

116TH CONGRESS
1ST SESSION

H. R. 1044

IN THE SENATE OF THE UNITED STATES

JULY 11, 2019

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fairness for High-
3 Skilled Immigrants Act of 2019”.

4 **SEC. 2. NUMERICAL LIMITATION TO ANY SINGLE FOREIGN**
5 **STATE.**

6 (a) IN GENERAL.—Section 202(a)(2) of the Immi-
7 gration and Nationality Act (8 U.S.C. 1152(a)(2)) is
8 amended—

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

11 (2) by striking “(3), (4), and (5),” and insert-
12 ing “(3) and (4),”;

13 (3) by striking “subsections (a) and (b) of sec-
14 tion 203” and inserting “section 203(a)”;

15 (4) by striking “7” and inserting “15”; and

16 (5) by striking “such subsections” and inserting
17 “such section”.

18 (b) CONFORMING AMENDMENTS.—Section 202 of the
19 Immigration and Nationality Act (8 U.S.C. 1152) is
20 amended—

21 (1) in subsection (a)(3), by striking “both sub-
22 sections (a) and (b) of section 203” and inserting
23 “section 203(a)”;

24 (2) by striking subsection (a)(5); and

25 (3) by amending subsection (e) to read as fol-
26 lows:

1 “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—
2 If it is determined that the total number of immigrant
3 visas made available under section 203(a) to natives of
4 any single foreign state or dependent area will exceed the
5 numerical limitation specified in subsection (a)(2) in any
6 fiscal year, in determining the allotment of immigrant visa
7 numbers to natives under section 203(a), visa numbers
8 with respect to natives of that state or area shall be allo-
9 cated (to the extent practicable and otherwise consistent
10 with this section and section 203) in a manner so that,
11 except as provided in subsection (a)(4), the proportion of
12 the visa numbers made available under each of paragraphs
13 (1) through (4) of section 203(a) is equal to the ratio of
14 the total number of visas made available under the respec-
15 tive paragraph to the total number of visas made available
16 under section 203(a).”.

17 (c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the
18 Chinese Student Protection Act of 1992 (8 U.S.C. 1255
19 note) is amended—

20 (1) in subsection (a), by striking “subsection
21 (e))” and inserting “subsection (d))”; and

22 (2) by striking subsection (d) and redesignating
23 subsection (e) as subsection (d).

24 (d) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect as if enacted on September

1 30, 2019, and shall apply to fiscal years beginning with
2 fiscal year 2020.

3 (e) TRANSITION RULES FOR EMPLOYMENT-BASED
4 IMMIGRANTS.—

5 (1) IN GENERAL.—Subject to the succeeding
6 paragraphs of this subsection and notwithstanding
7 title II of the Immigration and Nationality Act (8
8 U.S.C. 1151 et seq.), the following rules shall apply:

9 (A) For fiscal year 2020, 15 percent of the
10 immigrant visas made available under each of
11 paragraphs (2), (3), and (5) of section 203(b)
12 of such Act (8 U.S.C. 1153(b)) shall be allotted
13 to immigrants who are natives of a foreign
14 state or dependent area that is not one of the
15 two states with the largest aggregate numbers
16 of natives who are beneficiaries of approved pe-
17 titions for immigrant status under such para-
18 graphs.

19 (B) For fiscal year 2021, 10 percent of the
20 immigrant visas made available under each of
21 such paragraphs shall be allotted to immigrants
22 who are natives of a foreign state or dependent
23 area that is not one of the two states with the
24 largest aggregate numbers of natives who are

1 beneficiaries of approved petitions for immi-
2 grant status under such paragraphs.

3 (C) For fiscal year 2022, 10 percent of the
4 immigrant visas made available under each of
5 such paragraphs shall be allotted to immigrants
6 who are natives of a foreign state or dependent
7 area that is not one of the two states with the
8 largest aggregate numbers of natives who are
9 beneficiaries of approved petitions for immi-
10 grant status under such paragraphs.

11 (2) PER-COUNTRY LEVELS.—

12 (A) RESERVED VISAS.—With respect to
13 the visas reserved under each of subparagraphs
14 (A) through (C) of paragraph (1), the number
15 of such visas made available to natives of any
16 single foreign state or dependent area in the ap-
17 propriate fiscal year may not exceed 25 percent
18 (in the case of a single foreign state) or 2 per-
19 cent (in the case of a dependent area) of the
20 total number of such visas.

21 (B) UNRESERVED VISAS.—With respect to
22 the immigrant visas made available under each
23 of paragraphs (2), (3), and (5) of section
24 203(b) of such Act (8 U.S.C. 1153(b)) and not
25 reserved under paragraph (1), for each of fiscal

1 years 2020, 2021, and 2022, not more than 85
2 percent shall be allotted to immigrants who are
3 natives of any single foreign state.

4 (3) SPECIAL RULE TO PREVENT UNUSED
5 VISAS.—If, with respect to fiscal year 2020, 2021, or
6 2022, the operation of paragraphs (1) and (2) of
7 this subsection would prevent the total number of
8 immigrant visas made available under paragraph (2)
9 or (3) of section 203(b) of such Act (8 U.S.C.
10 1153(b)) from being issued, such visas may be
11 issued during the remainder of such fiscal year with-
12 out regard to paragraphs (1) and (2) of this sub-
13 section.

14 (4) TRANSITION RULE FOR CURRENTLY AP-
15 PROVED BENEFICIARIES.—

16 (A) IN GENERAL.—Notwithstanding sec-
17 tion 202 of the Immigration and Nationality
18 Act, as amended by this Act, immigrant visas
19 under section 203(b) of the Immigration and
20 Nationality Act (8 U.S.C. 1153(b)) shall be al-
21 located such that no alien described in subpara-
22 graph (B) receives a visa later than the alien
23 otherwise would have received said visa had this
24 Act not been enacted.

1 (B) ALIEN DESCRIBED.—An alien is de-
 2 scribed in this subparagraph if the alien is the
 3 beneficiary of a petition for an immigrant visa
 4 under section 203(b) of the Immigration and
 5 Nationality Act (8 U.S.C. 1153(b)) that was
 6 approved prior to the date of enactment of this
 7 Act.

8 (5) RULES FOR CHARGEABILITY.—Section
 9 202(b) of such Act (8 U.S.C. 1152(b)) shall apply
 10 in determining the foreign state to which an alien is
 11 chargeable for purposes of this subsection.

12 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

13 The budgetary effects of this Act, for the purpose of
 14 complying with the Statutory Pay-As-You-Go Act of 2010,
 15 shall be determined by reference to the latest statement
 16 titled “Budgetary Effects of PAYGO Legislation” for this
 17 Act, submitted for printing in the Congressional Record
 18 by the Chairman of the House Budget Committee, pro-
 19 vided that such statement has been submitted prior to the
 20 vote on passage.

Passed the House of Representatives July 10, 2019.

Attest: CHERYL L. JOHNSON,
Clerk.