act or section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) shall be considered void or contrary to public policy except as provided in a collective bargaining agreement with a bona fide labor organization.

(3) MEDIATION.—

(A) FREE MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under this section between H–2A workers and agricultural employers without charge to the parties.

(B) COMPLAINT.—If an H–2A worker files a civil lawsuit alleging one or more violations of section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), or the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), not later than 60 days after the filing of proof of service of the complaint, a party to the lawsuit may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute.

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

(D) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives a request for assistance under subparagraph (B) unless the parties agree to an extension of such period.

(E) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—Subject to clause (ii), there is authorized to be appropriated to the Federal Mediation and Conciliation Service, such sums as may be necessary for each fiscal year to carry out this subparagraph.

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

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

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

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

(c) FARM LABOR CONTRACTOR REQUIREMENTS.—

(1) SURETY BONDS.—

(A) REQUIREMENT.—Section 101 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1811), is amended by adding at the end the following:

''(e) A farm labor contractor shall maintain a surety bond in an amount determined by the Secretary to be sufficient for ensuring the ability of the farm labor contractor to discharge its financial obligations, including payment of wages and benefits to employees. Such a bond shall be available to satisfy any amounts ordered to be paid by the Secretary or by court order for failure to comply with the obligations of this Act. The Secretary of Labor shall annually publish in the Federal Register a schedule of required bond amounts that are determined by such Secretary to be sufficient for farm labor contractors to discharge financial obligations based on the number of workers to be covered.''.

(B) REGISTRATION DETERMINATIONS.—Section 103(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1813(a)), is amended—

(i) in paragraph (4), by striking ''or'' at the end;

(ii) in paragraph (5)(B), by striking ''or'' at the end;

(iii) in paragraph (6), by striking the period at the end and inserting '';'' ; and

(iv) by adding at the end the following:

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

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

(2) SUCCESSORS IN INTEREST.—

(A) DECLARATION.—Section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812), is amended—

(i) in paragraph (4), by striking ''and'' at the end;

(ii) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(6) a declaration, subscribed and sworn to by the applicant, stating whether the applicant has a familial, contractual, or employment relationship with, or shares vehicles, facilities, property, or employees with, a person who has been refused issuance or renewal of a certificate, or has had a certificate suspended or revoked, pursuant to section 103.''.

(B) REBUTTABLE PRESUMPTION.—Section 103 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1813), as amended by this Act, is further amended by inserting after subsection (a) the following new subsection (and by redesignating the subsequent subsections accordingly):

''(b)(1) There shall be a rebuttable presumption that an applicant for issuance or renewal of a certificate is not the real party in interest in the application if the applicant—

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

''(B) identifies a vehicle, facility, or real property under paragraph (2) or (3) of section 102 that has been previously listed by a person who has been refused issuance or renewal of a certificate, or has had a certificate suspended or revoked.

''(2) An applicant described in paragraph (1) bears the burden of demonstrating to the Secretary's satisfaction that the applicant is the real party in interest in the application.''.

SEC. 205. REPORT ON WAGE PROTECTIONS.

(a) Not later than 3 years after the date of the enactment of this Act, and every 3 years thereafter, the Secretary of Labor and Secretary of Agriculture shall prepare and transmit to the Committees on the Judiciary of the House of Representatives and Senate, a report that addresses—

(1) whether, and the manner in which, the employment of H–2A workers in the United States has impacted the wages, working conditions, or job opportunities of United States farm workers;

(2) whether, and the manner in which, the adverse effect wage rate increases or decreases wages on United States farms, broken down by geographic region and farm size;

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

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

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

(6) whether, and the manner in which, the H–2A program affects the ability of United States farms to compete with agricultural commodities imported from outside the United States;

(7) the number and percentage of farmworkers in the United States whose incomes are below the poverty line;

(8) whether alternative wage standards would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of the H–2A program;

(9) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

(10) recommendations for future wage protection under this section.

(b) In preparing the report described in subsection (a), the Secretary of Labor and Secretary of Agriculture shall engage with equal numbers of representatives of agricultural employers and agricultural workers, both locally and nationally.

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

(a) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Labor and Secretary of Agriculture, shall establish through regulation a 6-year pilot program to facilitate the free movement and employment of temporary or seasonal H–2A workers to perform agricultural labor or services for agricultural employers registered with the Secretary of Agriculture. Notwithstanding the requirements of section 218 of the Immigration and Nationality Act, such regulation shall establish the requirements for the pilot program, consistent with subsection (b). For purposes of this section, such a worker shall be referred to as a portable H–2A worker, and status as such a worker shall be referred to as portable H–2A status.

(2) ONLINE PLATFORM.—The Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall maintain an online electronic platform to connect portable H–2A workers with registered agricultural employers seeking workers to perform temporary or seasonal agricultural labor or services. Employers shall post on the platform available job opportunities, including a description of the nature and location of the work to be performed, the anticipated period or periods of need, and the terms and conditions of employment. Such platform shall allow portable H–2A workers to search for available job opportunities using relevant criteria, including the types of jobs needed to be filled and the dates and locations of need.

(3) LIMITATION.—Notwithstanding the issuance of the regulation described in paragraph (1), the Secretary of State may not issue a portable H–2A visa and the Secretary of Homeland Security may not confer portable H–2A status on any alien until the Secretary of Homeland Security, in consultation with the Secretary of Labor and Secretary of Agriculture, has determined that a sufficient number of employers have been designated as registered agricultural employers under subsection (b)(1) and that such employers have sufficient job opportunities to employ a reasonable number of portable H–2A workers to initiate the pilot program.

(b) PILOT PROGRAM ELEMENTS.—The pilot program in subsection (a) shall contain the following elements:

(1) REGISTERED AGRICULTURAL EMPLOYERS.—

(A) DESIGNATION.—Agricultural employers shall be provided the ability to seek designation as registered agricultural employers. Reasonable fees may be assessed commensurate with the cost of processing applications for designation. A designation shall be valid for a period of up to 3 years unless revoked for failure to comply with program requirements. Registered employers that comply with program requirements may apply to renew such designation for additional periods of up to 3 years for the duration of the pilot program.

(B) LIMITATIONS.—Registered agricultural employers may employ aliens with portable H–2A status without filing a petition. Such employers

shall pay such aliens at least the wage required under section 218(d) of the Immigration and Nationality Act (8 U.S.C. 1188(d)).

(C) WORKERS' COMPENSATION.—If a job opportunity is not covered by or is exempt from the State workers' compensation law, a registered agricultural employer shall provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits at least equal to those provided under the State workers' compensation law.

(2) DESIGNATED WORKERS.—

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

(B) LIMITATIONS ON AVAILABILITY OF PORTABLE H–2A STATUS.—

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

(ii) NUMERICAL LIMITATIONS.—The total number of aliens who may hold valid portable H–2A status at any one time may not exceed 10,000. Notwithstanding such limitation, the Secretary of Homeland Security may further limit the number of aliens with valid portable H–2A status if the Secretary determines that there are an insufficient number of registered agricultural employers or job opportunities to support the employment of all such portable H–2A workers.

(C) SCOPE OF EMPLOYMENT.—During the period of admission, a portable H–2A worker may perform temporary or seasonal agricultural labor or services for any employer in the United States that is designated as a registered agricultural employer pursuant to paragraph (1). An employment arrangement under this section may be terminated by either the portable H–2A worker or the registered agricultural employer at any time.

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

(E) MAINTENANCE OF STATUS.—A portable H–2A worker who does not secure new employment with a registered agricultural employer within 60 days shall be considered to have failed to maintain such status and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1188(a)(1)(C)(i)).

(3) ENFORCEMENT.—The Secretary of Labor shall be responsible for conducting investigations and random audits of employers to ensure compliance with the employment-related requirements of this section, consistent with section 218(m) of the Immigration and Nationality Act (8 U.S.C. 1188(m)). The Secretary of Labor shall have the authority to collect reasonable civil penalties for violations, which shall be utilized by the Secretary for the administration and enforcement of the provisions of this section.

(4) ELIGIBILITY FOR SERVICES.—Section 305 of Public Law 99–603 (100 Stat. 3434) is amended by striking ''other employment rights as provided in the worker's specific contract under which the nonimmigrant was admitted'' and inserting ''employment-related rights''.

(c) REPORT.—Not later than 6 months before the end of the third fiscal year of the pilot program, the Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall prepare and submit to the Committees on the Judiciary of the House of Representatives and the Senate, a report that provides—

(1) the number of employers designated as registered agricultural employers, broken down by geographic region, farm size, and the number of job opportunities offered by such employers;

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

(3) the number of individuals granted portable H–2A status in each fiscal year, along with the number of such individuals who maintained portable H–2A status during all or a portion of the 3-year period of the pilot program;

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

(5) the results of a survey of individuals granted portable H–2A status, detailing their experiences with and feedback on the pilot program;

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

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

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

SEC. 207. IMPROVING ACCESS TO PERMANENT RESIDENCE.

(a) WORLDWIDE LEVEL.—Section 201(d)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(1)(A)) is amended by striking ''140,000'' and inserting ''180,000''.

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

(1) in paragraph (1) by striking ''28.6 percent of such worldwide level'' and inserting ''40,040'';

(2) in paragraph (2)(A) by striking ''28.6 percent of such worldwide level'' and inserting ''40,040'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter before clause (i), by striking ''28.6 percent of such worldwide level'' and inserting ''80,040''; and

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

''(iii) OTHER WORKERS.—Other qualified immigrants who, at the time of petitioning for classification under this paragraph—

''(I) are capable of performing unskilled labor, not of a temporary or seasonal nature, for which qualified workers are not available in the United States; or

''(II) can demonstrate employment in the United States as an H–2A nonimmigrant worker for at least 100 days in each of at least 10 years.'';

(B) by amending subparagraph (B) to read as follows:

''(B) VISAS ALLOCATED FOR OTHER WORKERS.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), 50,000 of the visas made available under this paragraph shall be reserved for qualified immigrants described in subparagraph (A)(iii).

''(ii) PREFERENCE FOR AGRICULTURAL WORKERS.—Subject to clause (iii), not less than four-fifths of the visas described in clause (i) shall be reserved for—

''(I) qualified immigrants described in subparagraph (A)(iii)(I) who will be performing agricultural labor or services in the United States; and

''(II) qualified immigrants described in subparagraph (A)(iii)(II).

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

''(iv) NO PER COUNTRY LIMITS.—Visas described under clause (ii) shall be issued without regard to the numerical limitation under section 202(a)(2).''; and

(C) by amending subparagraph (C) by striking ''An immigrant visa'' and inserting ''Except for qualified immigrants petitioning for classification under subparagraph (A)(iii)(II), an immigrant visa'';

(4) in paragraph (4), by striking ''7.1 percent of such worldwide level'' and inserting ''9,940''; and

(5) in paragraph (5)(A), in the matter before clause (i), by striking ''7.1 percent of such worldwide level'' and inserting ''9,940''.

(c) PETITIONING PROCEDURE.—Section 204(a)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(E)) is amended by inserting ''or 203(b)(3)(A)(iii)(II)'' after ''203(b)(1)(A)''.

(d) DUAL INTENT.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking ''section 101(a)(15)(H)(i) except subclause (b1) of such section'' and inserting ''clause (i), except subclause (b1), or (ii)(a) of section 101(a)(15)(H)''.

Subtitle B—Preservation and Construction of Farmworker Housing

SEC. 220. SHORT TITLE.

This subtitle may be cited as the ''Strategy and Investment in Rural Housing Preservation Act of 2019''.

SEC. 221. PERMANENT ESTABLISHMENT OF HOUSING PRESERVATION AND REVITALIZATION PROGRAM.

Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding at the end the following new section:

''SEC. 545. HOUSING PRESERVATION AND REVITALIZATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall carry out a program under this section for the preservation and revitalization of multifamily rental housing projects financed under section 515 or both sections 514 and 516.

''(b) NOTICE OF MATURING LOANS.—

''(1) TO OWNERS.—On an annual basis, the Secretary shall provide written notice to each owner of a property financed under section 515 or both sections 514 and 516 that will mature within the 4-year period beginning upon the provision of such notice, setting forth the options and financial incentives that are available to facilitate the extension of the loan term or the option to decouple a rental assistance contract pursuant to subsection (f).

''(2) TO TENANTS.—

''(A) IN GENERAL.—For each property financed under section 515 or both sections 514 and 516, not later than the date that is 2 years before the date that such loan will mature, the Secretary shall provide written notice to each household residing in such property that informs them of the date of the loan maturity, the possible actions that may happen with respect to the property upon such maturity, and how to protect their right to reside in Federally assisted housing after such maturity.

''(B) LANGUAGE.—Notice under this paragraph shall be provided in plain English and shall be translated to other languages in the case of any property located in an area in which a significant number of residents speak such other languages.

''(c) LOAN RESTRUCTURING.—Under the program under this section, the Secretary may restructure such existing housing loans, as the Secretary considers appropriate, for the purpose of ensuring that such projects have sufficient resources to preserve the projects to provide safe and affordable housing for low-income residents and farm laborers, by—

''(1) reducing or eliminating interest;

''(2) deferring loan payments;

''(3) subordinating, reducing, or reamortizing loan debt; and

''(4) providing other financial assistance, including advances, payments, and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary.

''(d) RENEWAL OF RENTAL ASSISTANCE.—When the Secretary offers to restructure a loan pursuant to subsection (c), the Secretary shall offer to renew the rental assistance contract under section 521(a)(2) for a 20-year term that is subject to annual appropriations, provided that the owner agrees to bring the property up to such standards that will ensure its maintenance as decent, safe, and sanitary housing for the full term of the rental assistance contract.

''(e) RESTRICTIVE USE AGREEMENTS.—

''(1) REQUIREMENT.—As part of the preservation and revitalization agreement for a project, the Secretary shall obtain a restrictive use agreement that obligates the owner to operate the project in accordance with this title.

''(2) TERM.—

''(A) NO EXTENSION OF RENTAL ASSISTANCE CONTRACT.—Except when the Secretary enters into a 20-year extension of the rental assistance contract for the project, the term of the restrictive use agreement for the project shall be consistent with the term of the restructured loan for the project.

''(B) EXTENSION OF RENTAL ASSISTANCE CONTRACT.—If the Secretary enters into a 20-year extension of the rental assistance contract for a project, the term of the restrictive use agreement for the project shall be for 20 years.

''(C) TERMINATION.—The Secretary may terminate the 20-year use restrictive use agreement for a project prior to the end of its term if the 20-year rental assistance contract for the project with the owner is terminated at any time for reasons outside the owner's control.

''(f) DECOUPLING OF RENTAL ASSISTANCE.—

''(1) RENEWAL OF RENTAL ASSISTANCE CONTRACT.—If the Secretary determines that a maturing loan for a project cannot reasonably be restructured in accordance with subsection (c) and the project was operating with rental assistance under section 521, the Secretary may renew the rental assistance contract, notwithstanding any provision of section 521, for a term, subject to annual appropriations, of at least 10 years but not more than 20 years.

''(2) RENTS.—Any agreement to extend the term of the rental assistance contract under section 521 for a project shall obligate the owner to continue to maintain the project as decent, safe and sanitary housing and to operate the development in accordance with this title, except that rents shall be based on the lesser of—

''(A) the budget-based needs of the project; or

''(B) the operating cost adjustment factor as a payment standard as provided under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437 note).

''(g) MULTIFAMILY HOUSING TRANSFER TECHNICAL ASSISTANCE.—Under the program under this section, the Secretary may provide grants to qualified non-profit organizations and public housing agencies to provide technical assistance, including financial and legal services, to borrowers under loans under this title for multifamily housing to facilitate the acquisition of such multifamily housing properties in areas where the Secretary determines there is a risk of loss of affordable housing.

''(h) TRANSFER OF RENTAL ASSISTANCE.—After the loan or loans for a rental project originally financed under section 515 or both sections 514 and 516 have matured or have been prepaid and the owner has chosen not to restructure the loan pursuant to subsection (c), a tenant residing in such project shall have 18 months prior to loan maturation or prepayment to transfer the rental assistance assigned to the tenant's unit to another rental project originally financed under section 515 or both sections 514 and 516, and the owner of the initial project may rent the tenant's previous unit to a new tenant without income restrictions.

''(i) ADMINISTRATIVE EXPENSES.—Of any amounts made available for the program under this section for any fiscal year, the Secretary may use not more than $1,000,000 for administrative expenses for carrying out such program.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the program under this section $200,000,000 for each of fiscal years 2020 through 2024.''.

SEC. 222. ELIGIBILITY FOR RURAL HOUSING VOUCHERS.

Section 542 of the Housing Act of 1949 (42 U.S.C. 1490r) is amended by adding at the end the following new subsection:

''(c) ELIGIBILITY OF HOUSEHOLDS IN SECTIONS 514, 515, AND 516 PROJECTS.—The Secretary may provide rural housing vouchers under this section for any low-income household (including those not receiving rental assistance) residing, for a term longer than the remaining term of their lease in effect just prior to prepayment, in a property financed with a loan made or insured under section 514 or 515 (42 U.S.C. 1484, 1485) which has been prepaid without restrictions imposed by the Secretary pursuant to section 502(c)(5)(G)(ii)(I) (42 U.S.C. 1472(c)(5)(G)(ii)(I)), has been foreclosed, or has matured after September 30, 2005, or residing in a property assisted under section 514 or 516 that is owned by a nonprofit organization or public agency.''.

SEC. 223. AMOUNT OF VOUCHER ASSISTANCE.

Notwithstanding any other provision of law, in the case of any rural housing voucher provided pursuant to section 542 of the Housing Act of 1949 (42 U.S.C. 1490r), the amount of the monthly assistance payment for the household on whose behalf such assistance is provided shall be determined as provided in subsection (a) of such section 542.

SEC. 224. RENTAL ASSISTANCE CONTRACT AUTHORITY.

Subsection (d) of section 521 of the Housing Act of 1949 (42 U.S.C. 1490a(d)) is amended—

(1) in paragraph (1), by inserting after subparagraph (A) the following new subparagraph (and by redesignating the subsequent subparagraphs accordingly):

''(B) upon request of an owner of a project financed under section 514 or 515, the Secretary is authorized to enter into renewal of such agreements for a period of 20 years or the term of the loan, whichever is shorter, subject to amounts made available in appropriations Acts;''; and

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

''(3) In the case of any rental assistance contract authority that becomes available because of the termination of assistance on behalf of an assisted family—

''(A) at the option of the owner of the rental project, the Secretary shall provide the owner a period of 6 months before such assistance is made available pursuant to subparagraph (B) during which the owner may use such assistance authority to provide assistance of behalf of an eligible unassisted family that—

''(i) is residing in the same rental project that the assisted family resided in prior to such termination; or

''(ii) newly occupies a dwelling unit in such rental project during such period; and

''(B) except for assistance used as provided in subparagraph (A), the Secretary shall use such remaining authority to provide such assistance on behalf of eligible families residing in other rental projects originally financed under section 515 or both sections 514 and 516 of this Act.''.

SEC. 225. FUNDING FOR MULTIFAMILY TECHNICAL IMPROVEMENTS.

There is authorized to be appropriated to the Secretary of Agriculture $50,000,000 for fiscal year 2020 for improving the technology of the Department of Agriculture used to process loans for multifamily housing and otherwise managing such housing. Such improvements shall be made within the 5-year period beginning upon the appropriation of such amounts and such amount shall remain available until the expiration of such 5-year period.

SEC. 226. PLAN FOR PRESERVING AFFORDABILITY OF RENTAL PROJECTS.

(a) PLAN.—The Secretary of Agriculture (in this section referred to as the ''Secretary'') shall submit a written plan to the Congress, not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, for preserving the affordability for low-income families of rental projects for which loans were made under section 515 or made to nonprofit or public agencies under section 514 and avoiding the displacement of tenant households, which shall—

(1) set forth specific performance goals and measures;

(2) set forth the specific actions and mechanisms by which such goals will be achieved;

(3) set forth specific measurements by which progress towards achievement of each goal can be measured;

(4) provide for detailed reporting on outcomes; and

(5) include any legislative recommendations to assist in achievement of the goals under the plan.

(b) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT; PURPOSE.—The Secretary shall establish an advisory committee whose purpose shall be to assist the Secretary in preserving section 515 properties and section 514 properties owned by nonprofit or public agencies through the multifamily housing preservation and revitalization program under section 545 and in implementing the plan required under subsection (a).

(2) MEMBER.—The advisory committee shall consist of 16 members, appointed by the Secretary, as follows:

(A) A State Director of Rural Development for the Department of Agriculture.

(B) The Administrator for Rural Housing Service of the Department of Agriculture.

(C) Two representatives of for-profit developers or owners of multifamily rural rental housing.

(D) Two representatives of non-profit developers or owners of multifamily rural rental housing.

(E) Two representatives of State housing finance agencies.

(F) Two representatives of tenants of multifamily rural rental housing.

(G) One representative of a community development financial institution that is involved in preserving the affordability of housing assisted under sections 514, 515, and 516 of the Housing Act of 1949.

(H) One representative of a nonprofit organization that operates nationally and has actively participated in the preservation of housing assisted by the Rural Housing Service by conducting research regarding, and providing financing and technical assistance for, preserving the affordability of such housing.

(I) One representative of low-income housing tax credit investors.

(J) One representative of regulated financial institutions that finance affordable multifamily rural rental housing developments.

(K) Two representatives from non-profit organizations representing farmworkers, including one organization representing farmworker women.

(3) MEETINGS.—The advisory committee shall meet not less often than once each calendar quarter.

(4) FUNCTIONS.—In providing assistance to the Secretary to carry out its purpose, the advisory committee shall carry out the following functions:

(A) Assisting the Rural Housing Service of the Department of Agriculture to improve estimates of the size, scope, and condition of rental housing portfolio of the Service, including the time frames for maturity of mortgages and costs for preserving the portfolio as affordable housing.

(B) Reviewing current policies and procedures of the Rural Housing Service regarding preservation of affordable rental housing financed under sections 514, 515, 516, and 538 of the Housing Act of 1949, the Multifamily Preservation and Revitalization Demonstration program (MPR), and the rental assistance program and making recommendations regarding improvements and modifications to such policies and procedures.

(C) Providing ongoing review of Rural Housing Service program results.

(D) Providing reports to the Congress and the public on meetings, recommendations, and other findings of the advisory committee.

(5) TRAVEL COSTS.—Any amounts made available for administrative costs of the Department of Agriculture may be used for costs of travel by members of the advisory committee to meetings of the committee.

SEC. 227. COVERED HOUSING PROGRAMS.

Paragraph (3) of section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following new subparagraph:

''(J) rural development housing voucher assistance provided by the Secretary of Agriculture pursuant to section 542 of the Housing Act of 1949 (42 U.S.C. 1490r), without regard to subsection (b) of such section, and applicable appropriation Acts; and''.

SEC. 228. NEW FARMWORKER HOUSING.

Section 513 of the Housing Act of 1949 (42 U.S.C. 1483) is amended by adding at the end the following new subsection:

''(f) FUNDING FOR FARMWORKER HOUSING.—

''(1) SECTION 514 FARMWORKER HOUSING LOANS.—

''(A) INSURANCE AUTHORITY.—The Secretary of Agriculture may, to the extent approved in appropriation Acts, insure loans under section 514 (42 U.S.C. 1484) during each of fiscal years 2020 through 2029 in an aggregate amount not to exceed $200,000,000.

''(B) AUTHORIZATION OF APPROPRIATIONS FOR COSTS.—There is authorized to be appropriated $75,000,000 for each of fiscal years 2020 through 2029 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of loans insured pursuant the authority under subparagraph (A).

''(2) SECTION 516 GRANTS FOR FARMWORKER HOUSING.—There is authorized to be appropriated $30,000,000 for each of fiscal years 2020 through 2029 for financial assistance under section 516 (42 U.S.C. 1486).

''(3) SECTION 521 HOUSING ASSISTANCE.—There is authorized to be appropriated $2,700,000,000 for each of fiscal years 2020 through 2029 for rental assistance agreements entered into or renewed pursuant to section 521(a)(2) (42 U.S.C. 1490a(a)(2)) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D).''.

SEC. 229. LOAN AND GRANT LIMITATIONS.

Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by adding at the end the following:

''(j) PER PROJECT LIMITATIONS ON ASSISTANCE.—If the Secretary, in making available assistance in any area under this section or section 516 (42 U.S.C. 1486), establishes a limitation on the amount of assistance available per project, the limitation on a grant or loan award per project shall not be less than $5 million.''.

SEC. 230. OPERATING ASSISTANCE SUBSIDIES.

Subsection (a)(5) of section 521 of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)) is amended—

(1) in subparagraph (A) by inserting ''or domestic farm labor legally admitted to the United States and authorized to work in agriculture'' after ''migrant farmworkers'';

(2) in subparagraph (B)—

(A) by striking ''AMOUNT.—In any fiscal year'' and inserting ''AMOUNT.—

''(i) HOUSING FOR MIGRANT FARMWORKERS.—In any fiscal year'';

(B) by inserting ''providing housing for migrant farmworkers'' after ''any project''; and

(C) by inserting at the end the following:

''(ii) HOUSING FOR OTHER FARM LABOR.—In any fiscal year, the assistance provided under this paragraph for any project providing housing for domestic farm labor legally admitted to the United States and authorized to work in agriculture shall not exceed an amount equal to 50 percent of the operating costs for the project for the year, as determined by the Secretary. The owner of such project shall not qualify for operating assistance unless the Secretary certifies that the project was unoccupied or underutilized before making units available to such farm labor, and that a grant under this section will not displace any farm worker who is a United States worker.''; and

(3) in subparagraph (D), by adding at the end the following:

''(iii) The term 'domestic farm labor' has the same meaning given such term in section 514(f)(3) (42 U.S.C. 1484(f)(3)), except that subparagraph (A) of such section shall not apply for purposes this section.''.

SEC. 231. ELIGIBILITY OF CERTIFIED WORKERS.

Subsection (a) of section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) in paragraph (6), by striking ''or'' at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) an alien granted certified agricultural worker or certified agricultural dependent status under title I of the Farm Workforce Modernization Act of 2019, but solely for financial assistance made available pursuant to section 521 or 542 of the Housing Act of 1949 (42 U.S.C. 1490a, 1490r); or''.

Subtitle C—Foreign Labor Recruiter Accountability

SEC. 251. REGISTRATION OF FOREIGN LABOR RECRUITERS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish procedures for the electronic registration of foreign labor recruiters engaged in the recruitment of nonimmigrant workers described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricultural labor or services in the United States.

(b) PROCEDURAL REQUIREMENTS.—The procedures described in subsection (a) shall—

(1) require the applicant to submit a sworn declaration—

(A) stating the applicant's permanent place of residence or principal place of business, as applicable;

(B) describing the foreign labor recruiting activities in which the applicant is engaged; and

(C) including such other relevant information as the Secretary of Labor and the Secretary of State may require;

(2) include an expeditious means to update and renew registrations;

(3) include a process, which shall include the placement of personnel at each United States diplomatic mission in accordance with subsection (g)(2), to receive information from the public regarding foreign labor recruiters who have allegedly engaged in a foreign labor recruiting activity that is prohibited under this subtitle;

(4) include procedures for the receipt and processing of complaints against foreign labor recruiters and for remedies, including the revocation of a registration or the assessment of fines upon a determination by the Secretary of Labor that the foreign labor recruiter has violated the requirements of this subtitle;

(5) require the applicant to post a bond in an amount sufficient to ensure the ability of the applicant to discharge its responsibilities and ensure protection of workers, including payment of wages; and

(6) allow the Secretary of Labor and the Secretary of State to consult with other appropriate Federal agencies to determine whether any reason exists to deny registration to a foreign labor recruiter or revoke such registration.

(c) ATTESTATIONS.—Foreign labor recruiters registering under this subtitle shall attest and agree to abide by the following requirements:

(1) PROHIBITED FEES.—The foreign labor recruiter, including any agent or employee of such foreign labor recruiter, shall not assess any recruitment fees on a worker for any foreign labor recruiting activity.

(2) PROHIBITION ON FALSE AND MISLEADING INFORMATION.—The foreign labor recruiter shall not knowingly provide materially false or misleading information to any worker concerning any matter required to be disclosed under this subtitle.

(3) REQUIRED DISCLOSURES.—The foreign labor recruiter shall ascertain and disclose to the worker in writing in English and in the primary language of the worker at the time of the worker's recruitment, the following information:

(A) The identity and address of the employer and the identity and address of the person conducting the recruiting on behalf of the employer, including each subcontractor or agent involved in such recruiting.

(B) A copy of the approved job order or work contract under section 218 of the Immigration and Nationality Act, including all assurances and terms and conditions of employment.

(C) A statement, in a form specified by the Secretary—

(i) describing the general terms and conditions associated with obtaining an H–2A visa and maintaining H–2A status;

(ii) affirming the prohibition on the assessment of fees described in paragraph (1), and explaining that such fees, if paid by the employer, may not be passed on to the worker;

(iii) describing the protections afforded the worker under this subtitle, including procedures for reporting violations to the Secretary of State, filing a complaint with the Secretary of Labor, or filing a civil action; and

(iv) describing the protections afforded the worker by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b), including the telephone number for the national human trafficking resource center hotline number.

(4) BOND.—The foreign labor recruiter shall agree to maintain a bond sufficient to ensure the ability of the foreign labor recruiter to discharge its responsibilities and ensure protection of workers, and to forfeit such bond in an amount determined by the Secretary under subsections (b)(1)(C)(ii) or (c)(2)(C) of section 252 for failure to comply with the provisions of this subtitle.

(5) COOPERATION IN INVESTIGATION.—The foreign labor recruiter shall agree to cooperate in any investigation under section 252 of this subtitle by the Secretary or other appropriate authorities.

(6) NO RETALIATION.—The foreign labor recruiter shall agree to refrain from intimidating, threatening, restraining, coercing, discharging, blacklisting or in any other manner discriminating or retaliating against any worker or their family members (including a former worker or an applicant for employment) because such worker disclosed information to any person based on a reason to believe that the foreign labor recruiter, or any agent or subcontractee of such foreign labor recruiter, is engaging or has engaged in a foreign labor recruiting activity that does not comply with this subtitle.

(7) EMPLOYEES, AGENTS, AND SUBCONTRACTEES.—The foreign labor recruiter shall consent to be liable for the conduct of any agents or subcontractees of any level in relation to the foreign labor recruiting activity of the agent or subcontractee to the same extent as if the foreign labor recruiter had engaged in such conduct.

(8) ENFORCEMENT.—If the foreign labor recruiter is conducting foreign labor recruiting activity wholly outside the United States, such foreign labor recruiter shall establish a registered agent in the United States who is authorized to accept service of process on behalf of the foreign labor recruiter for the purpose of any administrative proceeding under this title or any Federal court civil action, if such service is made in accordance with the appropriate Federal rules for service of process.

(d) TERM OF REGISTRATION.—Unless suspended or revoked, a registration under this section shall be valid for 2 years.

(e) APPLICATION FEE.—The Secretary shall require a foreign labor recruiter that submits an application for registration under this section to pay a reasonable fee, sufficient to cover the full costs of carrying out the registration activities under this subtitle.

(f) NOTIFICATION.—

(1) EMPLOYER NOTIFICATION.—

(A) IN GENERAL.—Not less frequently than once every year, an employer of H–2A workers shall provide the Secretary with the names and addresses of all foreign labor recruiters engaged to perform foreign labor recruiting activity on behalf of the employer, whether the foreign labor recruiter is to receive any economic compensation for such services, and, if so, the identity of the person or entity who is paying for the services.

(B) AGREEMENT TO COOPERATE.—In addition to the requirements of subparagraph (A), the employer shall—

(i) provide to the Secretary the identity of any foreign labor recruiter whom the employer has reason to believe is engaging in foreign labor recruiting activities that do not comply with this subtitle; and

(ii) promptly respond to any request by the Secretary for information regarding the identity of a foreign labor recruiter with whom the employer has a contract or other agreement.

(2) FOREIGN LABOR RECRUITER NOTIFICATION.—A registered foreign labor recruiter shall notify the Secretary, not less frequently than once every year, of the identity of any subcontractee, agent, or foreign labor recruiter employee involved in any foreign labor recruiting activity for, or on behalf of, the foreign labor recruiter.

(g) ADDITIONAL RESPONSIBILITIES OF THE SECRETARY OF STATE.—

(1) LISTS.—The Secretary of State, in consultation with the Secretary of Labor shall maintain and make publicly available in written form and on the websites of United States embassies in the official language of that country, and on websites maintained by the Secretary of Labor, regularly updated lists—

(A) of foreign labor recruiters who hold valid registrations under this section, including—

(i) the name and address of the foreign labor recruiter;

(ii) the countries in which such recruiters conduct recruitment;

(iii) the employers for whom recruiting is conducted;

(iv) the occupations that are the subject of recruitment;

(v) the States where recruited workers are employed; and

(vi) the name and address of the registered agent in the United States who is authorized to accept service of process on behalf of the foreign labor recruiter; and

(B) of foreign labor recruiters whose registration the Secretary has revoked.

(2) PERSONNEL.—The Secretary of State shall ensure that each United States diplomatic mission is staffed with a person who shall be responsible for receiving information from members of the public regarding potential violations of the requirements applicable to registered foreign labor recruiters and ensuring that such information is conveyed to the Secretary of Labor for evaluation and initiation of an enforcement action, if appropriate.

(3) VISA APPLICATION PROCEDURES.—The Secretary shall ensure that consular officers issuing visas to nonimmigrants under section 101(a)(1)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 11001(a)(1)(H)(ii)(a))—

(A) provide to and review with the applicant, in the applicant's language (or a language the applicant understands), a copy of the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b);

(B) ensure that the applicant has a copy of the approved job offer or work contract;

(C) note in the visa application file whether the foreign labor recruiter has a valid registration under this section; and

(D) if the foreign labor recruiter holds a valid registration, review and include in the visa application file, the foreign labor recruiter's disclosures required by subsection (c)(3).

(4) DATA.—The Secretary of State shall make publicly available online, on an annual basis, data disclosing the gender, country of origin (and State, county, or province, if available), age, wage, level of training, and occupational classification, disaggregated by State, of nonimmigrant workers described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

SEC. 252. ENFORCEMENT.

(a) DENIAL OR REVOCATION OF REGISTRATION.—

(1) GROUNDS FOR DENIAL OR REVOCATION.—The Secretary shall deny an application for registration, or revoke a registration, if the Secretary determines that the foreign labor recruiter, or any agent or subcontractee of such foreign labor recruiter—

(A) knowingly made a material misrepresentation in the registration application;

(B) materially failed to comply with one or more of the attestations provided under section 251(c); or

(C) is not the real party in interest.

(2) NOTICE.—Prior to denying an application for registration or revoking a registration under this subsection, the Secretary shall provide written notice of the intent to deny or revoke the registration to the foreign labor recruiter. Such notice shall—

(A) articulate with specificity all grounds for denial or revocation; and

(B) provide the foreign labor recruiter with not less than 60 days to respond.

(3) RE-REGISTRATION.—A foreign labor recruiter whose registration was revoked under subsection (a) may re-register if the foreign labor recruiter demonstrates to the Secretary's satisfaction that the foreign labor recruiter has not violated this subtitle in the 5 years preceding the date an application for registration is filed and has taken sufficient steps to prevent future violations of this subtitle.

(b) ADMINISTRATIVE ENFORCEMENT.—

(1) COMPLAINT PROCESS.—

(A) FILING.—A complaint may be filed with the Secretary of Labor, in accordance with the procedures established under section 251(b)(4) not later than 2 years after the earlier of—

(i) the date of the last action which constituted the conduct that is the subject of the complaint took place; or

(ii) the date on which the aggrieved party had actual knowledge of such conduct.

(B) DECISION AND PENALTIES.—If the Secretary of Labor finds, after notice and an opportunity for a hearing, that a foreign labor recruiter failed to comply with any of the requirements of this subtitle, the Secretary of Labor may—

(i) levy a fine against the foreign labor recruiter in an amount not more than—

(I) $10,000 per violation; and

(II) $25,000 per violation, upon the third violation;

(ii) order the forfeiture (or partial forfeiture) of the bond and release of as much of the bond as the Secretary determines is necessary for the worker to recover prohibited recruitment fees;

(iii) refuse to issue or renew a registration, or revoke a registration; or

(iv) disqualify the foreign labor recruiter from registration for a period of up to 5 years, or in the case of a subsequent finding involving willful or multiple material violations, permanently disqualify the foreign labor recruiter from registration.

(2) AUTHORITY TO ENSURE COMPLIANCE.—The Secretary of Labor is authorized to take other such actions, including issuing subpoenas and seeking appropriate injunctive relief, as may be necessary to assure compliance with the terms and conditions of this subtitle.

(3) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed as limiting the authority of the Secretary of Labor to conduct an investigation—

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

(B) in the absence of a complaint.

(c) CIVIL ACTION.—

(1) IN GENERAL.—The Secretary of Labor or any person aggrieved by a violation of this subtitle may bring a civil action against any foreign labor recruiter, or any employer that does not meet the requirements under subsection (d)(1), in any court of competent jurisdiction—

(A) to seek remedial action, including injunctive relief; and

(B) for damages in accordance with the provisions of this subsection.

(2) AWARD FOR CIVIL ACTION FILED BY AN INDIVIDUAL.—

(A) IN GENERAL.—If the court finds in a civil action filed by an individual under this section that the defendant has violated any provision of this subtitle, the court may award—

(i) damages, up to and including an amount equal to the amount of actual damages, and statutory damages of up to $1,000 per plaintiff per violation, or other equitable relief, except that with respect to statutory damages—

(I) multiple infractions of a single provision of this subtitle (or of a regulation under this subtitle) shall constitute only 1 violation for purposes of this subsection to determine the amount of statutory damages due a plaintiff; and

(II) if such complaint is certified as a class action the court may award—

(aa) damages up to an amount equal to the amount of actual damages; and

(bb) statutory damages of not more than the lesser of up to $1,000 per class member per violation, or up to $500,000; and other equitable relief;

(ii) reasonable attorneys' fees and costs; and

(iii) such other and further relief as necessary to effectuate the purposes of this subtitle.

(B) CRITERIA.—In determining the amount of statutory damages to be awarded under subparagraph (A), the court is authorized to consider whether an attempt was made to resolve the issues in dispute before the resort to litigation.

(C) BOND.—To satisfy the damages, fees, and costs found owing under this paragraph, the Secretary shall release as much of the bond held pursuant to section 251(c)(4) as necessary.

(3) SUMS RECOVERED IN ACTIONS BY THE SECRETARY OF LABOR.—

(A) ESTABLISHMENT OF ACCOUNT.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''H–2A Foreign Labor Recruiter Compensation

Account''. Notwithstanding any other provisions of law, there shall be deposited as offsetting receipts into the account, all sums recovered in an action by the Secretary of Labor under this subsection.

(B) USE OF FUNDS.—Amounts deposited into the H–2A Foreign Labor Recruiter Compensation Account and shall be paid directly to each worker affected. Any such sums not paid to a worker because of inability to do so within a period of 5 years following the date such funds are deposited into the account shall remain available to the Secretary until expended. The Secretary may transfer all or a portion of such remaining sums to appropriate agencies to support the enforcement of the laws prohibiting the trafficking and exploitation of persons or programs that aid trafficking victims.

(d) EMPLOYER SAFE HARBOR.—

(1) IN GENERAL.—An employer that hires workers referred by a foreign labor recruiter with a valid registration at the time of hiring shall not be held jointly liable for a violation committed solely by a foreign labor recruiter under this subtitle—

(A) in any administrative action initiated by the Secretary concerning such violation; or

(B) in any Federal or State civil court action filed against the foreign labor recruiter by or on behalf of such workers or other aggrieved party under this subtitle.

(2) CLARIFICATION.—Nothing in this subtitle shall be construed to prohibit an aggrieved party or parties from bringing a civil action for violations of this subtitle or any other Federal or State law against any employer who hired workers referred by a foreign labor recruiter—

(A) without a valid registration at the time of hire; or

(B) with a valid registration if the employer knew or learned of the violation and failed to report such violation to the Secretary.

(e) PAROLE TO PURSUE RELIEF.—If other immigration relief is not available, the Secretary of Homeland Security may grant parole to permit an individual to remain legally in the United States for time sufficient to fully and effectively participate in all legal proceedings related to any action taken pursuant to subsection (b) or (c).

(f) WAIVER OF RIGHTS.—Agreements by employees purporting to waive or to modify their rights under this subtitle shall be void as contrary to public policy.

(g) LIABILITY FOR AGENTS.—Foreign labor recruiters shall be subject to the provisions of this section for violations committed by the foreign labor recruiter's agents or subcontractees of any level in relation to their foreign labor recruiting activity to the same extent as if the foreign labor recruiter had committed the violation.

SEC. 253. APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for the Secretary of Labor and Secretary of State to carry out the provisions of this subtitle.

SEC. 254. DEFINITIONS.

For purposes of this subtitle:

(1) FOREIGN LABOR RECRUITER.—The term ''foreign labor recruiter'' means any person who performs foreign labor recruiting activity in exchange for money or other valuable consideration paid or promised to be paid, to recruit individuals to work as nonimmigrant workers described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), including any person who performs foreign labor recruiting activity wholly outside of the United States. Such term does not include any entity of the United States Government or an employer, or employee of an employer, who engages in foreign labor recruiting activity solely to find employees for that employer's own use, and without the participation of any other foreign labor recruiter.

(2) FOREIGN LABOR RECRUITING ACTIVITY.—The term ''foreign labor recruiting activity'' means recruiting, soliciting, or related activities with respect to an individual who resides outside of the United States in furtherance of employment in the United States, including when such activity occurs wholly outside of the United States.

(3) RECRUITMENT FEES.—The term ''recruitment fees'' has the meaning given to such term under section 22.1702 of title 22 of the Code of Federal Regulations, as in effect on the date of enactment of this Act.

(4) PERSON.—The term ''person'' means any natural person or any corporation, company, firm, partnership, joint stock company or association or other organization or entity (whether organized under law or not), including municipal corporations.

TITLE III—ELECTRONIC VERIFICATION OF EMPLOYMENT ELIGIBILITY

SEC. 301. ELECTRONIC EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) IN GENERAL.—Chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) is amended by inserting after section 274D the following:

''SEC. 274E. REQUIREMENTS FOR THE ELECTRONIC VERIFICATION OF EMPLOYMENT ELIGIBILITY.

''(a) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

''(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Secretary') shall establish and administer an electronic verification system (referred to in this section as the 'System'), patterned on the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) (as in effect on the day before the effective date described in section 303(a)(4) of the Farm Workforce Modernization Act of 2019), and using the employment eligibility confirmation system established under section 404 of such Act (8 U.S.C. 1324a note) (as so in effect) as a foundation, through which the Secretary shall—

''(A) respond to inquiries made by persons or entities seeking to verify the identity and employment authorization of individuals that such persons or entities seek to hire, or to recruit or refer for a fee, for employment in the United States; and

''(B) maintain records of the inquiries that were made, and of verifications provided (or not provided) to such persons or entities as evidence of compliance with the requirements of this section.

''(2) INITIAL RESPONSE DEADLINE.—The System shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment authorization as soon as practicable, but not later than 3 calendar days after the initial inquiry.

''(3) GENERAL DESIGN AND OPERATION OF SYSTEM.—The Secretary shall design and operate the System—

''(A) using responsive web design and other technologies to maximize its ease of use and accessibility for users on a variety of electronic devices and screen sizes, and in remote locations;

''(B) to maximize the accuracy of responses to inquiries submitted by persons or entities;

''(C) to maximize the reliability of the System and to register each instance when the System is unable to receive inquiries;

''(D) to protect the privacy and security of the personally identifiable information maintained by or submitted to the System;

''(E) to provide direct notification of an inquiry to an individual with respect to whom the inquiry is made, including the results of such inquiry, and information related to the process for challenging the results, in cases in which the individual has established a user account as described in paragraph (4)(B) or an electronic mail address for the individual is submitted by the person or entity at the time the inquiry is made; and

''(F) to maintain appropriate administrative, technical, and physical safeguards to prevent misuse of the System and unfair immigration-related employment practices.

''(4) MEASURES TO PREVENT IDENTITY THEFT AND OTHER FORMS OF FRAUD.—To prevent identity theft and other forms of fraud, the Secretary shall design and operate the System with the following attributes:

''(A) PHOTO MATCHING TOOL.—The System shall display the digital photograph of the individual, if any, that corresponds to the document presented by an individual to establish identity and employment authorization so that the person or entity that makes an inquiry can compare the photograph displayed by the System to the photograph on the document presented by the individual.

''(B) INDIVIDUAL MONITORING AND SUSPENSION OF IDENTIFYING INFORMATION.—The System shall enable individuals to establish user accounts, after authentication of an individual's identity, that would allow an individual to—

''(i) confirm the individual's own employment authorization;

''(ii) receive electronic notification when the individual's social security account number or other personally identifying information has been submitted to the System;

''(iii) monitor the use history of the individual's personally identifying information in the System, including the identities of all persons or entities that have submitted such identifying information to the System, the date of each query run, and the System response for each query run;

''(iv) suspend or limit the use of the individual's social security account number or other personally identifying information for purposes of the System; and

''(v) provide notice to the Department of Homeland Security of any suspected identity fraud or other improper use of personally identifying information.

''(C) BLOCKING MISUSED SOCIAL SECURITY ACCOUNT NUMBERS.—

''(i) IN GENERAL.—The Secretary, in consultation with the Commissioner of Social Security (referred to in this section as the 'Commissioner'), shall develop, after publication in the Federal Register and an opportunity for public comment, a process in which social security account numbers that have been identified to be subject to unusual multiple use in the System or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, shall be blocked from use in the System unless the individual using such number is able to establish, through secure and fair procedures, that the individual is the legitimate holder of the number.

''(ii) NOTICE.—If the Secretary blocks or suspends a social security account number under this subparagraph, the Secretary shall provide notice to the persons or entities that have made inquiries to the System using such account number that the identity and employment authorization of the individual who provided such account number must be re-verified.

''(D) ADDITIONAL IDENTITY AUTHENTICATION TOOL.—The Secretary shall develop, after publication in the Federal Register and an opportunity for public comment, additional security measures to adequately verify the identity of an individual whose identity may not be verified using the photo tool described in subparagraph (A). Such additional security measures—

''(i) shall be kept up-to-date with technological advances; and

''(ii) shall be designed to provide a high level of certainty with respect to identity authentication.

''(E) CHILD-LOCK PILOT PROGRAM.—The Secretary, in consultation with the Commissioner, shall establish a reliable, secure program through which parents or legal guardians may suspend or limit the use of the social security account number or other personally identifying

information of a minor under their care for purposes of the System. The Secretary may implement the program on a limited pilot basis before making it fully available to all individuals.

''(5) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner, in consultation with the Secretary, shall establish a reliable, secure method, which, within the time periods specified in paragraph (2) and subsection (b)(4)(D)(i)(II), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided by the person or entity with respect to an individual whose identity and employment authorization the person or entity seeks to confirm, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation) under the System except as provided under this section.

''(6) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish a reliable, secure method, which, within the time periods specified in paragraph (2) and subsection (b)(4)(D)(i)(II), compares the name and identification or other authorization number (or any other information determined relevant by the Secretary) which are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, and whether the individual is authorized to be employed in the United States.

''(B) TRAINING.—The Secretary shall provide and regularly update training materials on the use of the System for persons and entities making inquiries.

''(C) AUDIT.—The Secretary shall provide for periodic auditing of the System to detect and prevent misuse, discrimination, fraud, and identity theft, to protect privacy and assess System accuracy, and to preserve the integrity and security of the information in the System.

''(D) NOTICE OF SYSTEM CHANGES.—The Secretary shall provide appropriate notification to persons and entities registered in the System of any change made by the Secretary or the Commissioner related to permitted and prohibited documents, and use of the System.

''(7) RESPONSIBILITIES OF THE SECRETARY OF STATE.—As part of the System, the Secretary of State shall provide to the Secretary of Homeland Security access to passport and visa information as needed to confirm that a passport or passport card presented under subsection (b)(3)(A)(i) confirms the employment authorization and identity of the individual presenting such document, and that a passport, passport card, or visa photograph matches the Secretary of State's records, and shall provide such assistance as the Secretary of Homeland Security may request in order to resolve tentative nonconfirmations or final nonconfirmations relating to such information.

''(8) UPDATING INFORMATION.—The Commissioner, the Secretary of Homeland Security, and the Secretary of State shall update records in their custody in a manner that promotes maximum accuracy of the System and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention through the tentative nonconfirmation review process under subsection (b)(4)(D).

''(9) MANDATORY AND VOLUNTARY SYSTEM USES.—

''(A) MANDATORY USERS.—Except as otherwise provided under Federal or State law, such as sections 302 and 303 of the Farm Workforce Modernization Act of 2019, nothing in this section shall be construed as requiring the use of the System by any person or entity hiring, recruiting, or referring for a fee, an individual for employment in the United States.

''(B) VOLUNTARY USERS.—Beginning after the date that is 30 days after the date on which final rules are published under section 309(a) of the Farm Workforce Modernization Act of 2019, a person or entity may use the System on a voluntary basis to seek verification of the identity and employment authorization of individuals the person or entity is hiring, recruiting, or referring for a fee for employment in the United States

''(C) PROCESS FOR NON-USERS.—The employment verification process for any person or entity hiring, recruiting, or referring for a fee, an individual for employment in the United States shall be governed by section 274A(b) unless the person or entity—

''(i) is required by Federal or State law to use the System; or

''(ii) has opted to use the System voluntarily in accordance with subparagraph (B).

''(10) NO FEE FOR USE.—The Secretary may not charge a fee to an individual, person, or entity related to the use of the System.

''(b) NEW HIRES, RECRUITMENT, AND REFERRAL.—Notwithstanding section 274A(b), the requirements referred to in paragraphs (1)(B) and (3) of section 274A(a) are, in the case of a person or entity that uses the System for the hiring, recruiting, or referring for a fee, an individual for employment in the United States, the following:

''(1) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—During the period beginning on the date on which an offer of employment is accepted and ending on the date of hire, the individual shall attest, under penalty of perjury on a form designated by the Secretary, that the individual is authorized to be employed in the United States by providing on such form—

''(A) the individual's name and date of birth;

''(B) the individual's social security account number (unless the individual has applied for and not yet been issued such a number);

''(C) whether the individual is—

''(i) a citizen or national of the United States;

''(ii) an alien lawfully admitted for permanent residence; or

''(iii) an alien who is otherwise authorized by the Secretary to be hired, recruited, or referred for employment in the United States; and

''(D) if the individual does not attest to United States citizenship or nationality, such identification or other authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.

''(2) EMPLOYER ATTESTATION AFTER EXAMINATION OF DOCUMENTS.—Not later than 3 business days after the date of hire, the person or entity shall attest, under penalty of perjury on the form designated by the Secretary for purposes of paragraph (1), that it has verified that the individual is not an unauthorized alien by—

''(A) obtaining from the individual the information described in paragraph (1) and recording such information on the form;

''(B) examining—

''(i) a document described in paragraph (3)(A); or

''(ii) a document described in paragraph (3)(B) and a document described in paragraph (3)(C); and

''(C) attesting that the information recorded on the form is consistent with the documents examined.

''(3) ACCEPTABLE DOCUMENTS.—

''(A) DOCUMENTS ESTABLISHING EMPLOYMENT AUTHORIZATION AND IDENTITY.—A document described in this subparagraph is an individual's—

''(i) United States passport or passport card;

''(ii) permanent resident card that contains a photograph;

''(iii) foreign passport containing temporary evidence of lawful permanent residence in the form of an official I–551 (or successor) stamp from the Department of Homeland Security or a printed notation on a machine-readable immigrant visa;

''(iv) unexpired employment authorization card that contains a photograph;

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

''(vi) passport from the Federated States of Micronesia or the Republic of the Marshall Islands with Form I–94, Form I–94A, or other documentation as designated by the Secretary, indicating nonimmigrant admission under the Compact of Free Association Between the United States and the Federated States of Micronesia or the Republic of the Marshall Islands; or

''(vii) other document designated by the Secretary, by notice published in the Federal Register, if the document—

''(I) contains a photograph of the individual, biometric identification data, and other personal identifying information relating to the individual;

''(II) is evidence of authorization for employment in the United States; and

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

''(B) DOCUMENTS ESTABLISHING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is—

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

''(ii) a document establishing employment authorization that the Secretary determines, by notice published in the Federal Register, to be acceptable for purposes of this subparagraph, provided that such documentation contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

''(C) DOCUMENTS ESTABLISHING IDENTITY.—A document described in this subparagraph is—

''(i) an individual's driver's license or identification card if it was issued by a State or one of the outlying possessions of the United States and contains a photograph and personal identifying information relating to the individual;

''(ii) an individual's unexpired United States military identification card;

''(iii) an individual's unexpired Native American tribal identification document issued by a tribal entity recognized by the Bureau of Indian Affairs;

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

''(v) a document establishing identity that the Secretary determines, by notice published in the Federal Register, to be acceptable for purposes of this subparagraph, if such documentation contains a photograph of the individual, biometric identification data, and other personal identifying information relating to the individual, and security features to make it resistant to tampering, counterfeiting, and fraudulent use.

''(D) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary finds that any document or class of documents described in subparagraph (A), (B), or (C) does not reliably establish identity or employment authorization or is being used fraudulently to an unacceptable degree, the Secretary may, by notice published in the Federal Register, prohibit or place conditions on the use of such document or class of documents for purposes of this section.

''(4) USE OF THE SYSTEM TO SCREEN IDENTITY AND EMPLOYMENT AUTHORIZATION.—

''(A) IN GENERAL.—In the case of a person or entity that uses the System for the hiring, recruiting, or referring for a fee an individual for

employment in the United States, during the period described in subparagraph (B), the person or entity shall submit an inquiry through the System described in subsection (a) to seek verification of the identity and employment authorization of the individual.

''(B) VERIFICATION PERIOD.—

''(i) IN GENERAL.—Except as provided in clause (ii), and subject to subsection (d), the verification period shall begin on the date of hire and end on the date that is 3 business days after the date of hire, or such other reasonable period as the Secretary may prescribe.

''(ii) SPECIAL RULE.—In the case of an alien who is authorized to be employed in the United States and who provides evidence from the Social Security Administration that the alien has applied for a social security account number, the verification period shall end 3 business days after the alien receives the social security account number.

''(C) CONFIRMATION.—If a person or entity receives confirmation of an individual's identity and employment authorization, the person or entity shall record such confirmation on the form designated by the Secretary for purposes of paragraph (1).

''(D) TENTATIVE NONCONFIRMATION.—

''(i) IN GENERAL.—In cases of tentative nonconfirmation, the Secretary shall provide, in consultation with the Commissioner, a process for—

''(I) an individual to contest the tentative nonconfirmation not later than 10 business days after the date of the receipt of the notice described in clause (ii); and

''(II) the Secretary to issue a confirmation or final nonconfirmation of an individual's identity and employment authorization not later than 30 calendar days after the Secretary receives notice from the individual contesting a tentative nonconfirmation.

''(ii) NOTICE.—If a person or entity receives a tentative nonconfirmation of an individual's identity or employment authorization, the person or entity shall, not later than 3 business days after receipt, notify such individual in writing in a language understood by the individual and on a form designated by the Secretary, that shall include a description of the individual's right to contest the tentative nonconfirmation. The person or entity shall attest, under penalty of perjury, that the person or entity provided (or attempted to provide) such notice to the individual, and the individual shall acknowledge receipt of such notice in a manner specified by the Secretary.

''(iii) NO CONTEST.—

''(I) IN GENERAL.—A tentative nonconfirmation shall become final if, upon receiving the notice described in clause (ii), the individual—

''(aa) refuses to acknowledge receipt of such notice;

''(bb) acknowledges in writing, in a manner specified by the Secretary, that the individual will not contest the tentative nonconfirmation; or

''(cc) fails to contest the tentative nonconfirmation within the 10-business-day period beginning on the date the individual received such notice.

''(II) RECORD OF NO CONTEST.—The person or entity shall indicate in the System that the individual did not contest the tentative nonconfirmation and shall specify the reason the tentative nonconfirmation became final under subclause (I).

''(III) EFFECT OF FAILURE TO CONTEST.—An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of any fact with respect to any violation of this Act or any other provision of law.

''(iv) CONTEST.—

''(I) IN GENERAL.—An individual may contest a tentative nonconfirmation by using the tentative nonconfirmation review process under clause (i), not later than 10 business days after receiving the notice described in clause (ii). Except as provided in clause (iii), the nonconfirmation shall remain tentative until a confirmation or final nonconfirmation is provided by the System.

''(II) PROHIBITION ON TERMINATION.—In no case shall a person or entity terminate employment or take any adverse employment action against an individual for failure to obtain confirmation of the individual's identity and employment authorization until the person or entity receives a notice of final nonconfirmation from the System. Nothing in this subclause shall prohibit an employer from terminating the employment of the individual for any other lawful reason.

''(III) CONFIRMATION OR FINAL NONCONFIRMATION.—The Secretary, in consultation with the Commissioner, shall issue notice of a confirmation or final nonconfirmation of the individual's identity and employment authorization not later than 30 calendar days after the date the Secretary receives notice from the individual contesting the tentative nonconfirmation.

''(E) FINAL NONCONFIRMATION.—

''(i) NOTICE.—If a person or entity receives a final nonconfirmation of an individual's identity or employment authorization, the person or entity shall, not later than 3 business days after receipt, notify such individual of the final nonconfirmation in writing, on a form designated by the Secretary, which shall include information regarding the individual's right to appeal the final nonconfirmation as provided under subparagraph (F). The person or entity shall attest, under penalty of perjury, that the person or entity provided (or attempted to provide) the notice to the individual, and the individual shall acknowledge receipt of such notice in a manner designated by the Secretary.

''(ii) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If a person or entity receives a final nonconfirmation regarding an individual, the person or entity may terminate employment of the individual. If the person or entity does not terminate such employment pending appeal of the final nonconfirmation, the person or entity shall notify the Secretary of such fact through the System. Failure to notify the Secretary in accordance with this clause shall be deemed a violation of section 274A(a)(1)(A).

''(iii) PRESUMPTION OF VIOLATION FOR CONTINUED EMPLOYMENT.—If a person or entity continues to employ an individual after receipt of a final nonconfirmation, there shall be a rebuttable presumption that the person or entity has violated paragraphs (1)(A) and (a)(2) of section 274A(a).

''(F) APPEAL OF FINAL NONCONFIRMATION.—

''(i) ADMINISTRATIVE APPEAL.—The Secretary, in consultation with the Commissioner, shall develop a process by which an individual may seek administrative review of a final nonconfirmation. Such process shall—

''(I) permit the individual to submit additional evidence establishing identity or employment authorization;

''(II) ensure prompt resolution of an appeal (but in no event shall there be a failure to respond to an appeal within 30 days); and

''(III) permit the Secretary to impose a civil money penalty (not to exceed $500) on an individual upon finding that an appeal was frivolous or filed for purposes of delay.

''(ii) COMPENSATION FOR LOST WAGES RESULTING FROM GOVERNMENT ERROR OR OMISSION.—

''(I) IN GENERAL.—If, upon consideration of an appeal of a final nonconfirmation, the Secretary determines that the final nonconfirmation was issued in error, the Secretary shall further determine whether the final nonconfirmation was the result of government error or omission. If the Secretary determines that the final nonconfirmation was solely the result of government error or omission and the individual was terminated from employment, the Secretary shall compensate the individual for lost wages.

''(II) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that were in effect prior to the individual's termination. The individual shall be compensated for lost wages beginning on the first scheduled work day after employment was terminated and ending 90 days after completion of the administrative review process described in this subparagraph or the day the individual is reinstated or obtains other employment, whichever occurs first.

''(III) LIMITATION ON COMPENSATION.—No compensation for lost wages shall be awarded for any period during which the individual was not authorized for employment in the United States.

''(IV) SOURCE OF FUNDS.—There is established in the general fund of the Treasury, a separate account which shall be known as the 'Electronic Verification Compensation Account'. Fees collected under subsections (f) and (g) shall be deposited in the Electronic Verification Compensation Account and shall remain available for purposes of providing compensation for lost wages under this subclause.

''(iii) JUDICIAL REVIEW.—Not later than 30 days after the dismissal of an appeal under this subparagraph, an individual may seek judicial review of such dismissal in the United States District Court in the jurisdiction in which the employer resides or conducts business.

''(5) RETENTION OF VERIFICATION RECORDS.—

''(A) IN GENERAL.—After completing the form designated by the Secretary in accordance with paragraphs (1) and (2), the person or entity shall retain the form in paper, microfiche, microfilm, electronic, or other format deemed acceptable by the Secretary, and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the verification is completed and ending on the later of—

''(i) the date that is 3 years after the date of hire; or

''(ii) the date that is 1 year after the date on which the individual's employment is terminated.

''(B) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, a person or entity may copy a document presented by an individual pursuant to this section and may retain the copy, but only for the purpose of complying with the requirements of this section.

''(c) REVERIFICATION OF PREVIOUSLY HIRED INDIVIDUALS.—

''(1) MANDATORY REVERIFICATION.—In the case of a person or entity that uses the System for the hiring, recruiting, or referring for a fee an individual for employment in the United States, the person or entity shall submit an inquiry using the System to verify the identity and employment authorization of—

''(A) an individual with a limited period of employment authorization, within 3 business days before the date on which such employment authorization expires; and

''(B) an individual, not later than 10 days after receiving a notification from the Secretary requiring the verification of such individual pursuant to subsection (a)(4)(C).

''(2) REVERIFICATION PROCEDURES.—The verification procedures under subsection (b) shall apply to reverifications under this subsection, except that employers shall—

''(A) use a form designated by the Secretary for purposes of this paragraph; and

''(B) retain the form in paper, microfiche, microfilm, electronic, or other format deemed acceptable by the Secretary, and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the reverification commences and ending on the later of—

''(i) the date that is 3 years after the date of reverification; or

''(ii) the date that is 1 year after the date on which the individual's employment is terminated.

''(3) LIMITATION ON REVERIFICATION.—Except as provided in paragraph (1), a person or entity may not otherwise reverify the identity and employment authorization of a current employee, including an employee continuing in employment.

''(d) GOOD FAITH COMPLIANCE.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, a person or entity that uses the System is considered to have complied with the requirements of this section notwithstanding a technical failure of the System, or other technical or procedural failure to meet such requirement if there was a good faith attempt to comply with the requirement.

''(2) EXCEPTION FOR FAILURE TO CORRECT AFTER NOTICE.—Paragraph (1) shall not apply if—

''(A) the failure is not de minimis;

''(B) the Secretary has provided notice to the person or entity of the failure, including an explanation as to why it is not de minimis;

''(C) the person or entity has been provided a period of not less than 30 days (beginning after the date of the notice) to correct the failure; and

''(D) the person or entity has not corrected the failure voluntarily within such period.

''(3) EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.—Paragraph (1) shall not apply to a person or entity that has engaged or is engaging in a pattern or practice of violations of paragraph (1)(A) or (2) of section 274A(a).

''(4) DEFENSE.—In the case of a person or entity that uses the System for the hiring, recruiting, or referring for a fee an individual for employment in the United States, the person or entity shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law, for any employment-related action taken with respect to an employee in good-faith reliance on information provided by the System. Such person or entity shall be deemed to have established compliance with its obligations under this section, absent a showing by the Secretary, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien.

''(e) LIMITATIONS.—

''(1) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

''(2) USE OF RECORDS.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this section for any purpose other than the verification of identity and employment authorization of an individual or to ensure the secure, appropriate, and non-discriminatory use of the System.

''(f) PENALTIES.—

''(1) IN GENERAL.—Except as provided in this subsection, the provisions of subsections (e) through (g) of section 274A shall apply with respect to compliance with the provisions of this section and penalties for non-compliance for persons or entitles that use the System.

''(2) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTIES FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—Notwithstanding the civil money penalties set forth in section 274A(e)(4), with respect to a violation of paragraph (1)(A) or (2) of section 274A(a) by a person or entity that has hired, recruited, or referred for a fee, an individual for employment in the United States, a cease and desist order—

''(A) shall require the person or entity to pay a civil penalty in an amount, subject to subsection (d), of—

''(i) not less than $2,500 and not more than $5,000 for each unauthorized alien with respect to whom a violation of either such subsection occurred;

''(ii) not less than $5,000 and not more than $10,000 for each such alien in the case of a person or entity previously subject to one order under this paragraph; or

''(iii) not less than $10,000 and not more than $25,000 for each such alien in the case of a person or entity previously subject to more than one order under this paragraph; and

''(B) may require the person or entity to take such other remedial action as appropriate.

''(3) ORDER FOR CIVIL MONEY PENALTY FOR VIOLATIONS.—With respect to a violation of section 274A(a)(1)(B), the order under this paragraph shall require the person or entity to pay a civil penalty in an amount, subject to paragraphs (4), (5), and (6), of not less than $1,000 and not more than $25,000 for each individual with respect to whom such violation occurred. Failure by a person or entity to utilize the System as required by law or providing information to the System that the person or entity knows or reasonably believes to be false, shall be treated as a violation of section 274A(a)(1)(A).

''(4) EXEMPTION FROM PENALTY FOR GOOD FAITH VIOLATION.—

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

''(B) GOOD FAITH EXEMPTION.—In the case of imposition of a civil penalty under paragraph (2)(A) with respect to a violation of paragraph (1)(A) or (2) of section 274A(a) for hiring or continuation of employment or recruitment or referral by a person or entity, and in the case of imposition of a civil penalty under paragraph (3) for a violation of section 274A(a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the person or entity establishes that the person or entity acted in good faith.

''(5) MITIGATION ELEMENTS.—For purposes of paragraphs (2)(A) and (3), when assessing the level of civil money penalties, in addition to the good faith of the person or entity being charged, due consideration shall be given to the size of the business, the seriousness of the violation, whether or not the individual was an unauthorized alien, and the history of previous violations.

''(6) CRIMINAL PENALTY.—Notwithstanding section 274A(f)(1) and the provisions of any other Federal law relating to fine levels, any person or entity that is required to comply with the provisions of this section and that engages in a pattern or practice of violations of paragraph (1) or (2) of section 274A(a), shall be fined not more than $5,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 18 months, or both.

''(7) ELECTRONIC VERIFICATION COMPENSATION ACCOUNT.—Civil money penalties collected under this subsection shall be deposited in the Electronic Verification Compensation Account for the purpose of compensating individuals for lost wages as a result of a final nonconfirmation issued by the System that was based on government error or omission, as set forth in subsection (b)(4)(F)(ii)(IV).

''(8) DEBARMENT.—

''(A) IN GENERAL.—If a person or entity is determined by the Secretary to be a repeat violator of paragraph (1)(A) or (2) of section 274A(a) or is convicted of a crime under section 274A, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

''(B) NO CONTRACT, GRANT, AGREEMENT.—If the Secretary or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such a person or entity does not hold a Federal contract, grant or cooperative agreement, the Secretary or Attorney General shall refer the matter to the Administrator of General Services to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

''(C) CONTRACT, GRANT, AGREEMENT.—If the Secretary or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such person or entity holds a Federal contract, grant, or cooperative agreement, the Secretary or Attorney General shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the person or entity of the Government's interest in having the person or entity considered for debarment, and after soliciting and considering the views of all such agencies and departments, the Secretary or Attorney General may refer the matter to the appropriate lead agency to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

''(D) REVIEW.—Any decision to debar a person or entity in accordance with this subsection shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.

''(9) PREEMPTION.—The provisions of this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, relating to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens, except that a State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the System as required under this section.

''(g) UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES AND THE SYSTEM.—

''(1) IN GENERAL.—In addition to the prohibitions on discrimination set forth in section 274B, it is an unfair immigration-related employment practice for a person or entity, in the course of utilizing the System—

''(A) to use the System for screening an applicant prior to the date of hire;

''(B) to terminate the employment of an individual or take any adverse employment action with respect to that individual due to a tentative nonconfirmation issued by the System;

''(C) to use the System to screen any individual for any purpose other than confirmation of identity and employment authorization as provided in this section;

''(D) to use the System to verify the identity and employment authorization of a current employee, including an employee continuing in employment, other than reverification authorized under subsection (c);

''(E) to use the System to discriminate based on national origin or citizenship status;

''(F) to willfully fail to provide an individual with any notice required under this title;

''(G) to require an individual to make an inquiry under the self-verification procedures described in subsection (a)(4)(B) or to provide the results of such an inquiry as a condition of employment, or hiring, recruiting, or referring; or

''(H) to terminate the employment of an individual or take any adverse employment action with respect to that individual based upon the need to verify the identity and employment authorization of the individual as required by subsection (b).

''(2) PREEMPLOYMENT SCREENING AND BACKGROUND CHECK.—Nothing in paragraph (1)(A) shall be construed to preclude a preemployment screening or background check that is required or permitted under any other provision of law.

''(3) CIVIL MONEY PENALTIES FOR DISCRIMINATORY CONDUCT.—Notwithstanding section 274B(g)(2)(B)(iv), the penalties that may be imposed by an administrative law judge with respect to a finding that a person or entity has

engaged in an unfair immigration-related employment practice described in paragraph (1) are—

''(A) not less than $1,000 and not more than $4,000 for each individual discriminated against;

''(B) in the case of a person or entity previously subject to a single order under this paragraph, not less than $4,000 and not more than $10,000 for each individual discriminated against; and

''(C) in the case of a person or entity previously subject to more than one order under this paragraph, not less than $6,000 and not more than $20,000 for each individual discriminated against.

''(4) ELECTRONIC VERIFICATION COMPENSATION ACCOUNT.—Civil money penalties collected under this subsection shall be deposited in the Electronic Verification Compensation Account for the purpose of compensating individuals for lost wages as a result of a final nonconfirmation issued by the System that was based on government error or omission, as set forth in subsection (b)(4)(F)(ii)(IV).

''(h) CLARIFICATION.—All rights and remedies provided under any Federal, State, or local law relating to workplace rights, including but not limited to back pay, are available to an employee despite—

''(1) the employee's status as an unauthorized alien during or after the period of employment; or

''(2) the employer's or employee's failure to comply with the requirements of this section.

''(i) DEFINITION.—In this section, the term 'date of hire' means the date on which employment for pay or other remuneration commences.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by inserting after the item relating to section 274D the following:

''Sec. 274E. Requirements for the electronic verification of employment eligibility.''.

SEC. 302. MANDATORY ELECTRONIC VERIFICATION FOR THE AGRICULTURAL INDUSTRY.

(a) IN GENERAL.—The requirements for the electronic verification of identity and employment authorization described in section 274E of the Immigration and Nationality Act, as inserted by section 301 of this Act, shall apply to a person or entity hiring, recruiting, or referring for a fee an individual for agricultural employment in the United States in accordance with the effective dates set forth in subsection (b).

(b) EFFECTIVE DATES.—

(1) HIRING.—Subsection (a) shall apply to a person or entity hiring an individual for agricultural employment in the United States as follows:

(A) With respect to employers having 500 or more employees in the United States on the date of the enactment of this Act, on the date that is 6 months after completion of the application period described in section 101(c).

(B) With respect to employers having 100 or more employees in the United States (but less than 500 such employees) on the date of the enactment of this Act, on the date that is 9 months after completion of the application period described in section 101(c).

(C) With respect to employers having 20 or more employees in the United States (but less than 100 such employees) on the date of the enactment of this Act, on the date that is 12 months after completion of the application period described in section 101(c).

(D) With respect to employers having 1 or more employees in the United States, (but less than 20 such employees) on the date of the enactment of this Act, on the date that is 15 months after completion of the application period described in section 101(c).

(2) RECRUITING AND REFERRING FOR A FEE.—Subsection (a) shall apply to a person or entity recruiting or referring for a fee an individual for agricultural employment in the United States on the date that is 12 months after completion of the application period described in section 101(c).

(3) TRANSITION RULE.—Except as required under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) (as in effect on the day before the effective date described in section 303(a)(4)), Executive Order 13465 (8 U.S.C. 1324a note; relating to Government procurement), or any State law requiring persons or entities to use the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) (as in effect on the day before the effective date described in section 303(a)(4)), sections 274A and 274B of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324b) shall apply to a person or entity hiring, recruiting, or referring an individual for employment in the United States until the applicable effective date under this subsection.

(4) E–VERIFY VOLUNTARY USERS AND OTHERS DESIRING EARLY COMPLIANCE.—Nothing in this subsection shall be construed to prohibit persons or entities, including persons or entities that have voluntarily elected to participate in the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) (as in effect on the day before the effective date described in section 303(a)(4)), from seeking early compliance on a voluntary basis.

(c) RURAL ACCESS TO ASSISTANCE FOR TENTATIVE NONCONFIRMATION REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall coordinate with the Secretary of Agriculture, in consultation with the Commissioner of Social Security, to create a process for individuals to seek assistance in contesting a tentative nonconfirmation as described in section 274E(b)(4)(D) of the Immigration and Nationality Act, as inserted by section 301 of this Act, at local offices or service centers of the U.S. Department of Agriculture.

(2) STAFFING AND RESOURCES.—The Secretary of Homeland Security and Secretary of Agriculture shall ensure that local offices and service centers of the U.S. Department of Agriculture are staffed appropriately and have the resources necessary to provide information and support to individuals seeking the assistance described in paragraph (1), including by facilitating communication between such individuals and the Department of Homeland Security or the Social Security Administration.

(3) CLARIFICATION.—Nothing in this subsection shall be construed to delegate authority or transfer responsibility for reviewing and resolving tentative nonconfirmations from the Secretary of Homeland Security and the Commissioner of Social Security to the Secretary of Agriculture.

(d) DOCUMENT ESTABLISHING EMPLOYMENT AUTHORIZATION AND IDENTITY.—In accordance with section 274E(b)(3)(A)(vii) of the Immigration and Nationality Act, as inserted by section 301 of this Act, and not later than 12 months after the completion of the application period described in section 101(c) of this Act, the Secretary of Homeland Security shall recognize documentary evidence of certified agricultural worker status described in section 102(a)(2) of this Act as valid proof of employment authorization and identity for purposes of section 274E(b)(3)(A) of the Immigration and Nationality Act, as inserted by section 301 of this Act.

(e) AGRICULTURAL EMPLOYMENT.—For purposes of this section, the term ''agricultural employment'' means agricultural labor or services, as defined by section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by this Act.

SEC. 303. COORDINATION WITH E–VERIFY PROGRAM.

(a) REPEAL.—

(1) IN GENERAL.—Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is repealed.

(2) CLERICAL AMENDMENT.—The table of sections, in section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is amended by striking the items relating to subtitle A of title IV.

(3) REFERENCES.—Any reference in any Federal, State, or local law, Executive order, rule, regulation, or delegation of authority, or any document of, or pertaining to, the Department of Homeland Security, Department of Justice, or the Social Security Administration, to the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), or to the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), is deemed to refer to the employment eligibility confirmation system established under section 274E of the Immigration and Nationality Act, as inserted by section 301 of this Act.

(4) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall take effect on the date that is 30 days after the date on which final rules are published under section 309(a).

(b) FORMER E–VERIFY MANDATORY USERS, INCLUDING FEDERAL CONTRACTORS.—Beginning on the effective date in subsection (a)(4), the Secretary of Homeland Security shall require employers required to participate in the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) by reason of any Federal, State, or local law, Executive order, rule, regulation, or delegation of authority, including employers required to participate in such program by reason of Federal acquisition laws (and regulations promulgated under those laws, including the Federal Acquisition Regulation), to comply with the requirements of section 274E of the Immigration and Nationality Act, as inserted by section 301 of this Act (and any additional requirements of such Federal acquisition laws and regulation) in lieu of any requirement to participate in the E–Verify Program.

(c) FORMER E–VERIFY VOLUNTARY USERS.—Beginning on the effective date in subsection (a)(4), the Secretary of Homeland Security shall provide for the voluntary compliance with the requirements of section 274E of the Immigration and Nationality Act, as inserted by section 301 of this Act, by employers voluntarily electing to participate in the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) before such date.

SEC. 304. FRAUD AND MISUSE OF DOCUMENTS.

Section 1546(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''identification document,'' and inserting ''identification document or document meant to establish employment authorization,'';

(2) in paragraph (2), by striking ''identification document'' and inserting ''identification document or document meant to establish employment authorization,''; and

(3) in the matter following paragraph (3) by inserting ''or section 274E(b)'' after ''section 274A(b)''.

SEC. 305. TECHNICAL AND CONFORMING AMENDMENTS.

(a) UNLAWFUL EMPLOYMENT OF ALIENS.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in paragraph (1)(B)(ii) of subsection (a), by striking ''subsection (b).'' and inserting ''section 274B.''; and

(2) in the matter preceding paragraph (1) of subsection (b), by striking ''The requirements referred'' and inserting ''Except as provided in section 274E, the requirements referred''.

(b) UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.—Section 274B(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(1)) is amended in the matter preceding subparagraph (A), by inserting ''including misuse of the verification system as described in section 274E(g)'' after ''referral for a fee,''.

SEC. 306. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for fiscal years beginning on or after October 1, 2019, the Commissioner and the Secretary shall ensure that an agreement is in place which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner with respect to employment eligibility verification, including under this title and the amendments made by this title, and including—

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

(B) responding to individuals who contest a tentative nonconfirmation or administratively appeal a final nonconfirmation provided with respect to employment eligibility verification;

(2) provide such funds annually in advance of the applicable quarter based on an estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Inspectors General of the Social Security Administration and the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2019, has not been reached as of October 1 of such fiscal year, the latest agreement described in such subsection shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system. In any case in which an interim agreement applies for any fiscal year under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal year. Until such time as the agreement required under subsection (a) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 307. REPORT ON THE IMPLEMENTATION OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.

Not later than 24 months after the date on which final rules are published under section 309(a), and annually thereafter, the Secretary shall submit to Congress a report that includes the following:

(1) An assessment of the accuracy rates of the responses of the electronic employment verification system established under section 274E of the Immigration and Nationality Act, as inserted by section 301 of this Act (referred to in this section as the ''System''), including tentative and final nonconfirmation notices issued to employment-authorized individuals and confirmation notices issued to individuals who are not employment-authorized.

(2) An assessment of any challenges faced by persons or entities (including small employers) in utilizing the System.

(3) An assessment of any challenges faced by employment-authorized individuals who are issued tentative or final nonconfirmation notices.

(4) An assessment of the incidence of unfair immigration-related employment practices, as described in section 274E(g) of the Immigration and Nationality Act, as inserted by section 301 of this Act, related to the use of the System.

(5) An assessment of the photo matching and other identity authentication tools, as described in section 274E(a)(4) of the Immigration and Nationality Act, as inserted by section 301 of this Act, including—

(A) an assessment of the accuracy rates of such tools;

(B) an assessment of the effectiveness of such tools at preventing identity fraud and other misuse of identifying information;

(C) an assessment of any challenges faced by persons, entities, or individuals utilizing such tools; and

(D) an assessment of operation and maintenance costs associated with such tools.

(6) A summary of the activities and findings of the U.S. Citizenship and Immigrations Services E–Verify Monitoring and Compliance Branch, or any successor office, including—

(A) the number, types and outcomes of audits, investigations, and other compliance activities initiated by the Branch in the previous year;

(B) the capacity of the Branch to detect and prevent violations of section 274E(g) of the Immigration and Nationality Act, as inserted by this Act; and

(C) an assessment of the degree to which persons and entities misuse the System, including—

(i) use of the System before an individual's date of hire;

(ii) failure to provide required notifications to individuals;

(iii) use of the System to interfere with or otherwise impede individuals' assertions of their rights under other laws; and

(iv) use of the System for unauthorized purposes; and

(7) An assessment of the impact of implementation of the System in the agricultural industry and the use of the verification system in agricultural industry hiring and business practices.

SEC. 308. MODERNIZING AND STREAMLINING THE EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

Not later than 12 months after the date of the enactment of this Act, the Secretary, in consultation with the Commissioner, shall submit to Congress a plan to modernize and streamline the employment eligibility verification process that shall include—

(1) procedures to allow persons and entities to verify the identity and employment authorization of newly hired individuals where the in-person, physical examination of identity and employment authorization documents is not practicable;

(2) a proposal to create a simplified employment verification process that allows employers that utilize the employment eligibility verification system established under section 274E of the Immigration and Nationality Act, as inserted by section 301 of this Act, to verify the identity and employment authorization of individuals without also having to complete and retain Form I–9, Employment Eligibility Verification, or any subsequent replacement form; and

(3) any other proposal that the Secretary determines would simplify the employment eligibility verification process without compromising the integrity or security of the system.

SEC. 309. RULEMAKING AND PAPERWORK REDUCTION ACT.

(a) IN GENERAL.—Not later than 180 days prior to the end of the application period defined in section 101(c) of this Act, the Secretary shall publish in the Federal Register proposed rules implementing this title and the amendments made by this title. The Secretary shall finalize such rules not later than 180 days after the date of publication.

(b) PAPERWORK REDUCTION ACT.—

(1) IN GENERAL.—The requirements under chapter 35 of title 44, United States Code, (commonly known as the ''Paperwork Reduction Act'') shall apply to any action to implement this title or the amendments made by this title.

(2) ELECTRONIC FORMS.—All forms designated or established by the Secretary that are necessary to implement this title and the amendments made by this title shall be made available in paper and electronic formats, and shall be designed in such a manner to facilitate electronic completion, storage, and transmittal.

(3) LIMITATION ON USE OF FORMS.—All forms designated or established by the Secretary that are necessary to implement this title, and the amendments made by this title, and any information contained in or appended to such forms, may not be used for purposes other than for enforcement of this Act and any other provision of Federal criminal law.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentleman from New York (Mr. NADLER) and the gentleman from Colorado (Mr. BUCK) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 5038.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, H.R. 5038, the Farm Workforce Modernization Act, is vital legislation that will address an issue of critical national importance: the growing labor challenges damaging the American agricultural sector.

Solving this issue is crucial not only from an economic standpoint, but, also, it is a matter of national security. The less we grow our own food, the more dependent we become on food imports and the more vulnerable we become to food contamination, epidemics, fluctuating market prices, and increased national debt.

Today, food imports account for approximately 32 percent of the fresh vegetables and 55 percent of the fresh fruit that we consume.

□ 1445

Systemic labor challenges are one of the main reasons for this increase in agricultural imports.

The United States has seen a continuing decline in the number of family farmworkers and fewer U.S. workers

are turning to farm work as their chosen pursuit. As a result, most of today's hired farm laborers are foreign-born.

Unfortunately, our immigration laws have not been updated to reflect the needs of our 21st century economy. Due in large part to these outdated laws, undocumented workers now comprise about half of the farm workforce, but they are living and working in a state of uncertainty and fear, which contributes to the destabilization of farms across the Nation.

H.R. 5038 addresses these challenges head-on. The bill provides temporary status to current farmworkers with an optional path to a green card for those who continue to work in agriculture. The bill also addresses the Nation's future labor needs by modernizing the H–2A temporary visa program while ensuring fair wages and workplace conditions for all farmworkers.

We have seen many attempts to solve this issue through legislation while I have been in Congress. I am pleased that today, we finally have a bipartisan, balanced solution, one that we should all be able to support.

This bill is a victory for farmers who have struggled with persistent labor challenges for decades. It is also a victory for farmworkers, who have worked tirelessly to grow and harvest food for our Nation without proper labor protections or any guarantee that they can remain in this country. No acceptable solution can fail to deal with this reality.

That is why H.R. 5038 is the right solution. I hope my colleagues will find the courage to vote today in favor of providing a seat at America's table for those who are responsible for providing the food that we serve on all our tables.

I thank the gentlewoman from California (Ms. LOFGREN), my friend and colleague, and the chair of the Immigration Subcommittee, for her leadership and steadfast commitment to the bipartisan process that led to today's vote on the Farm Workforce Modernization Act, and I urge all of my colleagues to do what is right and to support this bill.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, December 9, 2019.

Hon. JERROLD NADLER,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN NADLER: In recognition of the desire to expedite consideration of H.R. 5038, the ''Farm Workforce Modernization Act of 2019,'' the Committee on Ways and Means agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on Ways and Means.

The Committee on Ways and Means takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

Finally, I would appreciate your response to this letter confirming this understanding and would ask that a copy of our exchange of letter on this matter be included in the Congressional Record during floor consideration of H.R. 5038.

Sincerely,

RICHARD E. NEAL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 10, 2019.

Hon. RICHARD NEAL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN NEAL: I am writing to acknowledge your letter dated December 9, 2019 responding to our request to your Committee that it waive any jurisdictional claims over the matters contained in H.R. 5038, the ''Farm Workforce Modernization Act of 2019,'' that fall within your Committee's Rule X jurisdiction. The Committee on the Judiciary confirms our mutual understanding that your Committee does not waive any jurisdiction over the subject matter contained in this or similar legislation, and your Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within your Committee's jurisdiction.

I will ensure that this exchange of letters is included in the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

JERROLD NADLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, December 9, 2019.

Hon. JERROLD NADLER,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 5038, the ''Farm Workforce Modernization Act of 2019.'' After reviewing the provisions in H.R. 5038 that fall within the Committee's jurisdiction, I agree to forgo formal consideration of the bill so that it may proceed expeditiously to the House Floor.

The Committee on Financial Services takes this action to forego formal consideration of H.R. 5038 with our mutual understanding that, by foregoing formal consideration of H.R. 5038 at this time, the Committee does not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this, or similar, legislation moves forward. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this, or similar, legislation and request your support for any such request.

I would appreciate your response to this letter confirming this understanding, and, I would also ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration of H.R. 5038.

Sincerely,

MAXINE WATERS,
Chairwoman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 10, 2019.

Hon. MAXINE WATERS,
Chairwoman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN WATERS: I am writing to acknowledge your letter dated December 9, 2019 responding to our request to your Committee that it waive any jurisdictional claims over the matters contained in H.R. 5038, the ''Farm Workforce Modernization Act of 2019,'' that fall within your Committee's Rule X jurisdiction. The Committee on the Judiciary confirms our mutual understanding that your Committee does not waive any jurisdiction over the subject matter contained in this or similar legislation, and your Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within your Committee's jurisdiction.

I will ensure that this exchange of letters is included in the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

JERROLD NADLER,
Chairman.

Mr. NADLER. Mr. Speaker, I ask for unanimous consent that the gentlewoman from California (Ms. LOFGREN) control the remainder of the time on the majority side.

The SPEAKER pro tempore (Mr. COSTA). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BUCK. Mr. Speaker, I yield myself such time as I may consume.

I rise to discuss the Farm Workforce Modernization Act this afternoon.

As I said during last month's Committee on the Judiciary markup, this is an issue that is of great importance to me and to my district in eastern Colorado. Colorado is home to one of the largest agricultural economies in the country. I like to remind my colleagues, we have some of the best melons in the world in southeast Colorado, and no one bypasses a good Colorado steak, but to get this food to the table, our farmers and ranchers need help.

I have heard countless times how our farmers struggle to find reliable workers to plant and harvest crops. As we said during our committee markup, my Republican colleagues and I are committed to crafting a solution that ensures our Nation's agricultural employers have a stable labor supply.

I appreciate my friends' work to solve a clear problem, especially Chairperson LOFGREN, Representative NEWHOUSE, Representative PANETTA, Representative LAMALFA, and many other Members. I appreciate their efforts to craft a solution that gives our agricultural employers the labor, supply, and resources they need to keep America the world's breadbasket. But this bill before us today is not the answer.

My colleagues will tell you how they have taken our concerns to heart and

have worked to make the bill better, but this bill is still the same fundamentally flawed bill that came before us in the Committee on the Judiciary a few weeks ago. What is worse is that House leadership put this bill on the floor under a closed rule without an amendment process. There are a number of problems with the bill that a rigorous debate and thoughtful amendments could address, but that will not be happening today.

Most notably, we don't have the slightest idea of how many individuals this bill will put on a pathway to citizenship. And while I would like to think that all of our agricultural workers are trustworthy, good people, we don't have any way to verify that before granting certified agricultural work status.

The chairperson will assert that aliens seeking status under the bill will need to have a clean record in order to be put on a pathway to citizenship, but this simply is not true. H.R. 5038 allows an illegal alien to receive certified agricultural worker status and get on a pathway to citizenship even if they have been convicted of two crimes involving moral turpitude, controlled substance violations, or if they were involved in prostitution or trafficking. The bill also permits an individual to receive status after being convicted of two misdemeanors with a third conviction pending.

We saw the Democrats vote down an amendment from Representative CHABOT that would have made an alien ineligible for amnesty if they are charged with two DUI's or one DUI with an injury. You can't tell me that you are serious about ensuring only people with clean records take advantage of this system if you reject amendments that bar criminals from taking advantage of our system.

Additionally, H.R. 5038 allows individuals to apply for legal status and a work permit, which is not limited to agricultural industries, with little more than an affidavit claiming that the individual worked unlawfully in this country for 1,035 hours or 180 workdays over the past 2 years. This means applicants will have worked less than 6 hours per day for less than 4 months over a 2-year period.

I appreciate that my colleagues heard my concerns and changed the overall standard for petitioning to a higher standard preponderance of evidence; however, the underlying provisions haven't changed. The bill still allows an individual petitioning for status to meet that preponderance burden by providing documents, including their own affidavit of work history as long as those documents meet a just and reasonable inference standard.

Let me remind everyone here that existing case law finds that just and reasonable inference standard essentially requires adjudicators to accept a petition based on nothing more than an individual's word. This is the same evidentiary standard unsuccessfully used in the 1986 special agricultural worker legalization bill, which led to widespread fraud, and even amnesty, for one of the World Trade Center bombers. He wasn't an agricultural worker at all, but a taxi driver in New York City.

Unfortunately, while I appreciate the chairperson's effort to work with me here, this change won't solve these problems. My friends on the other side of the aisle also rejected Representative ARMSTRONG's amendment that would specify that certified agricultural workers would only be eligible to work in agriculture. While the individual may receive status as an agricultural worker, there is no guarantee that they won't immediately find a job in another industry as soon as possible.

Additionally, the bill does nothing to stop potential Social Security fraud. Individuals who have been fraudulently using a valid Social Security number, sometimes for many years, to obtain a work status and benefits, will get off without even so much as a slap on the wrist.

Furthermore, this bill fails our adjudicators at USCIS by preventing them from accessing the most comprehensive background check databases when determining whether an applicant for certified agricultural worker status poses a public safety risk. We need to ensure our investigators have all the information they need to ensure that we are not allowing felons and violent individuals to remain in the country.

The bill also provides a handout to the trial attorneys and presents an increased risk of litigation for agricultural employers by giving H–2A workers a Federal private right of action. This provision ignores the current H–2A program's existing administrative process to address employment claims and fails to provide employers the opportunity to cure violations before a suit may go forward. This is fundamentally unfair to the hardworking farmers, growers, and ranchers who care about their employees.

I ask my colleagues: Would you prefer having the problem fixed or you just want to give trial attorneys another opportunity to sue?

Finally, the bill fails to achieve the desired results on a number of provisions that have the potential to truly help our agricultural employers. The authors promised to streamline the application process, address wage problems, and provide year-round industries a lasting labor solution. The bill streamlines data entry for H–2A applications but does nothing to encourage concurrent agency review of H–2A applications. This essentially speeds up data entry but keeps the adjudication process exactly the same.

I appreciate that my colleagues codified H–2A procedures and included a pool of 20,000 visas for year-round industries, including dairy farmers and sheep and goat herders, but this falls far short of industry's needs and fails to fix the problematic version of existing law.

Once again, I am glad that my colleagues are trying to solve this problem. I truly want to support the farmers, growers, dairymen, and ranchers in my district and throughout the country. We need to find a solution that ensures our agricultural employers have a reliable labor pool. My colleagues and I want to strike an Ag labor agreement; unfortunately, this bill is fatally flawed, and I must oppose it in its current form.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in strong support of this bill today. I am proud of the bipartisan work that was done to get us to this point. Representatives NEWHOUSE, SIMPSON, LAMALFA, DIAZ-BALART, UPTON—so many others on the Republican side—here: PANETTA, PETERSON, CARBAJAL, COX, HARDER, CORREA, COSTA, ESCOBAR—I better stop because there are more people who toiled on this legislation for almost a year.

Now, it is not always easy to find common ground even when you have a common goal, but if you listen to each other, if you work hard, you can get it done. We have been several decades in failing to accomplish anything in this arena. This is a chance to solve a problem for America that needs a solution.

It is the product of bipartisan negotiation, and I will say, also amongst stakeholders. We have the United Farm Workers Union meeting and discussing points of concern with growers and farmers all across the United States.

You know, I grew up in a union household, and I was taught to respect collective bargaining. And when it comes to wages, hours, and working conditions, the union and all those employers had a robust discussion, and our bipartisan group decided to respect the work that they put into it.

This bill is a compromise. It is not exactly what I would have written, but it does stabilize the workforce. We have farmworkers who have been here for a very long time without their papers, living in fear, and in some cases, being arrested and deported. We need to allow them to get an agricultural worker visa that is temporary and renewable so they can do the work we need them to do and that their employers need them to do.

We also need to stabilize the H–2A program, which this bill does. It simplifies and it also stabilizes wages. It is a good solution and one of the things we have always said—those of us who think the immigration laws ought to be reformed—is when you have a workable system, you ought to be willing to enforce that system.

And so what we have in this bill is when these agricultural reforms are implemented, we will institute the E-Verify program on the agricultural sector. And I think that is the right thing to do.

Now, the ranking member of the subcommittee has raised a couple of

issues, and I want to deal with them just briefly. You know, we have robust protections against criminality in this bill. And I would like to note, that the bars that we have put into this bill are substantially more than was in the bill proposed by Representative Goodlatte that most Republicans voted for in the last Congress. He didn't have anything additional. We do. We have security bars; we have criminal bars that are additional.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. LOFGREN. Mr. Speaker, I yield myself an additional 15 seconds.

Mr. Speaker, any felony conviction, any aggravated felony conviction, more than two misdemeanors of any kind, we have the ability in the Department of Homeland Security to simply deny the visa if there is any concern about the conduct of the applicant.

Mr. Speaker, this is a good bill. We should support it, and I reserve the balance of my time.

Mr. BUCK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCCLINTOCK), my friend.

Mr. MCCLINTOCK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, history warns us that nations which either cannot or will not secure their borders simply aren't around very long. And if we will not enforce our immigration laws, our borders mean nothing. America ceases to become a unique nation and simply becomes a vast international territory between Canada and Mexico.

Now, I understand agriculture's need for labor, especially in so tight a labor market as our blossoming Trump economy has created. Years ago, the Bracero program provided a means for seasonal laborers to come to America, be protected under our laws, and provided with a powerful incentive to return in the form of a significant financial deposit when the season ended, but that program can only work when our immigration laws are being uniformly enforced.

Instead, this bill ignores enforcement and rewards anyone who has illegally crossed our borders, both with amnesty and a special path to citizenship, as long as they claim to have worked part-time in the agriculture sector for the last 2 years.

□ 1500

It then rewards them with a pathway to citizenship, allowing them to cut in line in front of every legal immigrant who has obeyed our laws, waited patiently in line, and done everything our country has asked.

As a practical matter, we can expect claimants will have very little or even no scrutiny to the veracity of their claims. We can expect that, once achieving amnesty, they will then leave the fields for higher-paid employment in direct competition with American workers. And we can expect a new wave of illegal immigrants coming here to take their places with the full expectation that they too will ultimately be rewarded with amnesty and citizenship.

There is a much better way to resolve this issue. Secure our borders, uniformly enforce our immigration laws, and provide foreign seasonal labor with the opportunity to work and the incentive to return to their countries when that work is done. And if they wish to become American citizens, we ask that they follow the law, as millions of legal immigrants have done throughout our history.

Ms. LOFGREN. Mr. Speaker, I would just note that we write the laws, and we get to decide who can come and who can't come, and that is what this bill does.

I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE), a member of the Judiciary Committee.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentlewoman for her leadership. And having been the ranking member of the Immigration and Citizenship Subcommittee over the years, I understand the momentous task and the excellent work that has been done.

This bill does what Republicans have always asked: For immigrants to work, for people to seek status; it provides status to hardworking agricultural workers. It provides them a certified agricultural worker status.

They undergo background checks and pass strict criminal and national security bars. They have the opportunity to access the line to citizenship. They don't get in front of others. They are protected from reckless deportation.

The industry is protected, the farm industry, the production of food is protected.

I am delighted that my amendment regarding temporary protected status that impacts Hondurans, Haitians, and others—and also, as I attempt to work on TPS for our Guatemalan friends, this bill ensures the fair way to deal with farmworkers.

It stops the outrage of deportation. It stops the outrage of threat, and it does what Cesar Chavez says, that we cannot have achievement and forget our progress and prosperity for our community. It honors their work.

I ask my colleagues to support H.R. 5038.

Mr. Speaker, I rise in strong support of H.R. 5038, the Agricultural Worker Program Act.

This legislation will stabilize the agricultural sector and preserve our rural heritage by ensuring that farmers can meet their labor needs well into the future.

First, the bill establishes a program for agricultural workers in the United States (and their spouses and minor children) to earn legal status through continued agricultural employment.

Specifically, the bill creates a process for farm workers to seek Certified Agricultural Worker status—a temporary status for those who have worked at least 180 days in agriculture over the prior 2-year period.

Certified Agricultural Worker status can be renewed indefinitely with continued farm work (at least 100 days per year).

Applicants must undergo background checks and pass strict criminal and national security bars.

Dependent status is available for spouses and minor children.

The bill does not require workers to do or apply for anything else in order to stay and work in the United States.

But long-term workers who want to stay have the option of earning a path to lawful permanent residence by paying a $1,000 fine and engaging additional agricultural work, as follows:

Workers with 10 years of agricultural work prior to the date of enactment must complete 4 additional years of such work.

Workers with less than 10 years of agricultural work prior to the date of enactment must complete 8 additional years of such work.

The Farmworkers movement in this country was started and led by a great leader, Cesar Chavez who said, "We cannot seek achievement for ourselves and forget about progress and prosperity for our community. Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own."

The Texas Farm Workers Union ("TFWU") was established by Antonio Orendain and farmworker leaders of the Rio Grande Valley active with the United Farm Workers after a disagreement with UFW leadership over direction of a melon strike in south McAllen, TX in 1975.

In August 1975, nearly ten years after he began organizing farm workers for the United Farm Workers in the Rio Grande Valley of South Texas.

Orendain worked for Cesar Chavez in the Chicago UFW national grape and lettuce boycott office.

Farmworkers undertake some of the toughest jobs in America.

They have earned the opportunity to build their lives without the fear of being uprooted from their families and their communities.

The bipartisan Farm Workforce Modernization Act empowers the economic and physical well-being of immigrant families while providing much-needed labor security for our nation's farms.

The agricultural industry relies on the labor of 2.4 million farmworkers—about half of whom are undocumented.

This bill would protect thousands of families from deportation.

With over 60 Democratic and Republican cosponsors, the bill has garnered significant bipartisan support.

This is a big step in making our immigration system more humane and more efficient.

I know the farming and agricultural communities in the state of Texas farm and my district borders communities that farm.

What we are doing here is the right thing and attempting to reinforce the breadbasket that the United States happens to be to the world.

I have heard the clamoring of farm workers for a very long time but I have also heard the need for fairness and the improvement of conditions that they are working in with adequate compensation.

This bill regularizes people who want to be regularized and who want to contribute to helping the agricultural industry in this great nation.

My amendment which I believe is a positive addition to this legislation, to ensure that individuals with Temporary Protected Status

(TPS) & Deferred Enforced Departure (DED) who are farmworkers are eligible to qualify for Certified Agricultural Worker status, and the path to legalization and citizenship that is created by the bill.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 5038 OFFERED BY MS. JACKSON LEE OF TEXAS

Page 3, strike lines 19 through 21 and insert the following:

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

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

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

I would like to thank Congresswoman LOFGREN and her team for working with our office to insure that this would be a positive way of making the point that individuals who are around farming areas can continue to do great work.

I would like to thank the organizations involved in the assisting in crafting this amendment, the United Farm Workers, UFW Foundation and Farmworker Justice.

My amendment, and this bill, are about doing the right thing. One important goal of this legislation is to recognize the contributions of farmworkers to our nation's agricultural success.

Individuals with TPS, from Haitian workers in Florida to Honduran workers in California, and those with DED, including UFW members in Washington, are a key part of our nation's farmworkers.

We must afford those individuals with TPS and DED the same opportunity to earn a more secure temporary status and lawful permanent residency as will be given to many of our nation's other farmworkers.

Many of these individuals have been living in the U.S. for years and have U.S. citizen children.

All they wanted to do was to get a pathway to citizenship in a myriad of directions but in particular, to do it legally.

Ensuring that farmworkers who have TPS and DED are eligible to participate in the Farm Workforce Modernization Act's legalization program is important to provide needed stability to this workforce.

Moreover, it necessary to further the legislation's intent to stabilize the current agricultural labor supply and to ensure that farmworkers are able to join more fully the society that they are helping to feed.

I would like to thank the Judiciary Committee, my colleagues, both Republican and Democrat, and in particular, Chairman NADLER and Ms. LOFGREN, who emphasized a very important point that this has been a year of working together.

I am reminded of our tenure here on the Judiciary Committee and I think we have attempted to be fair and bipartisan on immigration reform for at least 2 decades.

I am also reminded of the legislation that came from the Senate, led by the late Senator John McCain that was a bipartisan bill that attempted to respond to the issues of undocumented persons.

UNITED FARM WORKERS SUPPORT FOR THE FARM WORKFORCE MODERNIZATION ACT (H.R. 5038—LOFGREN)

The United Farm Workers of America supports the bipartisan Farm Workforce Modernization Act (H.R. 5038). We were proud to join the bipartisan group of members of Congress and the major grower associations to develop and support H.R. 5038. It is cruelly ironic that the people who feed the United States live in a deep, all-encompassing fear that they themselves cannot provide food for their families. The human cost and stress for farm workers and their families as they live in fear of deportation and harassment due to our broken immigration system threatens our nation's food supply and is a source of great shame for our nation. The compromise legislation authored by Representatives LOFGREN, cosponsored by a bipartisan, diverse group of over 50 members of the House, and endorsed by the Congressional Hispanic Caucus will go a long way towards improving the lives of farm workers today and in the future, and our broken immigration system.

We support H.R. 5038 for a simple reason—it will make the lives of all farm workers better. H.R. 5038 meets the following basic principles:

1. Equality of Treatment—the new agricultural visa program will allow farm workers and their families to have the same rights and protections as current U.S. farm workers.

2. No Discrimination—the program does not create major incentives to discriminate against U.S. workers (including newly legalized workers).

3. Fairness in pay—the pay rates protect U.S. workers and supports predictable pay increases.

4. Eligibility to earn permanent residence—no one that works to feed our country should be condemned to permanent second class status. H.R. 5038 changes our current immoral system.

You have the ability to pass H.R. 5038. If H.R. 5038 becomes law, agricultural workers will have stability for themselves, and their families and the agricultural industry. Please vote YES on H.R. 5038.

Mr. BUCK. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. NEWHOUSE).

Mr. NEWHOUSE. Mr. Speaker, I want to thank my good friend from Colorado for yielding me time.

Mr. Speaker, if you talk to any farmer in this country, one of the biggest issues that they will raise and something they are concerned with, is their labor force, a secure and legal labor force. And that is what brought together a bipartisan group of Members of Congress, representatives from agricultural groups around the country, as well as agricultural labor groups around the country, to come up with a bill to deal with the labor situation that we have in this country, to provide a certain legal labor force; something that is simple in saying that, but very, very complex in order to get to the solution.

So this has three titles. Number one deals with the current workforce. We have come up with something that the President has asked for, a merit-based system to provide legality to our current workforce that requires a history of ag labor; it requires fines because people broke the law to get here; and it requires people to stay engaged in the agricultural industry.

Title two simply is to reform the H–2A program, something that we desperately need. It makes it more responsive, more efficient. It will cap the ever-skyrocketing wage growth in this country of the AEWR to 3.25 percent per year. Some States next year are facing a 9½ percent increase.

On top of that, it will allow full-time employers, like dairies, to be able to take advantage and utilize the H–2A program.

And third, it will require a phase-in of the E-Verify system, something that Republicans have wanted for a long time, and something that I think will remove an incentive for people to illegally cross the border and will do a lot to improve the security of our country.

This bill provides certainty for farmers and farmworkers.

Mr. Speaker, I include in the RECORD some letters of support from the National Association of Counties, the Chamber of Commerce of the United States of America, the Americans for Prosperity, the National Association of State Departments of Agriculture, the Committee on Migration, and included in a letter to leadership, a list of over 300 agricultural organizations across this great country in support of this legislation.

NOVEMBER 18, 2019.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER MCCARTHY: The undersigned groups, representing a broad cross-section of agriculture and its allies, urge you to advance the Farm Workforce Modernization Act (H.R. 5038) through the House to address the labor crisis facing American agriculture. A stable, legal workforce is needed to ensure farmers and ranchers have the ability to continue producing an abundant, safe, and affordable food supply.

The effects of agriculture's critical shortage of labor reach far beyond the farm gate, negatively impacting our economic competitiveness, local economies, and jobs. Economists have found that every farm worker engaged in high-value, labor-intensive crop and livestock production sustains two to three off-farm jobs. As foreign producers take advantage of our labor shortage and gain market share, America will export not only our food production but also thousands of these farm-dependent jobs. Securing a reliable and skilled workforce is essential, not only for the agricultural industry but for the U.S. economy as a whole.

The House must pass legislation that preserves agriculture's experienced workforce by allowing current farm workers to earn legal status. For future needs, legislation must include an agricultural worker visa program that provides access to a legal and reliable workforce moving forward. This visa program needs to be more accessible, predictable, and flexible to meet the needs of producers, including those with year-round labor needs, such as dairy and livestock which currently do not have meaningful access to any program.

While the bill does include a few provisions that raise significant concerns for the agricultural community, we are committed to working together throughout the legislative process to fully address these issues. It is vital to move the Farm Workforce Modernization Act (H.R. 5038) through the House as a significant step in working to meet the

labor needs of agriculture, both now and in the future.

Sincerely,

African-American Farmers of California; AgCountry Farm Credit Services; AgriBank FCB; Agribusiness Henderson County (AgHC); Agricultural Council of California; Agri-Mark, Inc.; Alabama Farmers Cooperative; Alabama Nursery & Landscape Association; Almond Alliance of California; Amalgamated Sugar Company LLC; American AgCredit; American Agri-Women; American Beekeeping Federation; American Mushroom Institute; American Pistachio Growers; American Seed Trade Association; AmericanHort; Arizona Cattle Feeders' Association; Arizona Landscape Contractors Association; Arizona Nursery Association.

Arkansas Rice Growers Association; Associated Milk Producers Inc.; Association of Virginia Potato and Vegetable Growers; Aurora Organic Dairy; AZ Farm & Ranch Group; Battlefield Farms, Inc.; Bipartisan Policy Center Action; Bongards' Creameries; Butte County Farm Bureau; California Ag Irrigation Association; California Alfalfa and Forage Association; California Apple Commission; California Avocado Commission; California Bean Shippers Association; California Blueberry Commission; California Canning Peach Association; California Cherry Growers and Industry Association; California Citrus Mutual; California Dairies, Inc.; California Farm Bureau Federation.

California Fig Advisory Board; California Fresh Fruit Association; California Grain and Feed Association; California League of Food Producers; California Pear Growers; California Prune Board; California Seed Association; California State Beekeepers Association; California State Floral Association; California Sweet Potato Council; California Tomato Growers Association; California Walnut Commission; California Warehouse Association; California Wheat Growers Association; California Women for Agriculture; Cayuga Milk Ingredients; Central Valley Ag; Cherry Marketing Institute; Chobani; Clif Bar & Company.

CoBank; Colorado Dairy Farmers; Colorado Nursery & Greenhouse Association; Colorado Potato Legislative Association; Compeer Financial; Cooperative Milk Producers Association; Cooperative Network; Dairy Farmers of America, Inc.; Dairy Producers of New Mexico; Dairy Producers of Utah; Del Mar Food Products, Corp.; Driscoll's; Edge Dairy Farmer Cooperative; Ellsworth Cooperative Creamery; Empire State Potato Growers; Far West Agribusiness Association; Farm Credit East; Farm Credit Illinois; Farm Credit Services of America; Farm Credit West; FarmFirst Dairy Cooperative.

First District Association; Florida AgriWomen; Florida Blueberry Growers Association; Florida Citrus Mutual; Florida Fruit & Vegetable Association; Florida Nursery, Growers, and Landscape Association; Florida Strawberry Growers Association; Florida Tomato Exchange; Food Northwest; Food Producers of Idaho; Foremost Farms USA; Fresno County Farm Bureau; Frontier Farm Credit; Fruit Growers Marketing Association; Fruit Growers Supply; Georgia Green Industry Association; Glanbia Nutritionals; Grapeman Farms; GreenStone Farm Credit Services; Grower-Shipper Association of Central California.

GROWMARK; Gulf Citrus Growers Association; Hop Growers of Washington; Idaho Alfalfa & Clover Seed Commission; Idaho Alfalfa & Clover Seed Growers Association; Idaho Apple Commission; Idaho Association of Commerce and Industry; Idaho Association of Highway Districts; Idaho Association of Soil Conservation Districts; Idaho Bankers Association; Idaho Cattleman's Association; Idaho Chamber Alliance; Idaho Dairymen's Association; Idaho Eastern Oregon Seed Association; Idaho Grain Producers Association; Idaho Grower Shipper Association; Idaho Hop Growers; Idaho Milk Products; Idaho Mint Growers Association; Idaho Noxious Weed Control Association.

Idaho Nursery & Landscape Association; Idaho Onion Growers Association; Idaho Potato Commission; Idaho State Grange; Idaho Sugarbeet Growers Association; Idaho Water Users Association; Idaho Wool Growers; Idahoan Foods LLC; Idaho-Oregon Fruit and Vegetable Association; Illinois Green Industry Association; International Dairy Food Association; Iowa Institute for Cooperatives; Iowa State Dairy Association; J.R. Simplot Company; Kansas Cooperative Council; Kansas Dairy Association; Kanza Cooperative Associaton; Kings County Farm Bureau; Land O'Lakes, Inc.; Lone Star Milk Producers.

Madera County Farm Bureau; Maine Landscape and Nursery Association; Maine Potato Board; Maryland & Virginia Milk Producers Cooperative Association; Maryland Nursery, Landscape, & Greenhouse Association; Massachusetts Nursery and Landscape Association, Inc.; MBG Marketing; Mendocino County Farm Bureau; Merced County Farm Bureau; Michigan Agri-Business Association; Michigan Apple Association; Michigan Asparagus Advisory Board; Michigan Bean Shippers; Michigan Cider Association; Michigan Greenhouse Grower Council; Michigan Milk Producers Association; Michigan Nursery & Landscape Association; Michigan State Horticultural Society; Midwest Dairy Coalition; Mid-West Dairymen's Company; Milk Producers Council.

Milk Producers of Idaho; Minnesota Area II Potato Council; Minnesota Milk Producers Association; Minnesota Nursery & Landscape Association; Missouri Rice Research and Merchandising Council; Montana Nursery & Landscape Association; Monterey County (CA) Farm Bureau; Mount Joy Farmers Cooperative Association; Napa County Farm Bureau; National All-Jersey; National Association of Produce Market Managers; National Council of Agricultural Employers; National Council of Farmer Cooperatives; National Farmers Union; National Grange; National Immigration Forum; National Milk Producers Federation; National Onion Association; National Potato Council; National Watermelon Association; Nebraska State Dairy Association.

New American Economy; New England Apple Council; New England Farmers Union; New York Apple Association; New York Farm Bureau Federation; New York State Berry Growers Association; New York State Flower Industries; New York State Vegetable Growers Association; Nezperce Prairie Grass Growers Association; Nisei Farmers League; North American Blueberry Council; North Carolina Nursery & Landscape Association; North Carolina Potato Association; Northeast Dairy Farmers Cooperatives; Northeast Dairy Foods Association, Inc.; Northeast Dairy Producers Association; Northern Plains Potato Growers Association; Northern Virginia Nursery & Landscape Association; Northwest Ag Co-op Council; Northwest Dairy Association/Darigold; Northwest Farm Credit Services; Northwest Horticultural Council.

Ohio Apple Marketing Program; Ohio Dairy Producers Association; Ohio Nursery & Landscape Association; Olive Growers Council of California; Oneida-Madison Milk Producers Cooperative Association; Orange County Farm Bureau; Oregon Association of Nurseries; Oregon Dairy Farmers Association; Oregon Potato Commission; Pacific Coast Producers; Pacific Egg and Poultry Association; Pacific Seed Association; Pennsylvania Co-operative Potato Growers; Pennsylvania Landscape & Nursery Association; Plant California Alliance; POM Wonderful; Porterville Citrus; Potato Growers of America; Potato Growers of Idaho; Potato Growers of Michigan; Prairie Farms Dairy, Inc.

Premier Milk Inc.; Produce Marketing Association; Professional Dairy Managers of Pennsylvania; RBI Packing LLC; Reiter Affiliated Companies; Richard Bagdasarian, Inc.; Riverside County Farm Bureau; Rocky Mountain Farmers Union; San Diego County Farm Bureau; San Mateo County Farm Bureau; Santa Clara County Farm Bureau; Santa Cruz County Farm Bureau; Scioto Cooperative Milk Producers' Association; Select Milk Producers, Inc.; Seneca Foods Corporation; Sierra Citrus Association; Snake River Sugar Company; Solano County Farm Bureau; Sonoma County Farm Bureau; South Dakota Association of Cooperatives.

South Dakota Dairy Producers; South East Dairy Farmers Association; Southeast Milk Inc.; Southern States Cooperative; St. Albans Cooperative Creamery, Inc.; Stanislaus County Farm Bureau; State Horticultural Association of Pennsylvania; Summer Prize Frozen Foods; Sunkist Growers; Sun-Maid Growers of California; Sunsweet Growers, Inc.; Tennessee Nursery & Landscape Association; Texas Agricultural Cooperative Council; Texas Association of Dairymen; Texas Citrus Mutual; Texas International Produce Association; Texas Nursery & Landscape Association; The National Association of State Departments of Agriculture; The SF Market and San Francisco Produce Association; Tillamook County Creamery Association; Tree Top, Inc.

Tulare County Farm Bureau; U.S. Apple Association; U.S. Rice Producers Association; United Ag; United Dairymen of Arizona; United Egg Producers; United Fresh Produce Association; United Onions, USA; United Potato Growers of America; Upstate Niagara Cooperative, Inc.; Utah Farmers Union; Utah Horticulture Society; Valley Fig Growers; Ventura County Agricultural Association; Ventura Pacific; Vermont Dairy Producers Alliance; Virginia Apple Growers Association; Virginia Nursery & Landscape Association; Virginia State Dairymen's Association; Visalia Citrus Packing Group, Inc.

WA Wine Institute; Washington Growers League; Washington State Dairy Federation; Washington State Nursery & Landscape Association; Washington State Potato Commission; Washington State Tree Fruit Association; Wawona Frozen Foods; West Virginia Nursery & Landscape Association; Western Growers Association; Western States Dairy Producers Association; Western United Dairies; Wine Institute; WineAmerica; Wisconsin Dairy Business Association; Wisconsin Potato & Vegetable Growers Association; Wonderful Citrus; Wonderful Orchards; Yuma Fresh Vegetable Association.

NATIONAL ASSOCIATION OF COUNTIES,
December 11, 2019.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER MCCARTHY: On behalf of the National Association of Counties and the 3,069 county governments we represent, we are writing in support of the Farm Workforce Modernization Act (H.R. 5038). This bill would preserve, expand and improve on the processes and resources aimed at helping counties bolster our local agricultural economy.

County governments across the country face many challenges to providing quality

and affordable housing options for rural families and farm laborers. Unfortunately, federal regulations often are inflexible and too restrictive to address the unique needs of our rural communities. Much of our nation's existing farm labor housing has also aged past its useful life with severe physical problems, including inadequate heating, plumbing and space.

Additionally, we are encouraged by efforts in this bill to modernize and simplify the H–2A process and ensure that a reliable and capable workforce is available for the nation's farmers and ranchers. This bill would provide stability and consistency in our farm labor force and create a realistic path for migrant and seasonal farm workers to contribute to the national economy.

We ask that you join us in support of the Farm Work Modernization Act and help strengthen our nation's local agricultural economies. Thank you for your time and consideration on this important matter.

Sincerely,

Hon. MARY ANN BORGESON,
Commissioner, Douglas County, Nebraska, President, National Association of Counties.

Hon. MELISSA MCKINLAY,
Commissioner, Palm Beach County, Florida, Chair, NACo's Agriculture and Rural Affairs Steering Committee.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
October 30, 2019.
Washington, DC,

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce supports the Farm Workforce Modernization Act, which would take important steps to address the growing struggle of agricultural employers to meet their workforce needs.

The inability of American farmers to effectively meet their workforce needs does not affect the agricultural industry in a vacuum. When crops rot in a field because farmers do not have enough workers for the harvest, this does not only harm the interests of that farmer. These situations also negatively affect the shipping company that would have transported those products, and the retailers that would have sold them.

Furthermore, the uncertainty caused by the insufficient quantity of agricultural workers in the U.S. has enabled foreign agricultural producers to take advantage of this situation and gain market share. American agricultural producers will only become less competitive in the global marketplace if these workforce problems persist.

The Farm Workforce Modernization Act seeks to provide workforce stability for agricultural workers by allowing unauthorized farm workers to earn legal status in the U.S. This legislation also would address future agricultural workforce needs by updating the temporary agricultural worker program, most notably providing eligibility to employers who have year-round labor needs, which is critical for dairy and livestock. Furthermore, the bill would enhance domestic security by making the use of E-Verify mandatory for employers seeking to hire temporary agricultural workers.

This bill could benefit from further refinement. The proposed prevailing wage levels for temporary agricultural workers, as well as the new annual visa quotas for year-round agricultural employment, should be more responsive to market needs. In addition, the transition period for agricultural employers to utilize the E-Verify system should be extended in order for employers to better adjust to the new compliance burdens being foisted upon them. We are committed to working with members of both parties to address these and other issues to improve the bill as it proceeds through the legislative process.

Sincerely,

NEIL L. BRADLEY,
Executive Vice President and Chief Policy Officer.

AMERICANS FOR PROSPERITY,
THE LIBRE INITIATIVE,
November 19, 2019.

DEAR REPRESENTATIVE: On behalf of our organizations and the millions of activists we represent, we applaud the bipartisan efforts from lawmakers in the House of Representatives on the Farm Workforce Modernization Act of 2019. This bill represents a step in the right direction by modernizing components of our guest worker program and legal immigration system. It will also help our country better meet the needs of employers and guest workers in the agricultural sector.

We are encouraged by lawmakers' efforts to streamline components of the H–2A program aimed at reducing some of the burdens imposed on employers and workers, in addition to considerable reforms that create new legal channels which currently are not available.

While the legislation is not perfect, the bill represents an important step forward to improve the way we issue temporary visas for guest workers and green cards for aspiring immigrants. We look forward to working with members to improve this bill by further reducing unnecessary barriers that impede upon the ability for employers and employees to freely contract in a mutually beneficial manner.

With only a few legislative days remaining, we urge lawmakers to continue working together to modernize and improve our guest worker program and stand ready to partner with lawmakers to accomplish this goal.

Sincerely,

BRENT GARDNER,
Chief Government Affairs Officer, Americans for Prosperity.

DANIEL GARZA,
President, The LIBRE Initiative.

NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE,
Arlington, VA, October 25, 2019.

Hon. ZOE LOFGREN,
Chairwoman, Subcommittee on Immigration and Citizenship, House Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. DAN NEWHOUSE,
House of Representatives, Washington, DC.

Re Support for the Farm Workforce Modernization Act.

DEAR CHAIRWOMAN LOFGREN AND CONGRESSMAN NEWHOUSE: The Farm Workforce Modernization Act (FWMA) is a crucial step forward towards solving agriculture's need for labor. NASDA thanks you for your hard work negotiating and finding compromises on a bipartisan bill that will successfully increase access to farm labor across the country. Foreign-born workers are an essential part of the U.S. agriculture workforce and an estimated half of U.S. farm workers are currently foreign born. For years, the agriculture industry has struggled to access sufficient labor in sectors ranging from produce to animal handling. This is only compounded by the current low unemployment in the United States. These factors are why the National Association of State Departments of Agriculture urges Congress to pass the FWMA.

NASDA represents the Commissioners, Secretaries, and Directors of the state departments of agriculture in all fifty states and four U.S. territories. NASDA members represent all agriculture in their states and finding practical solutions for the agriculture labor shortage is a top priority for NASDA members.

Agriculture labor reform is crucial for ensuring that U.S. farmers and ranchers have a reliable and skilled workforce. This bill will, for the first time, make year-round visas available. This is crucial for the dairy industry and other industries that rely on temporary labor. Further, NASDA supports the bill maintaining the H–2A program while also creating a new, certified agricultural worker status. This status and its renewable visas will increase certainty for farmers, ranchers and the farm workers who we rely upon for the safe harvesting and handling of crops and livestock.

NASDA acknowledges that a multi-faceted effort is needed to fix the challenges with agriculture labor, so any progress made on this front is a step in the right direction. We look forward to advancing solutions to agriculture's labor shortage with Congress.

Sincerely,

DOUG GOEHRING,
NASDA President,
North Dakota Agriculture Commissioner.

COMMITTEE ON MIGRATION, COMMITTEE ON DOMESTIC JUSTICE AND HUMAN DEVELOPMENT,
November 12, 2019, Washington, DC,
HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the Committee on Migration and the Committee on Domestic Justice and Human Development for the U.S. Conference of Catholic Bishops, we write to urge you to support H.R. 5038, the Farm Workforce Modernization Act. This bipartisan legislation, introduced on October 30, 2019, by Representative Zoe Lofgren (D-CA) and several Republican and Democratic sponsors, would create an earned legal status program for agricultural workers and would improve the existing H–2A system.

Recognizing the dignity of work of farmworkers and their families is a central concern of the Catholic Church. In his 1981 encyclical, Laborem Exercems, Pope John Paul II spoke of the importance of agricultural workers and the need to protect those working in the fields. Farmworkers produce the food that we eat and contribute to the care of our community. Regarding immigrant farmworkers, the bishops in the U.S. have long advocated for reforms of the existing system, including a ''legalization program that would help stabilize the workforce, protect migrant workers, and their families from discrimination and exploitation and ensure that these workers are able to continue to make contributions to society.''

H.R. 5038 proposes a meaningful way for migrant agricultural workers to earn legal status through continued agricultural employment and contributions to the U.S. agricultural economy. It also improves labor protections while producing employment flexibility that is needed to aid our agricultural industries. H.R. 5038 creates more accessible and predictable worker programs while ensuring more worker protections, such as improving the availability of farmworker housing and providing better health protections.

As currently written, H.R. 5038 is a step in the right direction and reflects genuine bipartisan engagement. We encourage you to

consider co-sponsoring this current version of the bill and to move it forward to help ensure a more stable workforce for our farming economy, as well as a tailored earned legalization program and greater worker protections.

Sincerely,

Most Reverend JOE VASQUEZ,
Bishop of Austin, Chairman, USCCB Committee on Migration.
Most Reverend FRANK J. DEWANE,
Bishop of Venice, Chairman, USCCB Committee on Domestic Justice and Human Development.

Mr. NEWHOUSE. Mr. Speaker, I urge my colleagues to take the step and do what we can to improve the labor situation for farmers and ranchers across this country.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COSTA), who has worked so very hard on this bill and represents an area where agriculture is king.

Mr. COSTA. Mr. Speaker, today is a monumental and historical day. This bipartisan Farm Workforce Modernization Act of 2019 will truly help people throughout the country.

I want to thank Chairperson ZOE LOFGREN and DAN NEWHOUSE for their hard work over the last 9 months in bringing all the parties to the table.

Earlier this year, in September, Chairperson LOFGREN, with Congressmen PANETTA, COX, and myself, held a workshop where all the organizations from farm country, as well as the UFW, and others, presented what needed to be done. And, lo and behold, it has happened.

My colleagues ask, Why do we need to have the urgency of this bill?

Well, last month I visited with United Farmworkers in Madera, California, and told them the promise of this legislation. I saw in their eyes, and their children who were there, I saw hope; a hope to become free of fear and the fear of deportation; hope for the American Dream, and all that that entails, that all immigrants past and present have shared, in this legislation.

Mr. Speaker, I urge my colleagues to pass this bill today. The Senate must pass it, and the President should sign it into law. This is the right thing to do.

Mr. BUCK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. YOHO).

Mr. YOHO. Mr. Speaker, I would like to commend my colleagues, Mr. BUCK and Ms. LOFGREN, for attempting to do something to solve a problem that has gone on for a long time that has not been solved. Unfortunately, this bill will not solve that problem.

This bill will create the same situation we have had since 1986, because this bill focuses on amnesty, not on a guest worker program that our producers need.

I appreciate their efforts, but, again, I have worked around agriculture since I was 15, picking vegetables, loading vegetables, talking to farmers. And as a veterinarian, working for 30 years in that profession, I know the dairy situation.

I have talked to the migrant, and I have talked producer. This bill will not fulfill that need.

This bill will allow people to get amnesty. They will leave agriculture and they will go into another industry. Therefore, they are not going to solve the labor shortage of this country.

That is why there are alternatives out there. We have got a bill that we worked on in a bipartisan manner, that we have got strong support in industry, and it solves this problem. It creates a dedicated workforce for agriculture.

As you go through this bill, you see amnesty after amnesty. And, again, it does not solve the problem.

Our bill allows people to enter the country legally. They are automatically enrolled in the E-Verify system. This bill promises to put the E-Verify system in place once it is implemented. We have heard that rhetoric out of Washington before. Once it is implemented, we will fix it.

This is the wrong way to go because this bill, again, will not create a predictable, certain, and reliable workforce for our agricultural producers. And I hear over and over again, the biggest challenge to our producers is a labor shortage.

We are getting to a point in this country where the next generation will not farm because of the unpredictability that this body has created, and this bill will not solve that.

And we are getting to a point where either we are going to import our labor, or we are going to import our produce. A nation that imports its produce is not a secure nation. This bill will not fix it. This will make it worse.

Ms. LOFGREN. Mr. Speaker, Representative SYLVIA GARCIA, a member of the Judiciary Committee, and a former cotton picker, will submit a statement in support of this bill.

And I would just note, for the prior speaker, that the Florida Agri-Women, the Florida Blueberry Growers Association, the Florida Citrus Mutual, Florida Fruit & Vegetable Association, Florida Nursery, Florida Strawberry, and Florida Tomato Exchange think this bill will work.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CASTRO).

Mr. CASTRO of Texas. Mr. Speaker, I rise today in support of H.R. 5038, the Farm Workforce Modernization Act of 2019.

I am very proud to support Congresswoman LOFGREN, members of the Hispanic Caucus, and my colleagues on both sides of the aisle who helped make this bill possible today.

There are, in the United States, four or five major industries that would not exist the way they do but for immigrant labor, documented, and undocumented. One of those industries is the agriculture industry.

This bill would recognize the important work that undocumented workers do in our agriculture industry. It would recognize that their work deserves respect; that it is dignified; that it has a place in our country; and that they have a place in our country. It would do so by allowing for a path to legal status for these workers.

For 2 million folks, it would mean that they would no longer face the threat of deportation; that they and their families could rest assured that in the middle of the night they would not be taken away from their children.

This legislation is important to our country, and I hope that all of my colleagues, Republican and Democrat, will support it today.

Mr. BUCK. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, earlier this year, the President, speaking at the National Farm Bureau Convention, called for legislation regarding agriculture immigration. And he acknowledged that the ag community, in his words, ''needs people to help with the farms.'' That is what this bill does.

As much as most of us would like to wave a magic wand and fix a very broken system, you know, what? We have failed. But it is not for the lack of trying. We simply haven't had the votes; whether it is more or less border security; whether it is too comprehensive or too less. We can't even fix the Dreamer issue. Come on.

This ag bill is going to pass, thank goodness. And I want to thank JIMMY PANETTA, DAN NEWHOUSE and other members of the bipartisan Problem Solvers Caucus, particularly Chair LOFGREN, who helped deliver legislation here to the House floor this afternoon.

Would I like to do more? You bet. But, you know, at the moment, this is the only step that we can do on a bipartisan basis this year. Let's just face it.

If we can't pass a narrow bill, when is it going to happen? This is the first step, so let's get it done.

This bill is going to provide a long overdue and desperately needed overhaul to the H–2A program, and it builds on the July 2019 DOL's proposal for H–2A reforms.

Key provisions include a freeze on the Adverse Effect Wage, which has led directly to dozens of farm closures in my district in Michigan; a streamlined and modernized application process to encourage more widespread adoption; creating a year-round H–2A visa program, allowing all of agriculture to utilize the program.

Now is the time, finally, to at least boldly act to pass a real ag labor reform to ensure that our ag community has the workforce that it needs to remain the envy of the world. I would urge all of my colleagues to support this.

Ms. LOFGREN. Mr. Speaker, it is really a great honor to yield 1 minute to the gentlewoman from Washington (Ms. SCHRIER), a freshman Member, but a person who has worked very hard behind the scenes to help advance this bill.

□ 1515

Ms. SCHRIER. Mr. Speaker, I thank the gentlewoman for yielding.

I thank my colleagues, Representative LOFGREN and Representative NEWHOUSE, for their very hard work on this bipartisan bill.

The critical needs of our farmers and farmworkers have gone too long without being addressed by Congress. As the sole Member in the entire Northwest on the House Agriculture Committee, I am proud to represent the apple capital of the world, Wenatchee, as well as farmers and growers on both sides of the Cascades, and I can say that they are hurting.

What I hear from the farmers and orchardists across my State is that a stable workforce is critical to their ability to put food on our tables. As the domestic workforce is dwindling, more and more growers have been forced to turn to the burdensome and bureaucratic H–2A program for the workers they need to grow and harvest their crops.

Farmworkers are critical. If the cherries ripen and there is no one to pick them, our farms and our farmers will fail. Crops don't wait, and millions of dollars and futures are at stake.

This important bill will provide a stable workforce for our farmers and a path to legal status for farmworkers and their families. This is the kind of winning bipartisan legislation that is exactly what our country needs. I encourage my colleagues to vote ''yes.''

Mr. BUCK. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Speaker, I thank the gentleman for yielding.

I rise today in favor of H.R. 5038, the Farm Workforce Modernization Act, and I thank Chairwoman LOFGREN, her staff, the committee staff, and the personal staff of all the Members who have been working on this bill for, I don't know, 8 or 9 months.

We all want the same thing, and we are here today addressing agriculture's number one issue, and that is their labor force.

We will hear a lot during this debate, and we already have, about how this is amnesty and indentured servitude. It is neither of those things. In fact, those are contradictory terms, so the argument at best is insincere.

Let me say what this bill does. It legalizes the current workforce so long as workers get right with the law, have a clean criminal record, and can demonstrate the same work experiences our former colleague Bob Goodlatte said they must have to qualify. If they want to access further legal status, they work 4 to 8 more years in agriculture and then pay a fine and get in line while they continue to work in agriculture. That doesn't sound like amnesty to me.

For my farmers back home who desperately need this, the bill streamlines the H–2A program to make it more affordable. It doesn't do everything we want, but it makes it better than what we have today, in fact, much better than what we have today.

It brings wages under control by freezing them for 1 year and then capping future growth. There will be a single online portal for farmers to access workers. It will also set up a year-round program for our dairymen, which they don't currently have.

Some people have said this is a great bill for dairymen, but not the rest of agriculture. That is not true. This streamlines the H–2A program for all of agriculture, so it is a good bill for all of agriculture.

Finally, and again to my friends on my side of the aisle, almost all of us support E-Verify, and here it is. We have E-Verify in this bill.

Agriculture is the backbone of Idaho's economy. Without this bill, how can we pretend to say that we care about rural America?

This bill has the support of the U.S. Chamber of Commerce, Americans for Prosperity, Cato Institute, and over 300 agricultural groups, which have already been entered into the RECORD.

This is the voice of rural America saying they need this. I urge a ''yes'' vote on this bill, and I look forward to working with all of my colleagues to keep moving this bill forward so that it can ultimately be signed into law and solve a critical problem in America.

Ms. LOFGREN. Madam Speaker, I yield 1 minute to the gentleman from Oregon (Mr. SCHRADER), someone who has done a great deal of work and helped us get here today.

Mr. SCHRADER. Madam Speaker, I thank the gentlewoman for yielding.

I rise today in strong support of H.R. 5038, the Farm Workforce Modernization Act. This compromise bill represents the kind of legislation this body can put together and pass with broad bipartisan support when Members put aside ideological differences and choose to work together to solve a very serious and difficult issue.

With this legislation, we will finally begin to address the labor crisis that has been plaguing American agriculture by providing a stable and legal workforce so they can continue to grow the best food and fiber in the world.

In my home State of Oregon, we are a specialty crop State. We rely on manual labor for nearly every crop we grow. The labor shortage is the number one issue my farmers face. In many of our ag industries, like nursery crops or the dairy industry we just heard referenced, the labor is needed year-round.

H.R. 5038 is a critical step forward in not only providing workforce stability for our farmers but also in providing a path to lawful permanent residency for hardworking farmworkers and their family members.

I am also very proud of the work that PCUN in Oregon has done to help make this legislation a reality.

I hope our colleagues in the Senate are paying close attention and move this bill in short order. I urge all Members to support this bill today.

Mr. BUCK. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Madam Speaker, I thank the gentleman from Colorado for yielding. I rise today to strongly support this bipartisan bill.

You have heard today that, for decades, Congress has been talking about the broken H–2A system, the system that our farmers use to get the workforce that they need to grow our food. We have been talking about it for decades.

It is broken and not only creates an economic issue for our farmers and for the country, but it also creates a national security issue. Imagine if we were forced to start having to import our food.

Isn't it time to kind of just stop talking and start working to bring forward real bipartisan solutions? That is what this bill does. Is it perfect? No, but that is what this bill does. This bill helps our farmers, finally brings help to our farmers. It also regularizes our farming workforce, which helps our farmers, helps our communities, helps our economy, and helps our national security.

Again, this is crucial for those folks who work hard every single day and who are tired of hearing from Congress just words of how broken the system is. We finally have a bipartisan bill that does what we have been talking about for so many years. That is why I am proud to support this bill.

Ms. LOFGREN. Madam Speaker, I yield 1 minute to the gentleman from Colorado (Mr. CROW), a freshman Member who has worked behind the scenes to help bring us here today.

Mr. CROW. Madam Speaker, I thank the gentlewoman for yielding.

I am proud to stand here with my colleagues to support the Farm Workforce Modernization Act on behalf of farmers and farmworkers in Colorado. Colorado farms are doing all they can to move forward, despite the administration's trade war, which has led to a 15 percent reduction in Colorado agricultural exports in 2019. It has also stifled the migrant seasonal farmworker program when farmers need it the most.

Throughout this year, I have met with farmers in my district, including Robert Sakata of Sakata Farms in Brighton, Colorado, which was started in 1945 by his father. To Robert and other Western growers, modernizing the guest worker program is crucial to their success as a family farm and their contribution to our local economy.

This important piece of bipartisan legislation will do just that. The bill will establish a program for Colorado farmworkers to earn legal status, improve the H–2A program by ensuring critical protections for workers, and establish a mandatory nationwide E-Verify system for all farmworkers.

I thank my colleague Representative LOFGREN and all those who have worked across the aisle to get this very important bill done.

Mr. BUCK. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Madam Speaker, I thank the gentleman for yielding.

Something needs to be underlined here. In this area here of a divided Congress, a divided country, this has been a unique opportunity to have a true bipartisan solution to a longtime, decades-old problem. I am proud of the work. Many of us have been able to get in the room as Members and as staff over many months and come to an agreement that is a pretty darn good solution for an ongoing problem.

This isn't a border bill. This isn't a DACA bill. It is not a fence bill or an amnesty bill. This is a narrow bill having to do with having a stable workforce for agriculture in this country.

I come from California, and many of the crops are very labor intensive. I am farmer myself, but I don't benefit from this bill. I don't need that kind of labor, but just so it is disclosed.

But so many crops that come from California and others like the truck crops, the intensely labor needful crops, would disappear. We will end up importing them from somewhere else if we don't have this workforce continue.

This bill makes for a legal workforce, a documented workforce. Why wouldn't we want that?

But heaven knows, you say the word ''amnesty,'' people go running for the hills, running for cover. This is not an amnesty bill. How could it be when it has benchmarks for the certified ag workers to come in to be vetted before they get that certification and to have benchmarks to become a legal permanent resident? Yes, at the very far end, there is an opportunity for citizenship. The way the process works, it would probably take 18 to 20 years to accomplish.

For those who are really concerned about it being a handout for citizenship or whatever, it still is a steep hill. Also, by and large, most American people would look at these ag workers as pretty good people. They are not perfect. There are issues here and there. But they are providing a needed service that I don't see a lot of Americans willing to do, not in this age of Xbox and all these other things where nobody is willing to go outside.

I have worked a lot of years myself in the heat and the Sun, and it is not even as tough as some of the other crops. But for what we are talking about, we really need to move forward.

This will help our dairies, which need year-round labor. We are losing our dairies in California. We are going to lose dairies in our country.

Let's talk about the workers themselves for a moment. How humane is it, the process by which they have to come across the border, pay these people horrendous amounts of money, with the issues that they are subject to in coming across? No, we don't want that.

We don't want them coming across illegally. We want them coming across with a certificate that they have been vetted.

This bill has E-Verify in it. How big of a thing is that for Republicans, for conservatives, for people across the country? When this is phased in, we will have a very good process for verifying who it is that is coming in to do this work. We desperately need the labor.

It has been a long process. It will be a long process to continue to bring the labor force in.

I think if we want to be here 10 years from now still dealing with this, then let's vote ''no'' on this bill. But if we want to make a solution, this is one that we can get right now in this atmosphere in D.C.

Ms. LOFGREN. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House.

Ms. PELOSI. Madam Speaker, I thank the gentlewoman for yielding.

I commend Congresswoman LOFGREN for her tremendous leadership on this important legislation, the Farm Workforce Modernization Act.

I join with Mr. LAMALFA, my friend, my Italian America colleague from California, in his strong remarks for this bill.

It is bipartisan, and it is important for us to pass it.

I proudly join all of my colleagues on both sides of the aisle to support this bill, a historic victory for farmworkers and for growers, which ensures that America can continue to feed the world.

I salute, again, Chair ZOE LOFGREN for her months of tough, relentless leadership without which this bill would not be possible.

I commend the leadership of the United Farm Workers. Arturo Rodriguez has been working on this bill for almost a generation, 17 years. Arturo Rodriguez and Teresa Romero have sent a statement of support for the legislation, which very clearly points out the need and the answer that this bill is about.

I submit for the RECORD the United Farm Workers statement of support for the Farm Workforce Modernization Act.

UNITED FARM WORKERS SUPPORT FOR THE FARM WORKFORCE MODERNIZATION ACT (H.R. 5038—LOFGREN)

The United Farm Workers of America supports the bipartisan Farm Workforce Modernization Act (H.R. 5038). We were proud to join the bipartisan group of members of Congress and the major grower associations to develop and support H.R. 5038. It is cruelly ironic that the people who feed the United States live in a deep, all-encompassing fear that they themselves cannot provide food for their families. The human cost and stress for farm workers and their families as they live in fear of deportation and harassment due to our broken immigration system threatens our nation's food supply and is a source of great shame for our nation. The compromise legislation authored by Representatives Lofgren, cosponsored by a bipartisan, diverse group of over 50 members of the House, and endorsed by the Congressional Hispanic Caucus will go a long way towards improving the lives of farm workers today and in the future, and our broken immigration system.

We support H.R. 5038 for a simple reason—it will make the lives of all farm workers better. H.R. 5038 meets the following basic principles:

1. Equality of Treatment—the new agricultural visa program will allow farm workers and their families to have the same rights and protections as current U.S. farm workers.

2. No Discrimination—the program does not create major incentives to discriminate against U.S. workers (including newly legalized workers).

3. Fairness in pay—the pay rates protect U.S. workers and supports predictable pay increases.

4. Eligibility to earn permanent residence—no one that works to feed our country should be condemned to permanent second class status. H.R. 5038 changes our current immoral system.

You have the ability to pass H.R. 5038. If H.R. 5038 becomes law, agricultural workers will have stability for themselves, and their families and the agricultural industry. Please vote YES on H.R. 5038.

TERESA ROMERO,
President, United Farm Workers.
ARTURO S. RODRIGUEZ,
President Emeritus and former Board Chair, United Farm Workers and UFW Foundation.

Ms. PELOSI. So many Members brought their vision, their voices, their values to this process. I thank all of you for strengthening the bill we have on the floor today. I thank our friends from the groups for doing the outside organizing that makes our inside maneuvering successful. We have all been inspired by the immortal words of our beloved Dolores Huerta: ''Si, se puede.''

This legislation honors workers' dignity and supports the farm economy with strong, smart reforms. The bill provides a path for legalization, as Mr. LAMALFA referenced, for currently undocumented farmworkers. No one who works to feed our country should be condemned to permanent second-class status.

The bill secures the agricultural workforce of the future by updating, expanding, and strengthening the H–2A initiative to ensure that farms have stable, secure workforces.

Critically, it demands fair, humane treatment for farmworkers, following the lead of legislation in California by securing fairness in pay, improving access to quality housing, and ensuring robust safety and heat illness protections.

□ 1530

Many in this Chamber, particularly, I know firsthand, from California, have

helped lead the fight for farmworkers for decades.

This fight is not only about ensuring fair wages and fair treatment, but about honoring the spark of divinity within each person, which makes us all worthy of dignity and respect.

This bill honors the 2 million farmworkers who are the backbone of our economy and country, powering our farm economy, and producing the food on our tables, even as they persevere through harsh working conditions and low wages.

As the United States Conference of Catholic Bishops wrote last month in support of this bill: ''The dignity of work of farmworkers and their families is a central concern. . . . Farmworkers produce the food that we eat and contribute to the care of our community.''

This legislation is a critical step forward for workers, for growers, and for the farm economy, but our work is not done. Led by Chair ZOE LOFGREN and Members from every corner of the country, we will continue to work to stabilize the farm economy, protect workers and their families, and maintain America's proud agricultural preeminence in the world.

As we do so, remember the words of the late Cesar Chavez. He said this: ''To make a great dream come true, the first requirement is a great capacity to dream; the second is persistence.''

Madam Speaker, I thank Chair LOFGREN for her persistence, and I thank Mr. Rodriguez for his help.

I am pleased with the bipartisanship of this bill. I thank our Members for their persistence on this legislation, for which I urge a strong bipartisan vote.

Madam Speaker, I thank Mr. BUCK for his leadership on this as well.

Mr. BUCK. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. BIGGS), my friend, who was a leader in Arizona in the legislature on these issues and others and is known throughout our caucus for his common sense and leadership, and I anxiously await his remarks.

Mr. BIGGS. Madam Speaker, I thank the gentleman for yielding time to me.

Many of us have heard from farmers and agricultural suppliers around the country about their need for labor to ensure their products can be harvested, processed, and sold. I have heard time and time again from business owners who prioritize hiring American workers but repeatedly find themselves without the labor necessary.

This problem is worthy of a broader conversation in Congress, including how we address the root of the problem and any relation to the welfare state that we have created here.

My main concerns today, however, go beyond addressing true labor shortages and, instead, focus on the rewards this legislation provides to employers who have chosen to use illegal labor and to aliens who have chosen to work illegally in the United States.

This bill creates a new pathway to legal status for illegal aliens who have been working in the agricultural industry in the United States. Any alien who merely applies for legal status under the program, whether truly eligible, immediately receives work authorization, protection from removal, and the ability to travel outside the United States. Those who meet the requirements will be rewarded with a pathway to lawful, permanent resident status and, ultimately, citizenship.

Foreign nationals around the world wait years and spend thousands of dollars to receive those same benefits. This legislation is an unacceptable slap in the face to all those who follow our immigration laws.

Worse still, this legislation does little to root out fraud, instead, blatantly incentivizing it.

The ability to receive work authorization and other benefits upon application will likely lead many individuals to submit applications even if they are not eligible, but they will have no fear of doing so because there are no penalties attached. Aliens can withdraw their fraudulent application without prejudice to any further application.

This legislation also condones and turns a blind eye to instances of immigration fraud by waiving inadmissibility for aliens who previously tried to fraudulently gain legal status or falsely claimed to be U.S. citizens.

There are several other concerning provisions with this legislation:

It creates a new grant program to assist eligible applicants—illegal aliens—in applying for this newly created immigration status.

It prohibits use of E-Verify to check a new hire's employment eligibility until that person is actually hired and requires use of the program in a way that demonstrates a fundamental misunderstanding of the mechanics of the E-Verify system.

It allows aliens to prove work history with only a sworn affidavit from someone who ostensibly has direct knowledge of their work history.

It fails to impose any real penalty for months and years of illegal work, and it fails to impose any real penalty on employers who knowingly violated U.S. law for their own benefit.

At a time when our immigration system is rampant with illegality, when we have little control over our southern border and there are crisis levels of individuals trying to illegally immigrate, we should not be promoting legislation that rewards years of illegal behavior.

Madam Speaker, for these reasons, I oppose this legislation and urge my colleagues to do the same.

Ms. LOFGREN. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR), someone who has been through a lot. She is a senior Member of the House and the most senior woman in the House, has served the most time.

Ms. KAPTUR. Madam Speaker, I thank so very much Madam Chair for yielding to me and for her distinguished leadership on behalf of the American producers and farmworkers who are the subject of this important bill. I have a sense of how long she has worked on this.

For too long, I have borne painful witness to the plight of our continent's migrant farmworkers, as well as the problems our growers are having. These hardworking migrant workers endure harsh working conditions at jobs that the American people simply are not interested in and won't do. These workers endure very harsh conditions to make sure that food gets to our tables, from farm to table. We could not feed this country without these workers.

Many of these workers leave their families and journey to the United States in hopes of finding decent work at a respectable wage, yet far too often are subjugated to exploitative serfdom. That is why I stand heartened that the Farm Workforce Modernization Act has been brought forth to this House floor.

This bill has strengths, as others have talked about: It regularizes the workforce; it addresses very serious issues.

The SPEAKER pro tempore (Ms. DEGETTE). The time of the gentlewoman has expired.

Ms. LOFGREN. Madam Speaker, I yield the gentlewoman from Ohio an additional 15 seconds.

Ms. KAPTUR. Madam Speaker, this bill regularizes the workforce, addresses the very serious issues of heat illness prevention and decent lodging, and also has other necessary provisions that demand our support.

We must address the conditions of these workers. They cannot be preyed upon. I look forward to continuing to work with my colleagues to improve conditions not addressed in this bill.

Madam Speaker, I want to thank the chairwoman for her fantastic work, speaking up for some of America's most forgotten workers.

Mr. BUCK. Madam Speaker, I have no further witnesses and am prepared to close.

I reserve the balance of my time.

Ms. LOFGREN. Madam Speaker, may I inquire how much time remains on each side.

The SPEAKER pro tempore. The gentlewoman from California has 15¼ minutes remaining. The gentleman from Colorado has 4½ minutes remaining.

Ms. LOFGREN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to first make a comment in lieu of the testimony that was going to be given by Representative CLAY from Missouri. Unfortunately—or fortunately; I don't know what they are voting on—the Financial Services Committee is meeting, and he has been detained there voting in that committee.

Mr. CLAY was here to talk about an important thing that the Financial Services Committee helped us with in the drafting of this bill, and that is the improvement in the availability of farmworker housing while lowering employer costs as it relates to housing, and that is a win. We need to make sure that H–2A workers who come to the United States have a decent place to live while they are here working.

Now, preserving the existing housing stock, including by adopting H.R. 3620, the Strategy and Investment in Rural Housing Preservation Act, which authorizes $1 billion to rehabilitate housing that is aging out of the USDA incentives program, is included in this bill.

Incentivizing new housing by tripling funding for USDA section 514 and 516 rural housing loan and grant programs and doubling funding for section 512 rental assistance programs, increasing the USDA per project loan limitation, and granting operating subsidies to 514, 516 property owners who house H–2A workers is going to be a real important boost to rural America. Not only will it increase the amount of housing and the quality of housing, but it will also inject new economic activity in rural America. And we all know that, economically, rural America is suffering in terms of jobs more than other parts of the country.

So this is a win-win-win. It is a win for farmers by lowering their costs; it is a win for H–2A migrant workers so they can have a decent place to live; and it is a win for people who live in rural America who are going to be building these facilities, who will see an injection of funds to improve their economy.

So Mr. CLAY could not be here to talk about his bill, but I am talking about it on his behalf.

Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. PANETTA), the Representative for Salinas Valley, someone who has worked on this bill for a huge amount of time—not only he, but his staff.

Mr. PANETTA. Madam Speaker, I thank Chairwoman LOFGREN for her amazing leadership on this bill. It is an honor to have her as a colleague. It is an honor to have her as my direct neighbor to the north in California.

Madam Speaker, let me also take this time to thank Representative DAN NEWHOUSE for his courage, his willingness to be bold on this bill was phenomenal.

Let me thank both of their staffs for the amazing amount of work that they did on this bill.

Madam Speaker, let me thank all of my colleagues on both sides of the aisle who have worked on this bill, especially FRED UPTON and the Problem Solvers Caucus, who are supporting this bill.

This bill, the Farm Workforce Modernization Act, is a step in the right direction for our agriculture, for immigration reform, and, yes, even this Congress.

This bill would protect our existing ag workers, and it promotes an enduring ag workforce. This bill does that by allowing those who have worked in ag to stay working in ag and the opportunity to earn a pathway here in this country.

It does that by modernizing an outdated system for temporary workers and adding 3-year visas for year-round workers. It does that by ensuring a number of visas, fair wages, a supply of housing, and safe working conditions.

By passing this bill, finally, farmers will have access to a dependable and experienced workforce, and farmworkers will not get just the legality, but the dignity that they deserve.

I am not only proud of the product in this bill, but all of us here in the House of Representatives should be extremely proud of the process behind the formulation of this bill.

For the past 9 months out of this year, farmers and farmworkers, Democrats and Republicans, came to the table, sat at the table, and stayed at the table to grind out the details in this bill.

Now, yes, it is not a perfect bill, but it really is a darn good bill, a bill which is the result of a compromise. That is why this bill is a huge step in the right direction for farmers, for farmworkers, for our agricultural communities, for our country, for Democrats and Republicans in this Congress, and for who we are as a democracy, built on a nation of immigrants.

Mr. BUCK. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I include in the RECORD Ranking Member COLLINS' statement.

Once again, I appreciate my colleagues' desire to fix this problem and provide our farmers and ranchers with a long-term solution to the labor supply problems in this country; however, this bill only masks the existing problems and creates a whole host of new issues that we will have to revisit in a few years, and it polarizes Americans further.

My colleagues and I can agree that we need to fix this problem. Potentially allowing criminals a pathway to citizenship isn't the way. Allowing possible Social Security fraud isn't the way. Preventing our employers from curing problems and giving trial attorneys a handout isn't the way.

Madam Speaker, I truly want to help all of our farmers and ranchers, but this bill is wrong, and I cannot support it. I urge my colleagues to vote against the bill.

Madam Speaker, I yield back the balance of my time.

Ms. LOFGREN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is the time to act. For many years, under the leadership of different Speakers with different majorities, we have talked about dealing with this issue, and that is all we did: we talked.

You know, there is never a perfect piece of legislation, but as Mr. PANETTA said, this is a darn good piece of legislation.

□ 1545

It was the one that was crafted together, and a lot of people across America might be surprised that Republicans and Democrats sat down in a room, along with stakeholders who often don't agree with each other, and we worked things out. We came up with a plan that will work.

We know it will work because we have a list of close to 300 agricultural entities, farmers all across the United States, who are asking us to please pass this bill. They know it will work.

Madam Speaker, I include in the RECORD that list.

NOVEMBER 18, 2019.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER MCCARTHY: The undersigned groups, representing a broad cross-section of agriculture and its allies, urge you to advance the Farm Workforce Modernization Act (H.R. 5038) through the House to address the labor crisis facing American agriculture. A stable, legal workforce is needed to ensure farmers and ranchers have the ability to continue producing an abundant, safe, and affordable food supply.

The effects of agriculture's critical shortage of labor reach far beyond the farm gate, negatively impacting our economic competitiveness, local economies, and jobs. Economists have found that every farm worker engaged in high-value, labor-intensive crop and livestock production sustains two to three off-farm jobs. As foreign producers take advantage of our labor shortage and gain market share, America will export not only our food production but also thousands of these farm-dependent jobs. Securing a reliable and skilled workforce is essential, not only for the agricultural industry but for the U.S. economy as a whole.

The House must pass legislation that preserves agriculture's experienced workforce by allowing current farm workers to earn legal status. For future needs, legislation must include an agricultural worker visa program that provides access to a legal and reliable workforce moving forward. This visa program needs to be more accessible, predictable, and flexible to meet the needs of producers, including those with year-round labor needs, such as dairy and livestock which currently do not have meaningful access to any program.

While the bill does include a few provisions that raise significant concerns for the agricultural community, we are committed to working together throughout the legislative process to fully address these issues. It is vital to move the Farm Workforce Modernization Act (H.R. 5038) through the House as a significant step in working to meet the labor needs of agriculture, both now and in the future.

Sincerely,

African-American Farmers of California; AgCountry Farm Credit Services; AgriBank FCB; Agribusiness Henderson County (AgHC); Agricultural Council of California Agri-Mark, Inc.; Alabama Farmers Cooperative; Alabama Nursery & Landscape Association; Almond Alliance of California; Amalgamated Sugar Company LLC; American

AgCredit; American Agri-Women; American Beekeeping Federation; American Mushroom Institute; American Pistachio Growers; American Seed Trade Association AmericanHort.

Arizona Cattle Feeders' Association; Arizona Landscape Contractors Association; Arizona Nursery Association; Arkansas Rice Growers Association; Associated Milk Producers Inc.; Association of Virginia Potato and Vegetable Growers; Aurora Organic Dairy; AZ Farm & Ranch Group; Battlefield Farms, Inc.; Bipartisan Policy Center Action; Bongards' Creameries; Butte County Farm Bureau; California Ag Irrigation Association; California Alfalfa and Forage Association; California Apple Commission.

California Avocado Commission; California Bean Shippers Association; California Blueberry Commission; California Canning Peach Association; California Cherry Growers and Industry Association; California Citrus Mutual California Dairies, Inc.; California Farm Bureau Federation; California Fig Advisory Board; California Fresh Fruit Association; California Grain and Feed Association; California League of Food Producers; California Pear Growers; California Prune Board; California Seed Association; California State Beekeepers Association.

California State Floral Association; California Sweet Potato Council; California Tomato Growers Association; California Walnut Commission; California Warehouse Association; California Wheat Growers Association; California Women for Agriculture; Cayuga Milk Ingredients; Central Valley Ag; Cherry Marketing Institute; Chobani; Clif Bar & Company; CoBank; Colorado Dairy Farmers; Colorado Nursery & Greenhouse Association.

Colorado Potato Legislative Association; Compeer Financial; Cooperative Milk Producers Association; Cooperative Network Dairy Farmers of America, Inc.; Dairy Producers of New Mexico; Dairy Producers of Utah; Del Mar Food Products, Corp.; Driscoll's; Edge Dairy Farmer Cooperative; Ellsworth Cooperative Creamery; Empire State Potato Growers; Far West Agribusiness Association; Farm Credit East; Farm Credit Illinois; Farm Credit Services of America; Farm Credit West.

FarmFirst Dairy Cooperative; First District Association; Florida Agri-Women; Florida Blueberry Growers Association; Florida Citrus Mutual; Florida Fruit & Vegetable Association; Florida Nursery, Growers, and Landscape Association; Florida Strawberry Growers Association; Florida Tomato Exchange; Food Northwest; Food Producers of Idaho; Foremost Farms USA; Fresno County Farm Bureau; Frontier Farm Credit; Fruit Growers Marketing Association.

Fruit Growers Supply; Georgia Green Industry Association; Glanbia Nutritionals; Grapeman Farms; GreenStone Farm Credit Services; Grower-Shipper Association of Central California; GROWMARK; Gulf Citrus Growers Association; Hop Growers of Washington; Idaho Alfalfa & Clover Seed Commission; Idaho Alfalfa & Clover Seed Growers Association; Idaho Apple Commission; Idaho Association of Commerce and Industry; Idaho Association of Highway Districts; Idaho Association of Soil Conservation Districts.

Idaho Bankers Association; Idaho Cattleman's Association; Idaho Chamber Alliance; Idaho Dairymen's Association; Idaho Eastern Oregon Seed Association; Idaho Grain Producers Association; Idaho Grower Shipper Association; Idaho Hop Growers; Idaho Milk Products; Idaho Mint Growers Association; Idaho Noxious Weed Control Association; Idaho Nursery & Landscape Association; Idaho Onion Growers Association; Idaho Potato Commission; Idaho State Grange; Idaho Sugarbeet Growers Association; Idaho Water Users Association; Idaho Wool Growers.

Idahoan Foods LLC; Idaho-Oregon Fruit and Vegetable Association; Illinois Green Industry Association; International Dairy Food Association; Iowa Institute for Cooperatives; Iowa State Dairy Association; J.R. Simplot Company; Kansas Cooperative Council; Kansas Dairy Association; Kanza Cooperative Associaton; Kings County Farm Bureau; Land O'Lakes, Inc.; Lone Star Milk Producers; Madera County Farm Bureau; Maine Landscape and Nursery Association.

Maine Potato Board; Maryland & Virginia Milk Producers Cooperative Association; Maryland Nursery, Landscape, & Greenhouse Association; Massachusetts Nursery and Landscape Association, Inc.; MBG Marketing; Mendocino County Farm Bureau; Merced County Farm Bureau; Michigan Agri-Business Association; Michigan Apple Association; Michigan Asparagus Advisory Board; Michigan Bean Shippers; Michigan Cider Association; Michigan Greenhouse Grower Council; Michigan Milk Producers Association; Michigan Nursery & Landscape Association.

Michigan State Horticultural Society; Midwest Dairy Coalition; Mid-West Dairymen's Company; Milk Producers Council; Milk Producers of Idaho; Minnesota Area II Potato Council; Minnesota Milk Producers Association; Minnesota Nursery & Landscape Association; Missouri Rice Research and Merchandising Council; Montana Nursery & Landscape Association; Monterey County (CA) Farm Bureau; Mount Joy Farmers Cooperative Association; Napa County Farm Bureau; National All-Jersey; National Association of Produce Market Managers.

National Council of Agricultural Employers; National Council of Farmer Cooperatives; National Farmers Union; National Grange; National Immigration Forum; National Milk Producers Federation; National Onion Association; National Potato Council; National Watermelon Association; Nebraska State Dairy Association; New American Economy; New England Apple Council; New England Farmers Union; New York Apple Association; New York Farm Bureau Federation.

New York State Berry Growers Association; New York State Flower Industries; New York State Vegetable Growers Association; Nezperce Prairie Grass Growers Association; Nisei Farmers League; North American Blueberry Council; North Carolina Nursery & Landscape Association; North Carolina Potato Association; Northeast Dairy Farmers Cooperatives; Northeast Dairy Foods Association, Inc.; Northeast Dairy Producers Association; Northern Plains Potato Growers Association; Northern Virginia Nursery & Landscape Association; Northwest Ag Co-op Council; Northwest Dairy Association/Darigold.

Northwest Farm Credit Services; Northwest Horticultural Council; Ohio Apple Marketing Program; Ohio Dairy Producers Association; Ohio Nursery & Landscape Association; Olive Growers Council of California; Oneida-Madison Milk Producers Cooperative Association; Orange County Farm Bureau; Oregon Association of Nurseries; Oregon Dairy Farmers Association; Oregon Potato Commission; Pacific Coast Producers; Pacific Egg and Poultry Association; Pacific Seed Association; Pennsylvania Co-operative Potato Growers.

Pennsylvania Landscape & Nursery Association; Plant California Alliance; POM Wonderful; Porterville Citrus; Potato Growers of America; Potato Growers of Idaho; Potato Growers of Michigan; Prairie Farms Dairy, Inc.; Premier Milk Inc.; Produce Marketing Association; Professional Dairy Managers of Pennsylvania; RBI Packing LLC; Reiter Affiliated Companies; Richard Bagdasarian, Inc.; Riverside County Farm Bureau.

Rocky Mountain Farmers Union; San Diego County Farm Bureau; San Mateo County Farm Bureau; Santa Clara County Farm Bureau; Santa Cruz County Farm Bureau; Scioto Cooperative Milk Producers' Association; Select Milk Producers, Inc.; Seneca Foods Corporation; Sierra Citrus Association; Snake River Sugar Company; Solano County Farm Bureau; Sonoma County Farm Bureau; South Dakota Association of Cooperatives; South Dakota Dairy Producers; South East Dairy Farmers Association.

Southeast Milk Inc.; Southern States Cooperative; St. Albans Cooperative Creamery, Inc.; Stanislaus County Farm Bureau; State Horticultural Association of Pennsylvania; Summer Prize Frozen Foods; Sunkist Growers; Sun-Maid Growers of California; Sunsweet Growers, Inc.; Tennessee Nursery & Landscape Association; Texas Agricultural Cooperative Council; Texas Association of Dairymen; Texas Citrus Mutual; Texas International Produce Association; Texas Nursery & Landscape Association.

The National Association of State Departments of Agriculture; The SF Market and San Francisco Produce Association; Tillamook County Creamery Association; Tree Top Inc.; Tulare County Farm Bureau; U.S. Apple Association; U.S. Rice Producers Association; United Ag; United Dairymen of Arizona; United Egg Producers; United Fresh Produce Association; United Onions, USA; United Potato Growers of America; Upstate Niagara Cooperative, Inc., Utah Farmers Union.

Utah Horticulture Society; Valley Fig Growers; Ventura County Agricultural Association; Ventura Pacific; Vermont Dairy Producers Alliance; Virginia Apple Growers Association; Virginia Nursery & Landscape Association; Virginia State Dairymen's Association; Visalia Citrus Packing Group, Inc.; WA Wine Institute; Washington Growers League; Washington State Dairy Federation; Washington State Nursery & Landscape Association; Washington State Potato Commission; Washington State Tree Fruit Association.

Wawona Frozen Foods; West Virginia Nursery & Landscape Association; Western Growers Association; Western States Dairy Producers Association; Western United Dairies; Wine Institute; WineAmerica; Wisconsin Dairy Business Association; Wisconsin Potato & Vegetable Growers Association; Wonderful Citrus; Wonderful Orchards; Yuma Fresh Vegetable Association.

Ms. LOFGREN. Madam Speaker, I also include in the RECORD a list of those who care about immigrants who are also asking us to pass this bill: Farmworker Justice, Justice for Migrant Women, the National Domestic Workers Alliance, the Forest Worker Center, the Service Employees International Union.

NOVEMBER 19, 2019.

DEAR MEMBER OF CONGRESS: We write to urge you to support the Farm Workforce Modernization Act of 2019, HR 5038. The bill is a bipartisan compromise representing the culmination of hard fought negotiations to address the needs of farmworkers and our agriculture system in the context of our broken immigration system. Importantly, this bill recognizes the valuable role of farmworkers in our food system by providing an earned path to legal immigration status and citizenship to farmworkers and their families.

If enacted, the Farm Workforce Modernization Act would provide an opportunity for experienced agricultural workers to apply

for legal status if they show employment in U.S. agriculture and meet other criteria. At least half of the nation's roughly 2.4 million farmworkers are undocumented immigrants and immigration relief is urgently needed to address the constant fear of deportation many farmworkers and their children experience. The ability to obtain immigration status and a path to citizenship is key to enabling farmworkers to bargain for better working and living conditions and to challenge serious labor abuses. This legislation would result in a more stable farm labor force and greater food safety and security to the benefit of employers, workers, and consumers.

The bill also would revise the existing H–2A visa program to address concerns of both farmworkers and agricultural employers. The compromise includes concessions made by all sides in this debate and includes both important new protections for farmworkers, such as new protections against trafficking, as well as provisions sought by employers. Importantly, for the first time, the bill would recognize the humanity of those working here under temporary visas by providing a path to permanent status for those who satisfy the specified work requirements.

The Farm Workforce Modernization Act of 2019 is an important step forward and sends a clear signal that there are leaders in Congress ready to engage constructively on immigration and reach across the aisle to develop sensible policies. We encourage you to support this legislation and join this important effort to protect farmworkers and our nation's agricultural system.

Sincerely,

Advocates for Basic Legal Equality, Inc.; AirGo; America's Voice; Association of Farmworker Opportunity Programs; Bread for the World; California Human Development; California Rural Legal Assistance Foundation, Inc.; CaliforniaHealth+ Advocates; Carolina Family Health Center; CASA.

Casa de Esperanza: National Latin@ Network for Healthy Families and Communities; CASA of Oregon; Central Valley Opportunity Center; Centro De Los Derechos Del Migrante, Inc. (CDM); Chicago's Legal Aid Society; Child Labor Coalition; Chillinois Young Farmers Coalition; Coalition for Humane Immigrant Rights—CHIRLA; Coalition of Florida Farmworker Organizations; Coalition on Human Needs.

Coalition to Abolish Slavery & Trafficking (CAST) Community; Council of Idaho, Inc.; Community Farm Alliance; CREDO; CRLA Foundation; Equal Justice Center; Farmworker and Landscaper Advocacy Project (FLAP); Farmworker Justice; Finger Lakes Community Health; Florida Legal Services, Inc.; Food Policy Action; Freedom Network USA; Greater New York Labor Religion Coalition; Hand in Hand Mano en Mano; Hispanic Affairs Project; Hispanic Federation; Hispanics in Philanthropy; Human Agenda; Immigration Hub; Inter University Program on Latino Research.

Interfaith Center on Corporate Responsibility; Jobs With Justice Education Fund; Justice at Work; Justice for Migrant Women; Justice in Motion; Kentucky Equal Justice Center; La Cooperativa Campesina de California; La Union del Pueblo Entero (LUPE); LatinoJustice PRLDEF; League of United Latin American Citizens (LULAC).

Logan Square Farmers Market; MAFO, Inc.; Maine Immigrants Rights Coalition; MALDEF (Mexican American Legal Defense and Educational Fund); Maryland Wineries Association; Mexican American Council; Mississippi Delta Council for Farmworkers Opportunities, Inc.; National Consumers League; National Domestic Workers Alliance (NDWA); National Hispanic Medical Association.

National Latinx Psychological Association; National Migrant and Seasonal Head Start Association; National Partnership for New Americans; NETWORK Lobby for Catholic Social Justice; Northwest Forest Worker Center; Northwest Regional Primary Care Association; Northwest Workers' Justice Project; Operation Access; Oregon Human Development Corporation; Oxfam America.

PathStone Corporation, Pesticide Action Network, Pineros y Campesinos Unidos del Noroeste (Northwest Treeplanters and Farmworkers United), Proteus Inc.; Public Justice Center; Roots and Culture Kombucha; Rural and Migrant Ministry; SER Jobs for Progress National Inc.; Service Employees International Union (SEIU).

Southeast Community Health Systems; Telamon Corporation; UFW Foundation; U.S. Committee for Refugees and Immigrants (USCRI); UnidosUS; United Farm Workers (UFW); United Migrant Opportunity Services/UMOS Inc.; United States Hispanic Leadership Institute; Voto Latino; Wayne Action for Racial Equality.

Ms. LOFGREN. Madam Speaker, there is a letter here from Farmworker Justice that I include in the RECORD explaining why this is an important thing to do.

FARMWORKER JUSTICE

JUDICIARY COMMITTEE, HOUSE OF REPRESENTATIVES, FARMWORKER JUSTICE STATEMENT ON HOUSE AGRICULTURAL IMMIGRATION REFORM BILL

Farmworker Justice supports the Farm Workforce Modernization Act of 2019, H.R. 5038, which is under consideration by the Judiciary Committee of the House of Representatives. The FWMA should be approved by the Judiciary Committee and passed by the full House.

The bipartisan bill resulted from lengthy, complex negotiations led by Rep. Lofgren (D–CA), Chair of the Subcommittee on Immigration and Citizenship, and Rep. Newhouse (R–WA), a farmer and former Director of Washington State's Department of Agriculture, and additional colleagues. To help reach agreement, Members of Congress involved farmworker advocates, including the United Farm Workers, UFW Foundation, and Farmworker Justice, and agricultural employer trade associations. Farmworker Justice appreciates the scheduling of the markup of the FWMA by the Chair of the Judiciary Committee, Rep. Nadler.

Of utmost importance, the supporters of this legislation recognize the important contributions of farmworkers to our nation's food and agriculture systems. An estimated 2.4 million people labor on our farms and ranches to provide us with fruits, vegetables, milk and other food. This legislation addresses the fundamentally unfair conditions experienced by many farmworkers due to our nation's broken immigration system. The large majority of the nation's farmworkers are immigrants, and a majority lack authorized immigration status. Undocumented farmworkers and their family members live in fear of arrest, deportation and the breakup of their families. In these circumstances, many farmworkers are reluctant to challenge illegal or unfair treatment in their workplaces and their communities. At times, they cannot go to work due to the presence of immigration enforcement agents. The country's farms and our food system depend on immigrants, both documented and undocumented.

The Farm Workforce Modernization Act bill provides a path to lawful permanent residency for undocumented farmworkers and their family members. It would eliminate the constant fear of deportation and family breakup that is so stressful for many farmworker families. Removing the threat of immigration enforcement also would reduce disruptions of farming businesses. With legal status and a path to citizenship, farmworkers would be better able to improve their wages and working conditions and seek enforcement of their labor protections. These improvements would result in a more stable farm labor force and greater food safety and security to the benefit of employers, workers, and consumers. The earned legalization program's requirements are more rigorous and expensive than we would have preferred, but are acceptable in the effort to reach a realistic compromise.

The bill also would revise the existing H–2A agricultural guestworker program to address farmworker and employer concerns with the program. Farmworker advocates have pressed for reforms to reduce widespread abuses under this flawed program, while agricultural employers have lobbied heavily to remove most of its modest labor protections, claiming that the program is unduly expensive and bureaucratic. The bill's lengthy provisions include important new protections for farmworkers, as well as changes to address agricultural employers' concerns. Compromise was necessary to achieve legislation that could become law and address serious harms imposed on farmworker families by our broken immigration system.

Farmworker Justice supports the Farm Workforce Modernization Act of 2019 because the bill, if passed, would enable hundreds of thousands of farmworker families to improve significantly their living and working conditions and their participation in our economy and democracy.

Farmworker Justice, based in Washington, D.C., is a national advocacy organization for farmworkers with over thirty-five years of experience serving the farmworker community regarding immigration and labor policy. FJ's website contains extensive information about farmworkers, immigration policy, labor conditions and the H–2A agricultural guestworker program. www.farmworkerjusice.

Ms. LOFGREN. Madam Speaker, there have been some who have suggested privately, or even in public—the ranking member of the full committee in the Rules Committee last night said, Well, we should be covering chicken processing plants.

We did just one thing in this bill, and that was to deal with agriculture. We didn't expand the definition of agriculture. There may be issues in other parts of the American economy, but we decided to focus on just this one thing: agriculture—not processing, not trucking, not forestry, just agriculture.

The Laborers International Union has sent a letter in support, which I include in the RECORD, endorsing this bill and noting that this bill works in the agricultural sector and they hope that we will vote for it.

LIUNA!,
December 9, 2019.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the more than 500,000 members of the Laborers' International Union of North America (LIUNA), I want to express our support for H.R. 5038, the bipartisan Farm Workforce Modernization Act.

Workers in agricultural industries, like those in all other industries, must have a

path to legal immigration status and citizenship. H.R. 5038 does just that, providing security for millions of farm workers and their families. This in turn will lead to better wages and working conditions for a group of workers who have historically been subject to horrific abuses.

H.R. 5038 also specifies that employers who try to misuse the H–2A program in industries covered by a different guest worker visa program (H–2B), including construction and landscape, cannot do so. Specifically, LIUNA is pleased that the House included language to the H–2.A program requirements to investigate and prevent fraud in the H–2A program, as well as to ensure that employers cannot use H–2A workers if the majority of the worker's duties are related to Construction.

While LIUNA is supporting H.R. 5038, we want to be clear that while many of these reforms may make sense in the agricultural industry, it does not mean that all of the bill's provisions are necessary or helpful for other guest worker visa programs or workers in other industries. Historically, agricultural workers have been treated under different rules and laws than those in other industries, both permanent and guest workers. All of the reforms in H.R. 5038 for the H-2A program may not work for the H–2B program, for example. The H–2B guest worker program is commonly abused by employers in the landscape and construction industries to deny workers already in the U.S. access to jobs and to exploit workers both in and out of the U.S. The H–2B program must be significantly reformed in ways that will address the specific abuses of our union's construction and landscape members and foreign workers alike. LIUNA looks forward to working with Congress on H–2B reform in the near future.

For decades, LIUNA has fought for comprehensive immigration reform, which remains our goal. While we work toward that end, LIUNA supports efforts including H.R. 5038 to give vulnerable workers and their families who have suffered historic exploitation a path to security and citizenship. LIUNA asks that you vote for H.R. 5038, the Farm Workforce Modernization Act.

With kind regards, I am

Sincerely yours,

TERRY O'SULLIVAN,
General President.

Ms. LOFGREN. There may be other issues when you come to other parts of the economy. We should address those issues as well, but we are going to have to do that by sitting down, just as we did in this case, with the unions, with the employers, with the stakeholders to see what the issues are and how can we craft a bipartisan solution that makes America strong, that makes our economy work.

I am confident we will have a chance to do that.

Now, I just want to say, some of the comments made, although I am sure made in good faith, about the bill are incorrect.

The elements, the suggestion that this will be riddled with fraud is just simply incorrect. These antifraud measures are the same that were included and, in fact, in some cases are tougher than were included in the Goodlatte bill that Members supported in the last Congress.

The criminal national security bars are stronger than were included in the Goodlatte bill in the last Congress.

And I have heard also that these farmworkers, who have worked in the fields, who have allowed us to eat vegetables and to have a salad, that they should get in line.

I will tell you a sad thing: There is no line for them. There is no line. So we are creating a line with this bill. We are allowing them to get right with the law and live lawfully, pay taxes, and do the jobs that we need them to do, that their employers need them to do, with dignity and without fear.

I cannot forget going out and talking to farmworkers who are so afraid because of enforcement. They are afraid to leave their homes to go to church on Sunday morning. That is not the kind of situation we want to have in America.

We write the laws. We can make sure that these individuals comply with the law. We have E-Verify in this bill. We have a system that will work for farmers, for farmworkers, and for America.

We have done it over a period of months. We have done it bipartisan. We have the support of American agriculture, and I hope we have the support of a broad, bipartisan group when this bill comes to a vote today.

Let's not disappoint the people who are counting on us. Let's stand up and get something done, finally, on this measure that we have failed on over and over again.

Madam Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, farmworkers toil under difficult and dangerous conditions for long hours and low pay to ensure America has a safe and plentiful food supply.

Because of the scarcity of domestic farm labor, for decades, the agricultural sector has depended largely on the labor of migrant workers. The vast majority of crop workers in the United States were not born here and are undocumented or here on guest visas. Though these workers perform incredibly difficult work under hazardous conditions, they are often unable to seek recourse when their rights are violated. A pathway to citizenship, when accompanied by appropriate oversight measures, could help reduce these dedicated workers' justifiable fear of reprisal for asserting their rights. Farmworkers are integral to our communities and our economy. Creating a pathway to citizenship for these individuals—who work to feed us and our country year after year—as well as their families is both an economic and humanitarian necessity.

I support legalization of vulnerable, undocumented workers and a path to citizenship. However, in exchange for legalization for some undocumented farmworkers, this bill would depress labor standards for H–2A workers. Because weakened labor standards for H–2A workers could adversely impact the domestic workforce, this bill could negatively impact the economic security of all farmworkers.

Wage cuts for many H–2A workers in turn would depress wages for all farmworkers, The adverse effect wage rate (AEWR), which is often the binding wage paid to H–2A workers, is designed to ensure that wages paid to H–2A workers do not depress wages for U.S. farmworkers. This means the AEWR must be high enough to reflect wages paid in the local labor market. This bill would change the way the AEWR is currently calculated over the first ten years to reflect average wages paid to farmworkers in the region according to their specific occupation, rather than the average wage paid to farmworkers across all occupations. However, the bill fails to require the use of data that actually reflects local wage conditions. Additionally, while setting limitations on how much AEWR wages can decrease after an initial one-year freeze, the bill imposes caps on wage increases from year to year, limiting whether AEWR can truly reflect wages paid in the local labor market.

As a result of these changes to the AEWR, the majority of H–2A workers would see their wages actually go down, albeit modestly, while others would see the growth in their wages capped. I have opposed similar efforts proposed by the Trump Administration that would depress wages.

This year, I was pleased to lead the House passage of H.R. 582, the Raise the Wage Act, which would boost wages for millions of lower-wage workers. I am confident that in the next ten years, we will enact a meaningful increase in the federal minimum wage, boosting wages for workers across our nation including farmworkers. However, I am concerned that H.R. 5038 will create artificial barriers to wage growth, or worse, lead to wage cuts, continuing to leave farmworkers relegated to low pay and economic insecurity.

Our country's wage and hour laws are designed to ensure that workers are guaranteed a fair day's pay for a fair day's work. But this right is only as strong as a worker's ability to hold employers accountable, especially in court. Unfortunately, this bill creates obstacles that may delay farmworkers' ability to access their day in court, when they have been victims of wage theft. While I welcome extending coverage of the the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) to H–2A workers, adding a mediation requirement to both the MSPA and the Fair Labor Standards Act (FLSA) is problematic. This bill enables employers to impose three months of mandatory mediation when an H–2A worker brings a civil suit under these laws, even if the worker does not consent to the mediation and wants his or her day in court. This undermines the voluntary nature of mediation and provides bad actors with an avenue for delaying or denying wage recovery. This delay could prove significant for farmworkers who may be in this country for a limited amount of time to participate in litigation. This is especially fraught given that, in contrast to MSPA, the FLSA provides for recovery of unpaid wages and liquated, or double, damages and recovery of attorney's fees, plus costs. This provision may also pull domestic farmworkers or other visa classifications of workers into required mediation where there are collective or class actions, thereby undermining incentives for other workers to join with H–2A workers to seek redress.

This September, I supported the passage of H.R. 1423, the FAIR Act, to ban forced arbitration in many areas, including employment, because it could delay or totally block workers' access to courts. We should promote legislation that protects workers' fundamental right to have their day in court, not delay it.

This bill denies newly legalized farmworkers and their families access to key social safety

net programs, such as Medicaid and subsidies under the Affordable Care Act. Denial of benefits that can promote economic stability, coupled with the bill's wage suppressing provisions, threatens to create a long-term pool of economically vulnerable workers. While most of these individuals do not currently have access to these benefits due to their immigration status, leaving immigrant workers who are granted legal status under this legislation without access to social safety net programs establishes a dangerous precedent that access to health care and other basic necessities can be traded away for a path to legal status.

This legislation weakens the current recruitment and hiring standards for U.S. farmworkers. A reduction in employers' obligations to hire U.S. workers under this bill will undermine one of the core principles of the H–2A program: that H–2A workers should fill in gaps in the farm workforce that U.S. employers are truly unable to fill, rather than merely replacing U.S. workers that employers could attract with reasonable efforts. I raised concerns with similar efforts to modify recruitment standards by the Trump Administration earlier this year.

Agricultural work is hazardous, and workers in this sector have few legal health and safety protections. Ensuring that H–2A workers and all farmworkers have safe, healthy working conditions is critical. I am pleased that this bill requires H–2A employers to maintain heat illness prevention plans and requires H–2A employers in the dairy industry to maintain workplace safety plans. However, as presently written, some provisions are ambiguous and would be difficult to enforce; other provisions have weak minimum requirements that would limit their value. As this legislation moves forward, I would urge the inclusions of stronger health and safety standards.

Strong labor protections are vital to protect both H–2A workers, who are vulnerable given their temporary status, and domestic farmworkers, whose employers may be disincentivized to provide employment. This is especially true given that farmworkers have historically been carved out of labor and employment laws, leaving these workers with fewer wage protections and rights to bargain for better working conditions.

While this bill does make some improvements in immigration law, I look forward to supporting a version of this bill that more accurately reflects strong labor standards.

Ms. JOHNSON of Texas. Madam Speaker, I rise today in support of H.R. 5038, the Farm Workforce Modernization Act. This bipartisan piece of legislation will go a long way in addressing the shortage of labor in our agriculture sector. This bill will also provide a pathway to citizenship for agricultural workers who have spent many years working in the fields helping to ensure we have a safe and affordable food supply.

Thanks to the leadership of Chairwoman LOFGREN and Congressman NEWHOUSE, we have finally started to look at immigration as a solution to some of our labor shortages. Farmers and ranchers rely on foreign seasonal agricultural workers largely because it's difficult to find a reliable source of labor domestically for this sector. It's a fair compromise that these workers be offered a pathway to citizenship so that they can one day live the American dream just like the rest of us.

It is my hope that this bill can serve as a blueprint for other sectors of our economy where labor shortages persist. Construction is a prime example of this. My district, along with the rest of North Texas is in the process of seeing rapid population growth. This means construction workers are in high demand to build new homes, schools, roads, and hospitals for the thousands of people moving to the region every month. Similar reforms in the construction industry would help in making sure the economy in North Texas can continue to prosper.

Madam Speaker, we have a unique opportunity here today to pass legislation that would benefit both farmers and the agricultural workers they employ. I urge my colleagues to vote in support of this bill.

Ms. SÁNCHEZ. Madam Speaker, I rise today in support of H.R. 5038, the Farm Workforce Modernization Act of 2019. I would like to thank Congresswoman LOFGREN and Congressman NEWHOUSE for convening agriculture and labor stakeholders to develop this historic piece of legislation.

This bill represents true bipartisan efforts to help stabilize our nation's agriculture crisis. New workplace and legal protections for farmworkers, including gender-based protections and heat safety standards, are established under this bill.

Farmworkers have fought long and hard for these reforms. By voting to strengthen health and safety standards and provide legal status to agricultural workers, we do right by the hardworking men and women who put food on our table.

This bill also modernizes the agricultural guest worker program in order to address the nation's agricultural labor shortage. After months of negotiations, I believe we have developed a commonsense solution that will help both farmworkers and farmers.

I am proud to have worked with my colleagues to make this bill a reality.

Mr. COLLINS of Georgia. Madam Speaker, Georgia is home to a vast agriculture industry with hardworking farmers, ranchers, growers and processors who contribute to America's economy every day. In the northeast corner where my district is located, more than 10,000 farm operators grow everything from peaches to cattle, chickens to strawberries.

There is no doubt that not enough American workers want to work in agriculture to fulfill the needs of the industry. Most farmers are offering competitive wages to attract workers, while at the same time being conscious of the reality that, when production costs get too high and they can no longer sell their crops at a competitive rate, they could be out of business.

Growers are increasingly turning to the H–2A visa program to get the temporary labor they need, but the program needs reform. The agricultural industry wants and deserves a streamlined program that provides more certainty as to the temporary labor needed to sustain their businesses.

H–2A users have asked Congress for many reforms of the H–2A program. Unfortunately, despite its proponents' claims, H.R. 5038 doesn't fix many of the issues with the program, and, in some cases, the bill makes the problems worse.

Growers have requested permanent, long-term wage rate relief instead of the unpredictable adverse effect wage rate that H–2A users are currently required to pay. This change would help farmers plan for the next growing season without facing increases of 6.2 percent like they did for fiscal year 2019. H.R. 5038 fails to provide long-term stability in wage determinations.

H–2A users have asked for litigation reform that protects against frivolous lawsuits but provides an efficient way to resolve workers' legitimate issues. H.R. 5038 does exactly the opposite—it subjects H–2A users to a private right of action in federal court.

Those who use the H–2A program have requested that control of the program be placed with the cabinet agency that understand growers, their needs, and their processes. H.R. 5038 doesn't do that.

The agricultural industry has asked that Congress provide access to the H–2A program for all sectors of agriculture.

H.R. 5038, however, covers the dairy industry, but leaves out other important sectors like meat and poultry processing, forestry and aquaculture. Of course, as someone who represents a district where the poultry industry employs over 16,000 people and is a vital part of our economy, the fact that meat and poultry processors are left out represents an enormous problem.

H–2A users have asked for no cap on the program. Where H.R. 5038 does provide some visas for year-round work, it caps the number initially at the low rate of 20,000 per year and then reserves half of those for dairies. So, a measly 10,000 visas per year are provided for all other year-round agriculture needs. After that, the bill caps any increase at 12.5 percent—yet still reserves half for dairy.

While the 227 pages of H.R. 5038 make many more changes to the H–2A program—some good and some bad—one need look no further than the first few pages to figure out the real point of this bill: A path to citizenship for an unknown number of illegal immigrants who do some work in agriculture, along with their families.

Of course, we have no idea how many people will take advantage of this amnesty. Estimates from groups like Farmworker Justice put the number of farm workers in the U.S. at 2.4 million, while other estimates reach as high as 2.7 million. Even at the very conservative estimate that 50 percent of farm workers are here illegally, well over a million and a half people will get a path to citizenship, and, because that 50 percent number is from a self-reported survey, we can expect the number of illegal workers is even higher than that.

What are some other concerns with H.R. 5038? The bill promotes fraudulent applications through its extremely low document standards and the ability to withdraw a knowingly false application without prejudice. The bill allows aliens with multiple DUI convictions and charges, as well as many other misdemeanor convictions or charges, to get amnesty. It forgives Social Security fraud and rewards aliens who engage in such fraud with a path to U.S. citizenship.

The bill defines a ''work day'' as only 5.75 hours long and only requires 100 of those each year in order to get a path to citizenship. Better yet, an alien can be exempt from one year of work if they are a caretaker or are pregnant. The bill doesn't require the alien to pay back taxes. H.R. 5038 rewards with amnesty those who failed to attend removal proceedings and those who were removed and illegally reentered America. The bill even authorizes U.S. taxpayer money to help illegal

immigrants apply for amnesty and permits DHS to loot up to $10 million from the fees paid by those seeking legal immigration benefits—such as naturalization.

There are many more provisions of this bill that concern me. During the markup, my Judiciary colleagues and I offered amendments aimed at fixing some of these problems. Our amendments were defeated on party line votes.

At the outset of this Congress, I expressed to the subcommittee chair my desire to work together on an agricultural labor reform bill that has a chance to be enacted. Unfortunately, that didn't happen. My offer was ignored, and the bill before us is not something I can support.

I urge my colleagues to oppose this bill.

Ms. GARCIA of Texas. Madam Speaker, I stand as an original cosponsor of the Farm Workforce Modernization Act.

Agricultural workers are crucial to our economy and this bill would establish a legal and reliable farm workforce.

I support this bill because it recognizes the humanity of farmworkers and their families.

This is personal to me.

I grew up poor picking cotton in the fields of South Texas.

I can testify firsthand about the incredibly hard, back breaking work farm workers do, especially in the heart of South Texas.

Not much has changed since I worked in the fields.

This bill is long overdue and would provide farm workers with important worker protections and legal rights that they desperately need.

Texas is home to nearly 250,000 farms and the need for a strong agricultural workforce is vital.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 758, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 5038 is postponed.

CONFERENCE REPORT ON S. 1790, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020

Mr. SMITH of Washington. Madam Speaker, pursuant to House Resolution 758, I call up the conference report on the bill (S. 1790) to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 758, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 9, 2019, Book II, page H9389.)

The SPEAKER pro tempore. The gentleman from Washington (Mr. SMITH) and the gentleman from Texas (Mr. THORNBERRY) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. SMITH of Washington. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the conference report to accompany S. 1790.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, this was not an easy process. This is an incredibly important piece of legislation. It authorizes the Department of Defense. It basically gives the authority to the men and women who work at the Department of Defense to implement our national security policy and defend this country. And there is a lot of money, a lot of policy, and a lot of people interested in it.

We also have the problem that we have a divided government. We have a Republican President, a Republican Senate, and a Democratic House, who do not agree on a lot of issues. And those are the issues that tend to get focused on.

But what this conference report reflects, for the most part, is that we do agree on a lot; about 90 to 95 percent of what we were negotiating there was substantial agreement on: doing oversight of the Pentagon to make sure our taxpayer dollars are well spent and to make sure that the men and women serving in our Armed Forces, who we are asking to put their lives on the line to defend our country, will have the training, the equipment, and the support they need to carry out that mission. And there are more provisions than I can count in this bill that help them do just that.

We all, in a bipartisan way, should be very proud of that accomplishment.

I think, ultimately, the biggest difference between where the Democrats in the House were at and where the Republicans in the Senate were at: We believe in more aggressive legislative oversight, particularly when it comes to matters of engaging in military action.

We remain deeply concerned about the war in Yemen. Now, it is not our war. Saudi Arabia and, to a lesser degree, the UAE are engaged in that, but we do support them. We want to make sure that we are not supporting them in a way that is contrary to our values and contrary to peace in the region.

Regrettably, we were not able to get the President, primarily, to agree on that, but I think it is something we need to continue to put pressure on.

We also believe that we shouldn't go to war without congressional authority. We will continue to fight about that. We have the 2001 AUMF and the 2002 AUMF still on the books 17, 18 years later. We need to update that. We need to make sure that we don't go to war with Iran without authorization.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Washington. Madam Speaker, I yield myself an additional 30 seconds.

All of that said, ultimately, we pulled together what is an excellent piece of legislation. The two big things I want to highlight in the moments I have left:

We finally repealed the widow's tax. After 25 years of claiming we were going to do it, this bill does it.

And we also give paid parental leave for all Federal employees.

I believe both of these things are integral to national defense. The people are the ones who give us the national security. Taking care of widows, taking care of employees is incredibly important. It was not easy to do. We did it in this bill.

Madam Speaker, I urge adoption of the conference report, and I reserve the balance of my time.

Mr. THORNBERRY. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I rise in support of this conference report. The most important thing I can say about it is that it is good for the troops and it is good for national security. And when it comes to a Defense authorization bill, that is all that really matters. This is a good bill, and it deserves the support of everyone in the House.

And a lot of credit—much of the credit—for navigating a very difficult political process goes to Chairman SMITH for getting us to this point. I am also grateful to Chairman INHOFE and Senator REED during these final negotiations over the last 5 months as we have worked our way through a host of issues.

But it is also all of the conferees and members of the Armed Services Committee and, especially, the staff who have had to help us work our way through these things, essentially, all year. And it is a credit to all of them that we are in this place.

Madam Speaker, this bill does a lot, as Chairman SMITH just said, for the men and women who serve and their families.

There is a lot of focus on people here: For example, 3.1 percent pay raise; a number of provisions related to childcare for the military; increase in professional license fees for spouses; military housing reform, including a requirement for a tenant Bill of Rights; reforms to the movement of household goods; additional steps to combat sexual assault and harassment; a number of provisions related to military healthcare, to improve the quality of care that they get; compensation for medical malpractice at military treatment facilities; repeal of the widow's tax, which is something that Congressman JOE WILSON, among others, has been pushing for for a number of years.