

119TH CONGRESS  
1ST SESSION

# H. R. 3466

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2025

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

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

12 (B) in section 201—

13 (i) in subsection (a)—

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

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

18 (ii) by striking subsection (e);

19 (C) in section 203—

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

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

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

4 (iv) in subsection (d), as redesignated—  
5

6 (I) by striking paragraph (2);

7 and

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

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

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

18 (vii) in subsection (g), as redesignated—  
19

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

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

1 (D) in section 204—

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

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

8 (iii) in subsection (l)(2)—

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

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

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

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

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

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

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

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

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

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

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

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

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

22          “(b) MAXIMUM NUMBER OF ADMISSIONS.—

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

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

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

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

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

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

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

16           (A) in subsection (b)(2)(A)—

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

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

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

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

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

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

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

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

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

25                   (C) in subsection (f)—

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

4 (ii) by striking paragraph (3);

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

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

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

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

18 (c) CONFORMING AMENDMENTS.—

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



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

4           (A) in subsection (a)(4)—

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

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

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

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

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

9           (ii) by striking subparagraphs (C) and  
10          (D); and

11          (B) in subsection (e)—

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

14           (ii) by striking paragraph (2);

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

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

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

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

4           (A) in subsection (a)(1)—

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

9                 (ii) in subparagraph (B)—

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

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

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

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

3 (C) by striking subsection (k).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (e) EFFECTIVE DATE; APPLICABILITY.—

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

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

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

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

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

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

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

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

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

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

19 “(A) 193,000; and

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

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

26 “(3) **ALLOCATION ADJUSTMENT.**—



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

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

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

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

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

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

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

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

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

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

14 (1) in paragraph (2)—

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

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

19 and

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

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

24 and

25 (3) by striking paragraph (5).

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

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

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

8           “(1) ELIGIBILITY SCREENING.—

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

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

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

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

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

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

6           “(C) ELIGIBLE APPLICANT POOL.—

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

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

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

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

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

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

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

9           “(2) VISA PETITION.—

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

24                  “(B) Doctor of Jurisprudence.

25                  “(C) Doctor of Medicine.

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

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

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

10          “(c) AGE.—

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

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

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

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

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

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

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

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

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

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

20           “(d) EDUCATION.—

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

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

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

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

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

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



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

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

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

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

22 “(e) ENGLISH LANGUAGE PROFICIENCY.—

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

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

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

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

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

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

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

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

1 “(g) JOB OFFER.—

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

5 “(A) 5 points if the annual salary being of-  
6 fered by the applicant’s prospective employer is  
7 at least 150 percent of the median household  
8 income in the State in which the applicant will  
9 be employed, as determined by the Secretary of  
10 Labor, and less than 200 percent of such me-  
11 dian household income;

12 “(B) 8 points if the annual salary being of-  
13 fered by the applicant’s prospective employer is  
14 at least 200 percent of the median household  
15 income in the State in which the applicant will  
16 be employed, as determined by the Secretary of  
17 Labor, and less than 300 percent of such me-  
18 dian household income; and

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

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

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

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

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

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

12                   “(A) 6 points if the applicant agrees to in-  
13 vest the equivalent of \$1,350,000 in foreign  
14 currency in a new commercial enterprise in the  
15 United States, maintain such investment for at  
16 least 3 years, and play an active role in the  
17 management of such commercial enterprise as  
18 the applicant’s primary occupation; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sec. 220. Immigration points system.”.

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

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

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

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

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

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

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

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

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

10          (f) QUADRENNIAL REPORT.—

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



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

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

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

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

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

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

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

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

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

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

24 “(a) PERMANENT RESIDENT.—Except”;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (1) in subsection (c)—

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

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

6 (C) by repealing paragraph (9);

7 (D) by repealing paragraph (10);

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

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

13 (A) in paragraph (1)—

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

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

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

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

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

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

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

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

17 “(i) the sum of—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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