

AMENDMENT TO RULES COMMITTEE PRINT 119-3**OFFERED BY MR. SCHWEIKERT OF ARIZONA**

Add at the end of title VII the following:

1 **Subtitle D—SMART Act**

2 **SEC. 70401. SHORT TITLE.**

3 This Act may be cited as the “Securing Migration,
4 Addressing Reform, and Talent Retention Act” or the
5 “SMART Act”.

6 **SEC. 70402. ELIMINATION OF DIVERSITY VISA PROGRAM.**

7 (a) IN GENERAL.—Section 203 of the Immigration
8 and Nationality Act (8 U.S.C. 1153) is amended by strik-
9 ing subsection (c).

10 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

11 (1) IMMIGRATION AND NATIONALITY ACT.—The
12 Immigration and Nationality Act (8 U.S.C. 1101 et
13 seq.) is amended—

14 (A) in section 101(a)(15)(V), by striking
15 “section 203(d)” and inserting “section
16 203(c)”;

17 (B) in section 201—

18 (i) in subsection (a)—

19 (I) in paragraph (1), by adding
20 “and” at the end; and

1 (II) by striking paragraph (3);

2 and

3 (ii) by striking subsection (e);

4 (C) in section 203—

5 (i) in subsection (b)(2)(B)(ii)(IV), by
6 striking “section 203(b)(2)(B)” each place
7 such term appears and inserting “clause
8 (i)”;

9 (ii) by redesignating subsections (d),
10 (e), (f), (g), and (h) as subsections (c), (d),
11 (e), (f), and (g), respectively;

12 (iii) in subsection (c), as redesignated,
13 by striking “subsection (a), (b), or (c)”
14 and inserting “subsection (a) or (b)”;

15 (iv) in subsection (d), as redesign-
16 nated—

17 (I) by striking paragraph (2);

18 and

19 (II) by redesignating paragraph
20 (3) as paragraph (2);

21 (v) in subsection (e), as redesignated,
22 by striking “subsection (a), (b), or (c) of
23 this section” and inserting “subsection (a)
24 or (b)”;

1 (vi) in subsection (f), as redesignated,
2 by striking “subsections (a), (b), and (c)”
3 and inserting “subsections (a) and (b)”;
4 and

5 (vii) in subsection (g), as redesign-
6 nated—

7 (I) by striking “(d)” each place
8 such term appears and inserting
9 “(c)”;

10 (II) in paragraph (2)(B), by
11 striking “subsection (a), (b), or (c)”
12 and inserting “subsection (a) or (b)”;

13 (D) in section 204—

14 (i) in subsection (a)(1), by striking
15 subparagraph (I);

16 (ii) in subsection (e), by striking “sub-
17 section (a), (b), or (c) of section 203” and
18 inserting “subsection (a) or (b) of section
19 203”; and

20 (iii) in subsection (l)(2)—

21 (I) in subparagraph (B), by
22 striking “section 203 (a) or (d)” and
23 inserting “subsection (a) or (c) of sec-
24 tion 203”; and

1 (II) in subparagraph (C), by
2 striking “section 203(d)” and insert-
3 ing “section 203(c)”;

4 (E) in section 214(q)(1)(B)(i), by striking
5 “section 203(d)” and inserting “section
6 203(c)”;

7 (F) in section 216(h)(1), in the undesig-
8 nated matter following subparagraph (C), by
9 striking “section 203(d)” and inserting “section
10 203(c)”;

11 (G) in section 245(i)(1)(B), by striking
12 “section 203(d)” and inserting “section
13 203(c)”.

14 (2) IMMIGRANT INVESTOR PILOT PROGRAM.—
15 Section 610(d) of the Departments of Commerce,
16 Justice, and State, the Judiciary, and Related Agen-
17 cies Appropriations Act, 1993 (Public Law 102–
18 395) is amended by striking “section 203(e) of such
19 Act (8 U.S.C. 1153(e))” and inserting “section
20 203(d) of such Act (8 U.S.C. 1153(d))”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on the first day of the first
23 fiscal year beginning on or after the date of the enactment
24 of this Act.

1 **SEC. 70403. ANNUAL ADMISSION OF REFUGEES.**

2 Section 207 of the Immigration and Nationality Act
3 (8 U.S.C. 1157) is amended—

4 (1) by striking subsections (a) and (b);

5 (2) by redesignating subsection (e) as sub-
6 section (a);

7 (3) by redesignating subsection (f) as sub-
8 section (e);

9 (4) by inserting after subsection (a), as redesign-
10 nated, the following:

11 “(b) MAXIMUM NUMBER OF ADMISSIONS.—

12 “(1) IN GENERAL.—The number of refugees
13 who may be admitted under this section in any fiscal
14 year may not exceed 50,000.

15 “(2) ASYLEES.—The President shall annually
16 enumerate the number of aliens who were granted
17 asylum in the previous fiscal year.”; and

18 (5) by striking “Attorney General” each place
19 such term appears and inserting “Secretary of
20 Homeland Security”.

21 **SEC. 70404. FAMILY-SPONSORED IMMIGRATION PRIOR-**
22 **ITIES.**

23 (a) IMMEDIATE RELATIVE REDEFINED.—The Immi-
24 gration and Nationality Act (8 U.S.C. 1101 et seq.) is
25 amended—

1 (1) in section 101(b)(1) (8 U.S.C. 1101(b)(1)),
2 in the matter preceding subparagraph (A), by strik-
3 ing “under twenty-one years of age who” and insert-
4 ing “who is younger than 18 years of age and”; and
5 (2) in section 201 (8 U.S.C. 1151)—

6 (A) in subsection (b)(2)(A)—

7 (i) in clause (i), by striking “children,
8 spouses, and parents of a citizen of the
9 United States, except that, in the case of
10 parents, such citizens shall be at least 21
11 years of age.” and inserting “children and
12 spouse of a citizen of the United States.”;
13 and

14 (ii) in clause (ii), by striking “such an
15 immediate relative” and inserting “the im-
16 mediate relative spouse of a United States
17 citizen”;

18 (B) by striking subsection (c) and insert-
19 ing the following:

20 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
21 IMMIGRANTS.—(1) The worldwide level of family-spon-
22 sored immigrants under this subsection for a fiscal year
23 is equal to 88,000 minus the number computed under
24 paragraph (2).

1 “(2) The number computed under this paragraph for
2 a fiscal year is the number of aliens who were paroled into
3 the United States under section 212(d)(5) in the second
4 preceding fiscal year who—

5 “(A) did not depart from the United States
6 (without advance parole) within 365 days; and

7 “(B)(i) did not acquire the status of an alien
8 lawfully admitted to the United States for perma-
9 nent residence during the two preceding fiscal years;
10 or

11 “(ii) acquired such status during such period
12 under a provision of law (other than subsection (b))
13 that exempts adjustment to such status from the nu-
14 merical limitation on the worldwide level of immigra-
15 tion under this section.”; and

16 (C) in subsection (f)—

17 (i) in paragraph (2), by striking “sec-
18 tion 203(a)(2)(A)” and inserting “section
19 203(a)”;

20 (ii) by striking paragraph (3);

21 (iii) by redesignating paragraph (4) as
22 paragraph (3); and

23 (iv) in paragraph (3), as redesignated,
24 by striking “(1) through (3)” and inserting
25 “(1) and (2)”.

1 (b) FAMILY-BASED VISA PREFERENCES.—Section
2 203(a) of the Immigration and Nationality Act (8 U.S.C.
3 1153(a)) is amended to read as follows:

4 “(a) SPOUSES AND MINOR CHILDREN OF PERMA-
5 NENT RESIDENT ALIENS.—Family-sponsored immigrants
6 described in this subsection are qualified immigrants who
7 are the spouse or a child of an alien lawfully admitted
8 for permanent residence.”.

9 (c) CONFORMING AMENDMENTS.—

10 (1) DEFINITION OF V NONIMMIGRANT.—Section
11 101(a)(15)(V) of the Immigration and Nationality
12 Act (8 U.S.C. 1101(a)(15)(V)) is amended by strik-
13 ing “section 203(a)(2)(A)” each place such term ap-
14 pears and inserting “section 203(a)”.

15 (2) NUMERICAL LIMITATION TO ANY SINGLE
16 FOREIGN STATE.—Section 202 of such Act (8
17 U.S.C. 1152) is amended—

18 (A) in subsection (a)(4)—

19 (i) by striking subparagraphs (A) and
20 (B) and inserting the following:

21 “(A) 75 PERCENT OF FAMILY-SPONSORED
22 IMMIGRANTS NOT SUBJECT TO PER COUNTRY
23 LIMITATION.—Of the visa numbers made avail-
24 able under section 203(a) in any fiscal year, 75

1 percent shall be issued without regard to the
2 numerical limitation under paragraph (2).

3 “(B) TREATMENT OF REMAINING 25 PER-
4 CENT FOR COUNTRIES SUBJECT TO SUB-
5 SECTION (e).—

6 “(i) IN GENERAL.—Of the visa num-
7 bers made available under section 203(a)
8 in any fiscal year, 25 percent shall be
9 available, in the case of a foreign state or
10 dependent area that is subject to sub-
11 section (e) only to the extent that the total
12 number of visas issued in accordance with
13 subparagraph (A) to natives of the foreign
14 state or dependent area is less than the
15 subsection (e) ceiling.

16 “(ii) SUBSECTION (e) CEILING DE-
17 FINED.—In clause (i), the term ‘subsection
18 (e) ceiling’ means, for a foreign state or
19 dependent area, 77 percent of the max-
20 imum number of visas that may be made
21 available under section 203(a) to immi-
22 grants who are natives of the state or area,
23 consistent with subsection (e).”; and

24 (ii) by striking subparagraphs (C) and
25 (D); and

1 (B) in subsection (e)—

2 (i) in paragraph (1), by adding “and”

3 at the end;

4 (ii) by striking paragraph (2);

5 (iii) by redesignating paragraph (3) as
6 paragraph (2); and

7 (iv) in the undesignated matter after
8 paragraph (2), as redesignated, by striking

9 “, respectively,” and all that follows and
10 inserting a period.

11 (3) RULES FOR DETERMINING WHETHER CER-
12 TAIN ALIENS ARE CHILDREN.—Section 203(h) of
13 such Act (8 U.S.C. 1153(h)) is amended by striking
14 “(a)(2)(A)” each place such term appears and in-
15 serting “(a)(2)”.

16 (4) PROCEDURE FOR GRANTING IMMIGRANT
17 STATUS.—Section 204 of such Act (8 U.S.C. 1154)
18 is amended—

19 (A) in subsection (a)(1)—

20 (i) in subparagraph (A)(i), by striking
21 “to classification by reason of a relation-
22 ship described in paragraph (1), (3), or (4)
23 of section 203(a) or”;

24 (ii) in subparagraph (B)—

1 (I) in clause (i), by redesignating
2 the second subclause (I) as subclause
3 (II); and

4 (II) by striking “203(a)(2)(A)”
5 each place such terms appear and in-
6 serting “203(a)”; and

7 (iii) in subparagraph (D)(i)(I), by
8 striking “a petitioner” and all that follows
9 through “(a)(1)(B)(iii).” and inserting “an
10 individual younger than 21 years of age for
11 purposes of adjudicating such petition and
12 for purposes of admission as an immediate
13 relative under section 201(b)(2)(A)(i) or a
14 family-sponsored immigrant under section
15 203(a), as appropriate, notwithstanding
16 the actual age of the individual.”;

17 (B) in subsection (f)(1), by striking “,
18 203(a)(1), or 203(a)(3), as appropriate”; and

19 (C) by striking subsection (k).

20 (5) WAIVERS OF INADMISSIBILITY.—Section
21 212 of such Act (8 U.S.C. 1182) is amended—

22 (A) in subsection (a)(6)(E)(ii), by striking
23 “section 203(a)(2)” and inserting “section
24 203(a)”; and

1 (B) in subsection (d)(11), by striking
2 “(other than paragraph (4) thereof)”.

3 (6) EMPLOYMENT OF V NONIMMIGRANTS.—Sec-
4 tion 214(q)(1)(B)(i) of such Act (8 U.S.C.
5 1184(q)(1)(B)(i)) is amended by striking “section
6 203(a)(2)(A)” each place such term appears and in-
7 serting “section 203(a)”.

8 (7) DEFINITION OF ALIEN SPOUSE.—Section
9 216(h)(1)(C) of such Act (8 U.S.C. 1186a(h)(1)(C))
10 is amended by striking “section 203(a)(2)” and in-
11 serting “section 203(a)”.

12 (8) CLASSES OF DEPORTABLE ALIENS.—Sec-
13 tion 237(a)(1)(E)(ii) of such Act (8 U.S.C.
14 1227(a)(1)(E)(ii)) is amended by striking “section
15 203(a)(2)” and inserting “section 203(a)”.

16 (d) CREATION OF NONIMMIGRANT CLASSIFICATION
17 FOR ALIEN PARENTS OF ADULT UNITED STATES CITI-
18 ZENS.—

19 (1) IN GENERAL.—Section 101(a)(15) of the
20 Immigration and Nationality Act (8 U.S.C.
21 1101(a)(15)) is amended—

22 (A) in subparagraph (T)(ii)(III), by strik-
23 ing the period at the end and inserting a semi-
24 colon;

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

3 (C) in subparagraph (V)(ii)(II), by striking
4 the period at the end and inserting “; or”; and

5 (D) by adding at the end the following:

6 “(W) Subject to section 214(s), an alien who is
7 a parent of a citizen of the United States, if the cit-
8 izen is at least 21 years of age.”.

9 (2) CONDITIONS ON ADMISSION.—Section 214
10 of such Act (8 U.S.C. 1184) is amended by adding
11 at the end the following:

12 “(s)(1) The initial period of authorized admission for
13 a nonimmigrant described in section 101(a)(15)(W) shall
14 be 5 years, but may be extended by the Secretary of
15 Homeland Security for additional 5-year periods if the
16 United States citizen son or daughter of the nonimmigrant
17 is still residing in the United States.

18 “(2) A nonimmigrant described in section
19 101(a)(15)(W)—

20 “(A) is not authorized to be employed in the
21 United States; and

22 “(B) is not eligible for any Federal, State, or
23 local public benefit.

24 “(3) Regardless of the resources of a nonimmigrant
25 described in section 101(a)(15)(W), the United States cit-

1 izen son or daughter who sponsored the nonimmigrant
2 parent shall be responsible for the nonimmigrant's support
3 while the nonimmigrant resides in the United States.

4 “(4) An alien is ineligible to receive a visa or to be
5 admitted into the United States as a nonimmigrant de-
6 scribed in section 101(a)(15)(W) unless the alien provides
7 satisfactory proof that the United States citizen son or
8 daughter has arranged for health insurance coverage for
9 the alien, at no cost to the alien, during the anticipated
10 period of the alien's residence in the United States.”.

11 (e) EFFECTIVE DATE; APPLICABILITY.—

12 (1) EFFECTIVE DATE.—The amendments made
13 by this section shall take effect on the first day of
14 the first fiscal year that begins after the date of the
15 enactment of this Act.

16 (2) INVALIDITY OF CERTAIN PETITIONS AND
17 APPLICATIONS.—Excepted as provided in paragraph
18 (3), any petition under section 204 of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1154) seeking
20 classification of an alien under a family-sponsored
21 immigrant category that was eliminated by the
22 amendments made by this section and filed after the
23 date on which this Act was introduced and any ap-
24 plication for an immigrant visa based on such a peti-
25 tion shall be considered invalid.

1 (3) VALID OFFER OF ADMISSION.—Notwith-
2 standing the termination by this Act of the family-
3 sponsored and employment-based immigrant visa
4 categories, any alien who was granted admission to
5 the United States under subsection (a) or (b) of sec-
6 tion 203 of the Immigration and Nationality Act, as
7 in effect on the day before the date of the enactment
8 of this Act, and is scheduled to receive an immigrant
9 visa in the applicable preference category not later
10 than 1 year after the date of the enactment of this
11 Act, shall be entitled to such visa if the alien enters
12 the United States within 1 year after such date of
13 enactment.

14 **SEC. 70405. CREATION OF IMMIGRATION POINTS SYSTEM.**

15 (a) WORLDWIDE LEVEL OF IMMIGRATION.—Section
16 201 of the Immigration and Nationality Act (8 U.S.C.
17 1151) is amended—

18 (1) in subsection (a), as amended by section
19 2(b)(1)(B), by amending paragraph (2) to read as
20 follows:

21 “(2) points-based immigrants described in sec-
22 tion 203(b), in a number not to exceed the number
23 specified in subsection (d) during any fiscal year.”;
24 and

1 (2) by amending subsection (d) to read as fol-
2 lows:

3 “(d) WORLDWIDE LEVEL OF POINTS-BASED IMMI-
4 GRANTS.—

5 “(1) IN GENERAL.—The worldwide level of
6 points-based immigrant visas issued during any fis-
7 cal year may not exceed the sum of—

8 “(A) 193,000; and

9 “(B) the allocation adjustment calculated
10 under paragraph (3); and

11 “(2) EFFECT OF VISAS ISSUED TO SPOUSES
12 AND CHILDREN.—The numerical limitation set forth
13 in paragraph (1) shall include any visas issued pur-
14 suant to section 203(b)(3).

15 “(3) ALLOCATION ADJUSTMENT.—

16 “(A) If the number of cap-subject immi-
17 grant visa petitions approved under section
18 203(b) during the first 45 days petitions may
19 be filed for a fiscal year is equal to the base al-
20 location for such fiscal year, an additional
21 20,000 such visas shall be made available be-
22 ginning on the 46th day on which petitions may
23 be filed for such fiscal year.

24 “(B) If the base allocation of cap-subject
25 immigrant visa petitions approved under section

1 203(b) for a fiscal year is reached during the
2 15-day period ending on the 60th day on which
3 petitions may be filed for such fiscal year, an
4 additional 15,000 such visas shall be made
5 available beginning on the 61st day on which
6 petitions may be filed for such fiscal year.

7 “(C) If the base allocation of cap-subject
8 immigrant visa petitions approved under section
9 203(b) for a fiscal year is reached during the
10 30-day period ending on the 90th day on which
11 petitions may be filed for such fiscal year, an
12 additional 10,000 such visas shall be made
13 available beginning on the 91st day on which
14 petitions may be filed for such fiscal year.

15 “(D) If the base allocation of cap-subject
16 immigrant visa petitions approved under section
17 203(b) for a fiscal year is reached during the
18 185-day period ending on the 275th day on
19 which petitions may be filed for such fiscal
20 year, an additional 5,000 such visas shall be
21 made available beginning on the date on which
22 such allocation is reached.

23 “(E) If the number of cap-subject immi-
24 grant visa petitions approved under section
25 203(b) for a fiscal year is at least 5,000 fewer

1 than the base allocation, but is not more than
2 9,999 fewer than the base allocation, the alloca-
3 tion adjustment for the following fiscal year
4 shall be $-5,000$.

5 “(F) If the number of cap-subject immi-
6 grant visa petitions approved under section
7 203(b) for a fiscal year is at least 10,000 fewer
8 than the base allocation, but not more than
9 14,999 fewer than the base allocation, the allo-
10 cation adjustment for the following fiscal year
11 shall be $-10,000$.

12 “(G) If the number of cap-subject immi-
13 grant visa petitions approved under section
14 203(b) for a fiscal year is at least 15,000 fewer
15 than the base allocation, but not more than
16 19,999 fewer than the base allocation, the allo-
17 cation adjustment for the following fiscal year
18 shall be $-15,000$.

19 “(H) If the number of cap-subject immi-
20 grant visa petitions approved under section
21 203(b) for a fiscal year is at least 20,000 fewer
22 than the base allocation, the allocation adjust-
23 ment for the following fiscal year shall be
24 $-20,000$.”.

1 (b) NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-
2 EIGN STATES.—Section 202(a) of the Immigration and
3 Nationality Act (8 U.S.C. 1152(a)) is amended—

4 (1) in paragraph (2)—

5 (A) in the paragraph heading, by striking
6 “AND EMPLOYMENT-BASED”;

7 (B) by striking “paragraphs (3), (4), and
8 (5)” and inserting “paragraphs (3) and (4)”;
9 and

10 (C) by striking “subsections (a) and (b)”
11 and inserting “subsection (a)”;

12 (2) in paragraph (3), by striking “both sub-
13 sections (a) and (b)” and inserting “subsection (a)”;
14 and

15 (3) by striking paragraph (5).

16 (c) APPLICATION PROCESS FOR POINTS-BASED IM-
17 MIGRANTS.—Section 203 of the Immigration and Nation-
18 ality Act (8 U.S.C. 1153) is amended—

19 (1) by amending subsection (b) to read as fol-
20 lows:

21 “(b) APPLICATION PROCESS FOR POINTS-BASED IM-
22 MIGRANT VISAS.—

23 “(1) ELIGIBILITY SCREENING.—

24 “(A) APPLICATION SUBMISSION.—Any
25 alien seeking to immigrate to the United States

1 who believes that he or she meets the points re-
2 quirement set forth in section 220 may submit
3 an online application to U.S. Citizenship and
4 Immigration Services for placement in the eligi-
5 ble applicant pool.

6 “(B) APPLICATION ELEMENTS.—Each ap-
7 plication submitted under subparagraph (A)
8 shall include—

9 “(i) the identification of the points for
10 which the applicant is eligible under sec-
11 tion 220;

12 “(ii) an attestation by the applicant,
13 under penalty of disqualification, that the
14 applicant has sufficient documentation to
15 verify the points claimed under clause (i);

16 “(iii) the electronic submission of an
17 application fee in the amount of \$160; and

18 “(iv) any other information required
19 by the Director of U.S. Citizenship and
20 Immigration Services, by regulation.

21 “(C) ELIGIBLE APPLICANT POOL.—

22 “(i) IN GENERAL.—Each application
23 that meets the points requirement set forth
24 in section 220 shall be placed in an eligible

1 applicant pool, which shall be sorted by
2 total points.

3 “(ii) TIE-BREAKING FACTORS.—Appli-
4 cations with equal points will be sorted
5 based on the following tie-breaking factors:

6 “(I) Applicants whose highest
7 educational degree is a doctorate de-
8 gree (or equivalent foreign degree)
9 shall be ranked higher than applicants
10 whose highest educational degree is a
11 professional degree (as defined in sec-
12 tion 220(a)) or equivalent foreign de-
13 gree, who shall be ranked higher than
14 applicants whose highest educational
15 degree is a master’s degree (or equiv-
16 alent foreign degree), who shall be
17 ranked higher than applicants whose
18 highest educational degree is a bach-
19 elor’s degree (or equivalent foreign de-
20 gree), who shall be ranked higher
21 than applicants whose highest edu-
22 cational degree is a high school di-
23 ploma (as defined in section 220(a))
24 or equivalent foreign diploma, who
25 shall be ranked higher than applicants

1 without a high school diploma, with
2 United States degrees ranked higher
3 than their foreign counterparts.

4 “(II) Applicants with equal
5 points and equal educational attain-
6 ment shall be ranked according to
7 their respective English language pro-
8 ficiency test rankings (as defined in
9 section 220(a)).

10 “(III) Applicants with equal
11 points, equal educational attainment,
12 and equal English language pro-
13 ficiency test rankings shall be ranked
14 according to their age, with applicants
15 who are nearest their 25th birthdays
16 being ranked higher.

17 “(D) DURATION.—Applications shall re-
18 main in the eligible applicant pool for 12
19 months. An applicant who is not invited to
20 apply for a point-based immigrant visa during
21 the 12-month period in which the application
22 remains in the eligible applicant pool may re-
23 apply for placement in the eligible applicant
24 pool.

25 “(2) VISA PETITION.—

1 “(A) INVITATION.—Every 6 months, the
2 Director of U.S. Citizenship and Immigration
3 Services shall invite the highest ranked appli-
4 cants in the eligible applicant pool, in a number
5 that is expected to yield 50 percent of the
6 point-based immigrant visas authorized under
7 section 201(d) for the fiscal year, including
8 spouses and dependent children accompanying
9 or following to join the principle alien, to file a
10 petition for a points-based immigrant visa.

11 “(B) PETITION ELEMENTS.—Subject to
12 subparagraph (C), the Director of U.S. Citizen-
13 ship and Immigration Services shall award a
14 points-based immigrant visa to any applicant
15 invited to file a petition under subparagraph
16 (A) who, not later than 90 days after receiving
17 such invitation, files a petition with the Direc-
18 tor that includes—

19 “(i) valid documentation proving that
20 the applicant is entitled to all of the points
21 claimed in the application submitted pur-
22 suant to paragraph (1);

23 “(ii) an attestation from the prospec-
24 tive employer, if applicable—

1 “(I) of the annual salary being
2 offered to the applicant; and

3 “(II) that the job being offered
4 to the applicant is a new or vacant po-
5 sition that does not displace a United
6 States worker;

7 “(iii)(I) proof that the applicant’s
8 United States employer has secured health
9 insurance that meet all applicable regula-
10 tions; or

11 “(II) evidence that the applicant has
12 posted a bond to be used to purchase the
13 health insurance described in subclause (I);
14 and

15 “(iv) a fee in the amount of \$345.

16 “(C) DISPOSITION OF PETITIONS EXCEED-
17 ING THE ANNUAL NUMERICAL LIMITATION.—If
18 the Director receives a petition that complies
19 with the requirements under subparagraph (B)
20 after the numerical limitation set forth in sec-
21 tion 201(d) has been reached for the applicable
22 fiscal year, the Director shall—

23 “(i) issue a points-based immigrant
24 visa to the petitioner;

1 “(ii) delay the admission into the
2 United States of the petitioner and his or
3 her spouse and children, if applicable, until
4 the first day of the following fiscal year;
5 and

6 “(iii) reduce the number of points-
7 based immigrant visas that may be issued
8 during the following fiscal year accord-
9 ingly.

10 “(3) VISAS FOR SPOUSES AND CHILDREN.—

11 “(A) SPOUSE.—The legal spouse of an ap-
12 plicant under this subsection who is accom-
13 panying or following to join the applicant in the
14 United States shall be issued a points-based im-
15 migrant visa under this section upon the ap-
16 proval of the spouse’s petition under paragraph
17 (2).

18 “(B) MINOR CHILDREN.—Any children of
19 an applicant under this subsection who have not
20 reached 18 years of age as of the date on which
21 a petition is filed under paragraph (2) and are
22 accompanying or following to join the applicant
23 in the United States shall be issued a points-
24 based immigrant visa under this section upon

1 the approval of the parent’s petition under
2 paragraph (2).

3 “(C) DEPENDENT ADULT CHILDREN.—

4 Any adult child of an applicant under this sub-
5 section who is unable to care for himself or her-
6 self may be admitted into the United States, on
7 a temporary basis, until he or she is capable to
8 care for himself or herself, but may not be au-
9 thorized to work in the United States or to re-
10 ceive any other benefits of permanent residence.

11 “(4) INFLATION ADJUSTMENTS.—The Director
12 shall adjust the amount of the fees required under
13 paragraphs (1)(B)(iii) and (2)(B)(iv) every 2 years,
14 as appropriate, to reflect inflation.

15 “(5) INELIGIBILITY FOR PUBLIC BENEFITS.—

16 An alien who has been issued a points-based immi-
17 grant visa under this subsection, and every member
18 of the household of such alien, shall not be eligible
19 for any Federal means-tested public benefit (as de-
20 fined and implemented in section 403 of the Per-
21 sonal Responsibility and Work Opportunity Rec-
22 onciliation Act of 1996 (8 U.S.C. 1613)) during the
23 5-year period beginning on the date on which such
24 visa was issued.

1 “(6) FEE FOR EXPEDITED PROCESSING.—The
2 procedures under this subsection shall permit the ex-
3 pedited processing of visas for admission of aliens
4 covered under a petition under this subsection upon
5 the payment of a fee in an amount to be determined
6 by the Secretary.”; and

7 (2) in subsection (d)(1), as redesignated by sec-
8 tion 2(b)(1)(C)(ii), by striking “or (b)”.

9 (d) ESTABLISHMENT OF IMMIGRATION POINTS SYS-
10 TEM.—

11 (1) IN GENERAL.—Chapter 2 of title II of the
12 Immigration and Nationality Act (8 U.S.C. 1181 et
13 seq.) is amended by adding at the end the following:

14 **“SEC. 220. IMMIGRATION POINTS SYSTEM.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) ENGLISH LANGUAGE PROFICIENCY
17 TEST.—The term ‘English language proficiency test’
18 means—

19 “(A) the International English Language
20 Testing System (IELTS), as administered by a
21 partnership between the British Council, IDP
22 Education, and Cambridge English Language
23 Assessment;

1 “(B) the Test of English as a Foreign
2 Language (TOEFL), as administered by the
3 Educational Testing Service; or

4 “(C) any other test to measure English
5 proficiency that has been approved by the Com-
6 missioner of U.S. Citizenship and Immigration
7 Services for purposes of subsection (e) that
8 meets the standards of English language ability
9 measurement and anti-fraud integrity set by the
10 IELTS or the TOEFL.

11 “(2) ENGLISH LANGUAGE PROFICIENCY TEST
12 RANKING.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), the term ‘English language pro-
15 ficiency test ranking’ means the decile rank of
16 the applicant’s English language proficiency
17 test score, when compared with all of the other
18 people who took the same test during the same
19 period.

20 “(B) ADJUSTMENT.—The Commissioner of
21 U.S. Citizenship and Immigration Services, in
22 consultation with the Secretary of Education,
23 may adjust the decile rank of an applicant’s
24 English language proficiency test score if the
25 number of people taking such test is too small

1 or unusually skewed to make such decile rank
2 inconsistent with the decile rank the applicant
3 would have received if he or she had taken the
4 IELTS or TOEFL.

5 “(3) HIGH SCHOOL.—The term ‘high school’
6 has the meaning given such term in section 8101 of
7 the Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 7801).

9 “(4) IELTS.—The term ‘IELTS’ means the
10 International English Language Testing System.

11 “(5) INSTITUTION OF HIGHER EDUCATION.—
12 The term ‘institution of higher education’ has the
13 same meaning given that term in section 101 of the
14 Higher Education Act of 1965 (20 U.S.C. 1001).

15 “(6) PROFESSIONAL DEGREE.—The term ‘pro-
16 fessional degree’ includes the following degrees:

17 “(A) Master’s of Business Administration.

18 “(B) Doctor of Jurisprudence.

19 “(C) Doctor of Medicine.

20 “(7) STEM.—The term ‘STEM’ means the
21 academic discipline of science, technology, engineer-
22 ing, or mathematics.

23 “(8) TOEFL.—The term ‘TOEFL’ means the
24 Test of English as a Foreign Language.

1 “(b) IN GENERAL.—An alien is eligible to submit an
2 application for placement in the eligible applicant pool
3 under section 203(b)(1) if the applicant has accrued a
4 total of 30 points under this section.

5 “(c) AGE.—

6 “(1) IN GENERAL.—An applicant may accrue
7 points for age under this subsection based on the
8 age of the applicant on the date on which the appli-
9 cant submits an application under section 203(b)(1).

10 “(2) AGES 0 THROUGH 17.—An alien who has
11 not reached 18 years of age may not submit an ap-
12 plication under section 203(b)(1).

13 “(3) AGES 18 THROUGH 21.—An applicant who
14 is at least 18 years of age and younger than 22
15 years of age shall accrue 6 points.

16 “(4) AGES 22 THROUGH 25.—An applicant who
17 is at least 22 years of age and younger than 26
18 years of age shall accrue 8 points.

19 “(5) AGES 26 THROUGH 30.—An applicant who
20 is at least 26 years of age and younger than 31
21 years of age shall accrue 10 points.

22 “(6) AGES 31 THROUGH 35.—An applicant who
23 is at least 31 years of age and younger than 36
24 years of age shall accrue 8 points.

1 “(7) AGES 36 THROUGH 40.—An applicant who
2 is at least 36 years of age and younger than 41
3 years of age shall accrue 6 points.

4 “(8) AGES 41 THROUGH 45.—An applicant who
5 is at least 41 years of age and younger than 46
6 years of age shall accrue 4 points.

7 “(9) AGES 46 THROUGH 50.—An applicant who
8 is at least 46 years of age and younger than 51
9 years of age shall accrue 2 points.

10 “(10) AGE 51 AND OLDER.—An applicant who
11 is at least 51 years of age may submit an applica-
12 tion under section 203(b), but shall not accrue any
13 points on account of age.

14 “(d) EDUCATION.—

15 “(1) IN GENERAL.—An applicant may only ac-
16 crue points for educational attainment under this
17 section based on the highest degree obtained by the
18 applicant as of the date on which the applicant sub-
19 mits an application under section 203(b).

20 “(2) UNITED STATES OR FOREIGN HIGH
21 SCHOOL DEGREE.—An applicant whose highest de-
22 gree is a diploma from a high school in the United
23 States, or the foreign equivalent of such a degree, as
24 determined by the Secretary of Education, shall ac-
25 crue 1 point.

1 “(3) FOREIGN BACHELOR’S DEGREE.—An ap-
2 plicant who has received the foreign equivalent of a
3 bachelor’s degree from an institution of higher edu-
4 cation, as determined by the Secretary of Education,
5 but has not received a degree described in para-
6 graphs (5) through (8), shall accrue 5 points.

7 “(4) UNITED STATES BACHELOR’S DEGREE.—
8 An applicant who has received a bachelor’s degree
9 from an institution of higher education, but has not
10 received a degree described in paragraphs (5)
11 through (8), shall accrue 6 points.

12 “(5) FOREIGN MASTER’S DEGREE IN STEM.—
13 An applicant whose highest degree is a master’s de-
14 gree in STEM from a foreign college or university,
15 approved by the Secretary of Education, shall accrue
16 7 points.

17 “(6) UNITED STATES MASTER’S DEGREE IN
18 STEM.—An applicant whose highest degree is a mas-
19 ter’s degree in STEM from an institution of higher
20 education shall accrue 8 points.

21 “(7) FOREIGN PROFESSIONAL DEGREE OR DOC-
22 TORATE DEGREE IN STEM.—An applicant whose
23 highest degree is a foreign professional degree or a
24 doctorate degree in STEM, approved by the Sec-
25 retary of Education, shall accrue 10 points.

1 “(8) UNITED STATES PROFESSIONAL DEGREE
2 OR DOCTORATE DEGREE IN STEM.—An applicant
3 whose highest degree is a United States professional
4 degree or a doctorate degree in STEM from an in-
5 stitution of higher education shall accrue 13 points.

6 “(9) APPROVED FOREIGN EDUCATIONAL INSTI-
7 TUTIONS AND DEGREES.—The Director of U.S. Citi-
8 zenship and Immigration Services, in cooperation
9 with the Secretary of Education, shall maintain and
10 regularly update a list of foreign educational institu-
11 tions and degrees that meet accreditation standards
12 equivalent to those recognized by major United
13 States accrediting agencies and are approved for the
14 purpose of accruing points under this subsection.

15 “(e) ENGLISH LANGUAGE PROFICIENCY.—

16 “(1) IN GENERAL.—An applicant may accrue
17 points for English language proficiency in accord-
18 ance with this subsection based on the highest
19 English language assessment test ranking of the ap-
20 plicant as of the date on which the applicant submits
21 an application under section 203(b).

22 “(2) 1ST THROUGH 5TH DECILES.—An appli-
23 cant whose English language proficiency test score is
24 lower than the 6th decile rank shall not accrue any
25 points under this subsection.

1 “(3) 6TH AND 7TH DECILES.—An applicant
2 whose English language proficiency test score is in
3 the 6th or 7th decile ranks shall accrue 6 points.

4 “(4) 8TH DECILE.—An applicant whose English
5 language proficiency test score is in the 8th decile
6 rank shall accrue 10 points.

7 “(5) 9TH DECILE.—An applicant whose English
8 language proficiency test score is in the 9th decile
9 rank shall accrue 11 points.

10 “(6) 10TH DECILE.—An applicant whose
11 English language proficiency test score is in the
12 10th decile rank shall accrue 12 points.

13 “(f) EXTRAORDINARY ACHIEVEMENT.—An applicant
14 may accrue, for extraordinary achievement under this sub-
15 section 25 points if the applicant is a Nobel Laureate or
16 has received comparable recognition in a field of scientific
17 or social scientific study, as determined by the Commis-
18 sioner of U.S. Citizenship and Immigration Services

19 “(g) JOB OFFER.—

20 “(1) IN GENERAL.—An applicant may accrue,
21 for highly compensated employment under this sub-
22 section—

23 “(A) 5 points if the annual salary being of-
24 fered by the applicant’s prospective employer is
25 at least 150 percent of the median household

1 income in the State in which the applicant will
2 be employed, as determined by the Secretary of
3 Labor, and less than 200 percent of such me-
4 dian household income;

5 “(B) 8 points if the annual salary being of-
6 fered by the applicant’s prospective employer is
7 at least 200 percent of the median household
8 income in the State in which the applicant will
9 be employed, as determined by the Secretary of
10 Labor, and less than 300 percent of such me-
11 dian household income; and

12 “(C) 13 points if the annual salary being
13 offered by the applicant’s prospective employer
14 is at least 300 percent of the median household
15 income in the State in which the applicant will
16 be employed, as determined by the Secretary of
17 Labor.

18 “(2) REQUIREMENT.—An applicant may not be
19 placed in the eligible applicant pool under section
20 203(b)(1) if—

21 “(A) the applicant has not received a de-
22 gree higher than a bachelor’s degree; and

23 “(B) the applicant does not accrue any
24 points under paragraph (1).

1 “(h) INVESTMENT IN, AND ACTIVE MANAGEMENT
2 OF, NEW COMMERCIAL ENTERPRISE.—

3 “(1) IN GENERAL.—An applicant may accrue,
4 for foreign investment under this subsection—

5 “(A) 6 points if the applicant agrees to in-
6 vest the equivalent of \$1,350,000 in foreign
7 currency in a new commercial enterprise in the
8 United States, maintain such investment for at
9 least 3 years, and play an active role in the
10 management of such commercial enterprise as
11 the applicant’s primary occupation; and

12 “(B) 12 points if the applicant agrees to
13 invest the equivalent of \$1,800,000 in foreign
14 currency in a new commercial enterprise in the
15 United States, maintain such investment for at
16 least 3 years, and play an active role in the
17 management of such commercial enterprise as
18 the applicant’s primary occupation.

19 “(2) FAILURE TO MAINTAIN INVESTMENT.—A
20 points-based immigrant visa issued under section
21 201(b) to an applicant who accrued points under
22 this subsection shall be rescinded if the applicant
23 fails to comply with the requirements under para-
24 graph (1) for a period in excess of 1 year.

1 “(i) VALID OFFER OF ADMISSION UNDER FAMILY
2 PREFERENCE CATEGORY.—Any alien who was granted
3 admission to the United States under section 203(a) of
4 the Immigration and Nationality Act, as in effect on the
5 day before the date of enactment of this Act, shall be enti-
6 tled to 2 points if—

7 “(1) the applicant was scheduled to receive an
8 immigrant visa under that preference category; and

9 “(2) the applicant did not receive an immigrant
10 visa during the 1-year period beginning on the date
11 of the enactment of this Act.

12 “(j) DEPENDENT CHILDREN.—An applicant may ac-
13 crue 2 points for each dependent child who will be accom-
14 panying or following to join the applicant in the United
15 States.

16 “(k) EFFECT OF SPOUSE ON ACCRUAL OF POINTS.—

17 “(1) IN GENERAL.—If an applicant has a
18 spouse who will be accompanying or following to join
19 the applicant in the United States, the applicant will
20 identify the points that the spouse would accrue
21 under each of subsections (c) through (e) if he or
22 she were applying for a points-based immigrant visa.

23 “(2) POINTS ADJUSTMENT.—For each of the
24 categories set forth in subsections (c) through (e)—

1 “(A) if the number of points that would be
2 accrued by the spouse is the same or higher as
3 the points accrued by the applicant, the number
4 of points shall not be adjusted;

5 “(B) if the number of points that would be
6 accrued by the spouse is lower than the number
7 of points accrued by the applicant, the number
8 of points accrued by the applicant shall be ad-
9 justed so that it is equal to the sum of—

10 “(i) the number of points accrued by
11 the applicant under such category multi-
12 plied by 70 percent; and

13 “(ii) the number of points accrued by
14 the spouse under such category multiplied
15 by 30 percent.”.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents for the Immigration and Nationality Act (8
18 U.S.C. 1101 et seq.) is amended by inserting after
19 the item relating to section 219 the following:

“Sec. 220. Immigration points system.”.

20 (e) ANNUAL REPORT.—Not later than 1 year after
21 the date of the enactment of this Act, and annually there-
22 after, the Secretary of Homeland Security shall submit a
23 report to Congress that includes, for the previous fiscal
24 year—

1 (1) the number of visas issued under section
2 203(b) of the Immigration and Nationality Act, as
3 added by subsection (c), based on the Immigration
4 Points System established under section 220 of such
5 Act, as added by subsection (d);

6 (2) with respect to the aliens placed in the eligi-
7 ble applicant pool under section 203(b)(1)(C) of
8 such Act during the previous fiscal year—

9 (A) the percentage of such aliens seeking
10 residence in each State;

11 (B) the percentage of such aliens in each
12 of the educational attainment categories set
13 forth in section 220(d) of such Act;

14 (C) the percentage of such aliens in each
15 of the English language proficiency categories
16 set forth in section 220(e) of such Act;

17 (D) the initial United States employer of
18 such aliens and the average starting annual sal-
19 ary offered by such employers in the United
20 States; and

21 (E) the number of such aliens agreeing to
22 invest in a new commercial enterprise in the
23 United States, and the percentage of such
24 aliens in each of the categories set forth in sec-
25 tion 220(h) of such Act; and

1 (3) with respect to the aliens invited to file a
2 points-based immigrant visa petition pursuant to
3 section 203(b)(2) of such Act, the statistics set forth
4 in subparagraphs (A) through (E) of paragraph (2).
5 (f) QUADRENNIAL REPORT.—

6 (1) IN GENERAL.—Not later than 4 years after
7 the date of the enactment of this Act, and every 4
8 years thereafter, the Secretary of Homeland Secu-
9 rity, in consultation with the Secretary of Labor, the
10 Secretary of Commerce, and the Secretary of State,
11 shall submit a report to the Committee on the Judi-
12 ciary of the Senate, the Committee on Foreign Rela-
13 tions of the Senate, the Committee on the Judiciary
14 of the House of Representatives, and the Committee
15 on Foreign Affairs of the House of Representatives
16 that includes any recommendations for revisions to
17 the immigration points system set forth in section
18 220 of the Immigration and Nationality Act, as
19 added by section 5(d)—

20 (A) by reallocating points within or among
21 the categories set forth in subsections (c)
22 through (j) of such section; and

23 (B) by adding or subtracting additional
24 points categories.

1 (2) CRITERIA FOR RECOMMENDATIONS.—The
2 recommendations included in the report required
3 under paragraph (1) shall be designed to achieve the
4 goals of—

5 (A) increasing per capita growth in the
6 gross domestic product of the United States;

7 (B) enhancing prospects for the economic
8 success of immigrants issued points-based im-
9 migrant visas;

10 (C) improving the fiscal health of the
11 United States; and

12 (D) protecting or increasing the wages of
13 working Americans.

14 **SEC. 70406. PREREQUISITE FOR NATURALIZATION.**

15 Section 318 of the Immigration and Nationality Act
16 (8 U.S.C. 1429 et seq.) is amended—

17 (1) by striking “Except” and inserting the fol-
18 lowing:

19 “(a) PERMANENT RESIDENT.—Except”;

20 (2) by striking “he” each place such term ap-
21 pears and inserting “he or she”;

22 (3) by striking “his” and inserting “his or her”;

23 (4) by striking “Attorney General” each place
24 such term appears and inserting “Secretary of
25 Homeland Security”;

1 (5) by striking “the Service” and inserting “the
2 Department of Homeland Security”;

3 (6) by striking “Notwithstanding” and insert-
4 ing the following:

5 “(b) WARRANT OF ARREST.—Notwithstanding”;

6 (7) by striking “Act: *Provided*, That the find-
7 ings” and inserting “Act. The findings”; and

8 (8) by adding at the end the following:

9 “(c) OUTSTANDING DEBTS.—No person may be nat-
10 uralized under this title if the individual who executed an
11 affidavit of support with respect to the person has failed
12 to reimburse the Federal Government, in accordance with
13 section 213A(b), for all means-tested public benefits re-
14 ceived by the person during the 5-year period beginning
15 on the date on which the alien was lawfully admitted for
16 permanent residence.”.

17 **SEC. 70407. REQUIREMENT FOR INSTITUTION TO BE AP-**
18 **PROVED UNDER THE STUDENT AND EX-**
19 **CHANGE VISITOR PROGRAM.**

20 The Secretary of Homeland Security may not ap-
21 prove an institution under the Student and Exchange Vis-
22 itor Program (or any successor program) to enroll non-
23 immigrants admitted to the United States under section
24 101(a)(15)(F) or (M) of the Immigration and Nationality
25 Act (8 U.S.C. 1101(a)(15)) unless the institution requires

1 such a nonimmigrant to attend in-person classes at that
2 institution at least 3 days per week.

3 **SEC. 70408. USE OF ARTIFICIAL INTELLIGENCE TO IDEN-**
4 **TIFY VISA OVERSTAYS.**

5 The Secretary of Homeland Security shall develop
6 and implement a process to use artificial intelligence to
7 analyze the records of the Department of Homeland Secu-
8 rity related to immigration, alien travel records, and other
9 relevant data, to identify aliens who were admitted to the
10 United States on the basis of a nonimmigrant visa whose
11 periods of authorized stays ended but who remained un-
12 lawfully in the United States beyond such periods.

13 **SEC. 70409. H-1B REFORMS.**

14 Section 214 of the Immigration and Nationality Act
15 (8 U.S.C. 1184) is amended—

16 (1) in subsection (c)—

17 (A) in paragraph (1), by inserting after
18 “excluding nonimmigrants under” the following:

19 “section 101(a)(15)(H)(i)(b) or”;

20 (B) in paragraph (5)(A), by striking “sec-
21 tion 101(a)(15)(H)(i)(b) or”;

22 (C) by repealing paragraph (9);

23 (D) by repealing paragraph (10);

24 (E) in paragraph (12)(A)(i), by striking
25 “(H)(i)(b) or”;

1 (2) in subsection (g)—

2 (A) in paragraph (1)—

3 (i) in the matter preceding subpara-
4 graph (A), by striking “(beginning with
5 fiscal year 1992)”; and

6 (ii) by amending subparagraph (A) to
7 read as follows:

8 “(A) under section 101(a)(15)(H)(i)(b)
9 may not exceed the sum of—

10 “(i) the base allocation calculated
11 under paragraph (12)(A); and

12 “(ii) the allocation adjustment cal-
13 culated under paragraph (12)(B); and”;

14 (iii) in paragraph (3), by striking
15 “Aliens who are subject to the numerical
16 limitations of paragraph (1)” and inserting
17 “Aliens who are subject to the numerical
18 limitations of paragraph (1)(A) shall be
19 issued visas (or otherwise provided non-
20 immigrant status) in the order in the order
21 of the compensation rate included in the
22 application for such visa (beginning with
23 the highest compensation rate). Aliens who
24 are subject to the numerical limitations of
25 paragraph (1)(B)”; and

1 (B) by adding at the end the following:

2 “(12)(A) The base allocation of nonimmigrant visas
3 under section 101(a)(15)(H)(i)(b) for each fiscal year
4 shall be equal to—

5 “(i) the sum of—

6 “(I) the base allocation for the most re-
7 cently completed fiscal year; and

8 “(II) the allocation adjustment for the
9 most recently completed fiscal year;

10 “(ii) if the number calculated under clause (i)
11 is less than 115,000, 115,000; or

12 “(iii) if the number calculated under clause (i)
13 is more than 195,000, 195,000.

14 “(B)(i) If the number of cap-subject nonimmigrant
15 visa petitions approved under section 101(a)(15)(H)(i)(b)
16 during the first 45 days petitions may be filed for a fiscal
17 year is equal to the base allocation for such fiscal year,
18 an additional 20,000 such visas shall be made available
19 beginning on the 46th day on which petitions may be filed
20 for such fiscal year.

21 “(ii) If the base allocation of cap-subject non-
22 immigrant visa petitions approved under section
23 101(a)(15)(H)(i)(b) for a fiscal year is reached during the
24 15-day period ending on the 60th day on which petitions
25 may be filed for such fiscal year, an additional 15,000

1 such visas shall be made available beginning on the 61st
2 day on which petitions may be filed for such fiscal year.

3 “(iii) If the base allocation of cap-subject non-
4 immigrant visa petitions approved under section
5 101(a)(15)(H)(i)(b) for a fiscal year is reached during the
6 30-day period ending on the 90th day on which petitions
7 may be filed for such fiscal year, an additional 10,000
8 such visas shall be made available beginning on the 91st
9 day on which petitions may be filed for such fiscal year.

10 “(iv) If the base allocation of cap-subject non-
11 immigrant visa petitions approved under section
12 101(a)(15)(H)(i)(b) for a fiscal year is reached during the
13 185-day period ending on the 275th day on which peti-
14 tions may be filed for such fiscal year, an additional 5,000
15 such visas shall be made available beginning on the date
16 on which such allocation is reached.

17 “(v) If the number of cap-subject nonimmigrant visa
18 petitions approved under section 101(a)(15)(H)(i)(b) for
19 a fiscal year is at least 5,000 fewer than the base alloca-
20 tion, but is not more than 9,999 fewer than the base allo-
21 cation, the allocation adjustment for the following fiscal
22 year shall be $-5,000$.

23 “(vi) If the number of cap-subject nonimmigrant visa
24 petitions approved under section 101(a)(15)(H)(i)(b) for
25 a fiscal year is at least 10,000 fewer than the base alloca-

tion, but not more than 14,999 fewer than the base allocation, the allocation adjustment for the following fiscal year shall be $-10,000$.

“(vii) If the number of cap-subject nonimmigrant visa petitions approved under section 101(a)(15)(H)(i)(b) for a fiscal year is at least 15,000 fewer than the base allocation, but not more than 19,999 fewer than the base allocation, the allocation adjustment for the following fiscal year shall be $-15,000$.

“(viii) If the number of cap-subject nonimmigrant visa petitions approved under section 101(a)(15)(H)(i)(b) for a fiscal year is at least 20,000 fewer than the base allocation, the allocation adjustment for the following fiscal year shall be $-20,000$.”.

SEC. 70410. GOLD-CARD IMMIGRANT VISA PROGRAM.

(a) IN GENERAL.—For each of fiscal years 2026 through 2035, 25,000 immigrant visas shall be made available for immigrants seeking to enter the United States who pay a fee in an amount of \$5,000,000.

(b) NUMERICAL LIMITATIONS.—Visas described in this section are not subject to the worldwide levels or numerical limitations under the immigration laws.

1 (c) DEFINITIONS.—In this section, the terms have
2 the meanings given such terms in the Immigration and
3 Nationality Act (8 U.S.C. 1101 et seq.).

