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

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2019

Mr. COTTON (for himself, Mr. PERDUE, and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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

Be it enacted by the Senate and House of Representa-
SECTION 1. SHORT TITLE.

This Act may be cited as the “Reforming American Immigration for a Strong Economy Act” or the “RAISE Act”.

SEC. 2. ELIMINATION OF DIVERSITY VISA PROGRAM.

(a) IN GENERAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by striking subsection (c).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

(A) in section 101(a)(15)(V) (8 U.S.C. 1101(a)(15)(V)), by striking “section 203(d)” and inserting “section 203(e)”;

(B) in section 201 (8 U.S.C. 1151)—

(i) in subsection (a)—

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

(II) in paragraph (2), by striking “; and” and inserting a period; and

(III) by striking paragraph (3);

(ii) by striking subsection (e); and

(iii) by redesignating subsection (f) as subsection (e);

(C) in section 203 (8 U.S.C. 1153)—
(i) in subsection (b)(2)(B)(ii)(IV), by striking “section 203(b)(2)(B)” each place such term appears and inserting “clause (i)”;

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

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

(iv) in subsection (d), as so redesignated—

(I) by striking paragraph (2); and

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

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

(vi) in subsection (f), as so redesignated, by striking “subsections (a), (b), and (e)” and inserting “subsections (a) and (b)”; and
(vii) in subsection (g), as so redesignated—

(I) by striking “(d)” each place such term appears and inserting “(e)”; and

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

(D) in section 204 (8 U.S.C. 1154)—

(i) in subsection (a)(1)—

(I) by striking subparagraph (I); and

(II) by redesignating subparagraphs (J) through (L) as subpar- graphs (I) through (K), respectively;

(ii) in subsection (e), by striking “subsection (a), (b), or (c) of section 203” and inserting “subsection (a) or (b) of section 203”; and

(iii) in subsection (l)(2)—

(I) in subparagraph (B), by striking “section 203 (a) or (d)” and inserting “subsection (a) or (c) of section 203”; and
(II) in subparagraph (C), by striking “section 203(d)” and inserting “section 203(c)”;

(E) in section 214(q)(1)(B)(i) (8 U.S.C. 1184(q)(1)(B)(i)), by striking “section 203(d)” and inserting “section 203(c)”;

(F) in section 216(h)(1) (8 U.S.C. 1186a(h)(1)), in the undesignated matter following subparagraph (C), by striking “section 203(d)” and inserting “section 203(c)”;

(G) in section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)), by striking “section 203(d)” and inserting “section 203(c)”.

(2) IMMIGRANT INVESTOR PILOT PROGRAM.—

Section 610(d) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note; Public Law 102–395) is amended by striking “section 203(e) of such Act (8 U.S.C. 1153(e))” and inserting “section 203(d) of such Act (8 U.S.C. 1153(d))”.

“section 204(a)(1)(J)” and inserting “section 204(a)(1)(I)”.

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

SEC. 3. ANNUAL ADMISSION OF REFUGEES.

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

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

(2) by redesignating subsections (e) and (f) as subsections (a) and (e), respectively, and moving the subsections so as to appear in alphabetical order; and

(3) by inserting after subsection (a), as so redesignated, the following:

“(b) MAXIMUM NUMBER OF ADMISSIONS.—

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

“(2) ASYLEES.—The President shall annually enumerate the number of aliens who were granted asylum in the previous fiscal year.”; and
(4) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”.

4 SEC. 4. FAMILY-SPONSORED IMMIGRATION PRIORITIES.

(a) IMMEDIATE RELATIVE REDEFINED.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

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

(2) in section 201 (8 U.S.C. 1151)—

(A) in subsection (b)(2)(A)—

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

and

(ii) in clause (ii), by striking “such an immediate relative” and inserting “the immediate relative spouse of a United States citizen”;


(B) by striking subsection (c) and inserting the following:

“(c) Worldwide Level of Family-Sponsored Immigrants.—(1) The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to 88,000 minus the number computed under paragraph (2).

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

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

“(B)(i) did not acquire the status of an alien lawfully admitted to the United States for permanent residence during the two preceding fiscal years; or

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

(C) in subsection (f)—
(i) in paragraph (2), by striking “section 203(a)(2)(A)” and inserting “section 203(a)”;
(ii) by striking paragraph (3);
(iii) by redesignating paragraph (4) as paragraph (3); and
(iv) in paragraph (3), as redesignated, by striking “(1) through (3)” and inserting “(1) and (2)”.

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

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

(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF V NONIMMIGRANT.—Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended by striking “section 203(a)(2)(A)” each place such term appears and inserting “section 203(a)”.
(2) Numerical limitation to any single foreign state.—Section 202 of such Act (8 U.S.C. 1152) is amended—

(A) in subsection (a)(4)—

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

“(A) 75 percent of family-sponsored immigrants not subject to per country limitation.—Of the visa numbers made available under section 203(a) in any fiscal year, 75 percent shall be issued without regard to the numerical limitation under paragraph (2).

“(B) Treatment of remaining 25 percent for countries subject to subsection (e).—

“(i) In general.—Of the visa numbers made available under section 203(a) in any fiscal year, 25 percent shall be available, in the case of a foreign state or dependent area that is subject to subsection (e) only to the extent that the total number of visas issued in accordance with subparagraph (A) to natives of the foreign state or dependent area is less than the subsection (e) ceiling.
“(ii) Subsection (e) ceiling defined.—In clause (i), the term ‘subsection (e) ceiling’ means, for a foreign state or dependent area, 77 percent of the maximum number of visas that may be made available under section 203(a) to immigrants who are natives of the state or area, consistent with subsection (e).”; and

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

(B) in subsection (e)—

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

(ii) by striking paragraph (2);

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

(iv) in the undesignated matter after paragraph (2), as redesignated, by striking “, respectively,” and all that follows through “subsection (a)(4)(A)”.

(3) Rules for determining whether certain aliens are children.—Section 203(h) of such Act (8 U.S.C. 1153(h)) is amended by striking “(a)(2)(A)” each place such term appears and inserting “(a)(2)”.

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(4) Procedure for Granting Immigrant Status.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)(i), by striking “to classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) or”;

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) by redesignating the second subclause (I) as subclause (II); and

(bb) in subclause (I), by striking “203(a)(2)” and inserting “203(a)”; and

(II) in clause (ii)—

(aa) in subclause (I), in the matter preceding item (aa), by striking “clause (iii) of section 203(a)(2)(A)” and inserting “section 203(a)”;

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

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

(C) by striking subsection (k); and

(D) by redesignating subsection (l) as subsection (k).

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

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

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

(6) REQUIREMENTS FOR SPONSOR’S AFFIDAVIT OF SUPPORT.—Section 213A(f)(5)(B)(ii) of such Act
(8 U.S.C. 1183a(f)(5)(B)(ii)) is amended by striking “section 204(l)” and inserting “section 204(k)”.

(7) EMPLOYMENT OF V NONIMMIGRANTS.—Section 214(q)(1)(B)(i) of such Act (8 U.S.C. 1184(q)(1)(B)(i)) is amended by striking “section 203(a)(2)(A)” each place such term appears and inserting “section 203(a)”.

(8) DEFINITION OF ALIEN SPOUSE.—Section 216(h)(1)(C) of such Act (8 U.S.C. 1186a(h)(1)(C)) is amended by striking “section 203(a)(2)” and inserting “section 203(a)”.

(9) CLASSES OF DEPORTABLE ALIENS.—Section 237(a)(1)(E)(ii) of such Act (8 U.S.C. 1227(a)(1)(E)(ii)) is amended by striking “section 203(a)(2)” and inserting “section 203(a)”.

(d) CREATION OF NONIMMIGRANT CLASSIFICATION FOR ALIEN PARENTS OF ADULT UNITED STATES CITIZENS.—

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

(A) in subparagraph (T)(ii)(III), by striking the period at the end and inserting a semi-colon;
(B) in subparagraph (U)(iii), by striking “or” at the end;

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

(D) by adding at the end the following:

“(W) subject to section 214(s), an alien who is a parent of a citizen of the United States, if the citizen is at least 21 years of age.”.

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

“(s)(1) The initial period of authorized admission for a nonimmigrant described in section 101(a)(15)(W) shall be 5 years, but may be extended by the Secretary of Homeland Security for additional 5-year periods if the United States citizen son or daughter of the nonimmigrant is still residing in the United States.

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

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

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

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

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

(e) EFFECTIVE DATE; APPLICABILITY.—

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

(2) INVALIDITY OF CERTAIN PETITIONS AND APPLICATIONS.—Except as provided in paragraph (3), any petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) seeking classification of an alien under a family-sponsored immigrant category that was eliminated by the amendments made by this section and filed after the date on which this Act was introduced and any application for an immigrant visa based on such a petition shall be considered invalid.
(3) VALID OFFER OF ADMISSION.—Notwithstanding the termination by this Act of the family-sponsored and employment-based immigrant visa categories, any alien who was granted admission to the United States under subsection (a) or (b) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153), as in effect on the day before the date of the enactment of this Act, and is scheduled to receive an immigrant visa in the applicable preference category not later than 1 year after the date of the enactment of this Act, shall be entitled to such visa if the alien enters the United States within 1 year after such date of enactment.

SEC. 5. REPLACEMENT OF EMPLOYMENT-BASED IMMIGRATION CATEGORIES WITH IMMIGRATION POINTS SYSTEM.

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

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

“(2) points-based immigrants described in section 203(b), in a number not to exceed—
“(A) the number specified in subsection (d) during any fiscal year; or

“(B) 50 percent of the number specified in subsection (d) during the first 6 months of any fiscal year.”; and

(2) by amending subsection (d) to read as follows:

“(d) Worldwide Level of Points-Based Immigrants.—

“(1) In general.—The worldwide level of points-based immigrant visas issued during any fiscal year may not exceed 140,000.

“(2) Effect of visas issued to spouses and children.—The numerical limitation set forth in paragraph (1) shall include any visas issued pursuant to section 203(b)(3).”.

(b) Numerical Limitations on Individual Foreign States.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

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

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

and
(C) by striking “subsections (a) and (b) of section 203” and inserting “section 203(a)”; (2) in paragraph (3), by striking “both subsections (a) and (b) of section 203” and inserting “section 203(a)”; and (3) by striking paragraph (5).

(c) Application Process for Points-Based Immigrants.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by amending subsection (b) to read as follows:

“(b) Application Process for Points-Based Immigrant Visas.—

“(1) Eligibility Screening.—

“(A) Application Submission.—Any alien seeking to immigrate to the United States who believes that he or she meets the points requirement set forth in section 220 may submit an online application to U.S. Citizenship and Immigration Services for placement in the eligible applicant pool.

“(B) Application Elements.—Each application submitted under subparagraph (A) shall include—
“(i) the identification of the points for which the applicant is eligible under section 220;

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

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

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

“(C) ELIGIBLE APPLICANT POOL.—

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

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

“(I) Applicants whose highest educational degree is a doctorate degree (or equivalent foreign degree) shall be ranked higher than applicants
whose highest educational degree is a professional degree (as defined in section 220(a)) or equivalent foreign degree, who shall be ranked higher than applicants whose highest educational degree is a master’s degree (or equivalent foreign degree), who shall be ranked higher than applicants whose highest educational degree is a bachelor’s degree (or equivalent foreign degree), who shall be ranked higher than applicants whose highest educational degree is a high school diploma (as defined in section 220(a)) or equivalent foreign diploma, who shall be ranked higher than applicants without a high school diploma, with United States degrees ranked higher than their foreign counterparts.

“(II) Applicants with equal points and equal educational attainment shall be ranked according to their respective English language proficiency test rankings (as defined in section 220(a)).
“(III) Applicants with equal points, equal educational attainment, and equal English language proficiency test rankings shall be ranked according to their age, with applicants who are nearest their 25th birthdays being ranked higher.

“(D) DURATION.—Applications shall remain in the eligible applicant pool for 12 months. An applicant who is not invited to apply for a point-based immigrant visa during the 12-month period in which the application remains in the eligible applicant pool may reapply for placement in the eligible applicant pool.

“(2) VISA PETITION.—

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

“(B) Petition Elements.—Subject to subparagraph (C), the Director of U.S. Citizenship and Immigration Services shall award a points-based immigrant visa to any applicant invited to file a petition under subparagraph (A) who, not later than 90 days after receiving such invitation, files a petition with the Director that includes—

“(i) valid documentation proving that the applicant is entitled to all of the points claimed in the application submitted pursuant to paragraph (1);

“(ii) an attestation from the prospective employer, if applicable—

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

“(II) that the job being offered to the applicant is a new or vacant position that does not displace a United States worker;

“(iii)(I) proof that the applicant’s United States employer has secured health
insurance that meet all applicable regulations; or

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

“(iv) a fee in the amount of $345.

“(C) **Disposition of petitions exceeding the annual numerical limitation.**—If the Director receives a petition that complies with the requirements under subparagraph (B) after the numerical limitation set forth in section 201(d) has been reached for the applicable fiscal year, the Director shall—

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

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

“(iii) reduce the number of points-based immigrant visas that may be issued during the following fiscal year accordingly.
“(3) VISAS FOR SPOUSES AND CHILDREN.—

“(A) Spouse.—The legal spouse of an applicant under this subsection who is accompanying or following to join the applicant in the United States shall be issued a points-based immigrant visa under this section upon the approval of the spouse’s petition under paragraph (2).

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

“(C) Dependent Adult Children.—Any adult child of an applicant under this subsection who is unable to care for himself or herself may be admitted into the United States, on a temporary basis, until he or she is capable to care for himself or herself, but may not be authorized to work in the United States or to receive any other benefits of permanent residence.
(4) Inflation Adjustments.—The Director shall adjust the amount of the fees required under paragraphs (1)(B)(iii) and (2)(B)(iv) every 2 years, as appropriate, to reflect inflation.

(5) Ineligibility for Public Benefits.—An alien who has been issued a points-based immigrant visa under this subsection, and every member of the household of such alien, shall not be eligible for any Federal means-tested public benefit (as defined and implemented in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613)) during the 5-year period beginning on the date on which such visa was issued.”; and

(2) in subsection (d)(1), as redesignated by section 2(b)(1)(C)(ii), by striking “or (b)”.

(d) Establishment of Immigration Points System.—

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

“SEC. 220. IMMIGRATION POINTS SYSTEM.

“(a) Definitions.—In this section:
“(1) **English language proficiency test.**—The term ‘English language proficiency test’ means—

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

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

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

“(2) **English language proficiency test ranking.**—

“(A) In general.—Subject to subparagraph (B), the term ‘English language proficiency test ranking’ means the decile rank of the applicant’s English language proficiency test score, when compared with all of the other
people who took the same test during the same period.

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

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

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

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

“(6) PROFESSIONAL DEGREE.—The term ‘professional degree’ includes the following degrees:

“(A) Master’s of Business Administration.
“(B) Doctor of Jurisprudence.

“(C) Doctor of Medicine.

“(7) STEM.—The term ‘STEM’ means the academic discipline of science, technology, engineering, or mathematics.

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

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

“(c) AGE.—

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

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

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

“(4) AGES 22 THROUGH 25.—An applicant who is at least 22 years of age and younger than 26 years of age shall accrue 8 points.
“(5) Ages 26 through 30.—An applicant who is at least 26 years of age and younger than 31 years of age shall accrue 10 points.

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

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

“(8) Ages 41 through 45.—An applicant who is at least 41 years of age and younger than 46 years of age shall accrue 4 points.

“(9) Ages 46 through 50.—An applicant who is at least 46 years of age and younger than 51 years of age shall accrue 2 points.

“(10) Age 51 and older.—An applicant who is at least 51 years of age may submit an application under section 203(b), but shall not accrue any points on account of age.

“(d) Education.—

“(1) In general.—An applicant may only accrue points for educational attainment under this section based on the highest degree obtained by the applicant as of the date on which the applicant submits an application under section 203(b).
“(2) United States or foreign high school degree.—An applicant whose highest degree is a diploma from a high school in the United States, or the foreign equivalent of such a degree, as determined by the Secretary of Education, shall accrue 1 point.

“(3) Foreign bachelor’s degree.—An applicant who has received the foreign equivalent of a bachelor’s degree from an institution of higher education, as determined by the Secretary of Education, but has not received a degree described in paragraphs (5) through (8), shall accrue 5 points.

“(4) United States bachelor’s degree.—An applicant who has received a bachelor’s degree from an institution of higher education, but has not received a degree described in paragraphs (5) through (8), shall accrue 6 points.

“(5) Foreign master’s degree in STEM.—An applicant whose highest degree is a master’s degree in STEM from a foreign college or university, approved by the Secretary of Education, shall accrue 7 points.

“(6) United States master’s degree in STEM.—An applicant whose highest degree is a mas-
ter’s degree in STEM from an institution of higher education shall accrue 8 points.

“(7) FOREIGN PROFESSIONAL DEGREE OR DOCTORATE DEGREE IN STEM.—An applicant whose highest degree is a foreign professional degree or a doctorate degree in STEM, approved by the Secretary of Education, shall accrue 10 points.

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

“(9) APPROVED FOREIGN EDUCATIONAL INSTITUTIONS AND DEGREES.—The Director of U.S. Citizenship and Immigration Services, in cooperation with the Secretary of Education, shall maintain and regularly update a list of foreign educational institutions and degrees that meet accreditation standards equivalent to those recognized by major United States accrediting agencies and are approved for the purpose of accruing points under this subsection.

“(e) ENGLISH LANGUAGE PROFICIENCY.—

“(1) IN GENERAL.—An applicant may accrue points for English language proficiency in accordance with this subsection based on the highest
English language assessment test ranking of the applicant as of the date on which the applicant submits an application under section 203(b).

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

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

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

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

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

“(f) EXTRAORDINARY ACHIEVEMENT.—An applicant may accrue, for extraordinary achievement under this subsection—

“(1) 25 points if the applicant is a Nobel Laureate or has received comparable recognition in a field of scientific or social scientific study, as deter-
mined by the Director of U.S. Citizenship and Immigration Services; and

“(2) 15 points if the applicant, during the 8-year period immediately preceding the submission of an application under section 203(b)(1), earned an individual Olympic medal or placed first in an international sporting event in which the majority of the best athletes in an Olympic sport were represented, as determined by the Director of U.S. Citizenship and Immigration Services.

“(g) JOB OFFER.—

“(1) IN GENERAL.—An applicant may accrue, for highly compensated employment under this subsection—

“(A) 5 points if the annual salary being offered by the applicant’s prospective employer is at least 150 percent of the median household income in the State in which the applicant will be employed, as determined by the Secretary of Labor, and less than 200 percent of such median household income;

“(B) 8 points if the annual salary being offered by the applicant’s prospective employer is at least 200 percent of the median household income in the State in which the applicant will
be employed, as determined by the Secretary of Labor, and less than 300 percent of such median household income; and

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

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

“(A) the applicant has not received a degree higher than a bachelor’s degree; and

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

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

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

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

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

“(2) Failure to Maintain Investment.—A
points-based immigrant visa issued under section
201(b) to an applicant who accrued points under
this subsection shall be rescinded if the applicant
fails to comply with the requirements under para-
graph (1) for a period in excess of 1 year.

“(i) Valid Offer of Admission Under Family
Preference Category.—Any alien who was granted
admission to the United States under section 203(a), as
in effect on the day before the date of enactment of this
section, shall be entitled to 2 points if—

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

“(2) the applicant did not receive an immigrant
visa during the 1-year period beginning on the date
of the enactment of this section.
“(j) **Effect of Spouse on Accrual of Points.**—

“(1) **In General.**—If an applicant has a spouse who will be accompanying or following to join the applicant in the United States, the applicant will identify the points that the spouse would accrue under each of subsections (c) through (e) if he or she were applying for a points-based immigrant visa.

“(2) **Points Adjustment.**—For each of the categories set forth in subsections (c) through (e)—

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

“(B) if the number of points that would be accrued by the spouse is lower than the number of points accrued by the applicant, the number of points accrued by the applicant shall be adjusted so that it is equal to the sum of—

“(i) the number of points accrued by the applicant under such category multiplied by 70 percent; and

“(ii) the number of points accrued by the spouse under such category multiplied by 30 percent.”.
(2) Clerical Amendment.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 219 the following:

"Sec. 220. Immigration points system.”.

(e) Annual Report.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress that includes, for the previous fiscal year—

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

(2) with respect to the aliens placed in the eligible applicant pool under section 203(b)(1)(C) of such Act during the previous fiscal year—

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

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

(C) the percentage of such aliens in each of the English language proficiency categories set forth in section 220(e) of such Act;
(D) the initial United States employer of such aliens and the average starting annual salary offered by such employers in the United States; and

(E) the number of such aliens agreeing to invest in a new commercial enterprise in the United States, and the percentage of such aliens in each of the categories set forth in section 220(h) of such Act; and

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

(f) QUADRENNIAL REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, and every 4 years thereafter, the Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of Commerce, and the Secretary of State, shall submit a report to the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives that includes any recommendations for revisions to the immigration points system set forth
in section 220 of the Immigration and Nationality Act, as added by section 5(d), by—

(A) reallocating points within or among the categories set forth in subsections (c) through (i) of such section; and

(B) adding or subtracting additional points categories.

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

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

(B) enhancing prospects for the economic success of immigrants issued points-based immigrant visas;

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

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

SEC. 6. PREREQUISITE FOR NATURALIZATION.

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

(1) by striking “Except” and inserting the following:
“(a) PERMANENT RESIDENT.—Except;

(2) by striking “he” each place such term appears and inserting “he or she”;

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

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

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

(6) by striking “Notwithstanding” and inserting the following:

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

(7) by striking “Act: Provided, That the findings” and inserting “Act. The findings”; and

(8) by adding at the end the following:

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