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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. MOORE of Alabama introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Americans First Immi-  
5 gration Act”.

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

8 (a) PROTECTION OF AMERICAN WORKERS.—Chapter  
9 2 of title II of the Immigration and Nationality Act (8

1 U.S.C. 1181 et seq.), as amended by section 5(d), is fur-  
2 ther amended by adding at the end the following:

3 **“SEC. 220A. PROTECTION OF AMERICAN WORKERS; EM-**  
4 **PLOYER ATTESTATION.**

5 “(a) DEFINITIONS.—In this section:

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

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

19 “(A) is held by a United States worker  
20 with substantially equivalent qualifications and  
21 experience to such alien;

22 “(B) involves essentially the same respon-  
23 sibilities; and

24 “(C) is located in the same area of employ-  
25 ment.

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

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

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

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

21                   “(A) a citizen or national of the United  
22                   States; or

23                   “(B) an alien who is lawfully admitted for  
24                   permanent residence.

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

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

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

12           “(B) offered the job to any United States  
13 worker who applied and was equally or better  
14 qualified for the job offered to the alien than  
15 such alien;

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

18           “(A) the good faith steps taken to recruit  
19 United States workers;

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

23           “(C) the name, address, and contact infor-  
24 mation of each United States worker who was  
25 offered the job, the proffered wage to each such

1 worker, and whether each such worker accepted  
2 such offer; and

3 “(D) for each United States worker who  
4 was not offered the job, the reason why the job  
5 was not offered to such United States worker;  
6 and

7 “(3) attests the employer—

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

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

19 “(i) owned, operated, or controlled by  
20 such other employer; or

21 “(ii) physically located within, adja-  
22 cent to, or in close proximity to, a worksite  
23 described in clause (i) for the purpose of  
24 avoiding the requirements under this sub-  
25 section; and

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

3                   “(i) the alien is discharged for inad-  
4                   equately performance, violation of workplace  
5                   rules, or other cause; or

6                   “(ii) the alien voluntarily departed  
7                   from the job or voluntarily retired.

8           “(c) COMPLIANCE WITH ATTESTATION.—

9                   “(1) INVESTIGATIONS.—

10                   “(A) IN GENERAL.—

11                           “(i) GROUNDS FOR INITIATION.—The  
12                   Secretary of Labor may initiate an inves-  
13                   tigation of any employer that has signed  
14                   an attestation described in subsection (b) if  
15                   the Secretary has reasonable cause to be-  
16                   lieve such employer is not in compliance  
17                   with the terms of such attestation.

18                           “(ii) NOTICE.—The Secretary of  
19                   Labor shall notify an employer with re-  
20                   spect to whom there is reasonable cause to  
21                   initiate an investigation under clause (i)  
22                   before commencing such investigation.  
23                   Such notice shall be provided in such a  
24                   manner, and shall contain sufficient detail,  
25                   to permit the employer to respond to the

1           allegations before an investigation is com-  
2           menced.

3           “(iii) EXCEPTION.—The Secretary of  
4           Labor is not required to comply with  
5           clause (ii) if the Secretary determines pro-  
6           viding notice to an employer would inter-  
7           fere with an effort by the Secretary to se-  
8           cure compliance by the employer with the  
9           terms of its attestation described in sub-  
10          section (b).

11          “(iv) NO JUDICIAL REVIEW.—There  
12          shall be no judicial review of a determina-  
13          tion by the Secretary under this subpara-  
14          graph.

15          “(v) DETERMINATION.—If the Sec-  
16          retary determines, after an investigation  
17          conducted pursuant to this subparagraph,  
18          that a reasonable basis exists to determine  
19          the employer is not in compliance with the  
20          terms of its attestation described in sub-  
21          section (b), the Secretary shall provide  
22          for—

23                  “(I) notice of such determination  
24                  to be sent to the interested parties;  
25                  and

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

4                   “(B) COMPLAINT-BASED INVESTIGA-  
5                   TIONS.—The Secretary of Labor shall establish  
6                   procedures for—

7                   “(i) individuals who have applied in a  
8                   reasonable manner for a job that is the  
9                   subject of an employer’s attestation de-  
10                  scribed in subsection (b) or has been laid  
11                  off in noncompliance with the terms of  
12                  such an attestation to file a written, signed  
13                  complaint respecting the alleged violation  
14                  of the attestations; and

15                  “(ii) the investigation of complaints  
16                  described in clause (i), which have a sub-  
17                  stantial probability of validity.

18                  “(2) BINDING ARBITRATION.—

19                  “(A) IN GENERAL.—

20                  “(i) INITIATION.—If the Secretary of  
21                  Labor determines there is a substantial  
22                  probability of validity of a claim in a com-  
23                  plaint filed pursuant to paragraph  
24                  (1)(B)(i) that an employer is not in com-  
25                  pliance with the terms of an attestation

1 signed by the employer, the Secretary shall  
2 initiate binding arbitration proceedings by  
3 requesting the Federal Mediation and Con-  
4 ciliation Service to appoint an arbitrator  
5 from its roster of arbitrators.

6 “(ii) PROCEDURE; RULES.—The pro-  
7 cedure and rules of the Federal Mediation  
8 and Conciliation Service shall be applicable  
9 to—

10 “(I) the selection of such arbi-  
11 trator; and

12 “(II) such arbitration pro-  
13 ceedings.

14 “(iii) FEES; EXPENSES.—The Sec-  
15 retary of Labor shall pay the fee and ex-  
16 penses of the arbitrator.

17 “(B) FINDINGS.—

18 “(i) IN GENERAL.—The arbitrator  
19 shall determine whether the employer is  
20 not in compliance with the terms of the at-  
21 testation signed by the employer. If the ar-  
22 bitrator determines that the employer will-  
23 fully failed to comply with such terms, the  
24 arbitrator shall make a finding to that ef-  
25 fect.

1 “(ii) DISTRIBUTION OF FINDINGS.—

2 The arbitrator shall submit any findings  
3 described in clause (i) in the form of a  
4 written opinion to the parties to the arbi-  
5 tration and to the Secretary of Labor.

6 “(iii) LIMITATIONS ON REVIEW.—The  
7 findings submitted pursuant to clause (ii)  
8 shall be final and conclusive. Except as  
9 provided in subparagraph (C), no official  
10 or court of the United States shall have  
11 power or jurisdiction to review any such  
12 findings.

13 “(C) REVIEW.—

14 “(i) BY THE SECRETARY OF LABOR.—  
15 The Secretary of Labor may review and re-  
16 verse or modify the findings of the arbi-  
17 trator only on the same bases as an award  
18 of an arbitrator may be vacated or modi-  
19 fied under section 10 or 11 of title 9,  
20 United States Code.

21 “(ii) BY A COURT.—A court may re-  
22 view only the actions of the Secretary  
23 under clause (i) and may set aside such ac-  
24 tions only on the grounds described in sub-  
25 paragraph (A), (B), or (C) of section

1           706(a)(2) of title 5, United States Code.  
2           Notwithstanding any other provision of  
3           law, judicial review under this clause may  
4           only be brought in an appropriate United  
5           States court of appeals.

6           “(3) PENALTIES.—

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

10           “(i) the Secretary of Labor—

11           “(I) finds, after notice and op-  
12           portunity for a hearing pursuant to  
13           paragraph (1)(A)(v)(II), that an em-  
14           ployer is not in compliance with the  
15           terms of a signed attestation de-  
16           scribed in subsection (b); or

17           “(II) receives a finding of an ar-  
18           bitrator that an employer is not in  
19           compliance with the terms of such an  
20           attestation; and

21           “(ii) the Secretary has not reversed or  
22           modified such finding pursuant to para-  
23           graph (2)(C)(i).

24           “(B) PENALTIES DESCRIBED.—The Sec-  
25           retary of Labor—

1 “(i) shall require each employer de-  
2 scribed in subparagraph (A) to cease and  
3 desist from any noncompliance with the  
4 terms of a signed attestation described in  
5 subsection (b);

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

10 “(I) \$5,000 for noncompliance  
11 with any term of the employer’s attes-  
12 tation;

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

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

21 “(iii) beginning on January 1, 2028,  
22 and annually thereafter, shall automati-  
23 cally adjust the amounts described in  
24 clause (ii) for violations committed after  
25 the effective date of each adjustment based

1 on the cumulative annual percentage  
2 change in the unadjusted Consumer Price  
3 Index for all Urban Consumers published  
4 by the Bureau of Labor Statistics of the  
5 Department of Labor between January 1,  
6 2027, and the date of such adjustment;

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

12 “(I) during a period of not more  
13 than 1 year; and

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

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

22 “(I) the hiring by the attesting  
23 employer of the United States worker  
24 for the job for which the alien had  
25 been made an offer which the United

1 States worker was not, but should  
2 have been, offered, with compensation  
3 that is not less than the compensation  
4 offered to the alien; or

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

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

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

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

22 “(vii) if the attesting employer placed  
23 the alien with another employer in viola-  
24 tion of subsection (b)(3)(B), and the other  
25 employer consequently laid off a United

1 States worker, shall order payment by the  
2 attesting employer to such laid off United  
3 States worker of compensatory damages.”.

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

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

10 “In the attestation required under section  
11 204A(a)(2)(A), the alien petitioner shall attest that he or  
12 she—

13 “(1) will remain—

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

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

18 “(2) has not ordered, incited, advocated for, as-  
19 sisted, or otherwise participated in (including by  
20 writing, publishing, or causing to be written or pub-  
21 lished, by knowingly circulating, distributing, print-  
22 ing, publishing, or displaying, by knowingly causing  
23 to be circulated, distributed, printed, published, or  
24 displayed, or by knowingly having in his or her pos-  
25 session for the purpose of circulation, publication,

1 distribution, or display, any written matter (includ-  
2 ing through electronic means, such as the internet  
3 and electronic text and mail) or printed matter for  
4 the purpose, in whole or in part, of carrying out  
5 such order, incitement, advocacy, assistance, or par-  
6 ticipation)—

7 “(A) genocide (as defined in section  
8 1091(a) of title 18, United States Code);

9 “(B) the civil or criminal punishment of a  
10 person on account, in whole or in part, of such  
11 person’s actual or perceived religious apostasy  
12 or blasphemy;

13 “(C) the establishment of any govern-  
14 mentally enforced religious law in the United  
15 States that would—

16 “(i) operate in place of, or in addition  
17 to, any Federal, State, or local civil or  
18 criminal law; and

19 “(ii) apply to—

20 “(I) all persons in the United  
21 States; or

22 “(II) persons of a particular reli-  
23 gious faith in the United States (re-  
24 gardless of whether adherence to such  
25 law is voluntary or mandatory);

1           “(D) the persecution of any person on ac-  
2           count of, in whole or in part, race, religion, na-  
3           tionality, membership in a particular social  
4           group, or political opinion;

5           “(E) female infanticide;

6           “(F) sex-selective abortion;

7           “(G) honor killing; or

8           “(H) female genital mutilation (as defined  
9           in section 644(c) of the Illegal Immigration Re-  
10          form and Immigrant Responsibility Act of 1996  
11          (division C of Public Law 104–208; 8 U.S.C.  
12          1374(c));

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

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

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

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



1           “(3) special immigrants described in section  
2           203(e), in a number not to exceed the number speci-  
3           fied in subsection (e) during any fiscal year.”; and

4                   (B) by amending subsection (e) to read as  
5           follows:

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

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

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

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

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

15           (c) EFFECTIVE DATE.—

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

19                   (2) VALIDITY OR INVALIDITY OF CERTAIN PETI-  
20                   TIONS AND APPLICATIONS.—

21                   (A) IN GENERAL.—No persons may file,  
22                   and the Secretary of Homeland Security and  
23                   the Secretary of State may not accept, adju-  
24                   dicate, or approve any petitions under section  
25                   204 of the Immigration and Nationality Act (8

1 U.S.C. 1154) filed on or after the date of the  
2 enactment of this Act seeking classification of  
3 aliens under section 203(b)(4) of the Immigra-  
4 tion and Nationality Act (8 U.S.C. 1153(b)(4)),  
5 as in existence immediately before such date of  
6 enactment. Any applications for adjustment of  
7 status or immigrant visas based on such peti-  
8 tions shall be rejected, denied, or made invalid.

9 (B) PENDING PETITIONS FOR RELIGIOUS  
10 WORKERS AND OTHER SPECIAL IMMIGRANTS.—

11 (i) RELIGIOUS WORKERS.—The Sec-  
12 retary of Homeland Security and the Sec-  
13 retary of State shall adjudicate or approve  
14 any petitions under section 204 of the Im-  
15 migration and Nationality Act pending on  
16 the date of the enactment of this Act seek-  
17 ing classification of aliens described in sec-  
18 tion 101(a)(27)(C) of the Immigration and  
19 Nationality Act (8 U.S.C. 1101(a)(27)(C))  
20 under section 203(b)(4) of such Act (8  
21 U.S.C. 1153(b)(4)), as in existence imme-  
22 diately before that date of enactment, as  
23 petitions seeking classification of aliens  
24 under section 203(c) of such Act (8 U.S.C.  
25 1153(c)), as amended by this Act.

1 (ii) OTHER SPECIAL IMMIGRANTS.—

2 Neither the Secretary of Homeland Secu-  
3 rity nor the Secretary of State may adju-  
4 dicate or approve any petitions under sec-  
5 tion 204 of the Immigration and Nation-  
6 ality Act pending on the date of the enact-  
7 ment of this Act seeking classification of  
8 aliens not described in section  
9 101(a)(27)(C) of the Immigration and Na-  
10 tionality Act under section 203(b)(4) of  
11 such Act (8 U.S.C. 1153(b)(4)) as in exist-  
12 ence immediately before such date of en-  
13 actment. Any applications for adjustment  
14 of status or immigrant visas based on such  
15 petitions shall be rejected, denied, or made  
16 invalid.

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

19 (A) RELIGIOUS WORKERS.—Notwith-  
20 standing the amendments made by this section,  
21 visas may be issued to aliens described in sec-  
22 tion 101(a)(27)(C) of the Immigration and Na-  
23 tionality Act (8 U.S.C. 1101(a)(27)(C)) who  
24 are beneficiaries of petitions approved under  
25 section 203(b)(4) of such Act (8 U.S.C.

1           1153(b)(4)) before the date of the enactment of  
2           this Act as if they were issued to beneficiaries  
3           of petitions under section 203(c) of such Act, as  
4           amended by this Act. Such petitions shall retain  
5           their original priority dates.

6           (B) OTHER SPECIAL IMMIGRANTS.—

7           (i) IN GENERAL.—Notwithstanding  
8           the amendments made by this section,  
9           aliens not described in section  
10          101(a)(27)(C) of the Immigration and Na-  
11          tionality Act who are beneficiaries of peti-  
12          tions under section 203(b)(4) of such Act  
13          approved before the date of the enactment  
14          of this Act may be issued visas pursuant to  
15          such paragraph in accordance with the  
16          availability of visas under clause (ii).

17          (ii) AVAILABILITY OF VISAS.—Visas  
18          may be issued to aliens not described in  
19          section 101(a)(27)(C) of the Immigration  
20          and Nationality Act who are beneficiaries  
21          of approved petitions under section  
22          203(b)(4) of such Act, but only until 6,940  
23          visas have been issued. When all of the  
24          visas authorized in the previous sentence

1                   have been issued, no additional visas may  
2                   be issued under such section 203(b)(4).

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

4       (a) IMMEDIATE RELATIVE REDEFINED.—Section  
5 201 of the Immigration and Nationality Act (8 U.S.C.  
6 1151), as amended by section 3(b)(1), is further amend-  
7 ed—

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

14           (2) by amending subsection (c) to read as fol-  
15 lows:

16       “(c) WORLDWIDE LEVEL OF NUCLEAR FAMILY-  
17 SPONSORED IMMIGRANTS.—

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

21                   “(A) 87,934; minus

22                   “(B) the number computed under para-  
23 graph (2).

24           “(2) NUMBER COMPUTED.—The number com-  
25 puted under this paragraph for a fiscal year is the

1 number of aliens who were paroled into the United  
2 States pursuant to section 212(d)(5) in the second  
3 preceding fiscal year who—

4 “(A) did not depart the United States  
5 (without advance parole) during the 1-year pe-  
6 riod beginning on the date on which such parole  
7 was granted; and

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

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

16 (3) in subsection (f)—

17 (A) in paragraph (2), by striking “section  
18 203(a)(2)(A)” and inserting “section 203(a)”;

19 (B) striking paragraph (3);

20 (C) redesignating paragraph (4) as para-  
21 graph (3); and

22 (D) in paragraph (3), as redesignated,  
23 striking “(1) through (3)” and inserting “(1)  
24 and (2)”.

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

4 “(a) SPOUSES AND MINOR CHILDREN OF PERMA-  
5 NENT RESIDENT ALIENS.—A family-sponsored immigrant  
6 described in this subsection is a qualified immigrant who  
7 is the spouse or child of an alien lawfully admitted for  
8 permanent residence. Such immigrants shall be allocated  
9 visas in accordance with the number computed under sec-  
10 tion 201(c).”.

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

13 (1) by striking paragraph (1) and inserting the  
14 following:

15 “(1) IN GENERAL.—Subject to paragraph (2),  
16 for purposes of subsections (a) and (d), a determina-  
17 tion of whether an alien satisfies the age require-  
18 ment in the matter preceding subparagraph (A) of  
19 section 101(b)(1) shall be made using the age of the  
20 alien on the date on which a petition is filed with  
21 the Secretary of Homeland Security.”;

22 (2) by redesignating paragraphs (2), (3), and  
23 (4) as paragraphs (3), (4), and (5), respectively;

24 (3) by inserting after paragraph (1) the fol-  
25 lowing:

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

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

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

12           (d) TECHNICAL AND CONFORMING AMENDMENTS.—  
13           The Immigration and Nationality Act (8 U.S.C. 1101 et  
14           seq.) is amended—

15           (1) in section 101(a)(15)(V) (8 U.S.C.  
16           1101(a)(15)(V)), by striking “section 203(a)(2)(A)”  
17           each place such term appears and inserting “section  
18           203(a)”;

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

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

22           “(4) SPECIAL RULE FOR SPOUSES AND CHIL-  
23           DREN OF LAWFUL PERMANENT RESIDENT ALIENS.—  
24           Of the visas made available under section 203(a) in  
25           any fiscal year, 75 percent shall be issued without

1 regard to the numerical limitation under paragraph  
2 (2).”; and

3 (B) in subsection (e)—

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

6 (ii) by striking paragraphs (2) and  
7 (3);

8 (iii) in the matter preceding para-  
9 graph (1)—

10 (I) by striking “in a manner so  
11 that—” and all that follows through  
12 “the ratio” in paragraph (1) and in-  
13 serting “in a manner so that the  
14 ratio”; and

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

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

18 (iv) in the undesignated matter at the  
19 end—

20 (I) by striking “, or as limiting  
21 the number of visas that may be  
22 issued under section 203(a)(2)(A)  
23 pursuant to subsection (a)(4)(A)”;  
24 and

1 (II) by striking “Nothing in this  
2 subsection shall” and inserting the  
3 following:

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

6 (3) in section 204 (8 U.S.C. 1154)—

7 (A) in subsection (a)(1)—

8 (i) in subparagraph (A)—

9 (I) in clause (i), by striking “to  
10 classification by reason of a relation-  
11 ship described in paragraph (1), (3),  
12 or (4) of section 203(a) or”;

13 (II) by moving clause (viii) 6 ems  
14 to the left;

15 (ii) in subparagraph (B)—

16 (I) in clause (i)—

17 (aa) in the first subclause  
18 (I), by striking “203(a)(2)” and  
19 inserting “203(a)”;

20 (bb) by redesignating the  
21 second subclause (I) as subclause  
22 (II) and moving such subclause 6  
23 ems to the left; and

1 (II) by striking “203(a)(2)(A)”  
2 each place such term appears and in-  
3 serting “203(a)”; and

4 (iii) in subparagraph (D)(i)(I), by  
5 striking “a petitioner” and all that follows  
6 through “section 204(a)(1)(B)(iii).” and  
7 inserting “an individual who is younger  
8 than 21 years of age for purposes of adju-  
9 dicating such petition and for purposes of  
10 admission as an immediate relative under  
11 section 201(b)(2)(A)(i) or a family-spon-  
12 sored immigrant under section 203(a), as  
13 applicable, notwithstanding the actual age  
14 of such individual.”; and

15 (B) in subsection (f)(1), by striking “,  
16 203(a)(1), or 203(a)(3), as appropriate”;

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

18 (D) by redesignating subsection (l) as sub-  
19 section (k);

20 (4) in section 212 (8 U.S.C. 1182)—

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

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

1 (5) in section 213A(f)(5)(B)(ii) (8 U.S.C.  
2 1183a(f)(5)(B)(ii)), by striking “section 204(l)” and  
3 inserting “204(k)”;

4 (6) in section 214(q)(1)(B)(i) (8 U.S.C.  
5 1184(q)(1)(B)(i)), by striking “section  
6 203(a)(2)(A)” each place such term appears and in-  
7 serting “section 203(a)”;

8 (7) in section 216(h)(1)(C) (8 U.S.C.  
9 1186a(h)(1)(C)), by striking “section 203(a)(2)”  
10 and inserting “section 203(a)”;

11 (8) in section 237(a)(1)(E)(ii) (8 U.S.C.  
12 1227(a)(1)(E)(ii)), by striking “section 203(a)(2)”  
13 and inserting “section 203(a)”.

14 (e) EFFECTIVE DATE; APPLICABILITY.—

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

18 (2) INVALIDITY OF CERTAIN PETITIONS AND  
19 APPLICATIONS.—

20 (A) IN GENERAL.—A person may not file,  
21 and the Secretary of Homeland Security and  
22 the Secretary of State may not accept, adju-  
23 dicate, or approve, a petition under section 204  
24 of the Immigration and Nationality Act (8  
25 U.S.C. 1154) that is filed on or after the date

1 of the enactment of this Act and seeks the clas-  
2 sification of an alien—

3 (i) as a parent of a citizen of the  
4 United States under section  
5 201(b)(2)(A)(i) of the Immigration and  
6 Nationality Act (8 U.S.C.  
7 1151(b)(2)(A)(i)) (as in effect on the day  
8 before such date of enactment); or

9 (ii) as a family-sponsored immigrant  
10 under paragraph (1), (2)(B), (3), or (4) of  
11 section 203(a) of such Act (8 U.S.C.  
12 1153(a)) (as in effect on the day before  
13 such date of enactment).

14 (B) APPLICATIONS FOR ADJUSTMENT OF  
15 STATUS.—Any application for adjustment of  
16 status or for an immigrant visa based on a peti-  
17 tion described in subparagraph (A) shall be re-  
18 jected, denied, or made invalid.

19 (3) PENDING PETITIONS.—

20 (A) IN GENERAL.—Neither the Secretary  
21 of Homeland Security nor the Secretary of  
22 State may adjudicate or approve any petition  
23 under section 204 of the Immigration and Na-  
24 tionality Act (8 U.S.C. 1154), pending on the  
25 date of the enactment of this Act, seeking the

1 classification of an alien under section  
2 201(b)(2)(A)(i) of such Act (8 U.S.C.  
3 1151(b)(2)(A)(i)) (as in effect on the day be-  
4 fore the date of the enactment of this Act) or  
5 under paragraph (1), (2)(B), (3), or (4) of sec-  
6 tion 203(a) of such Act (8 U.S.C. 1153(a)) (as  
7 in effect on the day before the date of the en-  
8 actment of this Act).

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

14 (4) APPLICABILITY TO WAITLISTED APPLI-  
15 CANTS.—

16 (A) IN GENERAL.—Notwithstanding the  
17 amendments made by this section, any alien  
18 who is a beneficiary of a petition under para-  
19 graph (1), (2)(B), (3), or (4) of section 203(a)  
20 of the Immigration and Nationality Act (8  
21 U.S.C. 1153(a)) (as in effect on the day before  
22 the date of the enactment of this Act) that was  
23 approved before such date of enactment may be  
24 issued a visa in accordance with subparagraph  
25 (B).

1 (B) AVAILABILITY OF VISAS.—Notwith-  
2 standing the amendments made by this section,  
3 visas may be issued to any alien who is the ben-  
4 efiary of an approved petition under each  
5 paragraph referred to in subparagraph (A) until  
6 the number of visas that would have been allo-  
7 cated to aliens in the applicable paragraph for  
8 fiscal year 2028 have been issued.

9 **SEC. 5. REPLACEMENT OF EMPLOYMENT-BASED IMMI-**  
10 **GRANT VISA CATEGORIES WITH POINTS-**  
11 **BASED IMMIGRANT VISA PROGRAM IN THE**  
12 **AMERICAN INTEREST.**

13 (a) WORLDWIDE LEVEL OF POINTS-BASED IMMIGRA-  
14 TION.—Section 201 of the Immigration and Nationality  
15 Act (8 U.S.C. 1151), as amended by sections 3(b) and  
16 4(a), is further amended—

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

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

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

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

4                   “(1) 192,000; minus

5                   “(2) the number of aliens who were never de-  
6 tained or who were released from detention during  
7 the most recently concluded fiscal year despite being  
8 subject to mandatory detention under paragraph  
9 (1)(B)(ii), (1)(B)(iii)(IV), or (2)(A) of section  
10 235(b).”.

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

16           “(b) ALLOCATION FOR POINTS-BASED IMMI-  
17 GRANTS.—Aliens subject to the worldwide level for points-  
18 based immigrants in a fiscal year specified in section  
19 201(d) shall be granted visas in accordance with sections  
20 204A and 220.”.

21           (c) PROCEDURE FOR GRANTING IMMIGRANT STATUS  
22 FOR POINTS-BASED IMMIGRANTS IN THE AMERICAN IN-  
23 TEREST.—Chapter 1 of title II of the Immigration and  
24 Nationality Act (8 U.S.C. 1151 et seq.) is amended by  
25 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 to the Secretary of Homeland  
9 Security a petition 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 information as the Sec-  
16 retary 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 employer  
24 described in paragraph (3), (4), or (5) of sec-  
25 tion 3121(h) of the Internal Revenue Code of  
26 1986, including an attestation described in sec-

1           tion 220A that has been signed by the employer  
2           that 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 has not  
6                   received a bachelor’s, master’s, profes-  
7                   sional, or doctoral degree, or a doctorate of  
8                   medicine, from an institution of higher  
9                   education in the United States not later  
10                  than 1 year after the date on which the pe-  
11                  tition is 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                   the 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 the 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); and

19           “(C) issue a points-based immigrant visa  
20 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).”.

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

8 **“SEC. 220. POINTS-BASED IMMIGRANT VISA PROGRAM IN**  
9 **THE AMERICAN INTEREST.**

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

17           “(1) EMPLOYMENT.—

18                   “(A) NO COLLEGE DEGREE.—If the alien  
19 is not expected to receive a bachelor’s, master’s,  
20 professional, or doctoral degree, or a doctorate  
21 of medicine, from an institution of higher edu-  
22 cation in the United States within 1 year after  
23 filing a petition under section 204A, the alien  
24 is eligible for—

1                   “(i) 5 points for a salary of at least  
2                   250 percent, but less than 300 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                   300 percent, but less than 400 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                  400 percent, but less than 500 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                  500 percent of the median wage in the  
15                  State in which the alien will be employed.

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

23                  “(i) 5 points for a salary of at least  
24                  200 percent, but less than 250 percent, of

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

3 “(ii) 10 points for a salary of at least  
4 250 percent, but less than 350 percent, of  
5 the median wage in the State in which the  
6 alien will be employed;

7 “(iii) 20 points for a salary of at least  
8 350 percent, but less than 450 percent, of  
9 the median wage in the State in which the  
10 alien will be employed; or

11 “(iv) 35 points for a salary of at least  
12 450 percent of the median wage in the  
13 State in which the alien will be employed.

14 “(2) EXTRAORDINARY ACHIEVEMENT.—An  
15 alien is eligible for—

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

19 “(B) between 10 and 50 points, at the dis-  
20 cretion of the Secretary of Homeland Security,  
21 for having extraordinary ability in the sciences,  
22 arts, education, or business, which has been  
23 demonstrated by sustained national or inter-  
24 national acclaim and whose achievements have

1           been recognized in the field through extensive  
2           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).

1           “(5) UNITED STATES INSTITUTION OF HIGHER  
2           EDUCATION.—The term ‘United States institution of  
3           higher education’ has the meaning given the term  
4           ‘institution of higher education’ in section 102(a)(1)  
5           of the Higher Education Act of 1965 (20 U.S.C.  
6           1002(a)(1)), except that such term does not include  
7           an institution outside the United States described in  
8           subparagraph (C) of such section.”.

9           (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)—

15                                   (I) in paragraph (2), by amend-  
16                                   ing the paragraph heading to read as  
17                                   follows:“PER COUNTRY LEVELS FOR  
18                                   NUCLEAR FAMILY IMMIGRANTS,  
19                                   POINTS-BASED IMMIGRANTS, RELI-  
20                                   GIOUS WORKERS, AND OTHER SPECIAL  
21                                   IMMIGRANTS”;

22                                   (II) in paragraph (5)—

23   (aa) in the paragraph head-  
24   ing, by striking “EMPLOYMENT-  
25   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), as redesign-  
6 dated, by striking “203(b)(4)” and insert-  
7 ing 203(c);

8 (iv) in subparagraph (F), as redesign-  
9 dated, 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 212(a)(4) (8 U.S.C.  
14 1182(a)(4)), by amending subparagraph (D) to  
15 read as follows:

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

1 (D) in section 213A(f) (8 U.S.C.  
2 1183a(f))—

3 (i) in paragraph (4)—

4 (I) in the paragraph heading, by  
5 striking “EMPLOYMENT-BASED” and  
6 inserting “POINTS-BASED”; and

7 (II) by amending subparagraph  
8 (A) to read as follows:

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

17 (ii) in paragraph (5)(A), by striking  
18 “employment-based” and inserting  
19 “points-based”;

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

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

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

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

4 (F) in section 286(u)(2) (8 U.S.C.  
5 1356(u)(2)), by amending subparagraph (B) to  
6 read as follows:

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

11 (2) EB-5 REFORM AND INTEGRITY ACT OF  
12 2022.—Section 107 the EB-5 Reform and Integrity  
13 Act of 2022 (division BB of Public Law 117-103;  
14 8 U.S.C. 1153a) is repealed.

15 (f) EFFECTIVE DATE; APPLICABILITY.—

16 (1) EFFECTIVE DATE.—Except as provided in  
17 paragraph (3), the amendments made by this section  
18 shall take effect on the date of the enactment of this  
19 Act.

20 (2) INVALIDITY OF CERTAIN PETITIONS AND  
21 APPLICATIONS.—

22 (A) IN GENERAL.—A person may not file,  
23 and the Secretary of Homeland Security and  
24 the Secretary of State may not accept, adju-  
25 dicate, or approve any petitions under section

1           204 of the Immigration and Nationality Act (8  
2           U.S.C. 1154) filed on or after the date of the  
3           enactment of this Act seeking classification of  
4           an alien under paragraph (1), (2), (3), or (5)  
5           of section 203(b) of the Immigration and Na-  
6           tionality Act (8 U.S.C. 1153(b)), as in effect on  
7           the day immediately before such date of enact-  
8           ment. Any applications for adjustment of status  
9           or immigrant visas based on such petitions shall  
10          be rejected, denied, or invalidated.

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

24           (3) APPLICABILITY TO WAITLISTED APPLI-  
25          CANTS.—

1           (A) IN GENERAL.—Notwithstanding the  
2 amendments made by this section, aliens who  
3 are beneficiaries of a petition under paragraph  
4 (1), (2), (3), or (5) of section 203(b) of the Im-  
5 migration and Nationality Act (8 U.S.C.  
6 1153(b)) that was approved before the date of  
7 the enactment of this Act may be issued visas  
8 pursuant to the applicable paragraph in accord-  
9 ance with the availability of visas under sub-  
10 paragraph (B).

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

1 **SEC. 6. CONDITIONAL PERMANENT RESIDENT STATUS FOR**  
2 **CERTAIN IMMIGRANTS, SPOUSES, AND CHIL-**  
3 **DREN.**

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

8 **“SEC. 216B. CONDITIONAL PERMANENT RESIDENT STATUS**  
9 **FOR POINTS-BASED IMMIGRANTS, SPOUSES,**  
10 **AND CHILDREN.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) ALIEN SPOUSE; ALIEN CHILD.—The terms  
13 ‘alien spouse’ and ‘alien child’ mean an alien who  
14 obtains the status of an alien lawfully admitted for  
15 permanent residence (whether on a conditional basis  
16 or otherwise) by virtue of being the spouse or child,  
17 respectively, of a points-based immigrant.

18 “(2) MEANS-TESTED PUBLIC BENEFIT.—The  
19 term ‘means-tested public benefit’ means a public  
20 benefit (including cash, medical, housing, and food  
21 assistance and social services) from the Federal Gov-  
22 ernment or from a State or political subdivision of  
23 a State in which the eligibility of an individual,  
24 household, or family eligibility unit for benefits, the  
25 amount of such benefits, or both are determined on

1 the basis of income, resources, or financial need of  
2 the individual, household, or family eligibility unit.

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

8 “(b) IN GENERAL.—

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

15 “(2) NOTICE OF REQUIREMENTS.—

16 “(A) AT THE TIME OF OBTAINING PERMA-  
17 NENT RESIDENCE.—At the time a points-based  
18 immigrant, alien spouse, or alien child is grant-  
19 ed permanent resident status on a conditional  
20 basis, the Secretary of Homeland Security shall  
21 notify such alien of the requirements under this  
22 section, including the requirements under sub-  
23 section (d) for removing the conditional basis of  
24 such status.

1           “(B) REMOVAL OF CONDITIONS.—Not  
2 later than 90-days before the date that is 2  
3 years after the date on which a points-based  
4 immigrant, alien spouse, or alien child is grant-  
5 ed permanent resident status on a conditional  
6 basis, the Secretary of Homeland Security shall  
7 notify such alien of the requirements for the re-  
8 moval of the conditional basis of such status de-  
9 scribed in subsection (d)(1).

10           “(C) EFFECT OF FAILURE TO PROVIDE  
11 NOTICE.—Failure by the Secretary of Home-  
12 land Security to provide the notice required  
13 under this paragraph shall not affect the au-  
14 thority of the Secretary to enforce this section.

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

17           “(1) IN GENERAL.—If, at any time before the  
18 date that is 2 years after the date on which a points-  
19 based immigrant is granted permanent resident sta-  
20 tus on a conditional basis, the Secretary of Home-  
21 land Security determines that such immigrant is an  
22 alien described in paragraph (2), the Secretary  
23 shall—

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

1 “(i) such immigrant;

2 “(ii) the alien spouse of such immi-  
3 grant; and

4 “(iii) each alien child of such immi-  
5 grant; and

6 “(B) notify each such alien of such termi-  
7 nation.

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

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

12 “(B) has been convicted of 1 or more of-  
13 fenses for which such alien has been sentenced  
14 to an aggregate term of imprisonment of more  
15 than 1 year;

16 “(C) has received a means-tested public  
17 benefit; or

18 “(D) is not employed in—

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

22 “(ii) another job for the same em-  
23 ployer, or a new employer, for which the  
24 immigrant is compensated at a salary that  
25 is equivalent to or higher than the salary

1 of the job for which the alien received such  
2 bona fide job offer.

3 “(3) HEARING IN REMOVAL PROCEEDINGS.—

4 “(A) IN GENERAL.—An alien whose per-  
5 manent resident status on a conditional basis is  
6 terminated pursuant to paragraph (1) may re-  
7 quest, while in removal proceedings, a review of  
8 the determination upon which such termination  
9 is based.

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

16 “(d) REQUIREMENT OF TIMELY PETITION AND  
17 INTERVIEW FOR REMOVAL OF CONDITION.—

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

22 “(A) the points-based immigrant, during  
23 the 90-day period ending on the date that is 2  
24 years after the date on which the points-based  
25 immigrant was granted permanent resident sta-

1           tus on a conditional basis, submits a petition to  
2           the Secretary of Homeland Security that—

3                   “(i) requests the removal of such con-  
4                   ditional basis; and

5                   “(ii) states, under penalty of perjury,  
6                   the facts and information described in sub-  
7                   section (e)(1); and

8                   “(B) in accordance with subsection (e)(3),  
9           the points-based immigrant appears for a per-  
10          sonal interview before an officer or employee of  
11          the Department of Homeland Security respect-  
12          ing the facts and information described in sub-  
13          section (e)(1).

14           “(2) TERMINATION OF PERMANENT RESIDENT  
15          STATUS FOR FAILURE TO FILE PETITION OR HAVE  
16          PERSONAL INTERVIEW.—

17                   “(A) IN GENERAL.—The Secretary of  
18          Homeland Security shall terminate the perma-  
19          nent resident status of a points-based immi-  
20          grant (and such status of the immigrant’s  
21          spouse and children obtained on a conditional  
22          basis under this section or section 216) on the  
23          date that is 2 years after the date on which  
24          such alien was lawfully admitted for permanent  
25          residence if—

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

4                   “(ii) the alien fails to appear at an  
5                   interview described in paragraph (1)(B)  
6                   and required under subsection (e)(3), un-  
7                   less the alien shows good cause for such  
8                   nonappearance.

9                   “(B) HEARING IN REMOVAL PRO-  
10                  CEEDINGS.—In any removal proceeding con-  
11                  cerning an alien whose permanent resident sta-  
12                  tus is terminated under subparagraph (A), the  
13                  burden of proof shall be on the alien to estab-  
14                  lish compliance with the requirement under sub-  
15                  paragraphs (A) and (B) of paragraph (1).

16                  “(3) DETERMINATION AFTER PETITION AND  
17                  INTERVIEW.—

18                  “(A) IN GENERAL.—Not later than 90  
19                  days after the later of the date on which a  
20                  points-based immigrant files a petition pursuant  
21                  to paragraph (1)(A) and the date on which such  
22                  alien is interviewed pursuant to paragraph  
23                  (1)(B), the Secretary of Homeland Security  
24                  shall determine whether the facts and informa-

1           tion described in subsection (e)(1) and alleged  
2           in the petition are true.

3           “(B) REMOVAL OF CONDITIONAL BASIS.—

4           If the Secretary determines the facts and infor-  
5           mation contained in a petition submitted pursu-  
6           ant to paragraph (1)(A) are true and the  
7           points-based immigrant complied with sub-  
8           section (e)(1)(B)(i), the Secretary shall—

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

11                   “(ii) remove the conditional basis of  
12                   the alien’s status effective as of the date  
13                   that is 2 years after the date on which  
14                   such alien was lawfully admitted for per-  
15                   manent residence.

16           “(C) TERMINATION IF ADVERSE DETER-  
17           MINATION.—If the Secretary determines such  
18           facts and information are not true or the  
19           points-based immigrant failed to comply with  
20           subsection (e)(1)(B)(i), the Secretary shall—

21                   “(i) notify the alien involved of such  
22                   determination; and

23                   “(ii) subject to subparagraph (D), ter-  
24                   minate the permanent resident status of  
25                   the points-based immigrant, alien spouse,

1                   and alien child as of the date of such de-  
2                   termination.

3                   “(D) HEARING IN REMOVAL PRO-  
4                   CEEDING.—Any alien whose permanent resident  
5                   status is terminated pursuant to subparagraph  
6                   (C) may request a review of such determination  
7                   in a proceeding to remove the alien. In such  
8                   proceeding, the burden of proof shall be on the  
9                   Secretary to establish, by a preponderance of  
10                  the evidence, that the facts and information de-  
11                  scribed in subsection (e)(1) and alleged in the  
12                  petition are not true.

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

14                  “(1) CONTENT OF PETITION.—Each petition  
15                  submitted pursuant to subsection (d)(1)(A) shall  
16                  contain facts and information demonstrating the  
17                  alien is not described in any of subparagraphs (A)  
18                  through (D) of subsection (c)(2).

19                  “(2) PERIOD FOR FILING PETITION.—

20                  “(A) NINETY-DAY PERIOD BEFORE SEC-  
21                  OND ANNIVERSARY.—Except as provided in  
22                  subparagraph (B), a petition shall be filed pur-  
23                  suant to subsection (d)(1)(A) during the 90-day  
24                  period ending on the date that is 2 years after

1 the date on which the points-based immigrant  
2 was lawfully admitted for permanent residence.

3 “(B) DATE PETITIONS FOR GOOD  
4 CAUSE.—A petition required under sub-  
5 section(d)(1)(A) may be considered if filed after  
6 the date referred to in subparagraph (A) if the  
7 points-based immigrant establishes, to the satis-  
8 faction of the Secretary of Homeland Security,  
9 good cause and extenuating circumstances for  
10 failure to file the petition during the period de-  
11 scribed in subparagraph (A).

12 “(C) FILING OF PETITIONS DURING RE-  
13 MOVAL.—The Attorney General may stay re-  
14 moval proceedings against an alien who is the  
15 subject of removal hearings as a result of fail-  
16 ure to file a petition on a timely basis in ac-  
17 cordance with subparagraph (A) pending the  
18 filing of a petition pursuant to subparagraph  
19 (B).

20 “(3) PERSONAL INTERVIEW.—

21 “(A) IN GENERAL.—The interview re-  
22 quired under subsection (d)(1)(B) shall be con-  
23 ducted not later than 90 days after the date on  
24 which a petition is submitted pursuant to sub-  
25 section (d)(1)(A) at a local office of the Depart-

1           ment of Homeland Security that has been des-  
2           gnated by the Secretary of Homeland Security  
3           and is convenient to the parties involved.

4           “(B) WAIVER.—

5                   “(i) IN GENERAL.—Except as pro-  
6                   vided under clauses (ii) and (iii), the Sec-  
7                   retary of Homeland Security may waive  
8                   the deadline for an interview under sub-  
9                   section (d)(1)(B) or the requirement for  
10                  such an interview according to criteria de-  
11                  veloped by U.S. Citizenship and Immigra-  
12                  tion Services, in consultation with the  
13                  Fraud Detection and National Security Di-  
14                  rectorate and U.S. Immigration and Cus-  
15                  toms Enforcement.

16                   “(ii) PROHIBITIONS.—In developing  
17                   waiver criteria pursuant to clause (i), the  
18                   Secretary may not use as criteria reducing  
19                   case processing times or allocating adju-  
20                   dicatory resources.

21                   “(iii) LIMITATION.—A waiver may not  
22                   be granted under this subparagraph if the  
23                   alien to be interviewed is in a class of  
24                   aliens determined by the Secretary to be a  
25                   threat to public safety or national security.

1       “(f) TREATMENT OF PERIOD FOR PURPOSES OF  
2 NATURALIZATION.—For purposes of title III, an alien  
3 granted lawful permanent resident on a conditional basis  
4 shall be considered to have been admitted to the United  
5 States, and to be present in the United States, as an alien  
6 lawfully admitted for permanent residence.”.

7       (b) CLERICAL AMENDMENT.—The table of contents  
8 for the Immigration and Nationality Act (8 U.S.C. 1101  
9 et seq.) is amended by inserting after the item relating  
10 to section 216A the following:

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

11 **SEC. 7. PROTECTION OF UNITED STATES TAXPAYERS AND**  
12 **COLLEGE STUDENTS.**

13       (a) NATIONAL POLICY.—

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

18                       (A) in the section heading, by striking  
19 “**WELFARE**” and inserting “**PUBLIC BENE-**  
20 **FITS**”;

21                       (B) in the matter preceding paragraph (1),  
22 by striking “The Congress” and inserting the  
23 following:

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

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

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

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

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

12                   “(B) promotes violations of the immigra-  
13 tion laws inconsistent with Federal law and pol-  
14 icy.

15           “(2) DEFINED TERM.—In this subsection, the  
16 term ‘lawfully admitted for permanent residence’ has  
17 the meaning given such term in section 101(a)(20)  
18 of the Immigration and Nationality Act (8 U.S.C.  
19 1101(a)(20)).

20           “(3) POLICY.—It is the policy of the United  
21 States that—

22                   “(A) aliens who are not lawfully admitted  
23 for permanent residence should not be entitled  
24 to public education benefits in the same manner

1 as United States citizens and aliens who are  
2 lawfully admitted for permanent residence; and

3 “(B) States should not be obligated to pro-  
4 vide public education benefits to aliens who are  
5 not lawfully admitted for permanent resi-  
6 dence.”.

7 (b) LIMITATION ON ELIGIBILITY FOR PREFERENTIAL  
8 TREATMENT OF CERTAIN ALIENS FOR HIGHER EDU-  
9 CATION BENEFITS.—

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

14 **“SEC. 505. LIMITATION ON ELIGIBILITY FOR PREF-  
15 ERENTIAL TREATMENT OF CERTAIN ALIENS  
16 FOR HIGHER EDUCATION BENEFITS.**

17 “(a) DEFINITIONS.—In this section:

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

23 “(2) POSTSECONDARY EDUCATIONAL INSTITU-  
24 TION.—The term ‘postsecondary educational institu-  
25 tion’ has the meaning given the term ‘institution of

1 higher education' in section 102 of the Higher Edu-  
2 cation Act of 1965 (20 U.S.C. 1002).

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

5 “(1) any alien who is not lawfully admitted for  
6 permanent residence shall be required to pay to the  
7 postsecondary educational institution at which such  
8 alien is enrolled not less than the amount of tuition,  
9 fees, and other costs charged to any student car-  
10 rying the same academic workload who is not a resi-  
11 dent of the State or political subdivision in which  
12 that institution is located; and

13 “(2) no citizen or national of the United States  
14 may be charged a higher amount of tuition, fees, or  
15 other costs as a student carrying the same academic  
16 workload than the amount of such tuition, fees, and  
17 other costs charged to an alien who is not lawfully  
18 admitted for permanent residence, with such tuition,  
19 fees, and costs determined net of any discounts or  
20 benefits provided by any level of government or by  
21 the postsecondary educational institution.

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

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           (c) EFFECTIVE DATE; APPLICABILITY.—The amend-  
8           ments made by this section shall take effect on the date  
9           of the enactment of this Act. The amendments made by  
10          subsection (b) shall apply to all tuition, fees, and other  
11          costs paid by students on or after such date of enactment  
12          to any postsecondary educational institution.