

118TH CONGRESS
2D SESSION

H. R. 9978

To establish the red card status nonimmigrant pilot program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2024

Mr. LOPEZ introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the red card status nonimmigrant pilot program,
and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Red Card Guest Work-
5 er Act of 2024”.

6 **SEC. 2. PRECONDITIONS.**

7 This Act shall not take effect until the construction
8 of a physical border wall on the southern border of the

1 United States is completed, as determined by the Sec-
2 retary of Homeland Security.

3 **SEC. 3. RED CARD WEBSITE.**

4 (a) **WEBSITE ESTABLISHMENT.**—Not later than 275
5 days after the date of enactment of this Act, the Secretary
6 of Labor, in conjunction with the Secretary of Homeland
7 Security, shall establish a website for job postings for any
8 foreign national admitted as a nonimmigrant under sec-
9 tion 4 that is operable, navigable by users, and secure.

10 (b) **JOB POSTINGS.**—The website shall include a
11 posting for any job that meets the following criteria:

12 (1) The job is in the private sector.

13 (2) The job has been advertised to United
14 States citizens for not less than 60 days.

15 (3) The rate of compensation for the job is
16 greater than or equal to that which would be paid
17 to a United States citizen for the same job.

18 **SEC. 4. RED CARD PILOT PROGRAM.**

19 (a) **ESTABLISHMENT.**—Beginning in the first fiscal
20 year after the date of enactment of this Act, the Secretary
21 of Labor, in conjunction with the Secretary of Homeland
22 Security, shall establish a program to grant nonimmigrant
23 status to foreign nationals who may use such status to
24 engage in temporary employment with a United States
25 employer.

1 (b) ELIGIBLE PARTICIPANTS.—To be eligible to par-
2 ticipate in the program established under this section, a
3 foreign national shall be required to—

4 (1) apply while being physically present in the
5 country of nationality or country of last habitual res-
6 idence; and

7 (2) pass a comprehensive background check, the
8 parameters of which shall be determined by the Sec-
9 retary of Homeland Security.

10 (c) PRIVATE SECTOR APPLICATIONS.—A foreign na-
11 tional who meets the eligibility criteria under subsection
12 (b) may apply to jobs posted on the website established
13 under section 3.

14 (d) HIRED FOREIGN NATIONAL.—If hired, a foreign
15 national shall enter the United States at a port of entry.

16 (e) RATE OF COMPENSATION.—The rate at which a
17 foreign national is compensated for the job shall be equal
18 to or greater than that which would have been paid to
19 a United States citizen for the same job.

20 (f) CASE OFFICER.—The Secretary of Homeland Se-
21 curity shall appoint a case officer to each foreign national
22 to—

23 (1) oversee the foreign national's stay;

24 (2) verify that the migrant is working;

1 (3) keep track of the physical location of the
2 foreign national by having a current address on file;

3 (4) receive an annual update from the foreign
4 national on the status of their employment, residen-
5 tial address during their stay, name of employer,
6 and any other information that the Secretary deter-
7 mines necessary; and

8 (5) receive an immediate update on changes in
9 employment or residential address.

10 (g) EMPLOYER REPORTING.—An employer of a for-
11 eign national granted status under this section shall in-
12 form the case officer of the national of the employer termi-
13 nating, or the national discontinuing, employment with the
14 employer.

15 (h) CAP LEVELS.—The Secretary of Homeland Secu-
16 rity shall grant status to foreign nationals at the following
17 levels:

18 (1) In the first year, not more than 50,000 may
19 be granted status under this section.

20 (2) In the second year, not more than 75,000
21 may be granted status under this section.

22 (3) In the third year, not more than 125,000
23 may be granted status under this section.

24 (4) In the fourth year, not more than 125,000
25 may be granted status under this section.

1 (5) In the fifth year, not more than 125,000
2 may be granted status under this section.

3 (i) SUNSET.—This program shall cease to be in effect
4 5 years after the date of enactment of this Act.

5 (j) REPORT.—Prior to the date on which this pro-
6 gram ceases to be in effect, the Secretary of Labor, in
7 conjunction with the Secretary of Homeland Security,
8 shall issue a report to Congress on the efficacy of the pro-
9 gram in reducing unlawful presence in the United States
10 and fulfilling the various needs of the labor market.

11 **SEC. 5. LIMITATIONS ON PARTICIPANTS.**

12 (a) LOSS OF EMPLOYMENT.—If at any time a foreign
13 national granted status under section 4 is out of work for
14 any reason, the foreign national shall immediately report
15 to the foreign national's case officer and shall have 30
16 days to commence other employment. If the foreign na-
17 tional is unsuccessful in the effort to find employment, the
18 Secretary of Homeland Security shall remove the foreign
19 national from the United States immediately.

20 (b) NATIONAL SECURITY RISK.—The Secretary of
21 Homeland Security may make ineligible for status under
22 section 4 any foreign national of a country who the Sec-
23 retary determines poses a heightened risk to national secu-
24 rity.

1 (c) STATUS TERM.—Status granted to a foreign na-
2 tional under section 4 shall be valid for 2 years after the
3 date on which such status was granted.

4 (d) RENEWAL.—

5 (1) SECOND TERM.—After 2 years, the foreign
6 national may apply for renewal for a second term of
7 2 years.

8 (2) FINAL TERM.—At the end of the second
9 term of 2 years, the foreign national may apply for
10 a final term of 1 year.

11 (e) RENEWAL DETERMINATIONS.—The Secretary of
12 Homeland Security shall have exclusive authority to make
13 determinations with respect to granting and renewal of
14 status. The Secretary shall consult with the case officer
15 and employer of the foreign national before making deter-
16 minations with respect to renewal of status. Any foreign
17 national who fails to make a timely request for renewal
18 or whose request for renewal is denied shall be removed
19 from the United States immediately.

20 (f) NO EFFECT ON CAP.—Any renewal of status
21 granted under this section shall not count against the cap
22 under section 4(i).

23 (g) CONVICTION FOR AN OFFENSE.—A foreign na-
24 tional granted status under section 4 who is convicted of
25 a crime during the time during which status is granted

1 shall be removed immediately after completing any term
2 of imprisonment imposed.

3 (h) VOTING PROHIBITED.—A foreign national grant-
4 ed status under section 4 is ineligible to vote in any local,
5 State, or Federal election for public office.

6 **SEC. 6. CONSEQUENCES FOR EMPLOYER VIOLATIONS.**

7 (a) CRIMINAL OFFENSE.—Whoever, being an em-
8 ployer of a foreign national admitted as a nonimmigrant
9 under section 4, knowingly advertises a job for less than
10 the required 60-day period before posting the job on the
11 website established under section 3, offers a rate of com-
12 pensation that is lower than that which would be paid to
13 a United States citizen for the same job, fails to meet
14 labor standards with respect to such foreign national, or
15 does not report that such foreign national has failed to
16 report to work without explanation for a period of 3 days,
17 shall be fined not more than \$50,000 for each violation.

18 (b) BARRED FROM PARTICIPATION.—Any employer
19 of a foreign national who is convicted of more than 3 viola-
20 tions of subsection (a) shall be barred from employing any
21 foreign national admitted as a nonimmigrant under sec-
22 tion 4.

1 **SEC. 7. TAX ON REMITTANCES.**

2 The Secretary of the Treasury shall implement a 10
3 percent tax on all remittances, not just those sent by for-
4 eign nationals granted status under section 4.

5 **SEC. 8. FOREIGN NATIONAL DEFINED.**

6 In this Act, the term “foreign national” has the
7 meaning given the term “alien” in section 101 of the Im-
8 migration and Nationality Act (8 U.S.C. 1101).

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