

119TH CONGRESS
2^D SESSION

H. R. 8586

To amend the Immigration and Nationality Act to protect American workers and values.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2026

Mr. MOORE of Alabama (for himself, Mr. GROTHMAN, Mr. HUNT, and Mr. NEHLS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Immigration and Nationality Act to protect American workers and values.

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 “Americans First Immi-
5 gration Act”.

1 **SEC. 2. PROTECTION OF AMERICAN WORKERS AND VAL-**
2 **UES.**

3 (a) PROTECTION OF AMERICAN WORKERS.—Chapter
4 2 of title II of the Immigration and Nationality Act (8
5 U.S.C. 1181 et seq.), as amended by section 5(d), is fur-
6 ther amended by adding at the end the following:

7 **“SEC. 220A. PROTECTION OF AMERICAN WORKERS; EM-**
8 **PLOYER ATTESTATION.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) AREA OF EMPLOYMENT.—The term ‘area
11 of employment’, with respect to the job for which an
12 employer made a bona fide offer of employment to
13 an alien, means the area within normal commuting
14 distance of the worksite or physical location at which
15 the work of the alien will be performed. If such
16 worksite or location is within a Metropolitan Statis-
17 tical Area, any place within such area is deemed to
18 be within such area of employment.

19 “(2) ESSENTIALLY THE EQUIVALENT.—The
20 term ‘essentially the equivalent’, with respect to a
21 job for which an employer made a bona fide offer of
22 employment to an alien, means a job that—

23 “(A) is held by a United States worker
24 with substantially equivalent qualifications and
25 experience to such alien;

1 “(B) involves essentially the same respon-
2 sibilities; and

3 “(C) is located in the same area of employ-
4 ment.

5 “(3) LAY OFF.—The term ‘lay off’, with respect
6 to a worker—

7 “(A) means to cause the worker’s loss of
8 employment, other than through a discharge for
9 inadequate performance, violation of workplace
10 rules, other cause, voluntary departure, vol-
11 untary retirement, or the expiration of a grant
12 or contract (other than a temporary employ-
13 ment contract entered into in order to evade a
14 condition of the employer’s attestation); and

15 “(B) does not include any situation in
16 which the worker is offered, as an alternative to
17 such loss of employment, a similar employment
18 opportunity with the same employer at equiva-
19 lent or higher compensation and benefits as the
20 position from which the employee was laid off,
21 regardless of whether or not the employee ac-
22 cepts such offer.

23 “(4) UNITED STATES WORKER.—The term
24 ‘United States worker’ means an employee who is—

1 “(A) a citizen or national of the United
2 States; or

3 “(B) an alien who is lawfully admitted for
4 permanent residence.

5 “(b) REQUIRED ATTESTATION ELEMENTS.—An em-
6 ployer’s attestation meets the requirements described in
7 section 204A(a)(2) if the employer—

8 “(1) attests that the employer, before making a
9 bona fide job offer to the alien—

10 “(A) took good faith steps to recruit
11 United States workers for the job for which the
12 alien has been made an offer using procedures
13 that meet industry-wide standards and offering
14 compensation that is not less than the com-
15 pensation offered to the alien; and

16 “(B) offered the job to any United States
17 worker who applied and was equally or better
18 qualified for the job offered to the alien than
19 such alien;

20 “(2) provides a summary of the recruitment ef-
21 forts described in paragraph (1), including—

22 “(A) the good faith steps taken to recruit
23 United States workers;

1 “(B) the name, address, and contact infor-
2 mation, and resume (if provided) of each
3 United States worker who applied for the job;

4 “(C) the name, address, and contact infor-
5 mation of each United States worker who was
6 offered the job, the proffered wage to each such
7 worker, and whether each such worker accepted
8 such offer; and

9 “(D) for each United States worker who
10 was not offered the job, the reason why the job
11 was not offered to such United States worker;
12 and

13 “(3) attests the employer—

14 “(A) did not lay off and will not lay off
15 any United States worker employed by the em-
16 ployer from a job that is essentially the equiva-
17 lent of the job for which the employer made a
18 bona fide offer of employment to the alien dur-
19 ing the period beginning 90 days before making
20 such attestation and ending on the last day of
21 the employer’s employment of the alien;

22 “(B) will not place the alien with another
23 employer for which the alien performs duties, in
24 whole or in part, at 1 or more worksites—

1 “(i) owned, operated, or controlled by
2 such other employer; or

3 “(ii) physically located within, adja-
4 cent to, or in close proximity to, a worksite
5 described in clause (i) for the purpose of
6 avoiding the requirements under this sub-
7 section; and

8 “(C) will employ the alien at not less than
9 the promised wage rate for 3 years unless—

10 “(i) the alien is discharged for inad-
11 equate performance, violation of workplace
12 rules, or other cause; or

13 “(ii) the alien voluntarily departed
14 from the job or voluntarily retired.

15 “(c) COMPLIANCE WITH ATTESTATION.—

16 “(1) INVESTIGATIONS.—

17 “(A) IN GENERAL.—

18 “(i) GROUNDS FOR INITIATION.—The
19 Secretary of Labor may initiate an inves-
20 tigation of any employer that has signed
21 an attestation described in subsection (b) if
22 the Secretary has reasonable cause to be-
23 lieve such employer is not in compliance
24 with the terms of such attestation.

1 “(ii) NOTICE.—The Secretary of
2 Labor shall notify an employer with re-
3 spect to whom there is reasonable cause to
4 initiate an investigation under clause (i)
5 before commencing such investigation.
6 Such notice shall be provided in such a
7 manner, and shall contain sufficient detail,
8 to permit the employer to respond to the
9 allegations before an investigation is com-
10 menced.

11 “(iii) EXCEPTION.—The Secretary of
12 Labor is not required to comply with
13 clause (ii) if the Secretary determines pro-
14 viding notice to an employer would inter-
15 fere with an effort by the Secretary to se-
16 cure compliance by the employer with the
17 terms of its attestation described in sub-
18 section (b).

19 “(iv) NO JUDICIAL REVIEW.—There
20 shall be no judicial review of a determina-
21 tion by the Secretary under this subpara-
22 graph.

23 “(v) DETERMINATION.—If the Sec-
24 retary determines, after an investigation
25 conducted pursuant to this subparagraph,

1 that a reasonable basis exists to determine
2 the employer is not in compliance with the
3 terms of its attestation described in sub-
4 section (b), the Secretary shall provide
5 for—

6 “(I) notice of such determination
7 to be sent to the interested parties;
8 and

9 “(II) an opportunity for a hear-
10 ing in accordance with section 556 of
11 title 5, United States Code.

12 “(B) COMPLAINT-BASED INVESTIGA-
13 TIONS.—The Secretary of Labor shall establish
14 procedures for—

15 “(i) individuals who have applied in a
16 reasonable manner for a job that is the
17 subject of an employer’s attestation de-
18 scribed in subsection (b) or has been laid
19 off in noncompliance with the terms of
20 such an attestation to file a written, signed
21 complaint respecting the alleged violation
22 of the attestations; and

23 “(ii) the investigation of complaints
24 described in clause (i), which have a sub-
25 stantial probability of validity.

1 “(2) BINDING ARBITRATION.—

2 “(A) IN GENERAL.—

3 “(i) INITIATION.—If the Secretary of
4 Labor determines there is a substantial
5 probability of validity of a claim in a com-
6 plaint filed pursuant to paragraph
7 (1)(B)(i) that an employer is not in com-
8 pliance with the terms of an attestation
9 signed by the employer, the Secretary shall
10 initiate binding arbitration proceedings by
11 requesting the Federal Mediation and Con-
12 ciliation Service to appoint an arbitrator
13 from its roster of arbitrators.

14 “(ii) PROCEDURE; RULES.—The pro-
15 cedure and rules of the Federal Mediation
16 and Conciliation Service shall be applicable
17 to—

18 “(I) the selection of such arbi-
19 trator; and

20 “(II) such arbitration pro-
21 ceedings.

22 “(iii) FEES; EXPENSES.—The Sec-
23 retary of Labor shall pay the fee and ex-
24 penses of the arbitrator.

25 “(B) FINDINGS.—

1 “(i) IN GENERAL.—The arbitrator
2 shall determine whether the employer is
3 not in compliance with the terms of the at-
4 testation signed by the employer. If the ar-
5 bitrator determines that the employer will-
6 fully failed to comply with such terms, the
7 arbitrator shall make a finding to that ef-
8 fect.

9 “(ii) DISTRIBUTION OF FINDINGS.—
10 The arbitrator shall submit any findings
11 described in clause (i) in the form of a
12 written opinion to the parties to the arbi-
13 tration and to the Secretary of Labor.

14 “(iii) LIMITATIONS ON REVIEW.—The
15 findings submitted pursuant to clause (ii)
16 shall be final and conclusive. Except as
17 provided in subparagraph (C), no official
18 or court of the United States shall have
19 power or jurisdiction to review any such
20 findings.

21 “(C) REVIEW.—

22 “(i) BY THE SECRETARY OF LABOR.—
23 The Secretary of Labor may review and re-
24 verse or modify the findings of the arbi-
25 trator only on the same bases as an award

1 of an arbitrator may be vacated or modi-
2 fied under section 10 or 11 of title 9,
3 United States Code.

4 “(ii) BY A COURT.—A court may re-
5 view only the actions of the Secretary
6 under clause (i) and may set aside such ac-
7 tions only on the grounds described in sub-
8 paragraph (A), (B), or (C) of section
9 706(a)(2) of title 5, United States Code.
10 Notwithstanding any other provision of
11 law, judicial review under this clause may
12 only be brought in an appropriate United
13 States court of appeals.

14 “(3) PENALTIES.—

15 “(A) IN GENERAL.—An employer shall be
16 subject to the penalties set forth in subpara-
17 graph (B) if—

18 “(i) the Secretary of Labor—

19 “(I) finds, after notice and op-
20 portunity for a hearing pursuant to
21 paragraph (1)(A)(v)(II), that an em-
22 ployer is not in compliance with the
23 terms of a signed attestation de-
24 scribed in subsection (b); or

1 “(II) receives a finding of an ar-
2 bitrator that an employer is not in
3 compliance with the terms of such an
4 attestation; and

5 “(ii) the Secretary has not reversed or
6 modified such finding pursuant to para-
7 graph (2)(C)(i).

8 “(B) PENALTIES DESCRIBED.—The Sec-
9 retary of Labor—

10 “(i) shall require each employer de-
11 scribed in subparagraph (A) to cease and
12 desist from any noncompliance with the
13 terms of a signed attestation described in
14 subsection (b);

15 “(ii) may, at the discretion of the Sec-
16 retary and subject to clause (iii), require
17 such employer to pay a civil monetary pen-
18 alty in an amount that is not more than—

19 “(I) \$5,000 for noncompliance
20 with any term of the employer’s attes-
21 tation;

22 “(II) \$15,000 for each willful
23 noncompliance with a term of the em-
24 ployer’s attestation; and

1 “(III) \$50,000 for each willful
2 noncompliance with a term of the em-
3 ployer’s attestation that resulted in a
4 United States worker being laid off;
5 and

6 “(iii) beginning on January 1, 2028,
7 and annually thereafter, shall automati-
8 cally adjust the amounts described in
9 clause (ii) for violations committed after
10 the effective date of each adjustment based
11 on the cumulative annual percentage
12 change in the unadjusted Consumer Price
13 Index for all Urban Consumers published
14 by the Bureau of Labor Statistics of the
15 Department of Labor between January 1,
16 2027, and the date of such adjustment;

17 “(iv) may disapprove any petition filed
18 by any alien desiring to be classified as
19 points-based immigrants under section
20 203(b) that includes a bona fide offer of
21 employment made by such employer—

22 “(I) during a period of not more
23 than 1 year; and

1 “(II) in the case of willful non-
2 compliance, during a period of not
3 more than 15 years;

4 “(v) if the attesting employer failed to
5 offer a job to a United States worker in
6 compliance with subsection (b)(1)(B), shall
7 order such remedial action as may be ap-
8 propriate, including—

9 “(I) the hiring by the attesting
10 employer of the United States worker
11 for the job for which the alien had
12 been made an offer which the United
13 States worker was not, but should
14 have been, offered, with compensation
15 that is not less than the compensation
16 offered to the alien; or

17 “(II) payment by the attesting
18 employer to such United States work-
19 er of compensatory damages;

20 “(vi) if the attesting employer laid off
21 a United States worker in violation of sub-
22 section (b)(3)(A), shall order such remedial
23 action as may be appropriate, including—

24 “(I) reinstatement by the attest-
25 ing employer of the United States

1 worker to his or her former position
2 and compensation (including back
3 pay), terms, conditions, and privileges
4 of such employment; or

5 “(II) payment by the attesting
6 employer to such laid off United
7 States worker of compensatory dam-
8 ages; and

9 “(vii) if the attesting employer placed
10 the alien with another employer in viola-
11 tion of subsection (b)(3)(B), and the other
12 employer consequently laid off a United
13 States worker, shall order payment by the
14 attesting employer to such laid off United
15 States worker of compensatory damages.”.

16 (b) PROTECTION OF AMERICAN VALUES.—Chapter 2
17 of title II of the Immigration and Nationality Act (8
18 U.S.C. 1181 et seq.), as amended by subsection (a) and
19 section 5(d), is further amended by adding at the end the
20 following:

21 **“SEC. 220B. PROTECTION OF AMERICAN VALUES.**

22 “In the attestation required under section
23 204A(a)(2)(A), the alien petitioner shall attest that he or
24 she—

25 “(1) will remain—

1 “(A) attached to the principles of the Con-
2 stitution of the United States; and

3 “(B) well disposed to the good order and
4 happiness of the United States;

5 “(2) has not ordered, incited, advocated for, as-
6 sisted, or otherwise participated in (including by
7 writing, publishing, or causing to be written or pub-
8 lished, by knowingly circulating, distributing, print-
9 ing, publishing, or displaying, by knowingly causing
10 to be circulated, distributed, printed, published, or
11 displayed, or by knowingly having in his or her pos-
12 session for the purpose of circulation, publication,
13 distribution, or display, any written matter (includ-
14 ing through electronic means, such as the internet
15 and electronic text and mail) or printed matter for
16 the purpose, in whole or in part, of carrying out
17 such order, incitement, advocacy, assistance, or par-
18 ticipation)—

19 “(A) genocide (as defined in section
20 1091(a) of title 18, United States Code);

21 “(B) the civil or criminal punishment of a
22 person on account, in whole or in part, of such
23 person’s actual or perceived religious apostasy
24 or blasphemy;

1 “(C) the establishment of any govern-
2 mentally enforced religious law in the United
3 States that would—

4 “(i) operate in place of, or in addition
5 to, any Federal, State, or local civil or
6 criminal law; and

7 “(ii) apply to—

8 “(I) all persons in the United
9 States; or

10 “(II) persons of a particular reli-
11 gious faith in the United States (re-
12 gardless of whether adherence to such
13 law is voluntary or mandatory);

14 “(D) the persecution of any person on ac-
15 count of, in whole or in part, race, religion, na-
16 tionality, membership in a particular social
17 group, or political opinion;

18 “(E) female infanticide;

19 “(F) sex-selective abortion;

20 “(G) honor killing; or

21 “(H) female genital mutilation (as defined
22 in section 644(c) of the Illegal Immigration Re-
23 form and Immigrant Responsibility Act of 1996
24 (division C of Public Law 104–208; 8 U.S.C.
25 1374(c));

1 “(3) will not engage in any activity described in
2 paragraph (2) in the future; and

3 “(4) is not, has not been, and will not become,
4 a member of, or affiliated with, any organization
5 that carries out or has carried out 1 or more of the
6 actions described in subparagraphs (A) through (H)
7 of paragraph (2) when the alien petitioner was a
8 member of, or affiliated with, such organization.”.

9 (c) CLERICAL AMENDMENTS.—The table of contents
10 for the Immigration and Nationality Act (8 U.S.C. 1101
11 et seq.) is amended—

12 (1) by inserting after the item relating to sec-
13 tion 204 the following:

“Sec. 204A. Procedure for granting immigrant status for points-based immi-
grants in the American interest.”;

14 and

15 (2) by inserting after the item relating to sec-
16 tion 219 the following:

“Sec. 220. Points-based Immigrant Visa Program in the American interest.

“Sec. 220A. Protection of American workers; employer attestation.

“Sec. 220B. Protection of American values.”.

17 (d) EFFECTIVE DATE; APPLICABILITY.—The amend-
18 ments made by this section shall take effect on the date
19 of the enactment of this Act.

1 **SEC. 3. ELIMINATION OF DIVERSITY LOTTERY IMMIGRANT**
2 **VISA PROGRAM.**

3 (a) IN GENERAL.—Section 203(c) of the Immigration
4 and Nationality Act (8 U.S.C. 1153(c)) is amended to
5 read as follows:

6 “(c) ALLOCATION FOR RELIGIOUS WORKERS.—
7 Aliens subject to the worldwide level specified in section
8 201(e) for religious workers in a fiscal year shall be allot-
9 ted visas in accordance with section 204(a)(1)(E).”.

10 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
11 The Immigration and Nationality Act (8 U.S.C. 1101 et
12 seq.) is amended—

13 (1) in section 201 (8 U.S.C. 1151)—

14 (A) in subsection (a), by amending para-
15 graph (3) to read as follows:

16 “(3) special immigrants described in section
17 203(c), in a number not to exceed the number speci-
18 fied in subsection (e) during any fiscal year.”; and

19 (B) by amending subsection (e) to read as
20 follows:

21 “(e) WORLDWIDE LEVEL OF RELIGIOUS WORK-
22 ERS.—The worldwide level of religious workers under this
23 subsection for a fiscal year is equal to 3,000.”; and

24 (2) in section 203(e) (8 U.S.C. 1153(e))—

25 (A) in paragraph (1), by striking “or (b)”
26 and inserting “, (b) or (c)”;

1 (B) by striking paragraph (2); and

2 (C) by redesignating paragraph (3) as
3 paragraph (2).

4 (c) EFFECTIVE DATE.—

5 (1) IN GENERAL.—Subject to paragraph (3),
6 the amendments made by this section shall take ef-
7 fect on the date of the enactment of this Act.

8 (2) VALIDITY OR INVALIDITY OF CERTAIN PETI-
9 TIONS AND APPLICATIONS.—

10 (A) IN GENERAL.—No persons may file,
11 and the Secretary of Homeland Security and
12 the Secretary of State may not accept, adju-
13 dicate, or approve any petitions under section
14 204 of the Immigration and Nationality Act (8
15 U.S.C. 1154) filed on or after the date of the
16 enactment of this Act seeking classification of
17 aliens under section 203(b)(4) of the Immigra-
18 tion and Nationality Act (8 U.S.C. 1153(b)(4)),
19 as in existence immediately before such date of
20 enactment. Any applications for adjustment of
21 status or immigrant visas based on such peti-
22 tions shall be rejected, denied, or made invalid.

23 (B) PENDING PETITIONS FOR RELIGIOUS
24 WORKERS AND OTHER SPECIAL IMMIGRANTS.—

1 (i) RELIGIOUS WORKERS.—The Sec-
2 retary of Homeland Security and the Sec-
3 retary of State shall adjudicate or approve
4 any petitions under section 204 of the Im-
5 migration and Nationality Act pending on
6 the date of the enactment of this Act seek-
7 ing classification of aliens described in sec-
8 tion 101(a)(27)(C) of the Immigration and
9 Nationality Act (8 U.S.C. 1101(a)(27)(C))
10 under section 203(b)(4) of such Act (8
11 U.S.C. 1153(b)(4)), as in existence imme-
12 diately before that date of enactment, as
13 petitions seeking classification of aliens
14 under section 203(c) of such Act (8 U.S.C.
15 1153(c)), as amended by this Act.

16 (ii) OTHER SPECIAL IMMIGRANTS.—
17 Neither the Secretary of Homeland Secu-
18 rity nor the Secretary of State may adju-
19 dicate or approve any petitions under sec-
20 tion 204 of the Immigration and Nation-
21 ality Act pending on the date of the enact-
22 ment of this Act seeking classification of
23 aliens not described in section
24 101(a)(27)(C) of the Immigration and Na-
25 tionality Act under section 203(b)(4) of

1 such Act (8 U.S.C. 1153(b)(4)) as in exist-
2 ence immediately before such date of en-
3 actment. Any applications for adjustment
4 of status or immigrant visas based on such
5 petitions shall be rejected, denied, or made
6 invalid.

7 (3) APPLICABILITY TO WAITLISTED APPLI-
8 CANTS.—

9 (A) RELIGIOUS WORKERS.—Notwith-
10 standing the amendments made by this section,
11 visas may be issued to aliens described in sec-
12 tion 101(a)(27)(C) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1101(a)(27)(C)) who
14 are beneficiaries of petitions approved under
15 section 203(b)(4) of such Act (8 U.S.C.
16 1153(b)(4)) before the date of the enactment of
17 this Act as if they were issued to beneficiaries
18 of petitions under section 203(c) of such Act, as
19 amended by this Act. Such petitions shall retain
20 their original priority dates.

21 (B) OTHER SPECIAL IMMIGRANTS.—

22 (i) IN GENERAL.—Notwithstanding
23 the amendments made by this section,
24 aliens not described in section
25 101(a)(27)(C) of the Immigration and Na-

1 tionality Act who are beneficiaries of peti-
2 tions under section 203(b)(4) of such Act
3 approved before the date of the enactment
4 of this Act may be issued visas pursuant to
5 such paragraph in accordance with the
6 availability of visas under clause (ii).

7 (ii) AVAILABILITY OF VISAS.—Visas
8 may be issued to aliens not described in
9 section 101(a)(27)(C) of the Immigration
10 and Nationality Act who are beneficiaries
11 of approved petitions under section
12 203(b)(4) of such Act, but only until 6,940
13 visas have been issued. When all of the
14 visas authorized in the previous sentence
15 have been issued, no additional visas may
16 be issued under such section 203(b)(4).

17 **SEC. 4. PRESERVING NUCLEAR FAMILY IMMIGRATION.**

18 (a) IMMEDIATE RELATIVE REDEFINED.—Section
19 201 of the Immigration and Nationality Act (8 U.S.C.
20 1151), as amended by section 3(b)(1), is further amend-
21 ed—

22 (1) in subsection (b)(2)(A)(i), by striking “chil-
23 dren, spouses, and parents of a citizen of the United
24 States, except that, in the case of parents, such citi-
25 zens shall be at least 21 years of age.” and inserting

1 “children and spouse of a citizen of the United
2 States.”;

3 (2) by amending subsection (c) to read as fol-
4 lows:

5 “(c) WORLDWIDE LEVEL OF NUCLEAR FAMILY-
6 SPONSORED IMMIGRANTS.—

7 “(1) IN GENERAL.—The worldwide level of nu-
8 clear family-sponsored immigrants under this sub-
9 section for a fiscal year is equal to—

10 “(A) 87,934; minus

11 “(B) the number computed under para-
12 graph (2).

13 “(2) NUMBER COMPUTED.—The number com-
14 puted under this paragraph for a fiscal year is the
15 number of aliens who were paroled into the United
16 States pursuant to section 212(d)(5) in the second
17 preceding fiscal year who—

18 “(A) did not depart the United States
19 (without advance parole) during the 1-year pe-
20 riod beginning on the date on which such parole
21 was granted; and

22 “(B)(i) did not acquire the status of an
23 alien lawfully admitted for permanent residence
24 during the 2 preceding fiscal years; or

1 “(ii) acquired such status during such pe-
2 riod under a provision of law (other than sub-
3 section (b)) that exempts adjustment to such
4 status from the numerical limitation on the
5 worldwide level of immigration under this sec-
6 tion.”; and

7 (3) in subsection (f)—

8 (A) in paragraph (2), by striking “section
9 203(a)(2)(A)” and inserting “section 203(a)”;

10 (B) striking paragraph (3);

11 (C) redesignating paragraph (4) as para-
12 graph (3); and

13 (D) in paragraph (3), as redesignated,
14 striking “(1) through (3)” and inserting “(1)
15 and (2)”.

16 (b) NUCLEAR FAMILY VISA PREFERENCES.—Section
17 203(a) of the Immigration and Nationality Act (8 U.S.C.
18 1153(a)) is amended to read as follows:

19 “(a) SPOUSES AND MINOR CHILDREN OF PERMA-
20 NENT RESIDENT ALIENS.—A family-sponsored immigrant
21 described in this subsection is a qualified immigrant who
22 is the spouse or child of an alien lawfully admitted for
23 permanent residence. Such immigrants shall be allocated
24 visas in accordance with the number computed under sec-
25 tion 201(c).”.

1 (c) AGING OUT.—Section 203(h) of the Immigration
2 and Nationality Act (8 U.S.C. 1153(h)) is amended—

3 (1) by striking paragraph (1) and inserting the
4 following:

5 “(1) IN GENERAL.—Subject to paragraph (2),
6 for purposes of subsections (a) and (d), a determina-
7 tion of whether an alien satisfies the age require-
8 ment in the matter preceding subparagraph (A) of
9 section 101(b)(1) shall be made using the age of the
10 alien on the date on which a petition is filed with
11 the Secretary of Homeland Security.”;

12 (2) by redesignating paragraphs (2), (3), and
13 (4) as paragraphs (3), (4), and (5), respectively;

14 (3) by inserting after paragraph (1) the fol-
15 lowing:

16 “(2) LIMITATION.—Notwithstanding the age of
17 an alien on the date on which a petition is filed, an
18 alien who marries or attains 25 years of age before
19 the date on which a visa is issued to such alien pur-
20 suant to subsection (a), (b), or (c) does not satisfy
21 the age requirement under paragraph (1).”;

22 (4) in paragraphs (3) and (4), as redesignated,
23 by striking “(a)(2)(A)” each place such term ap-
24 pears and inserting “(a)”; and

1 (5) in paragraph (5), as redesignated, by strik-
2 ing “(3)” and inserting “(4)”.

3 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
4 The Immigration and Nationality Act (8 U.S.C. 1101 et
5 seq.) is amended—

6 (1) in section 101(a)(15)(V) (8 U.S.C.
7 1101(a)(15)(V)), by striking “section 203(a)(2)(A)”
8 each place such term appears and inserting “section
9 203(a)”;

10 (2) in section 202 (8 U.S.C. 1152)—

11 (A) in subsection (a), by amending para-
12 graph (4) to read as follows:

13 “(4) SPECIAL RULE FOR SPOUSES AND CHIL-
14 DREN OF LAWFUL PERMANENT RESIDENT ALIENS.—
15 Of the visas made available under section 203(a) in
16 any fiscal year, 75 percent shall be issued without
17 regard to the numerical limitation under paragraph
18 (2).”; and

19 (B) in subsection (e)—

20 (i) in paragraph (1), by striking the
21 semicolon and inserting a period;

22 (ii) by striking paragraphs (2) and
23 (3);

24 (iii) in the matter preceding para-
25 graph (1)—

1 (I) by striking “in a manner so
2 that—” and all that follows through
3 “the ratio” in paragraph (1) and in-
4 serting “in a manner so that the
5 ratio”; and

6 (II) by striking “If it is deter-
7 mined” and inserting the following:

8 “(1) IN GENERAL.—If it is determined”; and

9 (iv) in the undesignated matter at the
10 end—

11 (I) by striking “, or as limiting
12 the number of visas that may be
13 issued under section 203(a)(2)(A)
14 pursuant to subsection (a)(4)(A)”;
15 and

16 (II) by striking “Nothing in this
17 subsection shall” and inserting the
18 following:

19 “(2) RULE OF CONSTRUCTION.—Nothing in
20 paragraph (1) may”;

21 (3) in section 204 (8 U.S.C. 1154)—

22 (A) in subsection (a)(1)—

23 (i) in subparagraph (A)—

24 (I) in clause (i), by striking “to
25 classification by reason of a relation-

1 ship described in paragraph (1), (3),
2 or (4) of section 203(a) or”; and
3 (II) by moving clause (viii) 6 ems
4 to the left;
5 (ii) in subparagraph (B)—
6 (I) in clause (i)—
7 (aa) in the first subclause
8 (I), by striking “203(a)(2)” and
9 inserting “203(a)”;

10 (bb) by redesignating the
11 second subclause (I) as subclause
12 (II) and moving such subclause 6
13 ems to the left; and
14 (II) by striking “203(a)(2)(A)”
15 each place such term appears and in-
16 serting “203(a)”;

17 (iii) in subparagraph (D)(i)(I), by
18 striking “a petitioner” and all that follows
19 through “section 204(a)(1)(B)(iii).” and
20 inserting “an individual who is younger
21 than 21 years of age for purposes of adju-
22 dicating such petition and for purposes of
23 admission as an immediate relative under
24 section 201(b)(2)(A)(i) or a family-spon-
25 sored immigrant under section 203(a), as

1 applicable, notwithstanding the actual age
2 of such individual.”;

3 (B) in subsection (f)(1), by striking “,
4 203(a)(1), or 203(a)(3), as appropriate”;

5 (C) by striking subsection (k); and

6 (D) by redesignating subsection (l) as sub-
7 section (k);

8 (4) in section 212 (8 U.S.C. 1182)—

9 (A) in subsection (a)(6)(E)(ii), by striking
10 “section 203(a)(2)” and inserting “section
11 203(a)”;

12 (B) in subsection (d)(11), by striking
13 “(other than paragraph (4) thereof)”;

14 (5) in section 213A(f)(5)(B)(ii) (8 U.S.C.
15 1183a(f)(5)(B)(ii)), by striking “section 204(l)” and
16 inserting “204(k)”;

17 (6) in section 214(q)(1)(B)(i) (8 U.S.C.
18 1184(q)(1)(B)(i)), by striking “section
19 203(a)(2)(A)” each place such term appears and in-
20 serting “section 203(a)”;

21 (7) in section 216(h)(1)(C) (8 U.S.C.
22 1186a(h)(1)(C)), by striking “section 203(a)(2)”
23 and inserting “section 203(a)”;

1 (8) in section 237(a)(1)(E)(ii) (8 U.S.C.
2 1227(a)(1)(E)(ii)), by striking “section 203(a)(2)”
3 and inserting “section 203(a)”.

4 (e) EFFECTIVE DATE; APPLICABILITY.—

5 (1) EFFECTIVE DATE.—Subject to paragraph
6 (3), the amendments made by this section shall take
7 effect on the date of the enactment of this Act.

8 (2) INVALIDITY OF CERTAIN PETITIONS AND
9 APPLICATIONS.—

10 (A) IN GENERAL.—A person may not file,
11 and the Secretary of Homeland Security and
12 the Secretary of State may not accept, adju-
13 dicate, or approve, a petition under section 204
14 of the Immigration and Nationality Act (8
15 U.S.C. 1154) that is filed on or after the date
16 of the enactment of this Act and seeks the clas-
17 sification of an alien—

18 (i) as a parent of a citizen of the
19 United States under section
20 201(b)(2)(A)(i) of the Immigration and
21 Nationality Act (8 U.S.C.
22 1151(b)(2)(A)(i)) (as in effect on the day
23 before such date of enactment); or

24 (ii) as a family-sponsored immigrant
25 under paragraph (1), (2)(B), (3), or (4) of

1 section 203(a) of such Act (8 U.S.C.
2 1153(a)) (as in effect on the day before
3 such date of enactment).

4 (B) APPLICATIONS FOR ADJUSTMENT OF
5 STATUS.—Any application for adjustment of
6 status or for an immigrant visa based on a peti-
7 tion described in subparagraph (A) shall be re-
8 jected, denied, or made invalid.

9 (3) PENDING PETITIONS.—

10 (A) IN GENERAL.—Neither the Secretary
11 of Homeland Security nor the Secretary of
12 State may adjudicate or approve any petition
13 under section 204 of the Immigration and Na-
14 tionality Act (8 U.S.C. 1154), pending on the
15 date of the enactment of this Act, seeking the
16 classification of an alien under section
17 201(b)(2)(A)(i) of such Act (8 U.S.C.
18 1151(b)(2)(A)(i)) (as in effect on the day be-
19 fore the date of the enactment of this Act) or
20 under paragraph (1), (2)(B), (3), or (4) of sec-
21 tion 203(a) of such Act (8 U.S.C. 1153(a)) (as
22 in effect on the day before the date of the en-
23 actment of this Act).

24 (B) APPLICATIONS FOR ADJUSTMENT OF
25 STATUS.—Any application for adjustment of

1 status or for an immigrant visa based on a peti-
2 tion described in subparagraph (A) shall be re-
3 jected, denied, or made invalid.

4 (4) APPLICABILITY TO WAITLISTED APPLI-
5 CANTS.—

6 (A) IN GENERAL.—Notwithstanding the
7 amendments made by this section, any alien
8 who is a beneficiary of a petition under para-
9 graph (1), (2)(B), (3), or (4) of section 203(a)
10 of the Immigration and Nationality Act (8
11 U.S.C. 1153(a)) (as in effect on the day before
12 the date of the enactment of this Act) that was
13 approved before such date of enactment may be
14 issued a visa in accordance with subparagraph
15 (B).

16 (B) AVAILABILITY OF VISAS.—Notwith-
17 standing the amendments made by this section,
18 visas may be issued to any alien who is the ben-
19 eficiary of an approved petition under each
20 paragraph referred to in subparagraph (A) until
21 the number of visas that would have been allo-
22 cated to aliens in the applicable paragraph for
23 fiscal year 2028 have been issued.

1 **SEC. 5. REPLACEMENT OF EMPLOYMENT-BASED IMMI-**
2 **GRANT VISA CATEGORIES WITH POINTS-**
3 **BASED IMMIGRANT VISA PROGRAM IN THE**
4 **AMERICAN INTEREST.**

5 (a) WORLDWIDE LEVEL OF POINTS-BASED IMMIGRA-
6 TION.—Section 201 of the Immigration and Nationality
7 Act (8 U.S.C. 1151), as amended by sections 3(b) and
8 4(a), is further amended—

9 (1) in subsection (a), by amending paragraph
10 (2) to read as follows:

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

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

17 “(d) WORLDWIDE LEVEL OF POINTS-BASED IMMI-
18 GRANTS.—The worldwide level of points-based immigrants
19 under this subsection for a fiscal year is equal to—

20 “(1) 192,000; minus

21 “(2) the number of aliens who were never de-
22 tained or who were released from detention during
23 the most recently concluded fiscal year despite being
24 subject to mandatory detention under paragraph
25 (1)(B)(ii), (1)(B)(iii)(IV), or (2)(A) of section
26 235(b).”.

1 (b) REPLACEMENT OF PREFERENCE ALLOCATION
2 FOR EMPLOYMENT-BASED IMMIGRANTS WITH POINTS-
3 BASED IMMIGRATION.—Section 203(b) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1153(b)) is amended
5 to read as follows:

6 “(b) ALLOCATION FOR POINTS-BASED IMMI-
7 GRANTS.—Aliens subject to the worldwide level for points-
8 based immigrants in a fiscal year specified in section
9 201(d) shall be granted visas in accordance with sections
10 204A and 220.”.

11 (c) PROCEDURE FOR GRANTING IMMIGRANT STATUS
12 FOR POINTS-BASED IMMIGRANTS IN THE AMERICAN IN-
13 TEREST.—Chapter 1 of title II of the Immigration and
14 Nationality Act (8 U.S.C. 1151 et seq.) is amended by
15 inserting after section 204 (8 U.S.C. 1154) the following:

16 **“SEC. 204A. PROCEDURE FOR GRANTING IMMIGRANT STA-
17 TUS FOR POINTS-BASED IMMIGRANTS IN THE
18 AMERICAN INTEREST.**

19 “(a) PETITIONS FOR IMMIGRANT STATUS FOR
20 POINTS-BASED IMMIGRANTS.—

21 “(1) IN GENERAL.—Any alien seeking classi-
22 fication as a points-based immigrant under section
23 203(b) shall submit to the Secretary of Homeland
24 Security a petition that—

1 “(A) meets the requirements described in
2 paragraph (2);

3 “(B) is formatted and submitted in such
4 form and manner as the Secretary of Homeland
5 Security may require; and

6 “(C) includes such information as the Sec-
7 retary may require.

8 “(2) MINIMUM REQUIREMENTS FOR PETI-
9 TIONS.—Each petition submitted pursuant to para-
10 graph (1) shall include—

11 “(A) an attestation described in section
12 220B that has been signed by the alien;

13 “(B) evidence of a bona fide offer of em-
14 ployment in the United States by any employer
15 described in paragraph (3), (4), or (5) of sec-
16 tion 3121(h) of the Internal Revenue Code of
17 1986, including an attestation described in sec-
18 tion 220A that has been signed by the employer
19 that is offering to the alien a salary of—

20 “(i) not less than 200 percent of the
21 median wage in the State in which the
22 alien will be employed if the alien has not
23 received a bachelor’s, master’s, profes-
24 sional, or doctoral degree, or a doctorate of
25 medicine, from an institution of higher

1 education in the United States not later
2 than 1 year after the date on which the pe-
3 tition is filed; or

4 “(ii) not less than 150 percent of the
5 median wage in the State in which the
6 alien will be employed if the alien has re-
7 ceived or will receive a bachelor’s, master’s,
8 professional, or doctoral degree, or a doc-
9 torate of medicine, from an institution of
10 higher education in the United States not
11 later than 1 year after the date on which
12 the petition is filed;

13 “(C) a certification that the alien is eligible
14 to receive not fewer than 16 points under the
15 criteria described in section 220(a), accom-
16 panied by sufficient evidence, as determined by
17 the Secretary, of the attributes and achieve-
18 ments establishing eligibility for such points;

19 “(D) sufficient evidence, as determined by
20 the Secretary, that the alien is not younger
21 than 18 years of age or older than 51 years of
22 age on the date on which the petition is filed;
23 and

24 “(E) sufficient evidence, as determined by
25 the Secretary, that the alien has a score on an

1 English language proficiency test in the 5th
2 decile or higher.

3 “(3) AMENDMENT OF PETITIONS.—An alien
4 may amend a petition previously filed by the alien
5 under this subsection by—

6 “(A) submitting to the Secretary of Home-
7 land Security a new bona fide offer of employ-
8 ment described in paragraph (2)(B) by any
9 United States employer; or

10 “(B) certifying the alien is eligible for ad-
11 ditional points under the criteria described in
12 section 220(a), accompanied by sufficient evi-
13 dence, as determined by the Secretary, of the
14 attributes and achievements establishing eligi-
15 bility for such additional points.

16 “(b) ELIGIBLE APPLICANT POOL AND SELECTION OF
17 ALIENS.—

18 “(1) IN GENERAL.—The Secretary of Homeland
19 Security shall—

20 “(A) classify all aliens who have filed peti-
21 tions meeting the requirements set forth in sub-
22 section (a) as eligible points-based immigrant
23 candidates; and

1 “(B) rank such candidates based on the
2 total number of points for which such aliens are
3 eligible under section 220(a).

4 “(2) TIE-BREAKING FACTORS.—The Secretary
5 shall distinguish between groups of aliens who are
6 eligible for an equal number of points—

7 “(A) by giving preference to aliens who are
8 eligible for more points under section 220(a)(1)
9 (employment);

10 “(B) with respect to aliens who are eligible
11 for an equal number of points under section
12 220(a)(1), by giving preference to aliens who
13 are eligible for more points under section
14 220(a)(2) (extraordinary achievement);

15 “(C) with respect to aliens who are eligible
16 for an equal number of points under para-
17 graphs (1) and (2) of section 220(a), by giving
18 preference to aliens who are eligible for more
19 points under section 220(a)(3) (educational at-
20 tainment);

21 “(D) with respect to aliens who are eligible
22 for an equal number of points under para-
23 graphs (1), (2), and (3) of section 220(a), by
24 giving preference to aliens who are eligible for

1 more points under section 220(a)(4) (English
2 language proficiency);

3 “(E) with respect to aliens who are eligible
4 for an equal number of points under para-
5 graphs (1), (2), (3), and (4) of section 220(a),
6 by giving preference to aliens who are eligible
7 for more points under section 220(a)(5) (mili-
8 tary service); and

9 “(F) with respect to aliens who are eligible
10 for an equal number of points under para-
11 graphs (1), (2), (3), (4), and (5) of section
12 220(a), by giving preference to aliens who are
13 eligible for more points under section 220(a)(6)
14 (age).

15 “(3) VISA ISSUANCE.—Not fewer than 4 times
16 during each fiscal year, the Secretary of Homeland
17 Security shall—

18 “(A) compute the number of points-based
19 immigrant visas authorized to be issued during
20 the applicable period from the worldwide level
21 total available in such fiscal year under section
22 201(d);

23 “(B) identify up to the number computed
24 pursuant to subparagraph (A) of aliens who—

1 “(i) submitted a petition under this
2 section during such fiscal year that meets
3 the requirements described in subsection
4 (a);

5 “(ii) have not been issued a point-
6 based immigrant visa; and

7 “(iii) are eligible for more points (but
8 not fewer than 16 points) under section
9 220(a) than any of the aliens not selected
10 for such a visa, subject to the tie-breaking
11 factors set forth in paragraph (2); and

12 “(C) issue a points-based immigrant visa
13 to—

14 “(i) each of the aliens described in
15 subparagraph (B); and

16 “(ii) the spouse and any children of
17 each of the aliens referred to in clause (i)
18 who are accompanying or following to join
19 such an alien, in accordance with section
20 203(d).”.

21 (d) ESTABLISHMENT OF A POINTS-BASED IMMI-
22 GRANT VISA PROGRAM IN THE AMERICAN INTEREST.—
23 Chapter 2 of title II of the Immigration and Nationality
24 Act (8 U.S.C. 1181 et seq.) is amended by adding at the
25 end the following:

1 **“SEC. 220. POINTS-BASED IMMIGRANT VISA PROGRAM IN**
2 **THE AMERICAN INTEREST.**

3 “(a) IN GENERAL.—An alien seeking to be classified
4 as an immigrant under section 203(b) shall submit a peti-
5 tion, in accordance with section 204A, that includes such
6 information as the Secretary of Homeland Security may
7 require, in order for the Secretary to determine the num-
8 ber of points for which the alien is eligible under this sub-
9 section.

10 “(1) EMPLOYMENT.—

11 “(A) NO COLLEGE DEGREE.—If the alien
12 is not expected to receive a bachelor’s, master’s,
13 professional, or doctoral degree, or a doctorate
14 of medicine, from an institution of higher edu-
15 cation in the United States within 1 year after
16 filing a petition under section 204A, the alien
17 is eligible for—

18 “(i) 5 points for a salary of at least
19 250 percent, but less than 300 percent, of
20 the median wage in the State in which the
21 alien will be employed;

22 “(ii) 10 points for a salary of at least
23 300 percent, but less than 400 percent, of
24 the median wage in the State in which the
25 alien will be employed;

1 “(iii) 20 points for a salary of at least
2 400 percent, but less than 500 percent, of
3 the median wage in the State in which the
4 alien will be employed; or

5 “(iv) 35 points for a salary of at least
6 500 percent of the median wage in the
7 State in which the alien will be employed.

8 “(B) COLLEGE DEGREE.—If the alien is
9 expected to receive a bachelor’s, master’s, pro-
10 fessional, or doctoral degree, or a doctorate of
11 medicine, from an institution of higher edu-
12 cation in the United States within 1 year after
13 filing a petition under section 204A, the alien
14 is eligible for—

15 “(i) 5 points for a salary of at least
16 200 percent, but less than 250 percent, of
17 the median wage in the State in which the
18 alien will be employed;

19 “(ii) 10 points for a salary of at least
20 250 percent, but less than 350 percent, of
21 the median wage in the State in which the
22 alien will be employed;

23 “(iii) 20 points for a salary of at least
24 350 percent, but less than 450 percent, of

1 the median wage in the State in which the
2 alien will be employed; or

3 “(iv) 35 points for a salary of at least
4 450 percent of the median wage in the
5 State in which the alien will be employed.

6 “(2) EXTRAORDINARY ACHIEVEMENT.—An
7 alien is eligible for—

8 “(A) 10 points if, during the 8-year period
9 immediately preceding the filing of the petition,
10 the alien earned an individual Olympic medal;

11 “(B) between 10 and 50 points, at the dis-
12 cretion of the Secretary of Homeland Security,
13 for having extraordinary ability in the sciences,
14 arts, education, or business, which has been
15 demonstrated by sustained national or inter-
16 national acclaim and whose achievements have
17 been recognized in the field through extensive
18 documentation; or

19 “(C) 70 points for being a Nobel Laureate
20 in a field of scientific or social scientific study;

21 “(3) EDUCATION.—An alien is eligible for—

22 “(A) 3 points for a degree from a recog-
23 nized postsecondary credential (as defined in
24 section 3 of the Workforce Innovation and Op-
25 portunity Act (29 U.S.C. 3102)), including a

1 certificate of completion of an apprenticeship
2 (including an apprenticeship registered under
3 the Act of August 16, 1937 (commonly known
4 as the ‘National Apprenticeship Act’; 50 Stat.
5 664, chapter 663; 29 U.S.C. 50 et seq.));

6 “(B) 4 points for a bachelor’s or master’s
7 degree from a foreign institution of higher edu-
8 cation that is comparable to a United States in-
9 stitution of higher education;

10 “(C) 5 points for a bachelor’s or master’s
11 degree from a United States institution of high-
12 er education, if the alien took all the required
13 courses for such degree, including any courses
14 taken by correspondence, telecommunications,
15 or distance education, while physically present
16 in the United States;

17 “(D) 6 points for a professional degree
18 from a foreign institution of higher education
19 that is comparable to a United States institu-
20 tion of higher education;

21 “(E) 7 points for a professional degree
22 from a United States institution of higher edu-
23 cation, if the alien took all the required courses
24 for such degree, including any courses taken by
25 correspondence, telecommunications, or distance

1 education, while physically present in the
2 United States;

3 “(F) 8 points for a bachelor’s or master’s
4 degree in a field of science, technology, engi-
5 neering, or mathematics from a foreign institu-
6 tion of higher education that is comparable to
7 a United States institution of higher education;

8 “(G) 9 points for a bachelor’s degree in a
9 field of science, technology, engineering, or
10 mathematics from a United States institution of
11 higher education, if the alien took all the
12 courses for such degree, including any courses
13 taken by correspondence, telecommunications,
14 or distance education, while physically present
15 in the United States;

16 “(H) 20 points for a master’s degree in a
17 field of science, technology, engineering, or
18 mathematics from a United States doctoral in-
19 stitution of higher education, if the alien took
20 all the required courses for such degree, includ-
21 ing all courses taken by correspondence, tele-
22 communications, or distance education, while
23 physically present in the United States;

24 “(I) 20 points for a doctoral degree from
25 a foreign institution of higher education that is

1 comparable to a United States institution of
2 higher education;

3 “(J) 23 points for a doctoral degree from
4 a United States institution of higher education,
5 if the alien took all the required courses for
6 such degree, including all courses taken by cor-
7 respondence, telecommunications, or distance
8 education, while physically present in the
9 United States;

10 “(K) 30 points for a doctoral degree in a
11 field of science, technology, engineering, or
12 mathematics from a foreign institution of high-
13 er education that is comparable to a United
14 States institution of higher education, or a doc-
15 torate of medicine from a foreign graduate
16 medical school that is comparable to a graduate
17 medical school at a United States institution of
18 higher education; or

19 “(L) 35 points for a doctoral degree in a
20 field of science, technology, engineering, or
21 mathematics from a United States institution of
22 higher education, or a doctorate of medicine
23 from a graduate medical school at a United
24 States institution of higher education, if the
25 alien took all the required courses for such de-

1 gree, including all courses taken by correspond-
2 ence, telecommunications, or distance edu-
3 cation, while physically present in the United
4 States.

5 “(4) ENGLISH LANGUAGE PROFICIENCY.—An
6 alien is eligible for—

7 “(A) 2 points for an English language pro-
8 ficiency test ranking within the 6th decile;

9 “(B) 3 points for an English language pro-
10 ficiency test ranking within the 7th decile;

11 “(C) 4 points for an English language pro-
12 ficiency test ranking within the 8th decile;

13 “(D) 7 points for an English language pro-
14 ficiency test ranking within the 9th decile; or

15 “(E) 8 points for a English language pro-
16 ficiency test ranking within the 10th decile.

17 “(5) MILITARY SERVICE.—Except for aliens eli-
18 gible for naturalization under section 329, an alien
19 is eligible for 6 points—

20 “(A) for service of not less than 3 years as
21 a member of the Selected Reserve of the Ready
22 Reserve or in an active-duty status in the mili-
23 tary, air, or naval forces of the United States;
24 and

1 “(B) if separated from such service, was
2 separated under honorable conditions.

3 “(6) AGE.—An alien is eligible, based on his or
4 her age on the date on which the Secretary selects
5 aliens for points-based immigrant visas, for—

6 “(A) 2 points for being at least 36 years
7 of age and younger than 45 years of age; or

8 “(B) 6 points for being at least 18 years
9 of age and younger than 36 years of age.

10 “(b) DEFINITIONS.—In this section:

11 “(1) ENGLISH LANGUAGE PROFICIENCY
12 TEST.—The term ‘English language proficiency test’
13 means a test to measure English language pro-
14 ficiency that, as determined by the Secretary of
15 Homeland Security—

16 “(A) requires test takers to demonstrate
17 their ability to use English to communicate
18 through the language skills of reading, listen-
19 ing, speaking, and writing and utilizing test
20 tasks that require the integrated application of
21 2 or more such language skills;

22 “(B) utilizes robust internet security proto-
23 cols;

24 “(C) verifies test takers’ identity; and

1 “(D) prohibits the individuals scoring such
2 tests from knowing or having met the individ-
3 uals whose tests they are scoring.

4 “(2) ENGLISH LANGUAGE PROFICIENCY TEST
5 RANKING.—The term ‘English language proficiency
6 test ranking’ means the decile ranking of the appli-
7 cant’s English language proficiency test score, when
8 compared with all other persons who took the same
9 test during the same period.

10 “(3) FIELD OF SCIENCE, TECHNOLOGY, ENGI-
11 NEERING, OR MATHEMATICS.—The term ‘field of
12 science, technology, engineering, or mathematics’
13 means a field included in the National Center for
14 Education Statistics’ 2020 Classification of Instruc-
15 tional Programs taxonomy within the series 11
16 (computer and information sciences), 14 (engineer-
17 ing), 26 (biology and biomedical sciences), 27 (math-
18 ematics), 40 (physical sciences), 45.0701–.0799 (ge-
19 ography), 51.0401–.0599 (dentistry), 51.1201–.1499
20 (medicine), 51.3801–.3899 (nursing), 60 (oral and
21 maxillofacial surgery residency programs), and 61
22 (medical residency/fellowship programs).

23 “(4) UNITED STATES DOCTORAL INSTITUTION
24 OF HIGHER EDUCATION.—The term ‘United States

1 doctoral institution of higher education’ means an
2 institution that is—

3 “(A) a United States institution of higher
4 education; and

5 “(B) classified by—

6 “(i) the Carnegie Foundation for the
7 Advancement of Teaching and the Amer-
8 ican Council on Education on February
9 13, 2025, as a very high research spending
10 and doctorate production institution of
11 higher education or as a high research
12 spending and doctorate production institu-
13 tion of higher education; or

14 “(ii) the National Science Foundation
15 as having equivalent research spending and
16 doctorate production to an institution of
17 higher education described in clause (i).

18 “(5) UNITED STATES INSTITUTION OF HIGHER
19 EDUCATION.—The term ‘United States institution of
20 higher education’ has the meaning given the term
21 ‘institution of higher education’ in section 102(a)(1)
22 of the Higher Education Act of 1965 (20 U.S.C.
23 1002(a)(1)), except that such term does not include
24 an institution outside the United States described in
25 subparagraph (C) of such section.”.

1 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

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

5 (A) in section 202 (8 U.S.C. 1152)—

6 (i) in subsection (a)—

7 (I) in paragraph (2), by amend-
8 ing the paragraph heading to read as
9 follows: “PER COUNTRY LEVELS FOR
10 NUCLEAR FAMILY IMMIGRANTS,
11 POINTS-BASED IMMIGRANTS, RELI-
12 GIOUS WORKERS, AND OTHER SPECIAL
13 IMMIGRANTS”; and

14 (II) in paragraph (5)—

15 (aa) in the paragraph head-
16 ing, by striking “EMPLOYMENT-
17 BASED” and inserting “POINTS-
18 BASED IMMIGRANTS, RELIGIOUS
19 WORKERS, AND OTHER SPECIAL”;
20 and

21 (bb) in subparagraph (A)—

22 (AA) in the subpara-
23 graph heading, by striking
24 “EMPLOYMENT-BASED” and
25 inserting “POINTS-BASED

1 IMMIGRANTS, RELIGIOUS
2 WORKERS, AND OTHER SPE-
3 CIAL”;

4 (BB) by striking “para-
5 graph (1), (2), (3), (4), or
6 (5) of section 203(b)” and
7 inserting “subsection (b) or
8 (c) of section 203”; and

9 (CC) by striking “under
10 that paragraph” and insert-
11 ing “under such sub-
12 section”;

13 (B) in section 204(a)(1) (8 U.S.C.
14 1154(a)(1))—

15 (i) by striking subparagraphs (E),
16 (F), and (H);

17 (ii) by redesignating subparagraphs
18 (G), (I), (J), (K), and (L) as subpara-
19 graphs (E), (F), (G), (H), and (I), respec-
20 tively;

21 (iii) in subparagraph (E), as redesign-
22 ated, by striking “203(b)(4)” and insert-
23 ing 203(c);

1 (iv) in subparagraph (F), as redesignig-
2 nated, by moving clause (iv) 6 ems to the
3 left; and

4 (v) by moving subparagraph (I), as
5 redesignated, 4 ems to the left;

6 (C) in section 212(a)(4) (8 U.S.C.
7 1182(a)(4)), by amending subparagraph (D) to
8 read as follows:

9 “(D) CERTAIN POINTS-BASED IMMI-
10 GRANTS.—Any alien who seeks admission or ad-
11 justment of status under a visa issued pursuant
12 to section 203(b) while relying on a bona fide
13 offer of employment by a relative of the alien
14 (or by an entity in which such relative has a
15 significant ownership interest) is inadmissible
16 under this paragraph unless such relative has
17 executed an affidavit of support described in
18 section 213A with respect to such alien.”;

19 (D) in section 213A(f) (8 U.S.C.
20 1183a(f))—

21 (i) in paragraph (4)—

22 (I) in the paragraph heading, by
23 striking “EMPLOYMENT-BASED” and
24 inserting “POINTS-BASED”; and

1 (II) by amending subparagraph
2 (A) to read as follows:

3 “(A) who does not meet the requirement
4 under paragraph (1)(D), but has made a bona
5 fide offer of employment, or has a significant
6 ownership interest in an entity that made a
7 bona fide offer of employment, to an alien who
8 filed a classification petition as a points-based
9 immigrant under section 203(b) and is a rel-
10 ative of such alien; and”;

11 (ii) in paragraph (5)(A), by striking
12 “employment-based” and inserting
13 “points-based”;

14 (E) in section 245 (8 U.S.C. 1255)—

15 (i) in subsection (c), by striking “sub-
16 ject to subsection (k),”;

17 (ii) by striking subsection (k); and

18 (iii) by redesignating subsections (l),
19 (m), and (n) as subsections (k), (l), and
20 (m), respectively; and

21 (F) in section 286(u)(2) (8 U.S.C.
22 1356(u)(2)), by amending subparagraph (B) to
23 read as follows:

24 “(B) points-based, religious worker, and
25 other special immigrant petitions filed by or on

1 behalf of aliens described in subsection (b) or
2 (c) of section 203;”.

3 (2) EB–5 REFORM AND INTEGRITY ACT OF
4 2022.—Section 107 the EB–5 Reform and Integrity
5 Act of 2022 (division BB of Public Law 117–103;
6 8 U.S.C. 1153a) is repealed.

7 (f) EFFECTIVE DATE; APPLICABILITY.—

8 (1) EFFECTIVE DATE.—Except as provided in
9 paragraph (3), the amendments made by this section
10 shall take effect on the date of the enactment of this
11 Act.

12 (2) INVALIDITY OF CERTAIN PETITIONS AND
13 APPLICATIONS.—

14 (A) IN GENERAL.—A person may not file,
15 and the Secretary of Homeland Security and
16 the Secretary of State may not accept, adju-
17 dicate, or approve any petitions under section
18 204 of the Immigration and Nationality Act (8
19 U.S.C. 1154) filed on or after the date of the
20 enactment of this Act seeking classification of
21 an alien under paragraph (1), (2), (3), or (5)
22 of section 203(b) of the Immigration and Na-
23 tionality Act (8 U.S.C. 1153(b)), as in effect on
24 the day immediately before such date of enact-
25 ment. Any applications for adjustment of status

1 or immigrant visas based on such petitions shall
2 be rejected, denied, or invalidated.

3 (B) PENDING PETITIONS.—The Secretary
4 of Homeland Security and the Secretary of
5 State may not adjudicate or approve any peti-
6 tions under section 204 of the Immigration and
7 Nationality Act that are pending as of the date
8 of the enactment of this Act and are seeking
9 classification of aliens under paragraph (1), (2),
10 (3), or (5) of section 203(b) of the Immigration
11 and Nationality Act (8 U.S.C. 1153(b)), as in
12 effect on the day immediately before such date
13 of enactment. Any applications for adjustment
14 of status or immigrant visas based on such peti-
15 tions shall be rejected, denied, or invalidated.

16 (3) APPLICABILITY TO WAITLISTED APPLI-
17 CANTS.—

18 (A) IN GENERAL.—Notwithstanding the
19 amendments made by this section, aliens who
20 are beneficiaries of a petition under paragraph
21 (1), (2), (3), or (5) of section 203(b) of the Im-
22 migration and Nationality Act (8 U.S.C.
23 1153(b)) that was approved before the date of
24 the enactment of this Act may be issued visas
25 pursuant to the applicable paragraph in accord-

1 ance with the availability of visas under sub-
2 paragraph (B).

3 (B) AVAILABILITY OF VISAS.—Notwith-
4 standing the amendments made by this section,
5 visas may be issued to any alien who is a bene-
6 ficiary of an approved petition under any para-
7 graph referred to in subparagraph (A) until the
8 number of visas that would have been allocated
9 to the applicable visa category during fiscal
10 year 2028 have been issued. When all of the
11 available visas described in the previous sen-
12 tence have been issued for each paragraph re-
13 ferred in subparagraph (A), no additional visas
14 may be issued for the visa category authorized
15 under the applicable paragraph.

16 **SEC. 6. CONDITIONAL PERMANENT RESIDENT STATUS FOR**
17 **CERTAIN IMMIGRANTS, SPOUSES, AND CHIL-**
18 **DREN.**

19 (a) IN GENERAL.—Chapter 2 of title II of the Immi-
20 gration and Nationality Act (8 U.S.C. 1181 et seq.) is
21 amended by inserting after section 216A (8 U.S.C. 1186a)
22 the following:

1 **“SEC. 216B. CONDITIONAL PERMANENT RESIDENT STATUS**
2 **FOR POINTS-BASED IMMIGRANTS, SPOUSES,**
3 **AND CHILDREN.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) ALIEN SPOUSE; ALIEN CHILD.—The terms
6 ‘alien spouse’ and ‘alien child’ mean an alien who
7 obtains the status of an alien lawfully admitted for
8 permanent residence (whether on a conditional basis
9 or otherwise) by virtue of being the spouse or child,
10 respectively, of a points-based immigrant.

11 “(2) MEANS-TESTED PUBLIC BENEFIT.—The
12 term ‘means-tested public benefit’ means a public
13 benefit (including cash, medical, housing, and food
14 assistance and social services) from the Federal Gov-
15 ernment or from a State or political subdivision of
16 a State in which the eligibility of an individual,
17 household, or family eligibility unit for benefits, the
18 amount of such benefits, or both are determined on
19 the basis of income, resources, or financial need of
20 the individual, household, or family eligibility unit.

21 “(3) POINTS-BASED IMMIGRANT.—The term
22 ‘points-based immigrant’ means an alien who has
23 obtained the status of an alien lawfully admitted for
24 permanent residence on a conditional basis under
25 section 203(b).

26 “(b) IN GENERAL.—

1 “(1) **CONDITIONAL BASIS FOR STATUS.**—A
2 points-based immigrant, alien spouse, and alien child
3 shall be considered, at the time of obtaining status
4 as an alien lawfully admitted for permanent resi-
5 dence, to have obtained such status on a conditional
6 basis subject to the requirements under this section.

7 “(2) **NOTICE OF REQUIREMENTS.**—

8 “(A) **AT THE TIME OF OBTAINING PERMA-**
9 **NENT RESIDENCE.**—At the time a points-based
10 immigrant, alien spouse, or alien child is grant-
11 ed permanent resident status on a conditional
12 basis, the Secretary of Homeland Security shall
13 notify such alien of the requirements under this
14 section, including the requirements under sub-
15 section (d) for removing the conditional basis of
16 such status.

17 “(B) **REMOVAL OF CONDITIONS.**—Not
18 later than 90-days before the date that is 2
19 years after the date on which a points-based
20 immigrant, alien spouse, or alien child is grant-
21 ed permanent resident status on a conditional
22 basis, the Secretary of Homeland Security shall
23 notify such alien of the requirements for the re-
24 moval of the conditional basis of such status de-
25 scribed in subsection (d)(1).

1 “(C) EFFECT OF FAILURE TO PROVIDE
2 NOTICE.—Failure by the Secretary of Home-
3 land Security to provide the notice required
4 under this paragraph shall not affect the au-
5 thority of the Secretary to enforce this section.

6 “(c) TERMINATION OF PERMANENT RESIDENT STA-
7 TUS FOR FAILING TO FULFILL REQUIREMENTS.—

8 “(1) IN GENERAL.—If, at any time before the
9 date that is 2 years after the date on which a points-
10 based immigrant is granted permanent resident sta-
11 tus on a conditional basis, the Secretary of Home-
12 land Security determines that such immigrant is an
13 alien described in paragraph (2), the Secretary
14 shall—

15 “(A) subject to paragraph (3), terminate
16 the conditional permanent resident status of—

17 “(i) such immigrant;

18 “(ii) the alien spouse of such immi-
19 grant; and

20 “(iii) each alien child of such immi-
21 grant; and

22 “(B) notify each such alien of such termi-
23 nation.

24 “(2) ALIEN DESCRIBED.—An alien described in
25 this paragraph is a points-based immigrant who—

1 “(A) has not complied with his or her at-
2 testation under section 204A(a)(2)(A);

3 “(B) has been convicted of 1 or more of-
4 fenses for which such alien has been sentenced
5 to an aggregate term of imprisonment of more
6 than 1 year;

7 “(C) has received a means-tested public
8 benefit; or

9 “(D) is not employed in—

10 “(i) the job for which the employer of
11 the alien made a bona fide job offer de-
12 scribed in section 204A(a)(2)(B); or

13 “(ii) another job for the same em-
14 ployer, or a new employer, for which the
15 immigrant is compensated at a salary that
16 is equivalent to or higher than the salary
17 of the job for which the alien received such
18 bona fide job offer.

19 “(3) HEARING IN REMOVAL PROCEEDINGS.—

20 “(A) IN GENERAL.—An alien whose per-
21 manent resident status on a conditional basis is
22 terminated pursuant to paragraph (1) may re-
23 quest, while in removal proceedings, a review of
24 the determination upon which such termination
25 is based.

1 “(B) BURDEN OF PROOF.—In any review
2 under subparagraph (A), the burden of proof
3 shall be on the Secretary of Homeland Security
4 to establish, by a preponderance of the evi-
5 dence, that the alien concerned is an alien de-
6 scribed in paragraph (2).

7 “(d) REQUIREMENT OF TIMELY PETITION AND
8 INTERVIEW FOR REMOVAL OF CONDITION.—

9 “(1) IN GENERAL.—The conditional basis es-
10 tablished under subsection (b) for a points-based im-
11 migrant, alien spouse, or alien child may be removed
12 if—

13 “(A) the points-based immigrant, during
14 the 90-day period ending on the date that is 2
15 years after the date on which the points-based
16 immigrant was granted permanent resident sta-
17 tus on a conditional basis, submits a petition to
18 the Secretary of Homeland Security that—

19 “(i) requests the removal of such con-
20 ditional basis; and

21 “(ii) states, under penalty of perjury,
22 the facts and information described in sub-
23 section (e)(1); and

24 “(B) in accordance with subsection (e)(3),
25 the points-based immigrant appears for a per-

1 sonal interview before an officer or employee of
2 the Department of Homeland Security respect-
3 ing the facts and information described in sub-
4 section (e)(1).

5 “(2) TERMINATION OF PERMANENT RESIDENT
6 STATUS FOR FAILURE TO FILE PETITION OR HAVE
7 PERSONAL INTERVIEW.—

8 “(A) IN GENERAL.—The Secretary of
9 Homeland Security shall terminate the perma-
10 nent resident status of a points-based immi-
11 grant (and such status of the immigrant’s
12 spouse and children obtained on a conditional
13 basis under this section or section 216) on the
14 date that is 2 years after the date on which
15 such alien was lawfully admitted for permanent
16 residence if—

17 “(i) no petition is filed with respect to
18 such alien in accordance with paragraph
19 (1)(A); or

20 “(ii) the alien fails to appear at an
21 interview described in paragraph (1)(B)
22 and required under subsection (e)(3), un-
23 less the alien shows good cause for such
24 nonappearance.

1 “(B) HEARING IN REMOVAL PRO-
2 CEEDINGS.—In any removal proceeding con-
3 cerning an alien whose permanent resident sta-
4 tus is terminated under subparagraph (A), the
5 burden of proof shall be on the alien to estab-
6 lish compliance with the requirement under sub-
7 paragraphs (A) and (B) of paragraph (1).

8 “(3) DETERMINATION AFTER PETITION AND
9 INTERVIEW.—

10 “(A) IN GENERAL.—Not later than 90
11 days after the later of the date on which a
12 points-based immigrant files a petition pursuant
13 to paragraph (1)(A) and the date on which such
14 alien is interviewed pursuant to paragraph
15 (1)(B), the Secretary of Homeland Security
16 shall determine whether the facts and informa-
17 tion described in subsection (e)(1) and alleged
18 in the petition are true.

19 “(B) REMOVAL OF CONDITIONAL BASIS.—
20 If the Secretary determines the facts and infor-
21 mation contained in a petition submitted pursu-
22 ant to paragraph (1)(A) are true and the
23 points-based immigrant complied with sub-
24 section (e)(1)(B)(i), the Secretary shall—

1 “(i) notify the alien involved of such
2 determination; and

3 “(ii) remove the conditional basis of
4 the alien’s status effective as of the date
5 that is 2 years after the date on which
6 such alien was lawfully admitted for per-
7 manent residence.

8 “(C) TERMINATION IF ADVERSE DETER-
9 MINATION.—If the Secretary determines such
10 facts and information are not true or the
11 points-based immigrant failed to comply with
12 subsection (e)(1)(B)(i), the Secretary shall—

13 “(i) notify the alien involved of such
14 determination; and

15 “(ii) subject to subparagraph (D), ter-
16 minate the permanent resident status of
17 the points-based immigrant, alien spouse,
18 and alien child as of the date of such de-
19 termination.

20 “(D) HEARING IN REMOVAL PRO-
21 CEEDING.—Any alien whose permanent resident
22 status is terminated pursuant to subparagraph
23 (C) may request a review of such determination
24 in a proceeding to remove the alien. In such
25 proceeding, the burden of proof shall be on the

1 Secretary to establish, by a preponderance of
2 the evidence, that the facts and information de-
3 scribed in subsection (e)(1) and alleged in the
4 petition are not true.

5 “(e) DETAIL OF PETITION AND INTERVIEW.—

6 “(1) CONTENT OF PETITION.—Each petition
7 submitted pursuant to subsection (d)(1)(A) shall
8 contain facts and information demonstrating the
9 alien is not described in any of subparagraphs (A)
10 through (D) of subsection (c)(2).

11 “(2) PERIOD FOR FILING PETITION.—

12 “(A) NINETY-DAY PERIOD BEFORE SEC-
13 OND ANNIVERSARY.—Except as provided in
14 subparagraph (B), a petition shall be filed pur-
15 suant to subsection (d)(1)(A) during the 90-day
16 period ending on the date that is 2 years after
17 the date on which the points-based immigrant
18 was lawfully admitted for permanent residence.

19 “(B) DATE PETITIONS FOR GOOD
20 CAUSE.—A petition required under sub-
21 section(d)(1)(A) may be considered if filed after
22 the date referred to in subparagraph (A) if the
23 points-based immigrant establishes, to the satis-
24 faction of the Secretary of Homeland Security,
25 good cause and extenuating circumstances for

1 failure to file the petition during the period de-
2 scribed in subparagraph (A).

3 “(C) FILING OF PETITIONS DURING RE-
4 MOVAL.—The Attorney General may stay re-
5 moval proceedings against an alien who is the
6 subject of removal hearings as a result of fail-
7 ure to file a petition on a timely basis in ac-
8 cordance with subparagraph (A) pending the
9 filing of a petition pursuant to subparagraph
10 (B).

11 “(3) PERSONAL INTERVIEW.—

12 “(A) IN GENERAL.—The interview re-
13 quired under subsection (d)(1)(B) shall be con-
14 ducted not later than 90 days after the date on
15 which a petition is submitted pursuant to sub-
16 section (d)(1)(A) at a local office of the Depart-
17 ment of Homeland Security that has been des-
18 ignated by the Secretary of Homeland Security
19 and is convenient to the parties involved.

20 “(B) WAIVER.—

21 “(i) IN GENERAL.—Except as pro-
22 vided under clauses (ii) and (iii), the Sec-
23 retary of Homeland Security may waive
24 the deadline for an interview under sub-
25 section (d)(1)(B) or the requirement for

1 such an interview according to criteria de-
2 veloped by U.S. Citizenship and Immigra-
3 tion Services, in consultation with the
4 Fraud Detection and National Security Di-
5 rectorate and U.S. Immigration and Cus-
6 toms Enforcement.

7 “(ii) PROHIBITIONS.—In developing
8 waiver criteria pursuant to clause (i), the
9 Secretary may not use as criteria reducing
10 case processing times or allocating adju-
11 dicatory resources.

12 “(iii) LIMITATION.—A waiver may not
13 be granted under this subparagraph if the
14 alien to be interviewed is in a class of
15 aliens determined by the Secretary to be a
16 threat to public safety or national security.

17 “(f) TREATMENT OF PERIOD FOR PURPOSES OF
18 NATURALIZATION.—For purposes of title III, an alien
19 granted lawful permanent resident on a conditional basis
20 shall be considered to have been admitted to the United
21 States, and to be present in the United States, as an alien
22 lawfully admitted for permanent residence.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 for the Immigration and Nationality Act (8 U.S.C. 1101

1 et seq.) is amended by inserting after the item relating
 2 to section 216A the following:

“Sec. 216B. Conditional permanent resident status for points-based immi-
 grants, spouses, and children.”.

3 **SEC. 7. PROTECTION OF UNITED STATES TAXPAYERS AND**
 4 **COLLEGE STUDENTS.**

5 (a) NATIONAL POLICY.—

6 (1) IN GENERAL.—Section 400 of the Personal
 7 Responsibility and Work Opportunity Reconciliation
 8 Act of 1996 (Public Law 104–193; 8 U.S.C. 1601)
 9 is amended—

10 (A) in the section heading, by striking
 11 “**WELFARE**” and inserting “**PUBLIC BENE-**
 12 **FITS**”;

13 (B) in the matter preceding paragraph (1),
 14 by striking “The Congress” and inserting the
 15 following:

16 “(a) STATEMENT OF NATIONAL POLICY CON-
 17 CERNING WELFARE AND IMMIGRATION.—Congress”; and

18 (C) by adding at the end the following:

19 “(b) STATEMENT OF NATIONAL POLICY CON-
 20 CERNING PUBLIC EDUCATION AND IMMIGRATION.—

21 “(1) FINDINGS.—Congress finds that the right
 22 to a free public education for aliens who are not law-
 23 fully admitted for permanent residence—

1 “(A) creates a significant burden on the
2 budgets of States and local governments by de-
3 pleting their limited educational resources; and

4 “(B) promotes violations of the immigra-
5 tion laws inconsistent with Federal law and pol-
6 icy.

7 “(2) DEFINED TERM.—In this subsection, the
8 term ‘lawfully admitted for permanent residence’ has
9 the meaning given such term in section 101(a)(20)
10 of the Immigration and Nationality Act (8 U.S.C.
11 1101(a)(20)).

12 “(3) POLICY.—It is the policy of the United
13 States that—

14 “(A) aliens who are not lawfully admitted
15 for permanent residence should not be entitled
16 to public education benefits in the same manner
17 as United States citizens and aliens who are
18 lawfully admitted for permanent residence; and

19 “(B) States should not be obligated to pro-
20 vide public education benefits to aliens who are
21 not lawfully admitted for permanent resi-
22 dence.”.

23 (b) LIMITATION ON ELIGIBILITY FOR PREFERENTIAL
24 TREATMENT OF CERTAIN ALIENS FOR HIGHER EDU-
25 CATION BENEFITS.—

1 (1) IN GENERAL.—Section 505 of the Illegal
2 Immigration Reform and Immigrant Responsibility
3 Act of 1996 (8 U.S.C. 1623) is amended to read as
4 follows:

5 **“SEC. 505. LIMITATION ON ELIGIBILITY FOR PREF-**
6 **ERENTIAL TREATMENT OF CERTAIN ALIENS**
7 **FOR HIGHER EDUCATION BENEFITS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) LAWFULLY ADMITTED FOR PERMANENT
10 RESIDENCE.—The term ‘lawfully admitted for per-
11 manent residence’ has the meaning given such term
12 in section 101(a)(20) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1101(a)(20)).

14 “(2) POSTSECONDARY EDUCATIONAL INSTITU-
15 TION.—The term ‘postsecondary educational institu-
16 tion’ has the meaning given the term ‘institution of
17 higher education’ in section 102 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1002).

19 “(b) IN GENERAL.—Notwithstanding any other pro-
20 vision of law—

21 “(1) any alien who is not lawfully admitted for
22 permanent residence shall be required to pay to the
23 postsecondary educational institution at which such
24 alien is enrolled not less than the amount of tuition,
25 fees, and other costs charged to any student car-

1 rying the same academic workload who is not a resi-
2 dent of the State or political subdivision in which
3 that institution is located; and

4 “(2) no citizen or national of the United States
5 may be charged a higher amount of tuition, fees, or
6 other costs as a student carrying the same academic
7 workload than the amount of such tuition, fees, and
8 other costs charged to an alien who is not lawfully
9 admitted for permanent residence, with such tuition,
10 fees, and costs determined net of any discounts or
11 benefits provided by any level of government or by
12 the postsecondary educational institution.

13 “(c) APPLICABILITY.—This section shall apply to all
14 tuition, fees, and other costs paid by students after the
15 date of the enactment of the America First Immigration
16 Act to attend any postsecondary educational institution.”.

17 (2) CLERICAL AMENDMENT.—The table of con-
18 tents for the Illegal Immigration Reform and Immig-
19 grant Responsibility Act of 1996 (Public Law 104–
20 208; 110 Stat. 3009–546) is amended by striking
21 the item relating to section 505 and inserting the
22 following:

 “Sec. 505. Limitation on eligibility for preferential treatment of certain aliens
 for higher education benefits.”.

23 (c) EFFECTIVE DATE; APPLICABILITY.—The amend-
24 ments made by this section shall take effect on the date

1 of the enactment of this Act. The amendments made by
2 subsection (b) shall apply to all tuition, fees, and other
3 costs paid by students on or after such date of enactment
4 to any postsecondary educational institution.

○