

119TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. TUBERVILLE introduced the following bill; which was read twice and
referred to the Committee on _____

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Americans First Immigration Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Protection of American workers and values.

Sec. 3. Elimination of Diversity Lottery Immigrant Visa program.

Sec. 4. Preserving nuclear family immigration.

Sec. 5. Replacement of employment-based immigrant visa categories with
points-based immigrant visa program in the American interest.

Sec. 6. Conditional permanent resident status for certain immigrants, spouses, and children.

Sec. 7. Protection of United States taxpayers and college students.

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—

1 “(A) is held by a United States worker
2 with substantially equivalent qualifications and
3 experience to such alien;

4 “(B) involves essentially the same respon-
5 sibilities; and

6 “(C) is located in the same area of employ-
7 ment.

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

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

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

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

3 “(A) a citizen or national of the United
4 States; or

5 “(B) an alien who is lawfully admitted for
6 permanent residence.

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

10 “(1) attests the employer, before making a bona
11 fide job offer to the alien—

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

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

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

24 “(A) the good faith steps taken to recruit
25 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.—Except as provided in
2 clause (iii), the Secretary of Labor shall
3 notify an employer with respect to whom
4 there is reasonable cause to initiate an in-
5 vestigation under clause (i) before com-
6 mencing such investigation. Such notice
7 shall be provided in such a manner, and
8 shall contain sufficient detail, to permit the
9 employer to respond to the allegations be-
10 fore an investigation is commenced.

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 of Labor under this
22 subparagraph.

23 “(v) DETERMINATION.—If the Sec-
24 retary of Labor determines, after an inves-
25 tigation conducted pursuant to this sub-

1 paragraph, a reasonable basis exists to de-
2 termine the employer is not in compliance
3 with the terms of its attestation described
4 in subsection (b), the Secretary shall pro-
5 vide 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 if the employer is not in
3 compliance with the terms of the attesta-
4 tion signed by the employer. If the arbi-
5 trator determines the employer willfully
6 failed to comply with such terms, the arbi-
7 trator shall make a finding to that effect.

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

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

20 “(C) REVIEW.—

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

1 fied under section 10 or 11 of title 9,
2 United States Code.

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

13 “(3) PENALTIES.—

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

17 “(i) finds, after notice and oppor-
18 tunity for a hearing pursuant to paragraph
19 (1)(A)(v)(II), that an employer is not in
20 compliance with the terms of a signed at-
21 testation described in subsection (b); or

22 “(ii) receives a finding of an arbi-
23 trator that an employer is not in compli-
24 ance with the terms of such an attestation
25 and the Secretary has not reversed or

1 modified such finding pursuant to para-
2 graph (2)(C)(i).

3 “(B) PENALTIES DESCRIBED.—The Sec-
4 retary of Labor shall—

5 “(i) require each employer described
6 in subparagraph (A) to cease and desist
7 from any noncompliance with the terms of
8 a signed attestation described in subsection
9 (b);

10 “(ii) require such employer to pay a
11 civil monetary penalty in an amount that is
12 not more than—

13 “(I) \$5,000 for noncompliance
14 with any term of the employer’s attes-
15 tation;

16 “(II) \$25,000 for each willful
17 noncompliance with a term of the em-
18 ployer’s attestation; and

19 “(III) \$50,000 for each willful
20 noncompliance with a term of the em-
21 ployer’s attestation that resulted in a
22 United States worker being laid off;

23 “(iii) beginning on January 1, 2028,
24 and annually thereafter, automatically ad-
25 just the amounts described in clause (ii)

1 for violations committed after the effective
2 date of each adjustment based on the cu-
3 mulative annual percentage change in the
4 unadjusted Consumer Price Index for all
5 Urban Consumers published by the Bureau
6 of Labor Statistics of the Department of
7 Labor between January 1, 2027, and the
8 date of such adjustment;

9 “(iv) disapprove any petition filed by
10 any alien desiring to be classified as
11 points-based immigrants under section
12 203(b) that includes a bona fide offer of
13 employment made by such employer—

14 “(I) during a period of not more
15 than 1 year; and

16 “(II) in the case of willful non-
17 compliance, during a period of not
18 more than 15 years;

19 “(v) if the attesting employer failed to
20 offer a job to a United States worker in
21 compliance with subsection (b)(1)(B),
22 order such remedial action as may be ap-
23 propriate, including—

24 “(I) the hiring by the attesting
25 employer of the United States worker

1 for the job for which the alien had
2 been made an offer which the United
3 States worker was not, but should
4 have been, offered, with compensation
5 that is not less than the compensation
6 offered to the alien; or

7 “(II) payment by the attesting
8 employer to such United States work-
9 er of compensatory damages;

10 “(vi) if the attesting employer laid off
11 a United States worker in violation of sub-
12 section (b)(3)(A), order such remedial ac-
13 tion as may be appropriate, including—

14 “(I) reinstatement by the attest-
15 ing employer of the United States
16 worker to his or her former position
17 and compensation (including back
18 pay), terms, conditions, and privileges
19 of such employment; or

20 “(II) payment by the attesting
21 employer to such laid off United
22 States worker of compensatory dam-
23 ages; and

24 “(vii) if the attesting employer placed
25 the alien with another employer in viola-

1 tion of subsection (b)(3)(B), and the other
2 employer consequently laid off a United
3 States worker, order payment by the at-
4 testing employer to such laid off United
5 States worker of compensatory damages.

6 “(4) CRIMINAL PENALTIES.—Notwithstanding
7 any other provision of Federal law relating to fine
8 levels, any person or entity that engages in a pattern
9 or practice of noncompliance with the terms of
10 signed attestations described in subsection (b) shall,
11 for the entire pattern or practice, be fined not less
12 than \$250,000, imprisoned for not more than 6
13 months, or both.”.

14 (b) PROTECTION OF AMERICAN VALUES.—

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

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

21 “In each attestation required under section
22 204(a)(3), 204A(a)(2)(A), 209(a)(2), 209(b)(6), or
23 245(n), the attestor shall attest that he or she—

24 “(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;

21 “(H) sexual assault (including any conduct
22 proscribed under chapter 109A of title 18,
23 United States Code, whether or not such con-
24 duct occurs in the special maritime and terri-
25 torial jurisdiction of the United States or in a

1 Federal prison, assaults committed by offenders
2 who are strangers to the victim, and assaults
3 committed by offenders who are known or re-
4 lated by blood or marriage to the victim);

5 “(I) domestic violence (as defined in sec-
6 tion 237(a)(2)(E)(i)); or

7 “(J) female genital mutilation (as defined
8 in section 644(c) of the Illegal Immigration Re-
9 form and Immigrant Responsibility Act of 1996
10 (division C of Public Law 104–208; 8 U.S.C.
11 1374(c));

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

14 “(4) is not, has not been, and will not become,
15 a member of, or affiliated with, any organization
16 that carries out or has carried out 1 or more of the
17 actions described in subparagraphs (A) through (H)
18 of paragraph (2) while the alien petitioner is or was
19 a member of, or affiliated with, such organization.”.

20 (2) ATTESTATION REQUIREMENT.—Section
21 204(a) of the Immigration and Nationality Act (8
22 U.S.C. 1154(a)) is amended by adding at the end
23 the following:

24 “(3) Each petition filed pursuant to paragraph
25 (1) shall include an attestation described in section

1 220B that has been signed by the alien beneficiary
2 of such petition.”.

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

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

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

8 (2) by inserting after the item relating to sec-
9 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.”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall—

12 (1) take effect on the date of the enactment of
13 this Act; and

14 (2) apply to each petition filed on or after such
15 date.

16 **SEC. 3. ELIMINATION OF DIVERSITY LOTTERY IMMIGRANT**
17 **VISA PROGRAM.**

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

21 “(c) ALLOCATION FOR RELIGIOUS WORKERS.—
22 Aliens subject to the worldwide level specified in section

1 201(e) for religious workers in a fiscal year shall be allot-
2 ted visas in accordance with section 204(a)(1)(E).”.

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

6 (1) in section 201 (8 U.S.C. 1151)—

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

9 “(3) special immigrants described in section
10 203(c), in a number not to exceed the number speci-
11 fied in subsection (e) during any fiscal year.”; and

12 (B) by amending subsection (e) to read as
13 follows:

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

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

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

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

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

23 (c) EFFECTIVE DATE; VALIDITY.—

24 (1) IN GENERAL.—Subject to paragraphs (2)
25 and (3), the amendments made by this section shall

1 take effect on the first day of the first fiscal year
2 beginning after the date of the enactment of this
3 Act.

4 (2) DIVERSITY IMMIGRANTS.—No visa may be
5 issued to any alien on or after the date of the enact-
6 ment of this Act under section 203(c)(1)(E) of the
7 Immigration and Nationality Act, as in effect during
8 the period beginning on such date of enactment and
9 ending on the day before the effective date set forth
10 in paragraph (1).

11 (3) VALIDITY OR INVALIDITY OF CERTAIN EM-
12 PLOYMENT-BASED PETITIONS AND APPLICATIONS.—

13 (A) IN GENERAL.—No persons may file,
14 and neither the Secretary of Homeland Security
15 nor the Secretary of State may accept, adju-
16 dicate, or approve any petitions filed under sec-
17 tion 204 of the Immigration and Nationality
18 Act (8 U.S.C. 1154) on or after the date of the
19 enactment of this Act seeking classification of
20 aliens under section 203(b)(4) of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1153(b)(4)),
22 as in effect immediately before the effective
23 date set forth in paragraph (1). Any applica-
24 tions for adjustment of status or immigrant

1 visas based on such petitions shall be rejected,
2 denied, or made invalid.

3 (B) PENDING PETITIONS FOR RELIGIOUS
4 WORKERS AND OTHER SPECIAL IMMIGRANTS.—

5 (i) RELIGIOUS WORKERS.—The Sec-
6 retary of Homeland Security and the Sec-
7 retary of State shall adjudicate or approve,
8 as petitions seeking classification of aliens
9 under section 203(c) of the Immigration
10 and Nationality Act, as amended by sec-
11 tion 3(a), any petitions filed under section
12 204 of such Act (8 U.S.C. 1154) seeking
13 classification of aliens under section
14 203(b)(4) of such Act (8 U.S.C.
15 1153(b)(4)) who meet the definition of
16 special immigrants under section
17 101(a)(27)(C) of such Act (8 U.S.C.
18 1101(a)(27)(C)) that are pending on the
19 first day of the first fiscal year beginning
20 after the date of the enactment of this Act.

21 (ii) OTHER SPECIAL IMMIGRANTS.—
22 Neither the Secretary of Homeland Secu-
23 rity nor the Secretary of State may adju-
24 dicate or approve any petitions under sec-
25 tion 204 of the Immigration and Nation-

1 ality Act seeking classification of aliens
2 under section 203(b)(4) of such Act (8
3 U.S.C. 1153(b)(4)) who do not meet the
4 definition of special immigrant under sec-
5 tion 101(a)(27)(C) of such Act that are
6 pending on the first day of the first fiscal
7 year beginning after the date of the enact-
8 ment of this Act. Any applications for ad-
9 justment of status or immigrant visas
10 based on such pending petitions shall be
11 rejected, denied, or made invalid.

12 (4) APPLICABILITY TO WAITLISTED APPLI-
13 CANTS.—

14 (A) RELIGIOUS WORKERS.—Beginning on
15 the first day of the first fiscal year beginning
16 after the date of the enactment of this Act,
17 visas may be issued to aliens described in sec-
18 tion 101(a)(27)(C) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1101(a)(27)(C)) who
20 are beneficiaries of petitions that have been ap-
21 proved under section 203(b)(4) of such Act (8
22 U.S.C. 1153(b)(4)) as if the visas were issued
23 to beneficiaries of petitions under section
24 203(c) of such Act, as amended by this Act.

1 Such petitions shall retain their original priority
2 dates.

3 (B) OTHER SPECIAL IMMIGRANTS.—Begin-
4 ning on the first day of the first fiscal year be-
5 ginning after the date of the enactment of this
6 Act, aliens who are beneficiaries of petitions
7 that have been approved under section
8 203(b)(4) of the Immigration and Nationality
9 Act (8 U.S.C. 1153(b)(4)) may not be issued
10 visas pursuant to such section.

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

12 (a) IMMEDIATE RELATIVE REDEFINED.—Section
13 201 of the Immigration and Nationality Act (8 U.S.C.
14 1151), as amended by section 3(b)(1), is further amend-
15 ed—

16 (1) in subsection (b)(2)(A)(i), by striking “chil-
17 dren, spouses, and parents of a citizen of the United
18 States, except that, in the case of parents, such citi-
19 zens shall be at least 21 years of age.” and inserting
20 “children and spouse of a citizen of the United
21 States.”;

22 (2) by amending subsection (c) to read as fol-
23 lows:

24 “(c) WORLDWIDE LEVEL OF NUCLEAR FAMILY-
25 SPONSORED IMMIGRANTS.—

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

4 “(A) 87,934; minus

5 “(B) the number computed under para-
6 graph (2).

7 “(2) NUMBER COMPUTED.—The number com-
8 puted under this paragraph for a fiscal year is the
9 number of aliens who were paroled into the United
10 States pursuant to section 212(d)(5) in the second
11 preceding fiscal year who—

12 “(A) did not depart the United States
13 (without advance parole) during the 1-year pe-
14 riod beginning on the date on which such parole
15 was granted; and

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

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

24 (3) in subsection (f)—

1 (A) in paragraph (2), by striking “section
2 203(a)(2)(A)” and inserting “section 203(a)”;
3 (B) striking paragraph (3);
4 (C) redesignating paragraph (4) as para-
5 graph (3); and
6 (D) in paragraph (3), as redesignated,
7 striking “(1) through (3)” and inserting “(1)
8 and (2)”.

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

12 “(a) SPOUSES AND MINOR CHILDREN OF PERMA-
13 NENT RESIDENT ALIENS.—

14 “(1) DEFINED TERM.—A family-sponsored im-
15 migrant described in this subsection is a qualified
16 immigrant who is the spouse or child of an alien
17 lawfully admitted for permanent residence.

18 “(2) VISA ALLOCATION.—Family-sponsored im-
19 migrants shall be allotted visas in each fiscal year in
20 accordance with the number computed under section
21 201(c).”.

22 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
23 The Immigration and Nationality Act (8 U.S.C. 1101 et
24 seq.) is amended—

1 (1) in section 101(a)(15)(V) (8 U.S.C.
2 1101(a)(15)(V)), by striking “section 203(a)(2)(A)”
3 each place such term appears and inserting “section
4 203(a)”;

5 (2) in section 202 (8 U.S.C. 1152)—

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

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

14 (B) in subsection (e)—

15 (i) in paragraph (1), by striking the
16 semicolon at the end and inserting a pe-
17 riod;

18 (ii) by striking paragraphs (2) and
19 (3);

20 (iii) in the matter preceding para-
21 graph (1)—

22 (I) by striking “in a manner so
23 that—” and all that follows through
24 “the ratio” in paragraph (1) and in-

1 serting “in a manner so that the
2 ratio”; and

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

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

6 (iv) in the undesignated matter at the
7 end—

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

13 (II) by striking “Nothing in this
14 subsection shall” and inserting the
15 following:

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

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

19 (A) in subsection (a)(1)—

20 (i) in subparagraph (A)—

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

1 (II) by moving clause (viii) 6 ems
2 to the left;
3 (ii) in subparagraph (B)—
4 (I) in clause (i)—
5 (aa) in the first subclause
6 (I), by striking “203(a)(2)” and
7 inserting “203(a)”; and
8 (bb) by redesignating the
9 second subclause (I) as subclause
10 (II) and moving such subclause 6
11 ems to the left; and
12 (II) by striking “203(a)(2)(A)”
13 each place such term appears and in-
14 serting “203(a)”; and
15 (iii) in subparagraph (D)(i)(I), by
16 striking “a petitioner” and all that follows
17 through “section 204(a)(1)(B)(iii).” and
18 inserting “an individual who is younger
19 than 21 years of age for the purposes of
20 adjudicating such petition and admission
21 as an immediate relative or as a family-
22 sponsored immigrant under section 203(a),
23 as applicable, notwithstanding the actual
24 age of such individual.”;

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

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

4 (D) by redesignating subsection (l) as sub-
5 section (k);

6 (4) in section 212 (8 U.S.C. 1182)—

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

10 (B) in subsection (d)(11)—

11 (i) by striking “Attorney General
12 may, in his discretion” and inserting “Sec-
13 retary of Homeland Security may, in the
14 Secretary’s discretion”; and

15 (ii) by striking “(other than para-
16 graph (4) thereof)”;

17 (5) in section 213A(f)(5)(B)(ii) (8 U.S.C.
18 1183a(f)(5)(B)(ii)), by striking “section 204(l)” and
19 inserting “204(k)”;

20 (6) in section 214(q)(1)(B)(i) (8 U.S.C.
21 1184(q)(1)(B)(i)), by striking “section
22 203(a)(2)(A)” each place such term appears and in-
23 serting “section 203(a)”;

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

4 (8) in section 237(a)(1)(E)(ii) (8 U.S.C.
5 1227(a)(1)(E)(ii)), by striking “section 203(a)(2)”
6 and inserting “section 203(a)”.

7 (d) EFFECTIVE DATE; APPLICABILITY.—

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

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

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

21 (i) as a parent of a citizen of the
22 United States under section
23 201(b)(2)(A)(i) of the Immigration and
24 Nationality Act (8 U.S.C.
25 1151(b)(2)(A)(i)) (as in effect on the date

1 immediately preceding such date of enact-
2 ment); or

3 (ii) as a family-sponsored immigrant
4 under paragraph (1), (2)(B), (3), or (4) of
5 section 203(a) of such Act (8 U.S.C.
6 1153(a)) (as in effect on the date imme-
7 diately preceding such date of enactment).

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

13 (3) PENDING PETITIONS.—

14 (A) IN GENERAL.—Neither the Secretary
15 of Homeland Security nor the Secretary of
16 State may adjudicate or approve any petition
17 under section 204 of the Immigration and Na-
18 tionality Act (8 U.S.C. 1154) that is pending
19 on the date of the enactment of this Act and
20 that seeks the classification of an alien under
21 section 201(b)(2)(A)(i) of such Act (8 U.S.C.
22 1151(b)(2)(A)(i)) (as in effect on the date im-
23 mediately preceding the date of the enactment
24 of this Act) or under paragraph (1), (2)(B),
25 (3), or (4) of section 203(a) of such Act (8

1 U.S.C. 1153(a)) (as in effect on the date imme-
2 diately preceding such date of enactment).

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

8 (4) APPLICABILITY TO WAITLISTED FAMILY-
9 SPONSORED BENEFICIARIES.—

10 (A) IN GENERAL.—Aliens who are bene-
11 ficiaries of a petition under paragraph (1),
12 (2)(B), (3), or (4) of section 203(a) of the Im-
13 migration and Nationality Act (8 U.S.C.
14 1153(a)), as in effect on the date immediately
15 preceding the date of the enactment of this Act
16 that was approved before such date of enact-
17 ment may be issued a visa in accordance with
18 subparagraph (B).

19 (B) AVAILABILITY OF VISAS.—A visa may
20 be issued to any alien who is the beneficiary of
21 an approved petition under any paragraph re-
22 ferred to in subparagraph (A) until the number
23 of visas allocated to aliens in the applicable
24 paragraph for the fiscal year in which this Act
25 was enacted have been issued. When all of the

1 available visas described in the previous sen-
2 tence have been issued for a paragraph referred
3 to in subparagraph (A), no additional visas may
4 be issued for the visa category authorized under
5 such paragraph.

6 **SEC. 5. REPLACEMENT OF EMPLOYMENT-BASED IMMI-**
7 **GRANT VISA CATEGORIES WITH POINTS-**
8 **BASED IMMIGRANT VISA PROGRAM IN THE**
9 **AMERICAN INTEREST.**

10 (a) WORLDWIDE LEVEL OF POINTS-BASED IMMIGRA-
11 TION.—Section 201 of the Immigration and Nationality
12 Act (8 U.S.C. 1151), as amended by sections 3(b)(1) and
13 4(a), is further amended—

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

16 “(2) points-based immigrants described in sec-
17 tion 203(b), in a number not to exceed the number
18 specified in subsection (d) during any fiscal year;
19 and”; and

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

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

25 “(1) 192,000; minus

1 “(2) the number of aliens who were never de-
2 tained or who were released from detention during
3 the most recently concluded fiscal year despite being
4 subject to mandatory detention under paragraph
5 (1)(B)(ii), (1)(B)(iii)(IV), or (2)(A) of section
6 235(b).”.

7 (b) REPLACEMENT OF PREFERENCE ALLOCATION
8 FOR EMPLOYMENT-BASED IMMIGRANTS WITH POINTS-
9 BASED IMMIGRATION.—Section 203(b) of the Immigration
10 and Nationality Act (8 U.S.C. 1153(b)) is amended to
11 read as follows:

12 “(b) ALLOCATION FOR POINTS-BASED IMMI-
13 GRANTS.—Aliens subject to the worldwide level for points-
14 based immigrants in a fiscal year specified in section
15 201(d) shall be granted visas in accordance with sections
16 204A and 220.”.

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

1 **“SEC. 204A. PROCEDURE FOR GRANTING IMMIGRANT STA-**
2 **TUS FOR POINTS-BASED IMMIGRANTS IN THE**
3 **AMERICAN INTEREST.**

4 “(a) PETITIONS FOR IMMIGRANT STATUS FOR
5 POINTS-BASED IMMIGRANTS.—

6 “(1) IN GENERAL.—Any alien seeking classi-
7 fication as a points-based immigrant under section
8 203(b) shall submit a petition to the Secretary of
9 Homeland Security that—

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

12 “(B) is formatted and submitted in such
13 form and manner as the Secretary of Homeland
14 Security may require; and

15 “(C) includes such other information as
16 the Secretary may require.

17 “(2) MINIMUM REQUIREMENTS FOR PETI-
18 TIONS.—Each petition submitted pursuant to para-
19 graph (1) shall include—

20 “(A) an attestation described in section
21 220B that has been signed by the alien;

22 “(B) evidence of a bona fide offer of em-
23 ployment in the United States by any American
24 employer described in paragraph (3), (4), or (5)
25 of section 3121(h) of the Internal Revenue
26 Code of 1986, including a signed attestation de-

1 scribed in section 220A and evidence that such
2 employer is offering to the alien a salary of—

3 “(i) not less than 200 percent of the
4 median wage in the State in which the
5 alien will be employed if the alien will not
6 receive a bachelor’s, master’s, professional,
7 or doctoral degree, or a doctorate of medi-
8 cine, from an institution of higher edu-
9 cation in the United States within 1 year
10 after the date on which such petition is
11 filed; or

12 “(ii) not less than 150 percent of the
13 median wage in the State in which the
14 alien will be employed if the alien has re-
15 ceived or will receive a bachelor’s, master’s,
16 professional, or doctoral degree, or a doc-
17 torate of medicine, from an institution of
18 higher education in the United States not
19 later than 1 year after the date on which
20 such petition is filed;

21 “(C) a certification that the alien is eligible
22 to receive not fewer than 16 points under the
23 criteria described in section 220(a), accom-
24 panied by sufficient evidence, as determined by

1 the Secretary, of the attributes and achieve-
2 ments establishing eligibility for such points;

3 “(D) sufficient evidence, as determined by
4 the Secretary, that the alien is not younger
5 than 18 years of age or older than 51 years of
6 age on the date on which such petition is filed;
7 and

8 “(E) sufficient evidence, as determined by
9 the Secretary, that the alien has a score on an
10 English language proficiency test in the 5th
11 decile or higher.

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

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

19 “(B) certifying the alien is eligible for ad-
20 ditional points under the criteria described in
21 section 220(a), accompanied by sufficient evi-
22 dence, as determined by the Secretary, of the
23 attributes and achievements establishing eligi-
24 bility for such additional points.

1 “(b) ELIGIBLE APPLICANT POOL AND SELECTION OF
2 ALIENS.—

3 “(1) IN GENERAL.—The Secretary of Homeland
4 Security shall—

5 “(A) classify all aliens who have filed peti-
6 tions meeting the requirements set forth in sub-
7 section (a) as eligible points-based immigrant
8 candidates; and

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

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

15 “(A) by giving preference to aliens who are
16 eligible for more points under section 220(a)(1)
17 (employment);

18 “(B) with respect to aliens who are eligible
19 for an equal number of points under section
20 220(a)(1), by giving preference to aliens who
21 are eligible for more points under section
22 220(a)(2) (extraordinary achievement);

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

1 preference to aliens who are eligible for more
2 points under section 220(a)(3) (educational at-
3 tainment);

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

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

16 “(F) with respect to aliens who are eligible
17 for an equal number of points under para-
18 graphs (1), (2), (3), (4), and (5) of section
19 220(a), by giving preference to aliens who are
20 eligible for more points under section 220(a)(6)
21 (age).

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

1 “(A) compute the number of points-based
2 immigrant visas authorized to be issued during
3 the applicable period from the worldwide level
4 total available in such fiscal year under section
5 201(d);

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

8 “(i) submitted a petition under this
9 section during such fiscal year that meets
10 the requirements described in subsection
11 (a);

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

14 “(iii) are eligible for more points (but
15 not fewer than 16 points) under section
16 220(a) than any of the aliens not selected
17 for such a visa, subject to the tie-breaking
18 factors set forth in paragraph (2);

19 “(C) subject to subparagraph (D), issue a
20 points-based immigrant visa to—

21 “(i) each of the aliens described in
22 subparagraph (B); and

23 “(ii) the spouse and any children of
24 each of the aliens referred to in clause (i)
25 who are accompanying or following to join

1 such an alien, in accordance with section
2 203(d); and

3 “(D) ensure the number of visas issued
4 pursuant to subparagraph (C) does not exceed
5 the worldwide level of visas available for the ap-
6 plicable fiscal year under section 201(d).”.

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

12 **“SEC. 220. POINTS-BASED IMMIGRANT VISA PROGRAM IN**
13 **THE AMERICAN INTEREST.**

14 “(a) IN GENERAL.—An alien seeking to be classified
15 as an immigrant under section 203(b) shall submit a peti-
16 tion, in accordance with section 204A, that includes such
17 information as the Secretary of Homeland Security may
18 require so that the Secretary may determine the number
19 of points for which the alien is eligible under this sub-
20 section.

21 “(1) EMPLOYMENT.—

22 “(A) NO COLLEGE DEGREE.—If the alien
23 is not expected to receive a bachelor’s, master’s,
24 professional, or doctoral degree, or a doctorate
25 of medicine, from an institution of higher edu-

1 cation in the United States within 1 year after
2 filing a petition under section 204A, the alien
3 is eligible for—

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

8 “(ii) 10 points for a salary of at least
9 300 percent, but less than 400 percent, of
10 the median wage in the State in which the
11 alien will be employed;

12 “(iii) 20 points for a salary of at least
13 400 percent, but less than 500 percent, of
14 the median wage in the State in which the
15 alien will be employed; or

16 “(iv) 35 points for a salary of at least
17 500 percent of the median wage in the
18 State in which the alien will be employed.

19 “(B) COLLEGE DEGREE.—If the alien is
20 expected to receive a bachelor’s, master’s, pro-
21 fessional, or doctoral degree, or a doctorate of
22 medicine, from an institution of higher edu-
23 cation in the United States within 1 year after
24 filing a petition under section 204A, the alien
25 is eligible for—

1 “(i) 5 points for a salary of at least
2 200 percent, but less than 250 percent, of
3 the median wage in the State in which the
4 alien will be employed;

5 “(ii) 10 points for a salary of at least
6 250 percent, but less than 350 percent, of
7 the median wage in the State in which the
8 alien will be employed;

9 “(iii) 20 points for a salary of at least
10 350 percent, but less than 450 percent, of
11 the median wage in the State in which the
12 alien will be employed; or

13 “(iv) 35 points for a salary of at least
14 450 percent of the median wage in the
15 State in which the alien will be employed.

16 “(2) EXTRAORDINARY ACHIEVEMENT.—An
17 alien is eligible for—

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

21 “(B) 25 points for having extraordinary
22 ability in the sciences, arts, education, or busi-
23 ness, which has been demonstrated by sustained
24 national or international acclaim and whose

1 achievements have been recognized in the field
2 through extensive documentation; or

3 “(C) 70 points for being a Nobel Laureate
4 in a field of scientific or social scientific study.
5 “(3) EDUCATION.—An alien is eligible for—

6 “(A) 3 points for a degree from a recog-
7 nized postsecondary credential (as defined in
8 section 3 of the Workforce Innovation and Op-
9 portunity Act (29 U.S.C. 3102)), including a
10 certificate of completion of an apprenticeship
11 (including an apprenticeship registered under
12 the Act of August 16, 1937 (commonly known
13 as the ‘National Apprenticeship Act’; 50 Stat.
14 664, chapter 663; 29 U.S.C. 50 et seq.));

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

19 “(C) 5 points for a bachelor’s or master’s
20 degree from a United States institution of high-
21 er education, if the alien took all the required
22 courses for such degree, including any courses
23 taken by correspondence, telecommunications,
24 or distance education, while physically present
25 in the United States;

1 “(D) 6 points for a professional degree
2 from a foreign institution of higher education
3 that is comparable to a United States institu-
4 tion of higher education;

5 “(E) 7 points for a professional degree
6 from a United States institution of higher edu-
7 cation, if the alien took all the required courses
8 for such degree, including any courses taken by
9 correspondence, telecommunications, or distance
10 education, while physically present in the
11 United States;

12 “(F) 8 points for a bachelor’s or master’s
13 degree in a field of science, technology, engi-
14 neering, or mathematics from a foreign institu-
15 tion of higher education that is comparable to
16 a United States institution of higher education;

17 “(G) 9 points for a bachelor’s degree in a
18 field of science, technology, engineering, or
19 mathematics from a United States institution of
20 higher education, if the alien took all the
21 courses for such degree, including any courses
22 taken by correspondence, telecommunications,
23 or distance education, while physically present
24 in the United States;

1 “(H) 20 points for a master’s degree in a
2 field of science, technology, engineering, or
3 mathematics from a United States doctoral in-
4 stitution of higher education, if the alien took
5 all the required courses for such degree, includ-
6 ing all courses taken by correspondence, tele-
7 communications, or distance education, while
8 physically present in the United States;

9 “(I) 20 points for a doctoral degree from
10 a foreign institution of higher education that is
11 comparable to a United States institution of
12 higher education;

13 “(J) 23 points for a doctoral degree from
14 a United States institution of higher education,
15 if the alien took all the required courses for
16 such degree, including all courses taken by cor-
17 respondence, telecommunications, or distance
18 education, while physically present in the
19 United States;

20 “(K) 30 points for a doctoral degree in a
21 field of science, technology, engineering, or
22 mathematics from a foreign institution of high-
23 er education that is comparable to a United
24 States institution of higher education, or a doc-
25 torate of medicine from a foreign graduate

1 medical school that is comparable to a graduate
2 medical school at a United States institution of
3 higher education; or

4 “(L) 35 points for a doctoral degree in a
5 field of science, technology, engineering, or
6 mathematics from a United States institution of
7 higher education, or a doctorate of medicine
8 from a graduate medical school at a United
9 States institution of higher education, if the
10 alien took all the required courses for such de-
11 gree, including all courses taken by correspond-
12 ence, telecommunications, or distance edu-
13 cation, while physically present in the United
14 States.

15 “(4) ENGLISH LANGUAGE PROFICIENCY.—An
16 alien is eligible for—

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

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

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

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

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

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

6 “(A) for service of not less than 3 years as
7 a member of the Selected Reserve of the Ready
8 Reserve or in an active-duty status in the mili-
9 tary, air, or naval forces of the United States;
10 and

11 “(B) if separated from such service, was
12 separated under honorable conditions.

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

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

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

20 “(b) DEFINITIONS.—In this section:

21 “(1) ENGLISH LANGUAGE PROFICIENCY
22 TEST.—The term ‘English language proficiency test’
23 means a test to measure English language pro-
24 ficiency that, as determined by the Secretary of
25 Homeland Security—

1 “(A) requires test takers to demonstrate
2 their ability to use English to communicate
3 through the language skills of reading, listen-
4 ing, speaking, and writing and utilizing test
5 tasks that require the integrated application of
6 2 or more such language skills;

7 “(B) utilizes robust internet security proto-
8 cols;

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

10 “(D) prohibits the individuals scoring such
11 tests from knowing or having met the individ-
12 uals whose tests they are scoring.

13 “(2) ENGLISH LANGUAGE PROFICIENCY TEST
14 RANKING.—The term ‘English language proficiency
15 test ranking’ means the decile ranking of the appli-
16 cant’s English language proficiency test score, when
17 compared with all other persons who took the same
18 test during the same period.

19 “(3) FIELD OF SCIENCE, TECHNOLOGY, ENGI-
20 NEERING, OR MATHEMATICS.—The term ‘field of
21 science, technology, engineering, or mathematics’
22 means a field included in the National Center for
23 Education Statistics’ 2020 Classification of Instruc-
24 tional Programs taxonomy within the series 11
25 (computer and information sciences), 14 (engineer-

1 ing), 26 (biology and biomedical sciences), 27 (math-
2 ematics), 40 (physical sciences), 45.0701–.0799 (ge-
3 ography), 51.0401–.0599 (dentistry), 51.1201–.1499
4 (medicine), 51.3801–.3899 (nursing), 60 (oral and
5 maxillofacial surgery residency programs), and 61
6 (medical residency/fellowship programs).

7 “(4) UNITED STATES DOCTORAL INSTITUTION
8 OF HIGHER EDUCATION.—The term ‘United States
9 doctoral institution of higher education’ means an
10 institution that is—

11 “(A) a United States institution of higher
12 education; and

13 “(B) classified by—

14 “(i) the Carnegie Foundation for the
15 Advancement of Teaching and the Amer-
16 ican Council on Education on February
17 13, 2025, as a very high research spending
18 and doctorate production institution of
19 higher education or as a high research
20 spending and doctorate production institu-
21 tion of higher education; or

22 “(ii) the National Science Foundation
23 as having equivalent research spending and
24 doctorate production to an institution of
25 higher education described in clause (i).

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

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

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

13 (A) in section 202 (8 U.S.C. 1152)—

14 (i) in subsection (a)—

(I) in paragraph (2), by amending the paragraph heading to read as follows: “PER COUNTRY LEVELS FOR NUCLEAR FAMILY IMMIGRANTS, POINTS-BASED IMMIGRANTS, RELIGIOUS WORKERS, AND OTHER SPECIAL IMMIGRANTS”;

22 (II) in paragraph (5)—

(aa) in the paragraph head-
ing, by striking “EMPLOYMENT-
BASED” and inserting “POINTS-

1 BASED IMMIGRANTS, RELIGIOUS
2 WORKERS, AND OTHER SPECIAL”;
3 and

4 (bb) in subparagraph (A)—
5 (AA) in the subpara-
6 graph heading, by striking
7 “EMPLOYMENT-BASED” and
8 inserting “POINTS-BASED
9 IMMIGRANTS, RELIGIOUS
10 WORKERS, AND OTHER SPE-
11 CIAL”;

12 (BB) by striking “para-
13 graph (1), (2), (3), (4), or
14 (5) of section 203(b)” and
15 inserting “subsection (b) or
16 (c) of section 203”; and

17 (CC) by striking “under
18 that paragraph” and insert-
19 ing “under such sub-
20 section”;

21 (B) in section 204(a)(1) (8 U.S.C.
22 1154(a)(1))—

23 (i) by striking subparagraphs (E),
24 (F), and (H);

1 (ii) by redesignating subparagraphs
2 (G), (I), (J), (K), and (L) as subpara-
3 graphs (E), (F), (G), (H), and (I), respec-
4 tively;

5 (iii) in subparagraph (E)(i), as redes-
6 igned, by striking “section 203(b)(4)”
7 and inserting “section 203(c)”;

8 (iv) in subparagraph (F), as redesign-
9 nated, by moving clause (iv) 6 ems to the
10 left; and

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

13 (C) in section 209 (8 U.S.C. 1159)—

14 (i) in subsection (a)(2), by inserting
15 “, and who has signed the attestation de-
16 scribed in section 220B,” after “alien’s in-
17 spection and examination”; and

18 (ii) in subsection (b)—

19 (I) in each of paragraphs (1)
20 through (3), by striking the comma at
21 the end and inserting a semicolon;

22 (II) in paragraph (4), by striking
23 “, and” and inserting a semicolon;

1 (III) in paragraph (5), by strik-
2 ing the period at the end and insert-
3 ing “; and”; and

4 (IV) by adding at the end the fol-
5 lowing:

6 “(6) has signed the attestation described in sec-
7 tion 220B.”;

8 (D) in section 212(a)(4) (8 U.S.C.
9 1182(a)(4)), by amending subparagraph (D) to
10 read as follows:

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

21 (E) in section 213A(f) (8 U.S.C.
22 1183a(f))—

23 (i) in paragraph (4)—

1 (I) in the paragraph heading, by
2 striking “EMPLOYMENT-BASED” and
3 inserting “POINTS-BASED”; and

4 (II) by amending subparagraph
5 (A) to read as follows:

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

14 (ii) in paragraph (5)(A), by striking
15 “employment-based” and inserting
16 “points-based”;

17 (F) in section 245 (8 U.S.C. 1255)—

18 (i) in subsection (c)—

19 (I) by striking “to (1) an alien”
20 and inserting the following: “to—

21 “(1) an alien”;

22 (II) in paragraph (2), by striking
23 “(2) subject to subsection (k), an
24 alien” and inserting the following:

25 “(2) an alien”;

1 (III) in paragraph (3), by strik-
2 ing “(3) any alien” and inserting the
3 following:

4 “(3) any alien”;

5 (IV) in paragraph (4), by strik-
6 ing “(4) an alien” and inserting the
7 following:

8 “(4) an alien”;

9 (V) in paragraph (5), by striking
10 “(5) an alien” and inserting the fol-
11 lowing:

12 “(5) an alien”;

13 (VI) in paragraph (6), by strik-
14 ing “(6) an alien” and inserting the
15 following:

16 “(6) an alien”;

17 (VII) in paragraph (7), by strik-
18 ing “(7) any alien” and inserting the
19 following:

20 “(7) any alien”; and

21 (VIII) in paragraph (8), by strik-
22 ing “(8) any alien” and inserting the
23 following:

24 “(8) any alien”;

25 (ii) by striking subsection (k);

1 (iii) by redesignating subsections (l),
2 (m), and (n) as subsections (k), (l), and
3 (m), respectively; and

4 (iv) by adding at the end the fol-
5 lowing:

6 “(n) An alien may not have his or her status adjusted
7 under subsection (a) unless such alien has signed an attes-
8 tation described in section 220B.”; and

9 (G) in section 286(u)(2) (8 U.S.C.
10 1356(u)(2)), by amending subparagraph (B) to
11 read as follows:

12 “(B) points-based, religious worker, and
13 other special immigrant petitions filed by or on
14 behalf of aliens described in subsection (b) or
15 (c) of section 203;”.

16 (2) EB–5 REFORM AND INTEGRITY ACT OF
17 2022.—Section 107 of the EB–5 Reform and Integ-
18 rity Act of 2022 (division BB of Public Law 117–
19 103; 8 U.S.C. 1153a) is repealed.

20 (f) EFFECTIVE DATE; APPLICABILITY.—

21 (1) EFFECTIVE DATE.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B) and paragraph (3), the
24 amendments made by this section shall take ef-
25 fect on the first day of the first fiscal year be-

1 ginning after the date of the enactment of this
2 Act.

3 (B) EXCEPTIONS.—

4 (i) The amendment made by sub-
5 section (e)(1)(C)(i) shall apply to all aliens
6 inspected and examined on or after the
7 date of the enactment of this Act.

8 (ii) The amendments made by sub-
9 paragraphs (C)(ii) and (E)(ii) of sub-
10 section (e)(1) shall apply to all aliens
11 whose status is to be adjusted on or after
12 such date of enactment.

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

15 (A) IN GENERAL.—A person may not file,
16 and the Secretary of Homeland Security and
17 the Secretary of State may not accept, adju-
18 dicate, or approve any petitions under section
19 204 of the Immigration and Nationality Act (8
20 U.S.C. 1154) filed on or after the effective date
21 under paragraph (1) seeking classification of an
22 alien under paragraph (1), (2), (3), or (5) of
23 section 203(b) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1153(b)) (as in effect on the
25 date immediately preceding such effective date).

1 Any applications for adjustment of status or
2 immigrant visas based on such petitions shall
3 be rejected, denied, or invalidated.

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

18 (3) APPLICABILITY TO WAITLISTED EMPLOY-
19 MENT-BASED BENEFICIARIES.—

20 (A) IN GENERAL.—Aliens who are bene-
21 ficiaries of a petition under paragraph (1), (2),
22 (3), or (5) of section 203(b) of the Immigration
23 and Nationality Act (8 U.S.C. 1153(b)), as in
24 effect on the date immediately preceding the ef-
25 fective date under paragraph (1), that was ap-

1 proved before such effective date may be issued
2 visas pursuant to the applicable paragraph in
3 accordance with the availability of visas under
4 subparagraph (B).

5 (B) AVAILABILITY OF VISAS.—A visa may
6 be issued to any alien who is a beneficiary of
7 an approved petition under any paragraph re-
8 ferred to in subparagraph (A) until the number
9 of visas allocated to aliens under the applicable
10 paragraph for the fiscal year in which this Act
11 was enacted have been issued. When all of the
12 available visas described in the previous sen-
13 tence have been issued for a paragraph referred
14 to in subparagraph (A), no additional visas may
15 be issued for the visa category authorized under
16 the applicable paragraph.

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

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

24 “(i) notify the alien involved of such
25 determination; and

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

6 “(C) TERMINATION IF ADVERSE DETER-
7 MINATION.—If the Secretary determines the
8 facts and information alleged in the petition are
9 not true, the Secretary shall—

10 “(i) notify the alien involved of such
11 determination; and

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

17 “(D) HEARING IN REMOVAL PRO-
18 CEEDING.—Any alien whose permanent resident
19 status is terminated pursuant to subparagraph
20 (C) may request a review of such determination
21 in a proceeding to remove the alien. In such
22 proceeding, the burden of proof shall be on the
23 Secretary to establish, by a preponderance of
24 the evidence, that the facts and information de-

1 scribed in subsection (e)(1) and alleged in the
2 petition are not true.

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

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

9 “(2) PERIOD FOR FILING PETITION.—

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

17 “(B) LATE PETITIONS FOR GOOD CAUSE
18 SHOWN.—A petition required under subsection
19 (d)(1)(A) may be considered if filed after the
20 date referred to in subparagraph (A) if the
21 points-based immigrant establishes, to the satis-
22 faction of the Secretary of Homeland Security,
23 good cause and extenuating circumstances for
24 failure to file the petition during the period de-
25 scribed in subparagraph (A).

1 “(C) FILING OF PETITIONS DURING RE-
2 MOVAL.—The Secretary of Homeland Security
3 may stay removal proceedings against an alien
4 who is the subject of removal hearings as a re-
5 sult of failure to file a petition on a timely basis
6 in accordance with subparagraph (A) pending
7 the filing of a petition pursuant to subpara-
8 graph (B).

9 “(3) PERSONAL INTERVIEW.—The interview re-
10 quired under subsection (d)(1)(B) shall be conducted
11 not later than 90 days after the date on which a pe-
12 tition is submitted pursuant to subsection (d)(1)(A)
13 at a local office of the Department of Homeland Se-
14 curity that has been designated by the Secretary of
15 Homeland Security and is convenient to the parties
16 involved.

17 “(f) TREATMENT OF PERIOD FOR PURPOSES OF
18 NATURALIZATION.—For purposes of title III, an alien
19 granted lawful permanent resident status on a conditional
20 basis shall be considered to have been admitted to the
21 United States, and to be present in the United States, as
22 an alien 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 immigrants, 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 on or after
15 the date of the enactment of the Americans First Immi-
16 gration Act to attend any postsecondary educational insti-
17 tution.

18 “(d) PENALTIES.—The Secretary of Homeland Secu-
19 rity may not approve a postsecondary educational institu-
20 tion that is in violation of subsection (b) for any student
21 seeking to enter the United States for the purpose of pur-
22 suing a full course of study at that institution under clause
23 (i) or (iii) of section 101(a)(15)(F) of the Immigration
24 and Nationality Act (8 U.S.C. 1101(a)(15)(F)) for a pe-
25 riod of 5 years.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents for the Illegal Immigration Reform and Immig-
3 grant Responsibility Act of 1996 (Public Law 104–
4 208; 110 Stat. 3009–546) is amended by striking
5 the item relating to section 505 and inserting the
6 following:

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

7 (3) TECHNICAL AMENDMENTS.—Section
8 101(a)(15)(F) of the Immigration and Nationality
9 Act (8 U.S.C. 1101(a)(15)(F)) is amended by strik-
10 ing “Attorney General” each place such term ap-
11 pears and inserting “Secretary of Homeland Secu-
12 rity”.

13 (c) EFFECTIVE DATE; APPLICABILITY.—

14 (1) EFFECTIVE DATE.—The amendments made
15 by this section shall take effect on the date of the
16 enactment of this Act.

17 (2) APPLICABILITY.—The amendment made by
18 subsection (b)(1) shall apply to all tuition, fees, and
19 other costs paid by students on or after the date of
20 the enactment of this Act to any postsecondary edu-
21 cational institution (as defined in such amendment).