

119TH CONGRESS
1ST SESSION

H. R. 3466

To amend the Immigration and Nationality Act to establish a skills-based immigration points system, to focus family-sponsored immigration on spouses and minor children, to eliminate the Diversity Visa Program, to set a limit on the number of refugees admitted annually to the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2025

Mr. SCHWEIKERT introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to establish a skills-based immigration points system, to focus family-sponsored immigration on spouses and minor children, to eliminate the Diversity Visa Program, to set a limit on the number of refugees admitted annually to the United States, 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 “Securing Migration,
5 Addressing Reform, and Talent Retention Act” or the
6 “SMART Act”.

1 **SEC. 2. ELIMINATION OF DIVERSITY VISA PROGRAM.**

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

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

9 (A) in section 101(a)(15)(V), by striking
10 “section 203(d)” and inserting “section
11 203(c)”;

12 (B) in section 201—

13 (i) in subsection (a)—

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

16 (II) by striking paragraph (3);
17 and

18 (ii) by striking subsection (e);

19 (C) in section 203—

20 (i) in subsection (b)(2)(B)(ii)(IV), by
21 striking “section 203(b)(2)(B)” each place
22 such term appears and inserting “clause
23 (i)”;

24 (ii) by redesignating subsections (d),
25 (e), (f), (g), and (h) as subsections (c), (d),
26 (e), (f), and (g), respectively;

1 (iii) in subsection (c), as redesignated,
2 by striking “subsection (a), (b), or (c)”
3 and inserting “subsection (a) or (b)”;

4 (iv) in subsection (d), as redesign-
5 nated—

6 (I) by striking paragraph (2);

7 and

8 (II) by redesignating paragraph
9 (3) as paragraph (2);

10 (v) in subsection (e), as redesignated,
11 by striking “subsection (a), (b), or (c) of
12 this section” and inserting “subsection (a)
13 or (b)”;

14 (vi) in subsection (f), as redesignated,
15 by striking “subsections (a), (b), and (c)”
16 and inserting “subsections (a) and (b)”;
17 and

18 (vii) in subsection (g), as redesign-
19 nated—

20 (I) by striking “(d)” each place
21 such term appears and inserting
22 “(c)”;

23 (II) in paragraph (2)(B), by
24 striking “subsection (a), (b), or (c)”
25 and inserting “subsection (a) or (b)”;

1 (D) in section 204—

2 (i) in subsection (a)(1), by striking
3 subparagraph (I);

4 (ii) in subsection (e), by striking “sub-
5 section (a), (b), or (c) of section 203” and
6 inserting “subsection (a) or (b) of section
7 203”; and

8 (iii) in subsection (l)(2)—

9 (I) in subparagraph (B), by
10 striking “section 203 (a) or (d)” and
11 inserting “subsection (a) or (c) of sec-
12 tion 203”; and

13 (II) in subparagraph (C), by
14 striking “section 203(d)” and insert-
15 ing “section 203(c)”;

16 (E) in section 214(q)(1)(B)(i), by striking
17 “section 203(d)” and inserting “section
18 203(c)”;

19 (F) in section 216(h)(1), in the undesig-
20 nated matter following subparagraph (C), by
21 striking “section 203(d)” and inserting “section
22 203(c)”;

23 (G) in section 245(i)(1)(B), by striking
24 “section 203(d)” and inserting “section
25 203(c)”.

1 (2) IMMIGRANT INVESTOR PILOT PROGRAM.—

2 Section 610(d) of the Departments of Commerce,
3 Justice, and State, the Judiciary, and Related Agen-
4 cies Appropriations Act, 1993 (Public Law 102–
5 395) is amended by striking “section 203(e) of such
6 Act (8 U.S.C. 1153(e))” and inserting “section
7 203(d) of such Act (8 U.S.C. 1153(d))”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on the first day of the first
10 fiscal year beginning on or after the date of the enactment
11 of this Act.

12 **SEC. 3. ANNUAL ADMISSION OF REFUGEES.**

13 Section 207 of the Immigration and Nationality Act
14 (8 U.S.C. 1157) is amended—

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

16 (2) by redesignating subsection (e) as sub-
17 section (a);

18 (3) by redesignating subsection (f) as sub-
19 section (e);

20 (4) by inserting after subsection (a), as redesign-
21 ated, the following:

22 “(b) MAXIMUM NUMBER OF ADMISSIONS.—

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

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

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

7 **SEC. 4. FAMILY-SPONSORED IMMIGRATION PRIORITIES.**

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

11 (1) in section 101(b)(1) (8 U.S.C. 1101(b)(1)),
 12 in the matter preceding subparagraph (A), by strik-
 13 ing “under twenty-one years of age who” and insert-
 14 ing “who is younger than 18 years of age and”; and

15 (2) in section 201 (8 U.S.C. 1151)—

16 (A) in subsection (b)(2)(A)—

17 (i) in clause (i), by striking “children,
 18 spouses, and parents of a citizen of the
 19 United States, except that, in the case of
 20 parents, such citizens shall be at least 21
 21 years of age.” and inserting “children and
 22 spouse of a citizen of the United States.”;
 23 and

24 (ii) in clause (ii), by striking “such an
 25 immediate relative” and inserting “the im-

1 mediate relative spouse of a United States
2 citizen”;

3 (B) by striking subsection (c) and insert-
4 ing the following:

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

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

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

16 “(B)(i) did not acquire the status of an alien
17 lawfully admitted to the United States for perma-
18 nent residence during the two preceding fiscal years;
19 or

20 “(ii) acquired such status during such period
21 under a provision of law (other than subsection (b))
22 that exempts adjustment to such status from the nu-
23 merical limitation on the worldwide level of immigra-
24 tion under this section.”; and

25 (C) in subsection (f)—

1 (i) in paragraph (2), by striking “sec-
2 tion 203(a)(2)(A)” and inserting “section
3 203(a)”;

4 (ii) by striking paragraph (3);

5 (iii) by redesignating paragraph (4) as
6 paragraph (3); and

7 (iv) in paragraph (3), as redesignated,
8 by striking “(1) through (3)” and inserting
9 “(1) and (2)”.

10 (b) FAMILY-BASED VISA PREFERENCES.—Section
11 203(a) of the Immigration and Nationality Act (8 U.S.C.
12 1153(a)) is amended to read as follows:

13 “(a) SPOUSES AND MINOR CHILDREN OF PERMA-
14 NENT RESIDENT ALIENS.—Family-sponsored immigrants
15 described in this subsection are qualified immigrants who
16 are the spouse or a child of an alien lawfully admitted
17 for permanent residence.”.

18 (c) CONFORMING AMENDMENTS.—

19 (1) DEFINITION OF V NONIMMIGRANT.—Section
20 101(a)(15)(V) of the Immigration and Nationality
21 Act (8 U.S.C. 1101(a)(15)(V)) is amended by strik-
22 ing “section 203(a)(2)(A)” each place such term ap-
23 pears and inserting “section 203(a)”.

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

4 (A) in subsection (a)(4)—

5 (i) by striking subparagraphs (A) and
6 (B) and inserting the following:

7 “(A) 75 PERCENT OF FAMILY-SPONSORED
8 IMMIGRANTS NOT SUBJECT TO PER COUNTRY
9 LIMITATION.—Of the visa numbers made avail-
10 able under section 203(a) in any fiscal year, 75
11 percent shall be issued without regard to the
12 numerical limitation under paragraph (2).

13 “(B) TREATMENT OF REMAINING 25 PER-
14 CENT FOR COUNTRIES SUBJECT TO SUB-
15 SECTION (e).—

16 “(i) IN GENERAL.—Of the visa num-
17 bers made available under section 203(a)
18 in any fiscal year, 25 percent shall be
19 available, in the case of a foreign state or
20 dependent area that is subject to sub-
21 section (e) only to the extent that the total
22 number of visas issued in accordance with
23 subparagraph (A) to natives of the foreign
24 state or dependent area is less than the
25 subsection (e) ceiling.

1 “(ii) SUBSECTION (e) CEILING DE-
 2 FINED.—In clause (i), the term ‘subsection
 3 (e) ceiling’ means, for a foreign state or
 4 dependent area, 77 percent of the max-
 5 imum number of visas that may be made
 6 available under section 203(a) to immi-
 7 grants who are natives of the state or area,
 8 consistent with subsection (e).”; and

9 (ii) by striking subparagraphs (C) and
 10 (D); and
 11 (B) in subsection (e)—

12 (i) in paragraph (1), by adding “and”
 13 at the end;

14 (ii) by striking paragraph (2);

15 (iii) by redesignating paragraph (3) as
 16 paragraph (2); and

17 (iv) in the undesignated matter after
 18 paragraph (2), as redesignated, by striking
 19 “, respectively,” and all that follows and
 20 inserting a period.

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

1 (4) PROCEDURE FOR GRANTING IMMIGRANT
2 STATUS.—Section 204 of such Act (8 U.S.C. 1154)
3 is amended—

4 (A) in subsection (a)(1)—

5 (i) in subparagraph (A)(i), by striking
6 “to classification by reason of a relation-
7 ship described in paragraph (1), (3), or (4)
8 of section 203(a) or”;

9 (ii) in subparagraph (B)—

10 (I) in clause (i), by redesignating
11 the second subclause (I) as subclause
12 (II); and

13 (II) by striking “203(a)(2)(A)”
14 each place such terms appear and in-
15 serting “203(a)”;

16 (iii) in subparagraph (D)(i)(I), by
17 striking “a petitioner” and all that follows
18 through “(a)(1)(B)(iii).” and inserting “an
19 individual younger than 21 years of age for
20 purposes of adjudicating such petition and
21 for purposes of admission as an immediate
22 relative under section 201(b)(2)(A)(i) or a
23 family-sponsored immigrant under section
24 203(a), as appropriate, notwithstanding
25 the actual age of the individual.”;

1 (B) in subsection (f)(1), by striking “,
2 203(a)(1), or 203(a)(3), as appropriate”; and

3 (C) by striking subsection (k).

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

6 (A) in subsection (a)(6)(E)(ii), by striking
7 “section 203(a)(2)” and inserting “section
8 203(a)”; and

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

11 (6) EMPLOYMENT OF V NONIMMIGRANTS.—Sec-
12 tion 214(q)(1)(B)(i) of such Act (8 U.S.C.
13 1184(q)(1)(B)(i)) is amended by striking “section
14 203(a)(2)(A)” each place such term appears and in-
15 serting “section 203(a)”.

16 (7) DEFINITION OF ALIEN SPOUSE.—Section
17 216(h)(1)(C) of such Act (8 U.S.C. 1186a(h)(1)(C))
18 is amended by striking “section 203(a)(2)” and in-
19 serting “section 203(a)”.

20 (8) CLASSES OF DEPORTABLE ALIENS.—Sec-
21 tion 237(a)(1)(E)(ii) of such Act (8 U.S.C.
22 1227(a)(1)(E)(ii)) is amended by striking “section
23 203(a)(2)” and inserting “section 203(a)”.

1 (d) CREATION OF NONIMMIGRANT CLASSIFICATION
2 FOR ALIEN PARENTS OF ADULT UNITED STATES CITI-
3 ZENS.—

4 (1) IN GENERAL.—Section 101(a)(15) of the
5 Immigration and Nationality Act (8 U.S.C.
6 1101(a)(15)) is amended—

7 (A) in subparagraph (T)(ii)(III), by strik-
8 ing the period at the end and inserting a semi-
9 colon;

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

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

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

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

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

21 “(s)(1) The initial period of authorized admission for
22 a nonimmigrant described in section 101(a)(15)(W) shall
23 be 5 years, but may be extended by the Secretary of
24 Homeland Security for additional 5-year periods if the

1 United States citizen son or daughter of the nonimmigrant
2 is still residing in the United States.

3 “(2) A nonimmigrant described in section
4 101(a)(15)(W)—

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

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

9 “(3) Regardless of the resources of a nonimmigrant
10 described in section 101(a)(15)(W), the United States cit-
11 izen son or daughter who sponsored the nonimmigrant
12 parent shall be responsible for the nonimmigrant’s support
13 while the nonimmigrant resides in the United States.

14 “(4) An alien is ineligible to receive a visa or to be
15 admitted into the United States as a nonimmigrant de-
16 scribed in section 101(a)(15)(W) unless the alien provides
17 satisfactory proof that the United States citizen son or
18 daughter has arranged for health insurance coverage for
19 the alien, at no cost to the alien, during the anticipated
20 period of the alien’s residence in the United States.”.

21 (e) EFFECTIVE DATE; APPLICABILITY.—

22 (1) EFFECTIVE DATE.—The amendments made
23 by this section shall take effect on the first day of
24 the first fiscal year that begins after the date of the
25 enactment of this Act.

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

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

1 **SEC. 5. CREATION OF IMMIGRATION POINTS SYSTEM.**

2 (a) WORLDWIDE LEVEL OF IMMIGRATION.—Section
3 201 of the Immigration and Nationality Act (8 U.S.C.
4 1151) is amended—

5 (1) in subsection (a), as amended by section
6 2(b)(1)(B), by amending paragraph (2) to read as
7 follows:

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

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

14 “(d) WORLDWIDE LEVEL OF POINTS-BASED IMMI-
15 GRANTS.—

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

19 “(A) 193,000; and

20 “(B) the allocation adjustment calculated
21 under paragraph (3); and

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

26 “(3) ALLOCATION ADJUSTMENT.—

1 “(A) If the number of cap-subject immi-
2 grant visa petitions approved under section
3 203(b) during the first 45 days petitions may
4 be filed for a fiscal year is equal to the base al-
5 location for such fiscal year, an additional
6 20,000 such visas shall be made available be-
7 ginning on the 46th day on which petitions may
8 be filed for such fiscal year.

9 “(B) If the base allocation of cap-subject
10 immigrant visa petitions approved under section
11 203(b) for a fiscal year is reached during the
12 15-day period ending on the 60th day on which
13 petitions may be filed for such fiscal year, an
14 additional 15,000 such visas shall be made
15 available beginning on the 61st day on which
16 petitions may be filed for such fiscal year.

17 “(C) If the base allocation of cap-subject
18 immigrant visa petitions approved under section
19 203(b) for a fiscal year is reached during the
20 30-day period ending on the 90th day on which
21 petitions may be filed for such fiscal year, an
22 additional 10,000 such visas shall be made
23 available beginning on the 91st day on which
24 petitions may be filed for such fiscal year.

1 “(D) If the base allocation of cap-subject
2 immigrant visa petitions approved under section
3 203(b) for a fiscal year is reached during the
4 185-day period ending on the 275th day on
5 which petitions may be filed for such fiscal
6 year, an additional 5,000 such visas shall be
7 made available beginning on the date on which
8 such allocation is reached.

9 “(E) If the number of cap-subject immi-
10 grant visa petitions approved under section
11 203(b) for a fiscal year is at least 5,000 fewer
12 than the base allocation, but is not more than
13 9,999 fewer than the base allocation, the alloca-
14 tion adjustment for the following fiscal year
15 shall be $-5,000$.

16 “(F) If the number of cap-subject immi-
17 grant visa petitions approved under section
18 203(b) for a fiscal year is at least 10,000 fewer
19 than the base allocation, but not more than
20 14,999 fewer than the base allocation, the allo-
21 cation adjustment for the following fiscal year
22 shall be $-10,000$.

23 “(G) If the number of cap-subject immi-
24 grant visa petitions approved under section
25 203(b) for a fiscal year is at least 15,000 fewer

1 than the base allocation, but not more than
2 19,999 fewer than the base allocation, the allo-
3 cation adjustment for the following fiscal year
4 shall be $-15,000$.

5 “(H) If the number of cap-subject immi-
6 grant visa petitions approved under section
7 203(b) for a fiscal year is at least 20,000 fewer
8 than the base allocation, the allocation adjust-
9 ment for the following fiscal year shall be
10 $-20,000$.”.

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

14 (1) in paragraph (2)—

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

17 (B) by striking “paragraphs (3), (4), and
18 (5)” and inserting “paragraphs (3) and (4)”;
19 and

20 (C) by striking “subsections (a) and (b)”
21 and inserting “subsection (a)”;

22 (2) in paragraph (3), by striking “both sub-
23 sections (a) and (b)” and inserting “subsection (a)”;
24 and

25 (3) by striking paragraph (5).

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

4 (1) by amending subsection (b) to read as fol-
5 lows:

6 “(b) APPLICATION PROCESS FOR POINTS-BASED IM-
7 MIGRANT VISAS.—

8 “(1) ELIGIBILITY SCREENING.—

9 “(A) APPLICATION SUBMISSION.—Any
10 alien seeking to immigrate to the United States
11 who believes that he or she meets the points re-
12 quirement set forth in section 220 may submit
13 an online application to U.S. Citizenship and
14 Immigration Services for placement in the eligi-
15 ble applicant pool.

16 “(B) APPLICATION ELEMENTS.—Each ap-
17 plication submitted under subparagraph (A)
18 shall include—

19 “(i) the identification of the points for
20 which the applicant is eligible under sec-
21 tion 220;

22 “(ii) an attestation by the applicant,
23 under penalty of disqualification, that the
24 applicant has sufficient documentation to
25 verify the points claimed under clause (i);

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

3 “(iv) any other information required
4 by the Director of U.S. Citizenship and
5 Immigration Services, by regulation.

6 “(C) ELIGIBLE APPLICANT POOL.—

7 “(i) IN GENERAL.—Each application
8 that meets the points requirement set forth
9 in section 220 shall be placed in an eligible
10 applicant pool, which shall be sorted by
11 total points.

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

15 “(I) Applicants whose highest
16 educational degree is a doctorate de-
17 gree (or equivalent foreign degree)
18 shall be ranked higher than applicants
19 whose highest educational degree is a
20 professional degree (as defined in sec-
21 tion 220(a)) or equivalent foreign de-
22 gree, who shall be ranked higher than
23 applicants whose highest educational
24 degree is a master’s degree (or equiv-
25 alent foreign degree), who shall be

1 ranked higher than applicants whose
2 highest educational degree is a bach-
3 elor's degree (or equivalent foreign de-
4 gree), who shall be ranked higher
5 than applicants whose highest edu-
6 cational degree is a high school di-
7 ploma (as defined in section 220(a))
8 or equivalent foreign diploma, who
9 shall be ranked higher than applicants
10 without a high school diploma, with
11 United States degrees ranked higher
12 than their foreign counterparts.

13 “(II) Applicants with equal
14 points and equal educational attain-
15 ment shall be ranked according to
16 their respective English language pro-
17 ficiency test rankings (as defined in
18 section 220(a)).

19 “(III) Applicants with equal
20 points, equal educational attainment,
21 and equal English language pro-
22 ficiency test rankings shall be ranked
23 according to their age, with applicants
24 who are nearest their 25th birthdays
25 being ranked higher.

1 “(D) DURATION.—Applications shall re-
2 main in the eligible applicant pool for 12
3 months. An applicant who is not invited to
4 apply for a point-based immigrant visa during
5 the 12-month period in which the application
6 remains in the eligible applicant pool may re-
7 apply for placement in the eligible applicant
8 pool.

9 “(2) VISA PETITION.—

10 “(A) INVITATION.—Every 6 months, the
11 Director of U.S. Citizenship and Immigration
12 Services shall invite the highest ranked appli-
13 cants in the eligible applicant pool, in a number
14 that is expected to yield 50 percent of the
15 point-based immigrant visas authorized under
16 section 201(d) for the fiscal year, including
17 spouses and dependent children accompanying
18 or following to join the principle alien, to file a
19 petition for a points-based immigrant visa.

20 “(B) PETITION ELEMENTS.—Subject to
21 subparagraph (C), the Director of U.S. Citizen-
22 ship and Immigration Services shall award a
23 points-based immigrant visa to any applicant
24 invited to file a petition under subparagraph
25 (A) who, not later than 90 days after receiving

1 such invitation, files a petition with the Direc-
2 tor that includes—

3 “(i) valid documentation proving that
4 the applicant is entitled to all of the points
5 claimed in the application submitted pur-
6 suant to paragraph (1);

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

9 “(I) of the annual salary being
10 offered to the applicant; and

11 “(II) that the job being offered
12 to the applicant is a new or vacant po-
13 sition that does not displace a United
14 States worker;

15 “(iii)(I) proof that the applicant’s
16 United States employer has secured health
17 insurance that meet all applicable regula-
18 tions; or

19 “(II) evidence that the applicant has
20 posted a bond to be used to purchase the
21 health insurance described in subclause (I);
22 and

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

24 “(C) DISPOSITION OF PETITIONS EXCEED-
25 ING THE ANNUAL NUMERICAL LIMITATION.—If

1 the Director receives a petition that complies
2 with the requirements under subparagraph (B)
3 after the numerical limitation set forth in sec-
4 tion 201(d) has been reached for the applicable
5 fiscal year, the Director shall—

6 “(i) issue a points-based immigrant
7 visa to the petitioner;

8 “(ii) delay the admission into the
9 United States of the petitioner and his or
10 her spouse and children, if applicable, until
11 the first day of the following fiscal year;
12 and

13 “(iii) reduce the number of points-
14 based immigrant visas that may be issued
15 during the following fiscal year accord-
16 ingly.

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

18 “(A) SPOUSE.—The legal spouse of an ap-
19 plicant under this subsection who is accom-
20 panying or following to join the applicant in the
21 United States shall be issued a points-based im-
22 migrant visa under this section upon the ap-
23 proval of the spouse’s petition under paragraph
24 (2).

1 “(B) MINOR CHILDREN.—Any children of
2 an applicant under this subsection who have not
3 reached 18 years of age as of the date on which
4 a petition is filed under paragraph (2) and are
5 accompanying or following to join the applicant
6 in the United States shall be issued a points-
7 based immigrant visa under this section upon
8 the approval of the parent’s petition under
9 paragraph (2).

10 “(C) DEPENDENT ADULT CHILDREN.—
11 Any adult child of an applicant under this sub-
12 section who is unable to care for himself or her-
13 self may be admitted into the United States, on
14 a temporary basis, until he or she is capable to
15 care for himself or herself, but may not be au-
16 thorized to work in the United States or to re-
17 ceive any other benefits of permanent residence.

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

22 “(5) INELIGIBILITY FOR PUBLIC BENEFITS.—
23 An alien who has been issued a points-based immi-
24 grant visa under this subsection, and every member
25 of the household of such alien, shall not be eligible

1 for any Federal means-tested public benefit (as de-
 2 fined and implemented in section 403 of the Per-
 3 sonal Responsibility and Work Opportunity Rec-
 4 onciliation Act of 1996 (8 U.S.C. 1613)) during the
 5 5-year period beginning on the date on which such
 6 visa was issued.

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

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

15 (d) ESTABLISHMENT OF IMMIGRATION POINTS SYS-
 16 TEM.—

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

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

21 **“(a) DEFINITIONS.—**In this section:

22 **“(1) ENGLISH LANGUAGE PROFICIENCY**
 23 **TEST.—**The term ‘English language proficiency test’
 24 means—

1 “(A) the International English Language
2 Testing System (IELTS), as administered by a
3 partnership between the British Council, IDP
4 Education, and Cambridge English Language
5 Assessment;

6 “(B) the Test of English as a Foreign
7 Language (TOEFL), as administered by the
8 Educational Testing Service; or

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

16 “(2) ENGLISH LANGUAGE PROFICIENCY TEST
17 RANKING.—

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

1 “(B) ADJUSTMENT.—The Commissioner of
2 U.S. Citizenship and Immigration Services, in
3 consultation with the Secretary of Education,
4 may adjust the decile rank of an applicant’s
5 English language proficiency test score if the
6 number of people taking such test is too small
7 or unusually skewed to make such decile rank
8 inconsistent with the decile rank the applicant
9 would have received if he or she had taken the
10 IELTS or TOEFL.

11 “(3) HIGH SCHOOL.—The term ‘high school’
12 has the meaning given such term in section 8101 of
13 the Elementary and Secondary Education Act of
14 1965 (20 U.S.C. 7801).

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

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

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

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

24 “(B) Doctor of Jurisprudence.

25 “(C) Doctor of Medicine.

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

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

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

10 “(c) AGE.—

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

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

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

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

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

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

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

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

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

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

20 “(d) EDUCATION.—

21 “(1) IN GENERAL.—An applicant may only ac-
22 crue points for educational attainment under this
23 section based on the highest degree obtained by the
24 applicant as of the date on which the applicant sub-
25 mits an application under section 203(b).

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

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

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

18 “(5) FOREIGN MASTER’S DEGREE IN STEM.—
19 An applicant whose highest degree is a master’s de-
20 gree in STEM from a foreign college or university,
21 approved by the Secretary of Education, shall accrue
22 7 points.

23 “(6) UNITED STATES MASTER’S DEGREE IN
24 STEM.—An applicant whose highest degree is a mas-

1 ter's degree in STEM from an institution of higher
2 education shall accrue 8 points.

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

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

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

22 “(e) ENGLISH LANGUAGE PROFICIENCY.—

23 “(1) IN GENERAL.—An applicant may accrue
24 points for English language proficiency in accord-
25 ance with this subsection based on the highest

1 English language assessment test ranking of the ap-
2 plicant as of the date on which the applicant submits
3 an application under section 203(b).

4 “(2) 1ST THROUGH 5TH DECILES.—An appli-
5 cant whose English language proficiency test score is
6 lower than the 6th decile rank shall not accrue any
7 points under this subsection.

8 “(3) 6TH AND 7TH DECILES.—An applicant
9 whose English language proficiency test score is in
10 the 6th or 7th decile ranks shall accrue 6 points.

11 “(4) 8TH DECILE.—An applicant whose English
12 language proficiency test score is in the 8th decile
13 rank shall accrue 10 points.

14 “(5) 9TH DECILE.—An applicant whose English
15 language proficiency test score is in the 9th decile
16 rank shall accrue 11 points.

17 “(6) 10TH DECILE.—An applicant whose
18 English language proficiency test score is in the
19 10th decile rank shall accrue 12 points.

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

1 “(g) JOB OFFER.—

2 “(1) IN GENERAL.—An applicant may accrue,
3 for highly compensated employment under this sub-
4 section—

5 “(A) 5 points if the annual salary being of-
6 fered by the applicant’s prospective employer is
7 at least 150 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 200 percent of such me-
11 dian household income;

12 “(B) 8 points if the annual salary being of-
13 fered by the applicant’s prospective employer is
14 at least 200 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, and less than 300 percent of such me-
18 dian household income; and

19 “(C) 13 points if the annual salary being
20 offered by the applicant’s prospective employer
21 is at least 300 percent of the median household
22 income in the State in which the applicant will
23 be employed, as determined by the Secretary of
24 Labor.

1 “(2) REQUIREMENT.—An applicant may not be
2 placed in the eligible applicant pool under section
3 203(b)(1) if—

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

6 “(B) the applicant does not accrue any
7 points under paragraph (1).

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

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

12 “(A) 6 points if the applicant agrees to in-
13 vest the equivalent of \$1,350,000 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; and

19 “(B) 12 points if the applicant agrees to
20 invest the equivalent of \$1,800,000 in foreign
21 currency in a new commercial enterprise in the
22 United States, maintain such investment for at
23 least 3 years, and play an active role in the
24 management of such commercial enterprise as
25 the applicant’s primary occupation.

1 “(2) FAILURE TO MAINTAIN INVESTMENT.—A
2 points-based immigrant visa issued under section
3 201(b) to an applicant who accrued points under
4 this subsection shall be rescinded if the applicant
5 fails to comply with the requirements under para-
6 graph (1) for a period in excess of 1 year.

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

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

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

18 “(j) DEPENDENT CHILDREN.—An applicant may ac-
19 cruce 2 points for each dependent child who will be accom-
20 panying or following to join the applicant in the United
21 States.

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

23 “(1) IN GENERAL.—If an applicant has a
24 spouse who will be accompanying or following to join
25 the applicant in the United States, the applicant will

1 identify the points that the spouse would accrue
2 under each of subsections (c) through (e) if he or
3 she were applying for a points-based immigrant visa.

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

6 “(A) if the number of points that would be
7 accrued by the spouse is the same or higher as
8 the points accrued by the applicant, the number
9 of points shall not be adjusted;

10 “(B) if the number of points that would be
11 accrued by the spouse is lower than the number
12 of points accrued by the applicant, the number
13 of points accrued by the applicant shall be ad-
14 justed so that it is equal to the sum of—

15 “(i) the number of points accrued by
16 the applicant under such category multi-
17 plied by 70 percent; and

18 “(ii) the number of points accrued by
19 the spouse under such category multiplied
20 by 30 percent.”.

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

“Sec. 220. Immigration points system.”.

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

6 (1) the number of visas issued under section
7 203(b) of the Immigration and Nationality Act, as
8 added by subsection (c), based on the Immigration
9 Points System established under section 220 of such
10 Act, as added by subsection (d);

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

14 (A) the percentage of such aliens seeking
15 residence in each State;

16 (B) the percentage of such aliens in each
17 of the educational attainment categories set
18 forth in section 220(d) of such Act;

19 (C) the percentage of such aliens in each
20 of the English language proficiency categories
21 set forth in section 220(e) of such Act;

22 (D) the initial United States employer of
23 such aliens and the average starting annual sal-
24 ary offered by such employers in the United
25 States; and

1 (E) the number of such aliens agreeing to
2 invest in a new commercial enterprise in the
3 United States, and the percentage of such
4 aliens in each of the categories set forth in sec-
5 tion 220(h) of such Act; and

6 (3) with respect to the aliens invited to file a
7 points-based immigrant visa petition pursuant to
8 section 203(b)(2) of such Act, the statistics set forth
9 in subparagraphs (A) through (E) of paragraph (2).

10 (f) QUADRENNIAL REPORT.—

11 (1) IN GENERAL.—Not later than 4 years after
12 the date of the enactment of this Act, and every 4
13 years thereafter, the Secretary of Homeland Secu-
14 rity, in consultation with the Secretary of Labor, the
15 Secretary of Commerce, and the Secretary of State,
16 shall submit a report to the Committee on the Judi-
17 ciary of the Senate, the Committee on Foreign Rela-
18 tions of the Senate, the Committee on the Judiciary
19 of the House of Representatives, and the Committee
20 on Foreign Affairs of the House of Representatives
21 that includes any recommendations for revisions to
22 the immigration points system set forth in section
23 220 of the Immigration and Nationality Act, as
24 added by section 5(d)—

1 (A) by reallocating points within or among
2 the categories set forth in subsections (c)
3 through (j) of such section; and

4 (B) by adding or subtracting additional
5 points categories.

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

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

12 (B) enhancing prospects for the economic
13 success of immigrants issued points-based im-
14 migrant visas;

15 (C) improving the fiscal health of the
16 United States; and

17 (D) protecting or increasing the wages of
18 working Americans.

19 **SEC. 6. PREREQUISITE FOR NATURALIZATION.**

20 Section 318 of the Immigration and Nationality Act
21 (8 U.S.C. 1429 et seq.) is amended—

22 (1) by striking “Except” and inserting the fol-
23 lowing:

24 “(a) PERMANENT RESIDENT.—Except”;

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

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

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

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

9 (6) by striking “Notwithstanding” and insert-
10 ing the following:

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

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

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

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

1 **SEC. 7. REQUIREMENT FOR INSTITUTION TO BE APPROVED**
2 **UNDER THE STUDENT AND EXCHANGE VIS-**
3 **ITOR PROGRAM.**

4 The Secretary of Homeland Security may not ap-
5 prove an institution under the Student and Exchange Vis-
6 itor Program (or any successor program) to enroll non-
7 immigrants admitted to the United States under section
8 101(a)(15)(F) or (M) of the Immigration and Nationality
9 Act (8 U.S.C. 1101(a)(15)) unless the institution requires
10 such a nonimmigrant to attend in-person classes at that
11 institution at least 3 days per week.

12 **SEC. 8. USE OF ARTIFICIAL INTELLIGENCE TO IDENTIFY**
13 **VISA OVERSTAYS.**

14 The Secretary of Homeland Security shall develop
15 and implement a process to use artificial intelligence to
16 analyze the records of the Department of Homeland Secu-
17 rity related to immigration, alien travel records, and other
18 relevant data, to identify aliens who were admitted to the
19 United States on the basis of a nonimmigrant visa whose
20 periods of authorized stays ended but who remained un-
21 lawfully in the United States beyond such periods.

22 **SEC. 9. H-1B REFORMS.**

23 Section 214 of the Immigration and Nationality Act
24 (8 U.S.C. 1184) is amended—

25 (1) in subsection (c)—

1 (A) in paragraph (1), by inserting after
 2 “excluding nonimmigrants under” the following:
 3 “section 101(a)(15)(H)(i)(b) or”;

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

6 (C) by repealing paragraph (9);

7 (D) by repealing paragraph (10);

8 **[(E) in paragraph (11)(B), [NOTE: How**
 9 **should this be amended?]]**

10 (F) in paragraph (12)(A)(i), by striking
 11 “(H)(i)(b) or”; and
 12 (2) in subsection (g)—

13 (A) in paragraph (1)—

14 (i) in the matter preceding subpara-
 15 graph (A), by striking “(beginning with
 16 fiscal year 1992)”; and

17 (ii) by amending subparagraph (A) to
 18 read as follows:

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

21 “(i) the base allocation calculated
 22 under paragraph (12)(A); and

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

1 (iii) in paragraph (3), by striking
2 “Aliens who are subject to the numerical
3 limitations of paragraph (1)” and inserting
4 “Aliens who are subject to the numerical
5 limitations of paragraph (1)(A) shall be
6 issued visas (or otherwise provided non-
7 immigrant status) in the order in the order
8 of the compensation rate included in the
9 application for such visa (beginning with
10 the highest compensation rate). Aliens who
11 are subject to the numerical limitations of
12 paragraph (1)(B)”;

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

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

17 “(i) the sum of—

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

20 “(II) the allocation adjustment for the
21 most recently completed fiscal year;

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

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

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

8 “(ii) If the base allocation of cap-subject non-
9 immigrant visa petitions approved under section
10 101(a)(15)(H)(i)(b) for a fiscal year is reached during the
11 15-day period ending on the 60th day on which petitions
12 may be filed for such fiscal year, an additional 15,000
13 such visas shall be made available beginning on the 61st
14 day on which petitions may be filed for such fiscal year.

15 “(iii) If the base allocation of cap-subject non-
16 immigrant visa petitions approved under section
17 101(a)(15)(H)(i)(b) for a fiscal year is reached during the
18 30-day period ending on the 90th day on which petitions
19 may be filed for such fiscal year, an additional 10,000
20 such visas shall be made available beginning on the 91st
21 day on which petitions may be filed for such fiscal year.

22 “(iv) If the base allocation of cap-subject non-
23 immigrant visa petitions approved under section
24 101(a)(15)(H)(i)(b) for a fiscal year is reached during the
25 185-day period ending on the 275th day on which peti-

1 tions may be filed for such fiscal year, an additional 5,000
2 such visas shall be made available beginning on the date
3 on which such allocation is reached.

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

10 “(vi) If the number of cap-subject nonimmigrant visa
11 petitions approved under section 101(a)(15)(H)(i)(b) for
12 a fiscal year is at least 10,000 fewer than the base alloca-
13 tion, but not more than 14,999 fewer than the base alloca-
14 tion, the allocation adjustment for the following fiscal year
15 shall be $-10,000$.

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

22 “(viii) If the number of cap-subject nonimmigrant
23 visa petitions approved under section 101(a)(15)(H)(i)(b)
24 for a fiscal year is at least 20,000 fewer than the base

1 allocation, the allocation adjustment for the following fis-
2 cal year shall be $-20,000$.”.

3 **SEC. 10. GOLD-CARD IMMIGRANT VISA PROGRAM.**

4 (a) IN GENERAL.—For each of fiscal years 2026
5 through 2035, 25,000 immigrant visas shall be made
6 available for qualified immigrants seeking to enter the
7 United States for the purpose of engaging in a new com-
8 mercial enterprise (including a limited partnership)—

9 (1) in which such alien has invested (after the
10 date of the enactment of this Act) or, is actively in
11 the process of investing, capital in an amount not
12 less than \$5,000,000 and which is expected to re-
13 main invested for not less than 2 years; and

14 (2) which will benefit the United States econ-
15 omy by creating full-time employment for not fewer
16 than 10 United States citizens, United States na-
17 tionals, or aliens lawfully admitted for permanent
18 residence or other immigrants lawfully authorized to
19 be employed in the United States (other than the
20 immigrant and the immigrant’s spouse, sons, or
21 daughters).

22 (b) NUMERICAL LIMITATIONS .—Visas described in
23 this section are not subject to the worldwide levels or nu-
24 merical 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.).

○