

## S 744

### Border Security, Economic Opportunity, and Immigration Modernization Act

**Congress:** 113 (2013–2015, Ended)

**Chamber:** Senate

**Policy Area:** Immigration

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## Sponsor

**Name:** Sen. Schumer, Charles E. [D-NY]

**Party:** Democratic • **State:** NY • **Chamber:** Senate

## Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Bennet, Michael F. [D-CO]	D · CO		Apr 17, 2013
Sen. Durbin, Richard J. [D-IL]	D · IL		Apr 17, 2013
Sen. Flake, Jeff [R-AZ]	R · AZ		Apr 17, 2013
Sen. Graham, Lindsey [R-SC]	R · SC		Apr 17, 2013
Sen. McCain, John [R-AZ]	R · AZ		Apr 17, 2013
Sen. Menendez, Robert [D-NJ]	D · NJ		Apr 17, 2013
Sen. Rubio, Marco [R-FL]	R · FL		Apr 17, 2013

## Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Hearings By (full committee)	May 7, 2013
Homeland Security Committee	House	Bills of Interest - Exchange of Letters	Aug 1, 2014
Judiciary Committee	House	Hearings By (full committee)	May 23, 2013
Judiciary Committee	Senate	Hearings By (full committee)	Dec 10, 2014
Small Business and Entrepreneurship Committee	Senate	Hearings By (full committee)	May 23, 2013

## Subjects & Policy Tags

**Policy Area:**

Immigration

## Related Bills

Bill	Relationship	Last Action
113 S 2781	Related bill	<b>Sep 10, 2014:</b> Sponsor introductory remarks on measure. (CR S5482-5483)
113 HR 4951	Related bill	<b>Jul 21, 2014:</b> Referred to the Subcommittee on Immigration and Border Security.
113 HR 4961	Related bill	<b>Jul 21, 2014:</b> Referred to the Subcommittee on Immigration and Border Security.
113 S 2561	Related bill	<b>Jun 26, 2014:</b> Read twice and referred to the Committee on the Judiciary.
113 HR 4460	Related bill	<b>Jun 9, 2014:</b> Referred to the Subcommittee on Immigration and Border Security.
113 HR 3914	Related bill	<b>Mar 20, 2014:</b> Referred to the Subcommittee on Immigration and Border Security.
113 HR 3344	Related bill	<b>Jan 9, 2014:</b> Referred to the Subcommittee on Immigration and Border Security.
113 HR 3431	Related bill	<b>Jan 9, 2014:</b> Referred to the Subcommittee on Immigration and Border Security.
113 HR 3568	Related bill	<b>Jan 9, 2014:</b> Referred to the Subcommittee on Immigration and Border Security.
113 S 1889	Related bill	<b>Dec 20, 2013:</b> Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S9107-9108)
113 HR 3130	Related bill	<b>Oct 15, 2013:</b> Referred to the Subcommittee on Immigration and Border Security.
113 HR 2624	Related bill	<b>Jul 30, 2013:</b> Referred to the Subcommittee on Border and Maritime Security.
113 HR 5	Related bill	<b>Jul 24, 2013:</b> Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
113 HR 2270	Related bill	<b>Jul 15, 2013:</b> Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
113 S 891	Related bill	<b>May 8, 2013:</b> Read twice and referred to the Committee on the Judiciary.
113 HR 1596	Related bill	<b>Apr 30, 2013:</b> Referred to the Subcommittee on Immigration and Border Security.
113 S 616	Related bill	<b>Mar 19, 2013:</b> Read twice and referred to the Committee on the Judiciary.
113 HR 490	Related bill	<b>Feb 28, 2013:</b> Referred to the Subcommittee on Immigration And Border Security.
113 S 223	Related bill	<b>Feb 4, 2013:</b> Read twice and referred to the Committee on the Judiciary.

Border Security, Economic Opportunity, and Immigration Modernization Act - (Sec. 2) States that passage of this Act recognizes that the primary tenets of its success depend on securing U.S. sovereignty and establishing a coherent and just system for integrating those who seek to join American society.

(Sec. 3) Prohibits the Secretary of Homeland Security (DHS) (Secretary) from processing applications for registered provisional immigrant status (RPI), as established by this Act, until the Secretary has submitted to Congress the notice of commencement of implementation of the Comprehensive Southern Border Security Strategy and the Southern Border Fencing Strategy.

Prohibits the Secretary from adjusting RPI aliens to lawful permanent resident status, with certain exceptions, until six months after the Secretary certifies to the President and Congress that: (1) the Comprehensive Southern Border Security Strategy submitted to Congress includes the minimum technological requirements specified in this Act and is deployed and operational; (2) the Southern Border Fencing Strategy has been submitted to Congress and implemented, as a result of which the Secretary will certify that there is in place no fewer than 700 miles of pedestrian fencing which will include replacement of all existing vehicle fencing on non-tribal lands on the Southern Border with pedestrian fencing where possible, and after this has been accomplished may include a second layer of pedestrian fencing in those locations along such border which the Secretary deems necessary or appropriate; (3) a mandatory employment verification system to be used by all employers to prevent unauthorized workers from obtaining U.S. employment has been implemented, (4) the mandatory exit data system established by this Act is in use at all international air and sea ports of entry within the United States where U.S. Customs and Border Protection (CBP) officers are currently deployed; and (5) at least 38,405 trained full-time active duty U.S. Border Patrol agents are deployed, stationed, and maintained along the Southern Border.

Authorizes the Secretary to waive legal requirements necessary to ensure construction of the physical infrastructure pursuant to this section. Grants U.S. district courts exclusive jurisdiction to hear claims (which may only be brought on constitutional grounds) arising from any such action.

(Sec. 4) Establishes a Southern Border Security Commission.

States that the Commission's primary responsibility shall be to make border security policy recommendations and submit a related report to the President, the Secretary, and Congress. Requires such report only if the Secretary cannot certify that DHS has achieved effective control in all border sectors for at least one fiscal year before the date that is five years after the date of the enactment of this Act. Terminates the Commission 10 years after the date of enactment of this Act.

(Sec. 5) Directs the Secretary to implement: (1) a Comprehensive Southern Border Security Strategy for achieving and maintaining effective control between and at the ports of entry in all border sectors along the Southern border, and (2) a Southern Border Fencing Strategy to identify where 700 miles of fencing and technology should be deployed along the Southern border. Details, for the Comprehensive Southern Border Security Strategy, minimum requirements for deployment of surveillance technologies in the Yuma and Tucson, Arizona, sectors; San Diego and El Centro, California; El Paso, Big Bend, Del Rio, and Laredo, Texas; and the Rio Grande Valley, including air and marine surveillance.

(Sec. 6) Establishes in the Treasury the Comprehensive Immigration Reform Trust Fund.

Provides initial funding from the Treasury and continued funding from fees collected pursuant to this Act.

**Title I: Border Security** - (Sec. 1102) Directs the Secretary to: (1) increase the number of trained full-time active duty

U.S. Border Patrol agents deployed to the Southern border to 38,405 by September 30, 2021; and (2) increase the number of CBP officers by 3,500 by September 30, 2017; and (3) increase the number of trained CBP Air and Marine unmanned aircraft systems crew, marine agent, and personnel by 160; (4) increase and maintain Office of Air and Marine flight hours to 130,000 annually by September 30, 2015.

Authorizes the transfer of officers and agents from the Northern border to the Southern border.

Requires the Secretary to establish a program to actively recruit members of the reserve components of the Armed Forces and former members of the Armed Forces to serve in CBP and U.S. Immigration and Customs Enforcement.

Requires, before the hiring and training of additional CBP officers, a report to Congress on current wait times at ports of entry, officer staffing, and projections for new officer allocation at ports of entry designed to implement this Act, including the need to hire administrative personnel.

(Sec. 1103) Authorizes the governor of a state, with the approval of the Secretary of Defense (DOD), to order National Guard units or personnel to perform operations in the Southwest border region to assist CBP in securing the southern border. Directs DOD to provide material and logistical assistance as needed.

(Sec. 1104) Directs the Secretary to increase the number of border crossing prosecutions in the Tucson sector of the Southwest border region to up to 210 prosecutions per day by increasing funding for additional attorneys, support staff, interpreters, pre-trial services, and U.S. marshals.

Directs the Secretary to enhance border infrastructure by: (1) constructing additional Border Patrol stations in the Southwest border region, (2) upgrading and establishing additional Border Patrol operating bases, and (3) establishing a grant program with the Secretary of Transportation (DOT) to construct transportation improvements at international border crossings. Authorizes FY2014-FY2018 appropriations.

Authorizes the appointment of additional magistrate judges.

Directs the Federal Emergency Management Agency (FEMA) to enhance law enforcement and operational readiness along the U.S. borders through Operation Stonegarden. Provides funding for such activities.

Directs the President to appoint additional district judges for Arizona, California, and Texas.

Increases the fee for filing a civil action in U.S. district court to \$360.

(Sec. 1105) Directs the Secretary of Agriculture (USDA) or the Secretary of the Interior to provide CBP personnel with immediate access to federal lands in the Southwest border region in Arizona for security activities.

(Sec. 1106) Requires CBP to deploy additional mobile, video, and portable surveillance systems, and unarmed, unmanned aerial vehicles in the Southwest border region in order to provide 24-hour surveillance.

(Sec. 1107) Directs the Secretary to establish a two-year grant program to improve emergency communications in the Southwest border region. Authorizes appropriations.

Requires the Commissioner of CBP to: (1) identify areas near the Northern and Southern borders where migrant deaths are occurring due to climatic and environmental conditions, and (2) deploy up to 1,000 movable distress beacon stations.

(Sec. 1108) Directs the Attorney General (DOJ) to reimburse state, county, tribal, and municipal governments for costs

associated with the prosecution and pre-trial detention of federally initiated criminal cases declined by local offices of the United States Attorneys. Authorizes FY2014-FY2018 appropriations.

(Sec. 1110) Authorizes appropriations for the state criminal alien assistance program (SCAAP) through FY2015.

(Sec. 1111) Directs the Secretary to issue policies regarding the use of force by DHS personnel.

(Sec. 1112) Directs the Secretary to: (1) provide appropriate training for CBP officers, U.S. Border Patrol officers, U.S. Immigration and Customs Enforcement agents, U.S. Air and Marine Division agents, and agriculture specialists stationed within 100 miles of any U.S. land or marine border, or at any U.S. port of entry; and (2) establish CBP child custody guidelines.

(Sec. 1113) Establishes the Department of Homeland Security Border Oversight Task Force. Authorizes FY2014-FY2017 appropriations.

Terminates the Task Force 60 days after submission of a required report.

(Sec. 1114) Amends the Homeland Security Act of 2002 to establish within DHS an Ombudsman for Immigration Related Concerns.

(Sec. 1115) Directs the Secretary to: (1) consider safety and family concerns in any action related to the repatriation or prosecution of individuals apprehended for immigration violations, and (2) provide related training for CBP personnel.

(Sec. 1116) Revises, with respect to maximum distances in a Northern border sector or district within which DHS personnel have the authority to board and search vehicles for aliens and to have access to private lands without a warrant for the purpose of patrolling to prevent the illegal entry of aliens into the United States. Requires a certification by the Secretary that the establishment of such distance is necessary and annual reports to Congress on the number of such certifications, their duration, and factors justifying each.

(Sec. 1118) Provides for: (1) severability under this Act, and (2) delegation of authority by the Secretary to specified other federal departments and entities.

(Sec. 1119) Prohibits the Secretary from establishing border crossing fees for individuals at land ports of entry along the Southern and Northern borders.

(Sec. 1120) Human Trafficking Reporting Act of 2013 - Amends the Omnibus Crime Control and Safe Streets Act of 1968 to include severe forms of trafficking in persons among "part 1 violent crimes" required to be reported by states for the Uniform Crime Reports of the Federal Bureau of Investigation (FBI) for purposes of Bureau of Justice Assistance Grants and Edward Byrne Memorial Justice Assistance Grants.

(Sec. 1122) Directs the Secretary, with specified exceptions, to certify to Congress every six months that DHS has only deported or otherwise removed a migrant from the United States through an entry or exit point on the Southern border during daylight hours.

Requires that lawful, nonperishable belongings of a migrant that are confiscated under federal authority shall be returned, to the extent possible, before repatriation.

(Sec. 1123) Revises restrictions on payment of senior executives' compensation under contracts relating to border security to limit costs of compensation of executives and employees of contractors with DHS or the National Guard to the

annual amount payable under the aggregate limitation on pay as established by the Office of Management and Budget (OMB).

(Sec. 1201) Directs the Secretary to initiate removal proceedings, in accordance with the Immigration and Nationality Act (INA), confirm that immigration relief or protection has been granted or is pending, or otherwise close 90 percent of the cases of nonimmigrants who: (1) were admitted as nonimmigrants after the date of the enactment of this Act; and (2) during the most recent 12-month period, entered the category of having exceeded their authorized period of admission by more than 180 days. Sets forth reporting requirements.

(Sec. 1202) Directs the Secretary to establish a pilot program of notifying individuals who have traveled to the United States from a foreign nation that the terms of their admission to the United States are about to expire, including individuals who entered with a visa or through the visa waiver program. Sets forth reporting requirements.

(Sec. 1203) Requires the Secretary of State to develop, in consultation with Congress, a strategy to address the unauthorized immigration of individuals who transit through Mexico to the United States, to include specific steps to: (1) enhance training, resources and professionalism of border and law enforcement officials in Mexico, Honduras, El Salvador, Guatemala, and other countries, as appropriate; and (2) educate nationals of such countries about the perils of the journey to the United States.

**Title II: Immigrant Visas - Subtitle A: Registration and Adjustment of Registered Provisional Immigrants - (Sec. 2101)** Authorizes the Secretary, after conducting the required national security and law enforcement clearances, to grant RPI status to an alien unlawfully in the United States who: (1) meets specified eligibility requirements, (2) applies before the end of the application period, (3) has paid the required fee and penalty if applicable, and (4) has been physically present in the United States since December 31, 2011, and maintains such presence until RPI status has been granted.

Establishes a processing fee for persons 16 years or older.

Sets forth bars to eligibility based upon criminal convictions, terrorist activity, and grounds for excludability.

Provides derivative RPI status to the spouse or child of an RPI alien if the spouse or child is physically present in the United States: (1) on the date on which the RPI alien is granted such status and on or before December 31, 2012, and (2) meets specified eligibility requirements.

Authorizes a dependent spouse or child to apply for RPI status if the legal relationship between such person and the RPI alien ended due to death, divorce, or domestic violence.

Requires an alien applicant to satisfy federal tax liabilities and security and law enforcement clearances.

Grants RPI status for an initial six-year period, which may be extended under specified conditions, including fulfillment of employment and nonpublic charge requirements.

Sets forth protections for aliens apprehended before or during the application period, or in removal proceedings.

Permits an RPI alien to work and travel outside the United States under specified conditions.

Enumerates the grounds under which the Secretary may revoke RPI status.

Makes an RPI alien ineligible for any federal means-tested benefit, and considers such person to be a noncitizen for certain other federal benefits.

Authorizes an RPI alien to: (1) be issued a Social Security number, and (2) enlist in the Armed Forces.

(Sec. 2102) Authorizes the Secretary to adjust the status of an RPI alien to that of an alien lawfully admitted for permanent residence if such person meets specified eligibility requirements, including: (1) continuous physical presence, (2) evidence of employment or full-time education, (3) English language skills, (4) payment of taxes, and (5) security and law enforcement clearances.

Prohibits an RPI alien from applying for lawful permanent resident status until the Secretary of State certifies that immigrant visas have become available for all approved petitions filed before the date of enactment of this Act.

Establishes a processing fee.

States that an RPI alien may only adjust status under the merit-based system provided for by this Act.

States that a lawful permanent resident who was lawfully present in the United States and eligible for work authorization for not less than 10 years before becoming a lawful permanent resident may be naturalized in three years upon compliance with all requirements if such person, immediately preceding the date of filing a naturalization application, has: (1) been physically present in the United States for at least 50% of the three-year period preceding such filing date, and (2) resided for at least three months in the state or the jurisdiction of the U.S. Citizenship and Immigration Services field office in which the application was filed.

(Sec. 2103) Development, Relief, and Education for Alien Minors Act of 2013 or DREAM Act 2013 - Authorizes the Secretary to adjust the status of an RPI alien to that of a lawful permanent resident if the person demonstrates that he or she: (1) has been in RPI status for at least five years; (2) was younger than 16 years of age when such person entered the United States; (3) has earned a high school diploma or obtained a general education development certificate in the United States; (4) has acquired a degree from an institution of higher education or has completed at least two years in a program for a bachelor's or higher degree in the United States, or has served in the Uniformed Services for at least four years and, if discharged, received an honorable discharge; and (5) has provided a list of each secondary school attended in the United States.

Prohibits the Secretary from adjusting the status of an RPI alien to lawful permanent resident status unless the person: (1) satisfies citizenship requirements, (2) submits appropriate biometric and biographic data, and (3) undergoes security and law enforcement background checks.

Considers for naturalization purposes an RPI alien granted lawful permanent resident status to have been: (1) lawfully admitted for permanent residence, and (2) in the United States as an alien lawfully admitted for permanent residence during the period the alien was in RPI status.

Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to repeal the denial of an unlawful alien's eligibility for higher education benefits based on state residence unless a U.S. national is similarly eligible without regard to such state residence.

Sets forth RPI program provisions regarding: (1) prohibited and required disclosures, (2) employer protections, (3) audits and information evaluation, (4) administrative review, (5) privacy and civil liberties, and (6) judicial review.

(Sec. 2104) Prohibits a federal agency employee from: (1) using the information furnished in an application for lawful status pursuant to the DREAM ACT or the RPI programs other than to make a determination regarding an immigration benefit or protection; (2) making any publication through which information furnished by an applicant can be identified; or

(3) permitting anyone other than the agency's officers, employees, and contractors to examine any individual application for lawful status.

Requires the Secretary to provide such information to a: (1) law enforcement or security agency, (2) court, (3) grand jury, or (4) coroner.

(Sec. 2105) Establishes a criminal penalty of up to \$10,000 for a person who knowingly uses, publishes, or permits the improper use of RPI application information.

(Sec. 2106) Authorizes the Secretary to establish within U.S. Citizenship and Immigration Services a program to award grants to eligible nonprofit organizations to assist RPI applicants.

(Sec. 2107) Amends title II (Old Age, Survivors and Disability Insurance) (OASDI) and part E (Foster Care and Adoption Assistance) of title IV of the Social Security Act regarding: (1) state termination of parental rights, (2) children separated from parents and caregivers, and (3) proof of authorization to work in the United States for purposes of OASDI insured status.

(Sec. 2108) Provides procedures, in order to implement this Act, for exemptions from procurement and contracting competition and hiring rules. Extends authority to waive the termination of annuity payments for re-employed Foreign Service annuitants.

Allows the Secretary to acquire a leasehold interest in real property, and to provide in a lease for the construction or modification of a facility on the leased property in order to facilitate the implementation of this Act.

(Sec. 2109) Establishes a Commonwealth of the Northern Mariana Islands-only lawful permanent resident status for certain long-term Commonwealth legal residents. Authorizes such aliens to receive an immigrant visa or to adjust to lawful permanent (U.S.) resident status beginning five years after the date of enactment of this Act.

**Subtitle B: Agricultural Worker Program** - Agricultural Worker Program Act of 2013 - (Sec. 2211) Directs the Secretary to confer "blue card status" upon an alien who: (1) has performed specified periods of agricultural employment in the United States or is a qualifying alien's spouse or child, (2) applied for such status during the one-year application period (with a discretionary 18-month extension period), and (3) is not ineligible under the grounds applicable to RPI aliens.

Sets forth protections for aliens apprehended before or during the application period, or in removal proceedings.

Permits qualified nonimmigrants who have participated in the H-2A temporary agricultural worker program to apply from outside the United States.

Prohibits the Secretary from granting blue card status to an alien (or dependent spouse or child) unless such person submits eligibility-related security and law enforcement biometric and biographic data.

States that blue card status expires eight years after the date on which final blue card regulations are published.

Establishes a processing fee for persons 16 years or older.

Permits a blue card alien to work and travel outside the United States under specified conditions.

Enumerates the grounds under which the Secretary may revoke blue card status.

Makes a blue card alien ineligible for any federal means-tested benefit.

Authorizes the Secretary to adjust the status of an alien who has been granted blue card status to RPI status if the alien is unable to fulfill the agricultural service requirement.

(Sec. 2212) Directs the Secretary, beginning not earlier than five years after enactment of this Act, to adjust a blue card alien (and spouse and children) to permanent resident status if the alien has fulfilled specified periods of agricultural employment.

Requires payment of: (1) a \$400 fine, and (2) any federal tax liability.

Establishes criminal penalties for false application statements.

(Sec. 2215) Authorizes FY2013-FY2014 appropriations for the blue-card program.

(Sec. 2221) Amends the Social Security act to permit a blue card alien to correct certain social security records.

(Sec. 2231) Amends the INA to create: (1) a W-3 nonimmigrant visa for an alien to perform agricultural services who has a written contract that specifies the wages, benefits, and working conditions of such full-time employment with a designated agricultural employer for a specified period of time; and (2) a W-4 nonimmigrant visa for an alien to perform agricultural services who has a full-time employment offer from a designated agricultural employer for such employment.

(Sec. 2232) Establishes the nonimmigrant agricultural (W-3 and W-4 visa) worker program.

Sets forth employer and worker program provisions and requirements, including penalties for program violations and U.S. worker protections. Requires an employer to be a designated agricultural employer in order to employ individuals under the program.

Establishes a limit for the first five years of the program which may be adjusted annually based upon specified demand and economic factors.

Bases subsequent year limitations upon specified demand and economic factors.

Provides for a three-year period of admission, with one additional three-year extension without having to leave the United States. Prohibits a subsequent period of employment unless the alien: (1) returns to a residence outside the United States for at least three months, and (2) seeks reentry under the program as a nonimmigrant agricultural worker.

Provides for worker portability. Prohibits derivative status for the spouses and children of program aliens.

Excludes W-3 and W-4 workers from need-based federal financial assistance programs.

Directs the Secretary to monitor program workers through E-Verify and an electronic monitoring system to be modeled on the Student and Exchange Visitor Information System (SEVIS).

(Sec. 2233) Establishes a cut-off date for petitioning for H-2A temporary agricultural workers that is one year after the effective date of the regulations implementing the agricultural worker program under this Act.

(Sec. 2234) Directs the Secretary of Agriculture to report to Congress each year on the number of program workers who: (1) were admitted, and (2) violated program provisions and have not left the United States.

**Subtitle C: Future Immigration** - (Sec. 2301) Establishes a merit-based and points immigrant admissions system.

Provides for: (1) 120,000 admissions per fiscal year, annual increases based upon specified admissions and employment

conditions, and a maximum admissions cap of 250,000; (2) recapture of unused visas; and (3) lawful permanent resident status for such entrants.

Provides that: (1) for the first four fiscal years the worldwide level of merit-based immigrant visas shall be available for skilled workers, professionals, and certain other workers; and (2) for subsequent fiscal years preference will be given to tier 1 and tier 2 aliens based upon a point allocation system.

Awards tier 1 and tier 2 points to applicants for specified criteria, including: (1) education, (2) employment, (3) entrepreneurship, (4) high demand occupation, (5) English language, (6) age, (7) country of origin, and (8) family relationships.

Establishes a \$1,500 visa fee in addition to any application processing fee.

Makes aliens with a pending or approved petition in another immigrant category and RPI aliens ineligible for a merit-based immigrant visa.

(Sec. 2302) Makes specified employment- and family-based applicants and long-term workers eligible for merit-based immigrant visas beginning on October 1, 2014.

Sets forth allocation provisions for: (1) employment-based visas that have been pending for at least five years, (2) family-based petitions that were filed prior to enactment of this Act and have been pending for at least five years, and (3) long-term alien workers and other merit based immigrant workers.

(Sec. 2303) Repeals the diversity immigrant program as of October 1, 2014. Permits aliens selected for FY2013 or FY2014 to retain program eligibility.

(Sec. 2304) Sets forth worldwide levels of employment- and family-based immigrants.

(Sec. 2305) Includes the spouse or minor child of a lawful permanent resident alien in the definition of "immediate family."

(Sec. 2306) Eliminates the per-country limit for employment-based immigrants and increases the per-country limit for family-based immigrants.

(Sec. 2307) Revises family-based immigrant visa allocations for: (1) unmarried sons and daughters of U.S. citizens, (2) married sons and daughters of U.S. citizens (requires that they be under 31 years old at time of filing), and (3) unmarried sons and daughters of U.S. lawful permanent residents.

Eliminates the visa category for brothers and sisters of U.S. citizens.

Includes among immigrants not subject to numerical limitations aliens: (1) who are derivative beneficiaries of employment-based immigrants; (2) with extraordinary ability in the sciences, arts, education, business, or athletics; (3) who are outstanding professors and researchers; (4) who are multinational executives and managers; (5) who have earned a doctorate degree; (6) who are physicians with completed foreign residency requirements; and (7) who have earned a graduate degree in a field of science, technology, engineering, or mathematics (STEM field) from an accredited U.S. institution of higher education with an offer of U.S. employment.

Increases visa allocations for: (1) certain special immigrants, (2) employment creation immigrants, and (3) skilled workers and professionals.

(Sec. 2308) Includes a community adversely affected by a recommendation of the Defense Base Closure and Realignment Commission as a targeted employment area (TEA) for purposes of certain employment creation visa set-asides.

(Sec. 2309) Revises nonimmigrant V-visa (spouses and children of lawful permanent residents coming to the United States to wait for completion of the immigrant visa process) provisions.

(Sec. 2310) Makes fiancés of lawful permanent residents eligible for a nonimmigrant K-visa (fiance or fiancee).

(Sec. 2311) Redefines "child" for purposes of titles I and II of INA to include a stepchild under 21 years old.

(Sec. 2312) Permits children under 18 years old to be adopted.

(Sec. 2313) Provides specified relief for orphans and spouses regarding: (1) petitions for immediate relative status, (2) parole eligibility, (3) naturalization, (4) processing of immigrant visas and derivative petitions, (5) waivers of inadmissibility, (6) surviving relative consideration for certain petitions and applications, and (7) immediate relative status.

(Sec. 2314) Authorizes an immigration judge, under specified conditions, to: (1) decline to order an alien removed, deported, or excluded; and (2) terminate such proceedings.

(Sec. 2315) Revises waiver of inadmissibility provisions, including: (1) waiving inadmissibility for certain persons who entered the United States before they were 16 years old who have earned a degree from a U.S. institution of higher education; (2) adding a three-year limit on immigration-related misrepresentations; (3) authorizing parents of U.S. citizens or lawful permanent residents to apply for a waiver of unlawful presence; and (4) waiving inadmissibility for false claims of U.S. citizenship by persons under 18 years old, or otherwise lacking mental competence.

(Sec. 2317) Considers a lawful permanent resident alien (and spouse or child) who is a doctor or health care worker residing in an eligible country and working in such capacity to be physically present and residing in the United States for naturalization purposes.

(Sec. 2318) Extends the Iraqi special immigrant visa program and the Afghan special immigrant visa program.

Requires application processing improvements.

(Sec. 2320) Makes the special immigrant non-minister religious worker and the EB-5 regional center programs permanent.

(Sec. 2321) Provides special immigrant status for the surviving spouse or child of a U.S. government employee killed abroad in the line of duty, provided that: (1) the employee had performed faithful service for at least 15 years; and (2) the principal officer of a Foreign Service establishment (in the case of the American Institute of Taiwan, the Director) recommends, and the Secretary of State approves, the granting of such status.

Makes such provision effective beginning on January 31, 2013, and retroactive.

(Sec. 2322) Filipino Veterans Family Reunification Act - Exempts from worldwide or numerical limitations on immigrant visas the sons and daughters of a U.S. citizen and a parent who was a Filipino World War II veteran who was naturalized under the Immigration Act of 1990 or other specified federal law.

(Sec. 2323) Prohibits any federal officer or employee from waiving: (1) compliance with any requirement of title IV

(Restricting Welfare and Public Benefits for Aliens) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, or any restriction on eligibility for any form of public assistance or means-tested benefit described in such Act; and (2) the prohibition on eligibility for such assistance or benefits for registered provisional immigrants, aliens granted blue card status under this Act, and aliens holding V (family) or Y (retiree) nonimmigrant visas.

Prohibits the Secretary of Health and Human Services (HHS) from waiving compliance by a state with requirements for temporary assistance for needy families under the Social Security Act or the penalties imposed upon a state for failure to comply with such requirements.

**Subtitle D: Conrad State 30 and Physician Access** - (Sec. 2401) Makes the J-1 visa waiver (Conrad state 30/medical services in underserved areas) program permanent.

(Sec. 2402) Excludes from numerical immigration limitations alien physicians who have completed national interest waiver requirements by working in a health care shortage area (including alien physicians who completed such service before the date of enactment of this Act and their spouse and children).

(Sec. 2403) Sets forth specified employment protections and contract requirements for alien physicians working in underserved areas.

(Sec. 2404) Increases the number of alien physicians that a state may be allocated to 35 per fiscal year under specified circumstances.

Provides for additional increases or decreases based upon demand.

Provides up to three visa waivers per fiscal year per state for physicians in academic medical centers.

**Subtitle E: Integration** - (Sec. 2511) Renames the Office of Citizenship of DHS as the Office of Citizenship and New Americans.

Revises Office functions.

(Sec. 2521) Directs the Secretary to establish a Task Force on New Americans which shall establish a coordinated federal program and policy response to immigrant integration issues.

(Sec. 2531) Authorizes the Secretary, through U.S. Citizenship and Immigration Services, to: (1) establish the United States Citizenship Foundation to expand citizenship preparation programs; and (2) award initial entry, adjustment, and citizenship assistance grants to eligible nonprofit organizations for immigration integration programs.

(Sec. 2538) Establishes a pilot program of grants to states, local governments, or other qualifying entities to carry out immigrant integration programs, or to establish New Immigrant Councils to carry out such programs.

(Sec. 2541) Authorizes appropriations for programs under this subtitle.

(Sec. 2551) Waives, with respect to naturalization: (1) English language and civics requirements for persons over 65 years old who have lived in the United States for at least 5 years as lawful permanent residents, and (2) the English language requirement for persons over 60 years old who have lived in the United States for at least 10 years as lawful permanent residents.

(Sec. 2552) Prohibits the Secretary from requiring an applicant or petitioner for permanent residence or citizenship to use

an electronic method to file an application or access a customer account until October 1, 2020.

(Sec. 2553) Amends the Housing and Community Development Act of 1980 to make eligible for housing assistance certain aliens who have been battered or subjected to extreme cruelty in the United States by a spouse or a parent or by a member of the spouse or parent's family residing in the same household as the alien.

(Sec. 2554) Amends the Child Citizenship Act of 2000, with respect to requirements for naturalization of an alien child who is adopted by a U.S. citizen, to: (1) make the provisions of such Act applicable to any individual who satisfies requirements for naturalization, regardless of the date on which such requirements were satisfied; (2) modify the preadoption visitation requirement to allow one parent to personally see and observe a child before or during the adoption proceedings (current law requires both parents); (3) revise conditions for granting automatic citizenship to a child born outside of the United States; and (4) provide for the naturalization of adopted children who lack legal status or physical presence in the United States. Makes the provisions of the Child Citizenship Act of 2000 applicable to any child adopted by a U.S. citizen regardless of the date of the adoption.

(Sec. 2555) Amends the INA to treat persons applying for naturalization as having satisfied requirements relating to English language proficiency and civics, good moral character, and honorable service and discharge requirements from military service, if such persons received certain awards from the Armed Forces for combat service. Authorizes revocation of citizenship for persons separated from the Armed Forces under other than honorable conditions.

**Title III: Interior Enforcement - Subtitle A: Employment Verification System** - (Sec. 3101) Prohibits an employer from: (1) hiring, recruiting, or referring for a fee an alien who is not authorized to work in the United States or failing to comply with E-Verify or document requirements; or (2) continuing to employ an unauthorized alien.

Authorizes an employer to rely on a state employment agency's referral of an employee if the agency has certified that it has complied with document requirements.

Provides a good faith defense for an employer who has complied with document and E-Verify requirements.

Requires an employer to: (1) examine specified documents to verify an individual's identity and employment status and use an identity authentication mechanism once it becomes available, and (2) retain verification records for the later of three years after hiring or one year after termination.

Requires an employee to provide an employer with such documents and attest that he or she is authorized to work in the United States.

Sets forth employer penalties and civil rights protections.

States that these provisions shall not be construed to authorize the establishment of a national identification card.

Requires: (1) federal agencies and departments to participate in E-Verify 90 days after the date of enactment of this Act, (2) federal contractors to participate as provided for by a final rule, (3) employers with more than 5,000 employees to participate within two years after implementing regulations are published, (4) employers with more than 500 employees to participate within three years after implementing regulations are published, (5) agricultural laborers to participate four years after enactment of the Legal Workforce Act, (6) tribal employers to participate within five years after implementing regulations are published, and (7) all other employers to participate within four years after implementing regulations are published.

Provides that one year after implementing regulations are published the Secretary may authorize or direct critical infrastructure employers to participate in E-Verify.

States that failure to participate in E-Verify shall constitute a civil violation.

Sets forth E-Verify program provisions.

States that E-Verify remains in effect during the period of transition as provided for by this Act.

(Sec. 3102) Requires that within five years all Social Security cards issued shall be fraud-, tamper-, wear-, and identity theft-resistant. Authorizes appropriations.

Amends the federal criminal code to make specified forms of Social Security fraud punishable by fine, up to five years' imprisonment, or both.

(Sec. 3104) Amends the Social Security Act to direct the Commissioner of Social Security (SSA) establish a secure method to check specified employee data against SSA data in order to confirm identity and employment eligibility.

Prohibits the release of tax return information except as authorized by the Internal Revenue Code.

(Sec. 3105) Makes it an unfair immigration-related employment practice, with specified exceptions, for a person, entity, or employment agency to discriminate based upon an individual's national origin or citizenship status with respect to hiring, firing, or verifying employment eligibility.

Authorizes appropriations through FY2016 for dissemination of anti-discrimination provisions.

(Sec. 3107) Directs the Secretary to establish within U.S. Citizenship and Immigration Services the Office of the Small Business and Employee Advocate to assist small businesses and individuals to comply with alien employment requirements, including resolution of conflicts arising in the course of attempted compliance with such requirements.

**Subtitle B: Protecting United States Workers** - (Sec. 3201) Expands the U-visa (crime victims) category to include aliens who have suffered substantial physical or mental abuse or harm, or who would suffer extreme hardship upon removal, as a result of having been a victim of the following covered violations: (1) certain workplace abuses, (2) slavery or trafficking in persons, or (3) deprivation of due process or constitutional rights. (Requires, in addition, that such aliens would be helpful in a cause of action arising from such violations.)

Provides specified protections for aliens arrested or detained as part of a workplace enforcement action at a facility about which a workplace claim has been filed.

**Subtitle C: Other Provisions** - (Sec. 3301) Establishes in the Treasury the Interior Enforcement Account. Authorizes appropriations.

Authorizes appropriations to the Attorney General and the Secretary of State to carry out the provisions of this title.

(Sec. 3302) States that, except as otherwise provided, the provisions of this title shall take effect on the date of enactment of this Act.

(Sec. 3303) Directs the Secretary: (1) by December 31, 2015, to establish a mandatory exit data system that shall include data collection from machine-readable visas, passports, and other travel and entry documents for all aliens who are

exiting the United States from air and sea ports of entry; (2) not later than 2 years after enactment of this Act, to establish a mandatory biometric exit data system at the 10 U.S. airports that support the highest volume of international air travel; and (3) not later than 6 years after enactment of this Act, to establish a mandatory biometric exit data system at the Core 30 international airports in the United States. Authorizes appropriations.

Directs the Secretary to implement an interoperable electronic data system to access database information from federal law enforcement agencies and the intelligence community for purposes of visa issuance, admissibility, or deportability.

(Sec. 3304) Requires an appropriate official of each commercial aircraft or vessel departing from the United States to any port or place outside the United States to ensure transmission to CBP of identity-theft resistant departure manifest information covering alien passengers, crew, and non-crew.

Authorizes appropriations to reimburse carriers for carrying out such requirements.

(Sec. 3305) Prohibits federal law enforcement officers, in making routine law enforcement decisions (such as ordinary traffic stops), from using race or ethnicity to any degree, except that officers may rely on race and ethnicity if a specific suspect description exists.

(Sec. 3306) Amends the Controlled Substances Act to: (1) increase penalties for cultivating or manufacturing controlled substances on federal property, and (2) prohibit stream diversion or clear cutting on federal property.

Directs the United States Sentencing Commission to provide additional penalties under the Federal Sentencing Guidelines for: (1) the use of hazardous substances on federal land, and (2) the use or possession of firearms in connection with drug offenses on federal land.

**Subtitle D: Asylum and Refugee Provisions - Frank R. Lautenberg Asylum and Refugee Reform Act - (Sec. 3401)**  
Eliminates the one-year time limit for filing an asylum claim.

Permits, and sets forth the requirements for, reopening a claim that was denied because of failure to file within one year.

(Sec. 3402) Authorizes the spouse or child of a refugee or asylee to bring his or her accompanying or joining child into the United States as a refugee or asylee.

(Sec. 3403) Terminates the waiver of specified visa requirements for certain aliens who were born and reside in Vietnam and who were fathered by a U.S. citizen.

Authorizes the President to designate refugee groups.

(Sec. 3405) Authorizes: (1) the Secretary to designate specific groups of individuals as stateless persons, (2) the Secretary or the Attorney General to provide conditional lawful status to a qualifying stateless person who is otherwise inadmissible or deportable, and (3) the Secretary or the Attorney General to adjust such person to lawful permanent resident status after one year in conditional lawful status.

Sets forth protections for stateless persons in the United States, including work and travel authorizations.

(Sec. 3406) Increases the number of annual U-visas, with a set-aside for victims of a covered violation.

(Sec. 3407) Provides employment authorization for nonimmigrant U-visa and T-visa (trafficking victims) aliens whose applications are pending.

(Sec. 3409) Prohibits an alien from being admitted as a refugee or asylee until such person's identity has been checked against all appropriate databases to determine any national security, law enforcement, or other grounds under which the alien may be inadmissible or ineligible to apply for refugee or asylee status.

(Sec. 3410) Tibetan Refugee Assistance Act of 2013 - Makes 5,000 immigrant visas available in FY2014-FY2016 for individuals who were born in Tibet and have been continuously residing in India or Nepal prior to enactment of this Act.

Considers a person to be a native of Tibet if such person was born in Tibet or is the son, daughter, grandson, or granddaughter of an individual born in Tibet.

(Sec. 3411) Terminates the refugee or asylee status of an alien who: (1) without good cause as determined by the Secretary or the Attorney General subsequently returns to the country of such alien's nationality or, in the case of an alien having no nationality, returns to the country in which such alien last habitually resided; and (2) applied for such status because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Makes such provision inapplicable to an alien who is eligible for adjustment to lawful permanent resident status pursuant to the Cuban Adjustment Act of 1966.

(Sec. 3412) Requires that an asylee be granted employment authorization 180 days after filing his or her asylum application.

**Subtitle E: Shortage of Immigration Court Resources for Removal Proceedings** - (Sec. 3501) Directs the Attorney General to: (1) increase the number of immigration court judges and Immigration Board of Appeals staff attorneys in each of FY2014-FY2016; and (2) appoint counsel in certain removal proceedings involving an unaccompanied child, an individual with a serious mental disability, or a particularly vulnerable individual.

(Sec. 3503) Establishes within the Executive Office for Immigration Review an Office of Legal Access Programs to develop programs to make immigration proceedings more efficient by educating aliens regarding administrative procedures and legal rights.

(Sec. 3505) Provides for review of, and improvements in, training of immigration judges and Board of Immigration Appeals members.

(Sec. 3507) Transfers to DOJ all unexpended balances from HHS and its Office of Refugee Resettlement in connection with the advocacy and legal representation of unaccompanied children or victims of child trafficking pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

**Subtitle F: Prevention of Trafficking in Persons and Abuses Involving Workers Recruited Abroad** - (Sec. 3602) Requires any person who engages in foreign labor contracting to disclose in writing in English and in the primary language of the worker being recruited specified information, including the identity of the employer and the recruiter, worker protections, and a signed copy of the work contract.

(Sec. 3603) Prohibits any person who engages in foreign labor contracting from discriminating in hiring based upon race, color, creed, sex, national origin, religion, age, or disability.

(Sec. 3604) Prohibits certain recruitment fees.

(Sec. 3605) Requires a foreign labor contractor to register with the Secretary of Labor. Imposes a registration fee. Sets forth registration requirements.

(Sec. 3607) Directs the Secretary of Labor to: (1) maintain a list of all foreign labor contractors registered and a list of all foreign labor contractors whose registration has been revoked; and (2) establish a process for receipt, investigation, and disposition of complaints.

(Sec. 3609) Directs the Secretary of State to ensure that: (1) each U.S. diplomatic mission has a person responsible for receiving information from any worker who has been subject to violations of this subtitle, and (2) consulates maintain and make public information regarding the identities of foreign labor contractors and the employers to whom the foreign labor contractors supply workers.

(Sec. 3610) Sets forth administrative and civil action enforcement provisions.

(Sec. 3611) Requires live training of all CBP personnel who are likely to come into contact with unaccompanied alien children.

(Sec. 3612) Child Trafficking Victims Protection Act - Directs the Secretary to require the appropriate training of all personnel who come into contact with unaccompanied alien children.

Sets forth related protections for such children regarding: (1) prompt placement with the Office of Refugee Resettlement, (2) qualified resources and child welfare professionals at appropriate ports of entry, (3) confidentiality, and (4) notice of rights and access to counsel.

Directs the U.S. Agency for International Development (USAID) to implement a best practices program in the United States and within the country of return to ensure the safe and sustainable repatriation and reintegration of unaccompanied alien children into their country of nationality or of last habitual residence.

(Sec. 3613) States that: (1) in all procedures and decisions concerning unaccompanied immigrant children that are made by federal agencies, subcontracted private agencies, and federal courts the best interests of the child shall be a primary consideration; and (2) best interests determinations made by a juvenile court shall be conclusive in assessing a child's best interests.

**Subtitle G: Interior Enforcement** - (Sec. 3701) Makes an alien who has been convicted of an offense for which an element was active and knowing participation in a criminal street gang inadmissible and deportable.

Makes an alien inadmissible who is physically outside the United States and since the age of 18 knowingly and willingly participated in a criminal street gang. Authorizes the Secretary to waive such provision under specified circumstances.

Makes an alien who is at least 18 years old ineligible for RPI status for such criminal street gang activities. Authorizes the Secretary to waive such provision under specified circumstances.

(Sec. 3702) Makes an alien who has been convicted three or more times for driving under the influence or driving while intoxicated inadmissible and deportable.

(Sec. 3703) Revises the definition of "aggravated felony" regarding the evidentiary determination of minority in instances of murder, rape, or sexual abuse of a minor.

(Sec. 3704) Revises criminal penalty and related affirmative defense provisions regarding illegal entry and reentry,

including by increasing criminal penalties for such violations.

(Sec. 3706) Increases monetary penalties for owners and operators of vessels and aircraft regarding stowaways and execution of removal orders.

(Sec. 3707) Amends the federal criminal code to revise and increase criminal penalties for passport, visa, and immigration fraud, including: (1) trafficking in or misuse of passports, (2) false passport application statements, (3) schemes to provide fraudulent immigration services, and (4) visa fraud.

(Sec. 3708) Authorizes the Attorney General to commence a civil action to enjoin any fraudulent immigration service provider from continuing to provide services that substantially interfere with the administration of the immigration laws or from continuing to willfully misrepresent such provider's legal authority to provide representation.

(Sec. 3709) Makes an alien who is convicted of a passport or visa violation under the federal criminal code inadmissible and removable.

(Sec. 3711) Makes certain aliens inadmissible who: (1) refuse to comply with a lawful request for biometric information (provides authority for individual and class waivers); (2) have been convicted of a crime of domestic violence, stalking, child abuse, child neglect, or child abandonment; or (3) are in violation of a domestic protection order by engaging in conduct that constitutes criminal contempt of such order.

(Sec. 3712) Prohibits an individual acting for financial gain from directing or participating in an effort to bring or attempt to bring five or more persons unlawfully into the United States.

Establishes: (1) monetary and/or prison penalties for such actions; and (2) increased penalties for such actions that result in death or serious bodily injury or that place a life in jeopardy or involve bribery of a government official, robbery, or sexual abuse.

Makes it a crime to: (1) transmit to another person the location, movement, or activities of law enforcement agents while intending to further a federal crime relating to U.S. immigration; and (2) destroy, alter, or damage any physical or electronic device used by the federal government to control the border or any port of entry.

Prohibits the carrying or use of a firearm in an alien smuggling crime.

Directs the Secretary to establish secure alternatives programs with community-based organizations to ensure appearances at immigration proceedings and public safety.

(Sec. 3713) Eliminates the provision permitting a U.S. national to renounce his or her citizenship during wartime.

(Sec. 3714) Authorizes special agents of the Department and the Foreign Service to investigate illegal passport or visa issuance or use, identity theft, document fraud, human trafficking, peonage, and federal offenses committed within the special maritime and territorial jurisdiction of the United States.

(Sec. 3715) Authorizes the Secretary to use secure alternatives programs to maintain custody over detained aliens, except for terrorist aliens.

Sets forth oversight and related provisions for detention facilities.

(Sec. 3717) Revises bond hearing and notice to appear provisions, including requiring DHS, within 72 hours of an alien's

apprehension, to file a notice to appear with the appropriate immigration court, serve such notice on the alien, and make and notify the alien of a custody decision.

Limits the use of solitary confinement, including prohibiting such confinement for persons younger than 18 years old.

(Sec. 3718) Directs the Secretary of State, upon notification from the Secretary, to prohibit visas to be granted to persons of a country whose government denies or unreasonably delays accepting their citizens, subjects, nationals, or residents back.

(Sec. 3719) Makes inadmissible an alien who has committed acts of torture, extrajudicial killings, war crimes, or systematic attacks on civilians.

(Sec. 3720) Sets forth provisions regarding: (1) detention recordkeeping; and (2) powers of immigration officers and employees at sensitive locations such as hospitals, schools, and places of worship.

**Subtitle H: Protection of Children Affected by Immigration Enforcement - Humane Enforcement and Legal Protections for Separated Children Act or the HELP Separated Children Act - (Sec. 3803)** Sets forth apprehension procedures for DHS and cooperating entity immigration enforcement-related activities.

Requires DHS detention centers to provide for access to children, child welfare agencies, courts, and consular officials.

(Sec. 3807) States that if any provision of this subtitle or the application of a provision to any person or circumstance is held to be unconstitutional the remainder of this subtitle shall not be affected.

**Subtitle I: Providing Tools To Exchange Visitors and Exchange Visitor Sponsors To Protect Exchange Visitor Program Participants and Prevent Trafficking - (Sec. 3901)** Defines, for purposes of this subtitle: (1) "exchange visitor" as a foreign national who is inquiring about or is applying to participate in an exchange visitor program or who has successfully applied and has completed or is completing an exchange visitor program not funded by the U.S. government; (2) "exchange visitor program" as the international exchange program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961, by means of educational and cultural programs; and (3) "exchange visitor program sponsor" as a legal entity designated by the Secretary of State to conduct an exchange visitor program.

(Sec. 3902) Requires any person who engages in exchange visitor program recruitment activity (activity related to recruiting, soliciting, transferring, providing, obtaining, or facilitating participation of individuals who reside outside the United States in an exchange visitor program) to develop information about the exchange visitor program for disclosure to exchange visitors prior to the payment of fees by such exchange visitors. Prohibits an exchange visitor sponsor, foreign entity, or host entity from providing materially false or misleading information to an exchange visitor. Requires the Secretary of State to require exchange visitor sponsors to make publicly available on their websites and in recruiting materials, information regarding fees, costs, and services associated with their exchange visitor programs.

(Sec. 3903) Prohibits any exchange visitor program sponsor, foreign entity, or host entity from discriminating against an individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, creed, sex, national origin, religion, age, or disability.

(Sec. 3904) Directs the Secretary of State to promulgate regulations to set limits on mandatory fees charged by exchange visitor program sponsors, host entities, and foreign entities to the exchange visitor.

(Sec. 3905) Requires exchange visitor program sponsors to receive a designation from the Secretary prior to engaging in any exchange visitor program activity and to notify the Secretary, not less frequently than once every year, of the identity of any third party, agent, or program employee involved in any exchange visitor program recruitment activity. Sets forth grounds for refusing to renew or revoking an exchange visitor program sponsor's designation, including making a material misrepresentation in applying for a designation or committing certain felonies under federal or state law.

(Sec. 3906) Authorizes the Secretary to assess a bond amount to ensure the ability of a program sponsor to discharge its responsibilities and ensure protection of exchange visitors.

(Sec. 3907) Requires the Secretary to work with the Secretary of DHS to include in the list of foreign labor contractors specified information about exchange program sponsors.

(Sec. 3908) Prohibits consular officers from issuing nonimmigrant visas until such officers confirm that: (1) the visa applicant has received, read, and understood information on the legal rights and resources for aliens applying for employment or education-based nonimmigrant visas; and (2) required exchange visitor program sponsor disclosures have been reviewed and made part of the visa file.

(Sec. 3909) Requires the Secretary to ensure that each U.S. diplomatic mission has a person responsible for receiving information from any exchange visitor who has been subject to violations of this subtitle.

(Sec. 3910) Directs the Secretary to undertake compliance actions and sanctions against exchange visitor program sponsors. Authorizes the Secretary or an exchange visitor to bring legal action against a program sponsor, foreign entity, or host entity for any violation under this subtitle and recover damages. Prohibits retaliation against any exchange visitor or family member of an exchange visitor who discloses a violation of exchange program requirements, seeks legal assistance, or cooperates with an investigation. Requires the Secretary to maintain a list of host entities against whom there has been a complaint substantiated by the Department of State for significant exchange program violations.

(Sec. 3911) Requires the Secretary to: (1) require audits reports from exchange visitor program sponsors operating under the specific program categories of summer work travel, trainees and interns, camp counselors, au pairs, and teachers; and (2) report annually to Congress on the exchange visitor program.

**Title IV: Reforms to Nonimmigrant Visa Programs - Subtitle A: Employment-based Nonimmigrant Visas - (Sec. 4101)** Establishes: (1) a nonimmigrant H-1B visa (specialty occupation) cap of 115,000 for the fiscal year after the date of enactment of this Act, and (2) a minimum of 115,000 visas and a maximum of 180,000 visas in subsequent years based upon market conditions.

Provides for fiscal year cap increases as follows: (1) 20,000 visas beginning on day 46 if the cap is reached on day 45, (2) 15,000 visas beginning on day 61 if the cap is reached between day 46 and day 60, (3) 10,000 visas beginning on day 91 if the cap is reached between day 61 and day 90, and (4) 5,000 visas if the cap is reached during the 185-day period ending on day 275.

Provides for fiscal year cap decreases as follows: (1) 5,000 if the number of approved petitions is between 5,000 and 9,999 fewer than the previous fiscal year's base allocation, (2) 10,000 if the number of approved petitions is between 10,000 and 14,999 fewer than the previous fiscal year's base allocation, (3) 15,000 if the number of approved petitions is between 15,000 and 19,999 fewer than the previous fiscal year's base allocation, and (4) 20,000 if the number of approved petitions is at least 20,000 fewer than the previous fiscal year's base allocation.

Limits the exemption from H-1B numerical limitations to STEM occupations and increases the annual STEM allocation to 25,000.

(Sec. 4102) Authorizes an H-1B or L-visa (intra-company transferee) spouse to work if he or she is the national of a country that permits reciprocal employment.

(Sec. 4103) Provides deference to prior H-1B or L-visa adjudications involving the same employer and nonimmigrant absent material error, changed circumstances, or new information adversely affecting eligibility.

Provides a 60-day lawful status period for an H-1B alien whose employment is terminated.

Authorizes: (1) visa revalidation within the United States for specified nonimmigrant visa categories, and (2) waiver of consular interviews for low-risk applicants.

(Sec. 4104) Establishes in the Treasury the STEM Education and Training Account.

Requires employers to submit along with an application for a certification a \$1,000 fee (to be deposited in the STEM Education and Training Account).

Sets aside specified amounts for: (1) a low-income STEM scholarship program, (2) K-12 STEM education, and (3) STEM capacity building at minority-serving institutions.

Authorizes grants to eligible entities for American Dream Accounts for a group of low-income students.

(Sec. 4105) Requires an employer (except for nonprofit research institutions and nonprofit educational institutions) filing a petition to hire H-1B or L-visa aliens to pay a fee of: (1) \$1,250 for each petition filed by any employer with not more than 25 full-time employees in the United States, and (2) \$2,500 for each petition filed by any employer with more than 25 such employees.

**Subtitle B: H-1B Visa Fraud and Abuse Protections** - (Sec. 4211) Revises H-1B requirements for employer applications and application reviews.

(Sec. 4212) Revises provisions regarding nonimmigrant nurses (H-1C visa) in health professional shortage areas to: (1) permit a one-time three-year extension of admission, (2) reduce the maximum number of such visas per fiscal year to 300, and (3) authorize such nonimmigrants to accept new employment as a regis

## Actions Timeline

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- **Jun 27, 2013:** Considered by Senate. (consideration: CR S5315-5317, S5317-5320, S5320-5329, S5357-5475)
- **Jun 27, 2013:** The committee substitute as amended agreed to by Yea-Nay Vote. 68 - 32. Record Vote Number: 166. (consideration: CR S5330)
- **Jun 27, 2013:** Cloture on the measure invoked in Senate by Yea-Nay Vote. 68 - 32. Record Vote Number: 167. (consideration: CR S5330; text: CR S5330)
- **Jun 27, 2013:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 68 - 32. Record Vote Number: 168. (text: CR S5357-5475)
- **Jun 27, 2013:** Passed Senate with an amendment by Yea-Nay Vote. 68 - 32. Record Vote Number: 168. (text: CR S5357-5475)
- **Jun 27, 2013:** Senate ordered measure printed as passed.
- **Jun 26, 2013:** Considered by Senate. (consideration: CR S5205-5216, S5216-5219, S5220-5222, S5223-5226, S5227-5229, S5235-5236, S5238-5247, S5249-5252, S5306-5313)
- **Jun 26, 2013:** Motion to waive all applicable budgetary discipline with respect to the measure agreed to in Senate by Yea-Nay Vote. 68 - 30. Record Vote Number: 162. (consideration: CR S5215)
- **Jun 26, 2013:** Cloture on the committee reported substitute amendment, as amended, invoked in Senate by Yea-Nay Vote. 67 - 31. Record Vote Number: 164. (consideration: CR S5215-5216; text: CR S5215)
- **Jun 25, 2013:** Considered by Senate. (consideration: CR S5112-5119, S5122-5134)
- **Jun 25, 2013:** Point of order that the measure violates the Congressional Budget Act raised in Senate. (consideration: CR S5128)
- **Jun 25, 2013:** Motion to waive all applicable budgetary discipline with respect to the measure made in Senate. (consideration: CR S5128-5129)
- **Jun 24, 2013:** Considered by Senate. (consideration: CR S4988-5013)
- **Jun 24, 2013:** Cloture motion on the committee reported substitute amendment presented in Senate. (consideration: CR S4988; text: CR S4988)
- **Jun 24, 2013:** Cloture motion on the measure presented in Senate. (consideration: CR S4988; text: CR S4988)
- **Jun 24, 2013:** Motion by Senator Reid to recommit to Senate Committee on the Judiciary with instructions to report back forthwith with amendment SA 1554 fell when cloture was invoked on SA 1183 as modified in Senate. (consideration: CR S4988; text: CR S4988)
- **Jun 21, 2013:** Considered by Senate. (consideration: CR S4850-4980)
- **Jun 21, 2013:** Motion by Senator Reid to recommit to Senate Committee on the Judiciary with instructions to report back forthwith with amendment SA 1554 made in Senate. (consideration: CR S4977; text: CR S4977)
- **Jun 20, 2013:** Considered by Senate. (consideration: CR S4730-4740, S4741-4742, S4743-4757, S4758-4763, S4764-4786)
- **Jun 19, 2013:** Considered by Senate. (consideration: CR S4628-4629, S4631-4637, S4640-4641, S4641-4642, S4644-4654, S4655-4661, S4663-4670)
- **Jun 18, 2013:** Considered by Senate. (consideration: CR S4546-4554, S4554-4574)
- **Jun 17, 2013:** Considered by Senate. (consideration: CR S4518-4520)
- **Jun 13, 2013:** Considered by Senate. (consideration: CR S4435-4443, S4450-4460, S4460-4472)
- **Jun 12, 2013:** Considered by Senate. (consideration: CR S4359-4400)
- **Jun 11, 2013:** Motion to proceed to measure considered in Senate. (consideration: CR S4071-4086, S4086-4093)
- **Jun 11, 2013:** Cloture on the motion to proceed to measure invoked in Senate by Yea-Nay Vote. 82 - 15. Record Vote Number: 146. (consideration: CR S4086; text: CR S4086)
- **Jun 11, 2013:** Motion to proceed to consideration of measure agreed to in Senate by Yea-Nay Vote. 84 - 15. Record Vote Number: 147. (consideration: CR S4093)
- **Jun 11, 2013:** Measure laid before Senate by motion. (consideration: CR S4093-4206; text of measure as reported in Senate: CR S4093-4195))
- **Jun 10, 2013:** Motion to proceed to measure considered in Senate. (consideration: CR S4028-4040, S4041-4043)
- **Jun 7, 2013:** Motion to proceed to measure considered in Senate. (consideration: CR S3998-4014)
- **Jun 7, 2013:** By Senator Leahy from Committee on the Judiciary filed written report. Report No. 113-40. Additional and Minority views filed.
- **Jun 6, 2013:** Star Print ordered on the bill.
- **Jun 6, 2013:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S3969)

**Jun 6, 2013:** Cloture motion on the motion to proceed presented in Senate. (consideration: CR S3969; text: CR S3969)

• **Jun 6, 2013:** Motion to proceed to consideration of measure withdrawn in Senate. (consideration: CR S3969)

• **May 28, 2013:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.

• **May 28, 2013:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 80.

• **May 22, 2013:** Committee on Small Business and Entrepreneurship. Hearings held.

• **May 22, 2013:** Hearings Held Prior to Referral by House Committee on the Judiciary.

• **May 21, 2013:** Committee on the Judiciary. Ordered to be reported with amendments favorably.

• **May 20, 2013:** Committee on the Judiciary. Committee consideration and Mark Up Session held.

• **May 16, 2013:** Committee on Small Business and Entrepreneurship. Hearings held.

• **May 16, 2013:** Committee on the Judiciary. Committee consideration and Mark Up Session held.

• **May 14, 2013:** Committee on the Judiciary. Committee consideration and Mark Up Session held.

• **May 9, 2013:** Committee on the Judiciary. Committee consideration and Mark Up Session held.

• **May 7, 2013:** Committee on Homeland Security and Governmental Affairs. Hearings held. Hearings printed: S.Hrg. 113-254.

• **Apr 23, 2013:** Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 113-875.

• **Apr 22, 2013:** Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 113-875.

• **Apr 19, 2013:** Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 113-44.

• **Apr 17, 2013:** Read twice and referred to the Committee on the Judiciary.

• **Apr 16, 2013:** Introduced in Senate