

115TH CONGRESS  
2D SESSION

# H. R. 6794

To amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2018

Mr. COFFMAN (for himself and Mr. KRISHNAMOORTHY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Immigration Innova-  
5 tion Act of 2018”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.  
 Sec. 2. Table of contents.

#### TITLE I—EMPLOYMENT-BASED NONIMMIGRANT VISAS

- Sec. 101. Employment authorization for dependents of H-1B nonimmigrants.  
 Sec. 102. Eliminating impediments to worker mobility.  
 Sec. 103. Definitions.  
 Sec. 104. Strengthening the prevailing wage system.  
 Sec. 105. Schedule A study.

#### TITLE II—EMPLOYMENT-BASED IMMIGRANT VISAS

- Sec. 201. Ensuring the issuance of all preference employment-based immigrant visas.  
 Sec. 202. Aliens not subject to direct numerical limitation.  
 Sec. 203. Increased portability.  
 Sec. 204. Adjustment of status for employment-based immigrants.  
 Sec. 205. Employment-based conditional immigrants.

#### TITLE III—STUDENT VISAS

- Sec. 301. Authorization of dual intent.

#### TITLE IV—STEM EDUCATION AND WORKER TRAINING

- Sec. 401. Promoting American Ingenuity Account.  
 Sec. 402. National evaluation.  
 Sec. 403. Rule of construction.

#### TITLE V—REFORMS AFFECTING IMMIGRANT AND NONIMMIGRANT VISAS

- Sec. 501. Streamlining petitions for established employers and other requirements.

## 1 **TITLE I—EMPLOYMENT-BASED** 2 **NONIMMIGRANT VISAS**

### 3 **SEC. 101. EMPLOYMENT AUTHORIZATION FOR DEPEND-** 4 **ENTS OF H-1B NONIMMIGRANTS.**

5 Section 214(e) of the Immigration and Nationality  
 6 Act (8 U.S.C. 1184(e)) is amended—

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

1           (2) in paragraph (2), by adding at the end the  
2 following:

3           “(G)(i) If the principal alien has a pending or ap-  
4 proved Application for Permanent Employment Certifi-  
5 cation or a pending or approved Immigrant Petition, the  
6 Secretary of Homeland Security shall—

7           “(I) authorize the alien spouse of such principal  
8 alien admitted under section 101(a)(15)(H)(i)(b)  
9 who is accompanying or following to join the prin-  
10 cipal alien to engage in employment in the United  
11 States; and

12           “(II) provide the spouse with an ‘employment  
13 authorized’ endorsement or other appropriate work  
14 permit.

15           “(ii) The employer of an alien spouse described in  
16 clause (i)(I) shall attest to the Secretary of Homeland Se-  
17 curity that the employer is offering and will offer to the  
18 alien spouse, during the period of authorized employment,  
19 not less than the greater of—

20           “(I) the actual wage level paid by the employer  
21 for the specific employment in question to all other  
22 individuals with similar experiences and qualifica-  
23 tions; or

24           “(II) the prevailing wage level for the occupa-  
25 tional classification in the area of employment, re-

1 reflecting the education, experience, and level of super-  
 2 vision required for the job to be performed by the  
 3 alien spouse, based on the best information available  
 4 at the time the alien spouse is hired.”.

5 **SEC. 102. ELIMINATING IMPEDIMENTS TO WORKER MOBIL-**  
 6 **ITY.**

7 (a) EFFECT OF NEW JOB SITE.—Section 214(c)(10)  
 8 of the Immigration and Nationality Act (8 U.S.C.  
 9 1184(c)(10)) is amended to read as follows:

10 “(10) An amended H–1B petition shall not be re-  
 11 quired if—

12 “(A) the petitioning employer is involved in a  
 13 corporate restructuring, including a merger, acquisi-  
 14 tion, or consolidation;

15 “(B) a new corporate entity succeeds to the in-  
 16 terests and obligations of the original petitioning  
 17 employer and the terms and conditions of employ-  
 18 ment remain the same except for the identity of the  
 19 petitioner; or

20 “(C) the nonimmigrant worker begins working  
 21 at a new place of employment for which the peti-  
 22 tioner has secured a valid, certified Labor Condition  
 23 Application before the nonimmigrant worker began  
 24 working at such place of employment.”.

1 (b) DEFERENCE TO PRIOR APPROVALS.—Section  
2 214(c) of such Act, as amended by subsection (a) and sec-  
3 tion 101, is further amended by adding at the end the  
4 following:

5 “(15) If the Secretary of Homeland Security or the  
6 Secretary of State approves a visa, petition, or application  
7 for admission on behalf of an alien described in subpara-  
8 graph (H)(i)(b) or (L) of section 101(a)(15), the Sec-  
9 retary of Homeland Security or the Secretary of State  
10 may not deny a subsequent petition, visa, or application  
11 for admission involving the same employer and alien un-  
12 less the applicant is provided with a written finding that  
13 explains the basis for the Government’s determination  
14 that—

15 “(A) there was a material error with regard to  
16 the approval of the previous petition, visa, or appli-  
17 cation for admission;

18 “(B) a substantial change in circumstances has  
19 taken place since the prior approval or admission  
20 that renders the nonimmigrant ineligible for such  
21 status under this Act; or

22 “(C) new material information has been discov-  
23 ered that adversely impacts the eligibility of the em-  
24 ployer or the nonimmigrant.”.

1 (c) EFFECT OF ENDING EMPLOYMENT RELATION-  
2 SHIP.—Section 214(n) of such Act (8 U.S.C. 1184(n)) is  
3 amended by adding at the end the following:

4 “(3) A nonimmigrant admitted under section  
5 101(a)(15)(H)(i)(b) whose employment relationship ends  
6 (either voluntarily or involuntarily) before the expiration  
7 of the nonimmigrant’s period of authorized admission  
8 shall be deemed to have retained such legal status  
9 throughout the 60-day period beginning on such employ-  
10 ment ending date if an employer files a petition to extend,  
11 change, or adjust the status of the nonimmigrant during  
12 such period.”.

13 **SEC. 103. DEFINITIONS.**

14 (a) INTENDING IMMIGRANT.—Section 101(a) of the  
15 Immigration and Nationality Act (8 U.S.C. 1101(a)) is  
16 amended by adding at the end the following:

17 “(53)(A) The term ‘intending immigrant’ means,  
18 with respect to the number of aliens employed by an em-  
19 ployer, an alien who intends to work and reside perma-  
20 nently in the United States, as evidenced by—

21 “(i) a pending or approved application for a  
22 labor certification filed for such alien by a covered  
23 employer; or

24 “(ii) a pending or approved immigrant status  
25 petition filed for such alien by a covered employer.

1 “(B) In this paragraph:

2 “(i) The term ‘covered employer’ means an em-  
3 ployer that has filed immigrant status petitions for  
4 not fewer than 90 percent of current employees who  
5 were the beneficiaries of applications for labor cer-  
6 tification that were approved during the 1-year pe-  
7 riod ending 6 months before the filing of an applica-  
8 tion or petition for which the number of intending  
9 immigrants is relevant.

10 “(ii) The term ‘immigrant status petition’  
11 means a petition filed under paragraph (1), (2), or  
12 (3) of section 203(b).

13 “(iii) The term ‘labor certification’ means an  
14 employment certification under section 212(a)(5)(A).

15 “(C) Notwithstanding any other provision of law—

16 “(i) for all calculations of the number of aliens  
17 admitted pursuant to subparagraph (H)(i)(b) or (L)  
18 of paragraph (15), including calculations for the  
19 purposes set forth in section 203(i), an intending  
20 immigrant shall be counted as an alien lawfully ad-  
21 mitted for permanent residence and shall not be  
22 counted as an employee admitted pursuant to such  
23 a subparagraph; and

24 “(ii) for all determinations of the number of  
25 employees or United States workers employed by an

1 employer, all of the employees in any group treated  
2 as a single employer under subsection (b), (c), (m),  
3 or (o) of section 414 of the Internal Revenue Code  
4 of 1986 shall be counted.

5 “(54) The term ‘STEM’ means the academic and  
6 professional disciplines of science (excluding social  
7 sciences), technology, engineering, and mathematics.”.

8 (b) H-1B DEPENDENT EMPLOYERS; EXEMPT H-1B  
9 NONIMMIGRANTS.—Section 212(n) of the Immigration  
10 and Nationality Act (8 U.S.C. 1182(n)) is amended—

11 (1) in paragraph (1)—

12 (A) in subparagraph (E)—

13 (i) in clause (i), by striking “(as de-  
14 fined in paragraph (4))”; and

15 (ii) by striking clause (ii) and insert-  
16 ing the following:

17 “(ii) Except as provided in clause (iii), an appli-  
18 cation described in this clause is an application filed  
19 by—

20 “(I) an H-1B-dependent employer; or

21 “(II) an employer that has been found  
22 under paragraph (2)(C) or (5) to have com-  
23 mitted a willful failure or misrepresentation  
24 during the 5-year period preceding the filing of  
25 the application.



1           “(iii)(I) Except as provided in subclause (II),  
2           an application is not described in clause (ii) if the  
3           only H–1B nonimmigrants sought in the application  
4           are exempt H–1B nonimmigrants.

5           “(II) Subclause (I) shall not apply if the em-  
6           ployer has more than 50 employees and more than  
7           50 percent of the employer’s employees are H–1B  
8           nonimmigrants.”;

9           (2) in paragraph (2)(F)—

10           (A) by inserting “(i)” before “Subject”;

11           and

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

13           “(ii) The Director of U.S. Citizenship and Immigra-  
14           tion Services shall provide the Secretary of Labor with any  
15           information contained in the materials submitted by em-  
16           ployers of H–1B nonimmigrants as part of the petition  
17           adjudication process that indicates that the employer is  
18           not complying with visa program requirements for H–1B  
19           nonimmigrants. The Secretary may initiate and conduct  
20           an investigation and hearing under this paragraph after  
21           receiving information of noncompliance under this sub-  
22           paragraph.”; and

23           (3) in paragraph (3)—

24           (A) by amending subparagraph (A) to read  
25           as follows:

1       “(A)(i) For purposes of this subsection, the term ‘H–  
2 H-1B-dependent employer’ means an employer that—

3               “(I) in the case of an employer that has 25 or  
4 fewer full-time equivalent employees who are em-  
5 ployed in the United States, employs more than 7  
6 H-1B nonimmigrants;

7               “(II) in the case of an employer that has at  
8 least 26 but not more than 50 full-time equivalent  
9 employees who are employed in the United States,  
10 employs more than 12 H-1B nonimmigrants; or

11               “(III) in the case of an employer that has at  
12 least 51 full-time equivalent employees who are em-  
13 ployed in the United States, employs H-1B non-  
14 immigrants in a number that is equal to at least 15  
15 percent of the number of such full-time equivalent  
16 employees.

17       “(ii) In determining the number of employees who are  
18 H-1B nonimmigrants under subparagraph (A), an intend-  
19 ing immigrant employee shall not count toward such num-  
20 ber.”; and

21               (B) in subparagraph (B)—

22                       (i) by amending clause (i) to read as  
23 follows:

24                       “(i) the term ‘exempt H-1B nonimmigrant’  
25 means an H-1B nonimmigrant who—

1           “(I) receives wages (including cash bo-  
2 nuses) at an annual rate equal to not less than  
3 the higher of—

4           “(aa) 105 percent of the occupational  
5 mean wage, as determined based on Bu-  
6 reau of Labor Statistics data for the geo-  
7 graphic area of employment; or

8           “(bb) \$100,000 (or the adjusted  
9 amount under clause (iii), if applicable); or

10          “(II) has attained a doctoral degree from  
11 an institution of higher education (as defined in  
12 section 101(a) of the Higher Education Act of  
13 1965 (20 U.S.C. 1001(a))) in the United States  
14 in a specialty related to the intended employ-  
15 ment;”;

16           (ii) in clause (ii), by striking the pe-  
17 riod at the end and inserting “; and”;

18           (iii) by adding at the end the fol-  
19 lowing:

20          “(iii) the amount under clause (i)(I)(bb) shall  
21 be increased, for the third fiscal year beginning after  
22 the date of the enactment of this clause and for  
23 every third fiscal year thereafter, by the percentage  
24 (if any) by which the Consumer Price Index for the  
25 month of June preceding the date on which such in-

1       crease takes effect exceeds the Consumer Price  
2       Index for the same month of the third preceding cal-  
3       endar year.”.

4   **SEC. 104. STRENGTHENING THE PREVAILING WAGE SYS-**  
5                   **TEM.**

6       Section 212(p) of the Immigration and Nationality  
7   Act (8 U.S.C. 1182(p)) is amended—

8               (1) in paragraph (4), by adding at the end the  
9       following: “With regard to the prevailing wage re-  
10      quired to be paid under subsections (a)(5)(A),  
11      (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II) (as added by  
12      section 402(b)(2) of Public Law 108–77), the first  
13      level of wages shall be not less than the mean of the  
14      lowest 50 percent of the wages surveyed.”; and

15              (2) by adding at the end the following:

16              “(5) An employer may use an independent survey ap-  
17      proved by the Secretary of Labor for purposes of this sec-  
18      tion. The Secretary shall approve such a survey if—

19              “(A) the survey was published during the most  
20      recent 2-year period;

21              “(B) the survey has not been duplicated since  
22      its initial publication;

23              “(C) the data upon which the survey is based  
24      was collected during the 2-year period ending on the  
25      date on which the survey was published;

1           “(D) the survey reflects the area of intended  
2 employment;

3           “(E) the employer’s job description adequately  
4 matches the job description in the survey;

5           “(F) the survey is across industries that employ  
6 workers in the occupation;

7           “(G) the wage determination is based on the  
8 arithmetic mean (weighted average); and

9           “(H) the survey identifies a statistically valid  
10 methodology that was used to collect the data.”.

11 **SEC. 105. SCHEDULE A STUDY.**

12           Not later than 1 year after the date of the enactment  
13 of this Act, the Secretary of Labor, in cooperation with  
14 the Office of Foreign Labor Certification, shall—

15           (1) submit to the Committee on the Judiciary  
16 of the Senate and the Committee on the Judiciary  
17 of the House of Representatives the results of a  
18 study to determine whether the occupations listed in  
19 Schedule A (20 C.F.R. 656.5) should be modified or  
20 expanded; and

21           (2) if the study determines that Schedule A  
22 should be modified or expanded, publish a notice of  
23 proposed rulemaking in the Federal Register.

1 **TITLE II—EMPLOYMENT-BASED**  
2 **IMMIGRANT VISAS**

3 **SEC. 201. ENSURING THE ISSUANCE OF ALL PREFERENCE**  
4 **EMPLOYMENT-BASED IMMIGRANT VISAS.**

5 (a) BACKLOG REDUCTION.—

6 (1) IN GENERAL.—Notwithstanding any other  
7 provision of law, beginning in fiscal year 2018, the  
8 number of employment-based immigrant visas that  
9 shall be issued under paragraph (1), (2), or (3) of  
10 section 203(b) of the Immigration and Nationality  
11 Act (8 U.S.C. 1153(b)) shall be increased by the  
12 number computed under paragraph (2).

13 (2) NUMBER AVAILABLE.—

14 (A) IN GENERAL.—The number computed  
15 under this paragraph is—

16 (i) the greater of—

17 (I) the number of preference im-  
18 migrant visas computed under section  
19 201(d)(1) of the Immigration and Na-  
20 tionality Act (8 U.S.C. 1151(d)(1))  
21 for fiscal years 1992 to 2013 that  
22 were not issued to any preference im-  
23 migrant for any of those fiscal years;  
24 or

25 (II) 200,000; minus

1 (ii) the number described in subpara-  
2 graph (B).

3 (B) REDUCTION.—The number described  
4 in subparagraph (A)(i) shall be reduced, for  
5 each fiscal year after fiscal year 2017, by the  
6 cumulative number of immigrant visas issued  
7 for previous fiscal years pursuant to the in-  
8 crease authorized under paragraph (1).

9 (C) CONSTRUCTION.—

10 (i) IN GENERAL.—Nothing in this  
11 paragraph may be construed as affecting  
12 the application of section 201(c)(3)(C) of  
13 the Immigration and Nationality Act (8  
14 U.S.C. 1151(c)(3)(C)) with regard to im-  
15 migrant visas other than the visas author-  
16 ized by the increase computed under sub-  
17 paragraph (A).

18 (ii) LIMITATION.—The visas author-  
19 ized by the increase computed under sub-  
20 paragraph (A) may only be issued to aliens  
21 seeking immigrant visas pursuant to para-  
22 graph (1), (2), or (3) of section 203(b) of  
23 the Immigration and Nationality Act (8  
24 U.S.C. 1153(b)).

1 (b) PREFERENCE IMMIGRATION AS DIRECTED BY  
2 CONGRESS.—Section 201(c)(1)(B)(ii) of the Immigration  
3 and Nationality Act (8 U.S.C. 1151(c)(1)(B)(ii)) is  
4 amended to read as follows:

5 “(ii) The number computed under subparagraph (A)  
6 shall not be less than the sum of—

7 “(I) 226,000; plus

8 “(II) the number computed under paragraph  
9 (3).”.

10 (c) ENSURING FULL IMPLEMENTATION.—Section  
11 203(g) of the Immigration and Nationality Act (8 U.S.C.  
12 1153(g)) is amended by striking “(g) LISTS.—For pur-  
13 poses of carrying out” and inserting the following:

14 “(g) ADMINISTRATION.—

15 “(1) OBLIGATION TO ISSUE ALL AUTHORIZED  
16 VISAS.—

17 “(A) IN GENERAL.—The Secretary of  
18 State, in coordination with the Secretary of  
19 Homeland Security, shall administer this sec-  
20 tion in a manner that ensures that all immi-  
21 grant visas authorized by Congress to be issued  
22 under this section are issued to qualified appli-  
23 cants.

24 “(B) NOTICE.—Not later than June 1 of  
25 each fiscal year, the Secretary of State shall



1 publish a notice in the Federal Register that  
2 describes the steps that the Government is tak-  
3 ing to comply with subparagraph (A).

4 “(2) LISTS.—In order to carry out”.

5 (d) FACILITATING ISSUANCE OF VISAS.—Section  
6 245(a) of the Immigration and Nationality Act (8 U.S.C.  
7 1255(a)) is amended by adding at the end the following:  
8 “For purposes of paragraph (3), an immigrant visa is  
9 deemed to be immediately available if any visa number al-  
10 located under this Act to preference immigrants described  
11 in section 203(b) has not yet been issued for that fiscal  
12 year.”.

13 **SEC. 202. ALIENS NOT SUBJECT TO DIRECT NUMERICAL**  
14 **LIMITATION.**

15 (a) IN GENERAL.—Section 201(b)(1) of the Immi-  
16 gration and Nationality Act (8 U.S.C. 1151(b)(1)) is  
17 amended by adding at the end the following:

18 “(F) Aliens who are the spouse or a child of an  
19 alien admitted as an employment-based immigrant  
20 under subsection (b) or (i) of section 203.

21 “(G) Aliens who have earned a master’s or  
22 higher degree in a field listed on the STEM Des-  
23 ignated Degree Program List published by the De-  
24 partment of Homeland Security on the Student and  
25 Exchange Visitor Program website from an institu-

1 tion of higher education (as defined in section  
2 101(a) of the Higher Education Act of 1965 (20  
3 U.S.C. 1001(a))) in the United States.

4 “(H) Aliens for whom a petition for an employ-  
5 ment-based immigrant visa under paragraph (A) or  
6 (B) of section 203(b)(1) has been approved.”.

7 (b) CONFORMING AMENDMENTS.—Section 203(b) of  
8 the Immigration and Nationality Act (8 U.S.C. 1153(b))  
9 is amended—

10 (1) in paragraph (1), in the matter preceding  
11 subparagraph (A), by striking “28.6 percent” and  
12 inserting “12 percent”;

13 (2) in paragraph (2)(A), by striking “28.6 per-  
14 cent” and inserting “36.9 percent”; and

15 (3) in paragraph (3)(A), by striking “28.6 per-  
16 cent” and inserting “36.9 percent”.

17 **SEC. 203. INCREASED PORTABILITY.**

18 Section 204(j) of the Immigration and Nationality  
19 Act (8 U.S.C. 1154(j)) is amended to read as follows:

20 “(j) **JOB FLEXIBILITY FOR LONG DELAYED APPLI-**  
21 **CANTS FOR ADJUSTMENT OF STATUS TO PERMANENT**  
22 **RESIDENCE.**—A petition filed under subsection (a)(1)(F)  
23 for an individual who has filed an application for adjust-  
24 ment of status pursuant to section 245 or has been grant-  
25 ed conditional permanent resident status pursuant to sec-

1 tion 216B and has had 3 annual reviews of such status  
2 approved, shall remain valid with respect to a new job if  
3 the individual changes jobs or employers if the new job  
4 is in the same or a similar occupational classification as  
5 the job for which the petition was filed.”.

6 **SEC. 204. ADJUSTMENT OF STATUS FOR EMPLOYMENT-**  
7 **BASED IMMIGRANTS.**

8 Section 245 of the Immigration and Nationality Act  
9 (8 U.S.C. 1255) is amended—

10 (1) in subsection (c)—

11 (A) by striking “to (1) an alien” and in-  
12 serting the following: “to—

13 “(1) an alien”;

14 (B) by striking “(2) subject” and inserting  
15 the following:

16 “(2) subject”;

17 (C) by striking “(3) any alien” and insert-  
18 ing the following:

19 “(3) any alien”;

20 (D) by striking “(4) an alien” and insert-  
21 ing the following:

22 “(4) an alien”;

23 (E) by striking “(5) an alien” and insert-  
24 ing the following:

25 “(5) an alien”;

1 (F) by striking “section 101(a)(15)(S), (6)  
2 an alien” and inserting the following: “section  
3 101(a)(15)(S);  
4 “(6) an alien”;

5 (G) by striking “(7) any alien” and insert-  
6 ing the following:  
7 “(7) any alien”;

8 (H) in paragraph (7), by inserting “or  
9 203(i)” after “203(b)”; and

10 (I) by striking “status; or (8) any alien”  
11 and inserting the following: “status; or  
12 “(8) any alien”; and

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

14 “(n) ADJUSTMENT OF STATUS FOR EMPLOYMENT-  
15 BASED IMMIGRANTS.—

16 “(1) PETITION.—Any alien, and any eligible de-  
17 pendent of such alien, who has an approved petition  
18 for immigrant status, may file an application with  
19 the Secretary of Homeland Security for adjustment  
20 of status regardless of whether an immigrant visa is  
21 immediately available at the time the application is  
22 filed.

23 “(2) SUPPLEMENTAL FEE.—If a visa is not im-  
24 mediately available at the time an application is filed  
25 under paragraph (1), the beneficiary of such applica-

1       tion shall pay a supplemental fee of \$500, which  
2       shall be deposited into the Promoting American In-  
3       genuity Account established under section 286(w).  
4       This fee shall not be collected from any dependent  
5       accompanying or following to join such beneficiary.

6               “(3) AVAILABILITY.—An application filed under  
7       this subsection may not be approved until the date  
8       on which an immigrant visa becomes available.”.

9       **SEC. 205. EMPLOYMENT-BASED CONDITIONAL IMMI-**  
10       **GRANTS.**

11       (a) **WORLDWIDE LEVEL.**—Section 201(a) of the Im-  
12       migration and Nationality Act (8 U.S.C. 1151) is amend-  
13       ed—

14               (1) in paragraph (2), by striking “and” at the  
15       end;

16               (2) in paragraph (3), by striking the period at  
17       the end and inserting “; and”; and

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

19               “(4) for fiscal year 2019 and each subsequent  
20       fiscal year, conditional employment-based immi-  
21       grants described in section 203(i) in a number not  
22       to exceed 35,000 for any fiscal year.”.

23       (b) **REQUIREMENTS.**—Section 203 of the Immigra-  
24       tion and Nationality Act (8 U.S.C. 1153) is amended—

1           (1) in subsection (d), by striking “or (c)” and  
2           inserting “(c), or (i)”;

3           (2) in subsection (e)—

4                 (A) by redesignating paragraph (3) as  
5                 paragraph (4); and

6                 (B) by inserting after paragraph (2) the  
7                 following:

8           “(3) Immigrant visa numbers made available under  
9           subsection (i) shall be issued to eligible immigrants in a  
10           manner and order established by the Secretary of Home-  
11           land Security, by regulations, in accordance with the re-  
12           quirements under such subsection.”;

13           (3) in subsection (f)—

14                 (A) by striking “his” and inserting “the  
15                 alien’s”;

16                 (B) by striking “or (c) of this section” and  
17                 inserting “(c), or (i)”;

18                 (C) by striking “he” and inserting “the  
19                 consular officer”;

20           (4) in subsection (g)(2), as amended by section  
21           202(c), by striking “and (c)” and inserting “(c), and  
22           (i)”;

23           (5) by adding at the end the following:

24           “(i)   CONDITIONAL   EMPLOYMENT-BASED   IMMI-  
25           GRANTS.—

1           “(1) AUTHORIZATION.—Conditional employ-  
2           ment-based immigrant visas shall be made available  
3           in a number not to exceed 35,000 for each fiscal  
4           year, to any eligible alien (including any non-  
5           immigrant lawfully residing in the United States)  
6           who—

7                     “(A) has earned a university degree;

8                     “(B) has received an offer of employment  
9                     from a United States employer that has com-  
10                    plied with the requirements under section  
11                    204(a)(1)(M); and

12                    “(C) will satisfy the requirements for im-  
13                    migrant classification under paragraph (1), (2),  
14                    or (3) of subsection (b).

15           “(2) DEPARTURE NOT REQUIRED.—The Sec-  
16           retary of Homeland Security may not require a non-  
17           immigrant who is lawfully residing in the United  
18           States to leave the United States in order to obtain  
19           a conditional employment-based immigrant visa  
20           under paragraph (1).”.

21           (c) PETITIONING PROCEDURE.—

22                    (1) IN GENERAL.—Section 204(a)(1) of the Im-  
23                    migration and Nationality Act (8 U.S.C. 1154(a)(1))  
24                    is amended—

1 (A) in subparagraph (F), by striking “sec-  
2 tion 203(b)(1)(B), 203(b)(1)(C), 203(b)(2), or  
3 203(b)(3)” and inserting “paragraph (1)(B),  
4 (1)(C), (2), or (3) of section 203(b) or section  
5 203(i)”;

6 (B) by moving subparagraph (L) 4 ems to  
7 the left; and

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

9 “(M) Each employer petitioning for a conditional em-  
10 ployment-based immigrant visa on behalf of an alien under  
11 this subsection, or seeking to hire a conditional employ-  
12 ment-based immigrant who was previously admitted—

13 “(i) shall file a petition with the Secretary of  
14 Homeland Security attesting that—

15 “(I) the alien will be paid not less than a  
16 similarly situated United States worker;

17 “(II) no United States worker has been or  
18 will be displaced by the alien;

19 “(III) the employer has undertaken re-  
20 cruitment efforts to hire United States workers,  
21 in the alien’s same occupation or a similar occu-  
22 pation, who possess a bachelor’s degree or high-  
23 er, including at least 3 types of targeted re-  
24 cruiting efforts, such as job fairs, on-campus



1 recruiting, or job postings that attract appli-  
2 cants; and

3 “(IV) the employer is in compliance with  
4 the requirements under clauses (ii) through  
5 (vii);

6 “(ii) shall be prepared to document all recruit-  
7 ment efforts attested to under clause (i)(III), if au-  
8 dited by the Secretary;

9 “(iii) shall fully participate in the E-Verify Pro-  
10 gram established under section 403(a) of the Illegal  
11 Immigration Reform and Immigrant Responsibility  
12 Act of 1996 (8 U.S.C. 1324a note);

13 “(iv) shall pay, for each petition filed under  
14 clause (i), a \$10,000 fee, which shall be deposited  
15 into the Promoting American Ingenuity Account es-  
16 tablished under section 286(w);

17 “(v) shall pay an administrative fee in an  
18 amount that is sufficient to cover the average paper-  
19 work processing and other administrative costs of an  
20 alien participating in the program established under  
21 this subsection;

22 “(vi) may not be an H-1B-dependent employer  
23 (as defined in section 212(n)(3)(A)); and

24 “(vii) may not be debarred from any existing  
25 immigration program.”.

1           (2) ADJUDICATION OF PETITIONS.—The Sec-  
2           retary of Homeland Security shall adjudicate all pe-  
3           titions filed under section 204(a)(1)(M)(i) of the Im-  
4           migration and Nationality Act, as added by para-  
5           graph (1), not later than 60 days after receiving  
6           such petitions.

7           (d) LABOR CERTIFICATION BASED ON PRIOR COM-  
8           PETITIVE RECRUITMENT.—

9           (1) IN GENERAL.—Section 212(a)(5)(A)(ii) of  
10          the Immigration and Nationality Act (8 U.S.C.  
11          1182(a)(5)(A)(ii)) is amended—

12                   (A) in the clause heading, by inserting  
13                   “FOR SPECIAL RECRUITMENT AND DOCU-  
14                   MENTATION PROCEDURES” after “RULE”;

15                   (B) in subclause (I), by striking “, or” and  
16                   inserting a semicolon;

17                   (C) in subclause (II), by striking the pe-  
18                   riod at the end and inserting “; or”; and

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

20                                   “(III) is a conditional permanent  
21                                   resident under section 216B and re-  
22                                   ceives wages (including cash bonuses)  
23                                   at an annual rate equal to not less  
24                                   than \$100,000.”.

1           (2) INFLATION ADJUSTMENT.—The amount  
2 specified in section 212(a)(5)(A)(ii)(III) of the Im-  
3 migration and Nationality Act, as added by para-  
4 graph (1), shall be increased, on the first day of the  
5 third fiscal year beginning after the date of the en-  
6 actment of this Act, and on the first day of every  
7 third fiscal year thereafter, by the percentage (if  
8 any) by which the Consumer Price Index for the  
9 month of June preceding the date on which such in-  
10 crease takes effect exceeds the Consumer Price  
11 Index for the same month of the third preceding cal-  
12 endar year.

13           (e) CONDITIONAL PERMANENT RESIDENCY.—

14           (1) IN GENERAL.—Chapter 2 of title II of the  
15 Immigration and Nationality Act (8 U.S.C. 1181 et  
16 seq.) is amended by inserting after section 216A the  
17 following:

18 **“SEC. 216B. CONDITIONAL PERMANENT RESIDENT STATUS**  
19 **FOR CERTAIN HIGHLY SKILLED PROFES-**  
20 **SIONALS, SPOUSES, AND CHILDREN.**

21           “(a) IN GENERAL.—

22           “(1) CONDITIONAL BASIS FOR STATUS.—Not-  
23 withstanding any other provision of this Act, a con-  
24 ditional employment-based immigrant (as described  
25 in section 203(i)), and the alien spouse and alien

1 children of such immigrant, shall each be provided  
2 the status of an alien lawfully admitted for perma-  
3 nent residence, and shall be considered to have ob-  
4 tained such status on a conditional basis subject to  
5 the provisions of this section.

6 “(2) NOTICE OF REQUIREMENTS.—At the time  
7 a conditional employment-based immigrant, or the  
8 alien spouse or child of such immigrant, obtains per-  
9 manent resident status on a conditional basis, the  
10 Secretary of Homeland Security shall notify such  
11 immigrant, spouse, or child of—

12 “(A) the provisions of this section;

13 “(B) the requirements for maintaining  
14 such conditional permanent resident status; and

15 “(C) the requirements to have the condi-  
16 tional basis of such status removed.

17 “(b) ANNUAL REVIEW.—

18 “(1) IN GENERAL.—The Secretary of Homeland  
19 Security shall annually review the status of each  
20 alien receiving conditional permanent resident status  
21 under subsection (a) and shall require from the alien  
22 proof or evidence of—

23 “(A) ongoing employment in the occupa-  
24 tion for which the alien was granted a condi-  
25 tional employment-based visa by an employer

1 that has complied with the requirements under  
2 section 204(a)(1)(M);

3 “(B) the payment of all applicable income  
4 and Social Security taxes;

5 “(C) at the first annual review—

6 “(i) a filing with the Department of  
7 Labor on the alien’s behalf of an Applica-  
8 tion for Permanent Employment Certifi-  
9 cation, if such certification is required for  
10 the alien to satisfy the requirements for  
11 immigrant classification under paragraph  
12 (1), (2), or (3) of section 203(b); or

13 “(ii) a filing with the Department of  
14 Homeland Security on the alien’s behalf of  
15 an Immigrant Petition for Alien Worker, if  
16 such certification is not required for the  
17 alien to satisfy the requirements for immi-  
18 grant classification under paragraph (1),  
19 (2), or (3) of section 203(b);

20 “(D) at the second annual review, a filing  
21 with the Department of Homeland Security on  
22 the alien’s behalf of an Immigrant Petition for  
23 Alien Worker, unless a pending Application for  
24 Permanent Employment Certification prevents

1 the filing of an Immigrant Petition for Alien  
2 Worker on the alien's behalf; and

3 “(E) at the third and subsequent annual  
4 reviews, an approval from the Department of  
5 Homeland Security of an Immigrant Petition  
6 for Alien Worker filed on the alien's behalf.

7 “(2) EFFECT OF DENIAL.—A filing with the  
8 Department of Labor on the alien's behalf of an Ap-  
9 plication for Permanent Employment Certification  
10 or a filing with the Department of Homeland Secu-  
11 rity on the alien's behalf of an Immigrant Petition  
12 for Alien Worker shall not qualify as proof or evi-  
13 dence under paragraph (1) if—

14 “(A) the Application for Permanent Em-  
15 ployment Certification or the Immigrant Peti-  
16 tion for Alien Worker has been denied by a  
17 final agency action; or

18 “(B) an approved Immigrant Petition for  
19 Alien Worker filed on the alien's behalf was re-  
20 voked for cause under section 205.

21 “(c) TRANSFERS.—

22 “(1) IN GENERAL.—Except as provided in para-  
23 graph (2), an alien receiving conditional permanent  
24 resident status under subsection (a) may begin em-  
25 ployment with a new employer without affecting his

1 or her status if the new employer complies with the  
2 requirements set forth in section 204(a)(1)(M).

3 “(2) FEE.—Notwithstanding section  
4 204(a)(1)(M), the fee payable by the new employer  
5 for each alien shall be—

6 “(A) \$10,000 if the new employer hires the  
7 alien during the 1-year period beginning on the  
8 date on which the alien obtained conditional  
9 permanent resident status under subsection (a);

10 “(B) \$5,000 if the new employer hires the  
11 alien during the 1-year period beginning at the  
12 end of the period described in subparagraph  
13 (A);

14 “(C) \$2,500 if the new employer hires the  
15 alien during the 1-year period beginning at the  
16 end of the period described in subparagraph  
17 (B); and

18 “(D) zero if the new employer hires the  
19 alien after the end of the period described in  
20 subparagraph (C).

21 “(d) TERMINATION.—The Secretary of Homeland  
22 Security shall terminate the conditional permanent resi-  
23 dent status of an alien who received such status under  
24 subsection (a) if—

25 “(1) the alien—

1           “(A) fails to submit the required proof or  
2           evidence at the annual review in accordance  
3           with subsection (b); or

4           “(B) submits proof or evidence at such a  
5           review that fails to satisfy the requirements  
6           under subsection (b);

7           “(2) the alien has been unemployed or em-  
8           ployed other than in the occupation for which the  
9           alien was granted a conditional employment-based  
10          immigrant visa for a cumulative total of 180 days  
11          while holding conditional permanent resident status  
12          under subsection (a);

13          “(3) the alien is employed by an employer that  
14          is not in compliance with the requirements under  
15          section 204(a)(1)(M);

16          “(4) the alien does not apply to remove the con-  
17          ditions attached to his or her permanent resident  
18          status within 1 year after an immigrant visa would  
19          be available for such alien under paragraph (1), (2),  
20          or (3) of section 203(b) based on the alien’s pref-  
21          erence category and country of chargeability if the  
22          alien did not have conditional permanent resident  
23          status; or

24          “(5) an application submitted by the alien to  
25          remove the conditions attached to his or her perma-



1        nent resident status is denied in a final agency ac-  
2        tion.

3        “(e) REMOVAL OF CONDITIONS.—Any alien receiving  
4 conditional permanent resident status under subsection  
5 (a) may file an application to have the conditions removed  
6 on or after the date on which an immigrant visa would  
7 be available for such alien under paragraph (1), (2), or  
8 (3) of section 203(b) based on the alien’s preference cat-  
9 egory and country of chargeability if the alien did not have  
10 conditional permanent resident status. Such application  
11 shall include the same proof or evidence that would be re-  
12 quired for an annual review under subsection (b) if such  
13 review occurred on the date on which the application was  
14 filed.”.

15            (2) CLERICAL AMENDMENT.—The table of con-  
16 tents for the Immigration and Nationality Act (8  
17 U.S.C. 1101 note) is amended by inserting after the  
18 item relating to section 216A the following:

“Sec. 216B. Conditional permanent resident status for certain highly skilled  
professionals, spouses, and children.”.

## 19        **TITLE III—STUDENT VISAS**

### 20        **SEC. 301. AUTHORIZATION OF DUAL INTENT.**

21        (a) DEFINITION.—Section 101(a)(15)(F)(i) of the  
22 Immigration and Nationality Act (8 U.S.C.  
23 1101(a)(15)(F)(i)) is amended by striking “which he has  
24 no intention of abandoning”.

1 (b) PRESUMPTION OF STATUS; INTENTION TO ABAN-  
 2 DON FOREIGN RESIDENCE.—Section 214 of such Act (8  
 3 U.S.C. 1184) is amended—

4 (1) in subsection (b), by striking “(L) or (V)”  
 5 and inserting “(F), (L), or (V)”; and

6 (2) in subsection (h), by striking “(H)(i)(b) or  
 7 (c)” and inserting “(F), (H)(i)(b), (H)(i)(c)”.

8 **TITLE IV—STEM EDUCATION**  
 9 **AND WORKER TRAINING**

10 **SEC. 401. PROMOTING AMERICAN INGENUITY ACCOUNT.**

11 Section 286 of the Immigration and Nationality Act  
 12 (8 U.S.C. 1356) is amended by adding at the end the fol-  
 13 lowing:

14 “(w) PROMOTING AMERICAN INGENUITY AC-  
 15 COUNT.—

16 “(1) IN GENERAL.—There is established in the  
 17 general fund of the Treasury a separate account,  
 18 which shall be known as the ‘Promoting American  
 19 Ingenuity Account’. There shall be deposited into the  
 20 account any fees collected under sections 245(n)(2)  
 21 and 204(a)(1)(M)(iv). Amounts deposited into the  
 22 account shall remain available to the Secretary of  
 23 Education until expended.

24 “(2) PURPOSES.—The purposes of the Pro-  
 25 moting American Ingenuity Account are to enhance

1 the economic competitiveness of the United States  
2 by—

3 “(A) strengthening academic achievement  
4 standards in science, technology, engineering,  
5 and mathematics (STEM), including computer  
6 science, at all levels;

7 “(B) ensuring that schools have access to  
8 well-trained and effective STEM teachers  
9 through improved strategies for the recruit-  
10 ment, training, placement, and retention of  
11 teachers in STEM fields, including computer  
12 science;

13 “(C) supporting efforts to strengthen the  
14 elementary and secondary STEM curriculum,  
15 including efforts to make courses in computer  
16 science more broadly available;

17 “(D) helping colleges and universities  
18 produce more graduates in fields needed by  
19 American employers, including assistance for  
20 students in postsecondary STEM programs;

21 “(E) improving availability of and access  
22 to STEM-related worker training programs, in-  
23 cluding community college-based courses and  
24 programs;

1           “(F) providing employment-based STEM  
2 education and training programs, including ap-  
3 prenticeship programs; and

4           “(G) carrying out other activities approved  
5 by the Secretary of Education to improve  
6 STEM education and training.

7           “(3) ALLOCATION OF FUNDS.—

8           “(A) NATIONAL ACTIVITIES.—The Sec-  
9 retary of Education may reserve up to 2 per-  
10 cent of the amounts deposited into the Pro-  
11 moting American Ingenuity Account for na-  
12 tional research, development, demonstration,  
13 evaluation, and dissemination activities carried  
14 out directly or through grants, contracts, or co-  
15 operative agreements, including—

16           “(i) activities undertaken jointly with  
17 other Federal agencies, such as STEM  
18 mission agencies; and

19           “(ii) grants to nonprofit organizations  
20 for nationally significant activities con-  
21 sistent with the purposes of the Immigra-  
22 tion Innovation Act of 2018.

23           “(B) AMERICAN DREAM ACCOUNTS.—

24           “(i) GRANTS AUTHORIZED.—The Sec-  
25 retary of Education shall allocate 5 percent

1 of the amounts deposited into the Pro-  
2 moting American Ingenuity Account to  
3 award grants, on a competitive basis, to el-  
4 igible entities to enable such entities to es-  
5 tablish and administer American Dream  
6 Accounts.

7 “(ii) PURPOSE OF ACCOUNTS.—Amer-  
8 ican Dream Accounts shall be personal, on-  
9 line accounts for low-income students, who  
10 are, at the time of application, attending a  
11 grade not higher than ninth grade, that in-  
12 clude a college savings account, monitor  
13 progress toward higher education, and pro-  
14 vide opportunities, including mentoring—

15 “(I) to gain financial literacy  
16 skills;

17 “(II) to learn about preparing for  
18 enrollment in an institution of higher  
19 education; and

20 “(III) to identify career interests.

21 “(iii) PRIORITY.—The Secretary shall  
22 give priority to applicants that dem-  
23 onstrate one or more of the following:

24 “(I) An intention to focus on  
25 STEM education and careers.

1           “(II) The ability to serve a large  
2           number of low-income students.

3           “(III) In the case of eligible enti-  
4           ties described in subclause (I) or (II)  
5           of clause (iv), the provision of oppor-  
6           tunities for students to participate in  
7           a dual or concurrent enrollment pro-  
8           gram or early college high school pro-  
9           gram at no cost to the student or to  
10          the student’s family.

11          “(iv) ELIGIBLE ENTITIES.—An eligi-  
12          ble entity may be a partnership of two or  
13          more of the following entities:

14                 “(I) A State educational agency.

15                 “(II) A local educational agency,  
16                 including a charter school that oper-  
17                 ates as its own educational agency.

18                 “(III) A charter management or-  
19                 ganization or charter school author-  
20                 izer.

21                 “(IV) An institution of higher  
22                 education or a Tribal college or uni-  
23                 versity.

24                 “(V) A nonprofit organization.

1                   “(VI) An organization with dem-  
2                   onstrated experience in educational  
3                   savings or in preparing low-income  
4                   students for higher education.

5                   “(v) REPORTS AND EVALUATIONS.—  
6                   Not later than 1 year after the date on  
7                   which the Secretary of Education disburses  
8                   grants under this Act, and annually there-  
9                   after until each grant disbursed under this  
10                  Act has ended, the Secretary shall prepare  
11                  and submit a report to the appropriate  
12                  committees of Congress, which shall in-  
13                  clude an evaluation of the effectiveness of  
14                  the grant program established under this  
15                  Act, including in building financial capa-  
16                  bility.

17                  “(vi) ELIGIBILITY TO RECEIVE FED-  
18                  ERAL STUDENT FINANCIAL AID.—Notwith-  
19                  standing any other provision of law, any  
20                  funds that are in the college savings ac-  
21                  count portion of a student’s American  
22                  Dream Account—

23                  “(I) shall not affect such stu-  
24                  dent’s eligibility to receive Federal  
25                  student financial aid, including any

1 Federal student financial aid under  
2 the Higher Education Act of 1965 (20  
3 U.S.C. 1001 et seq.); and

4 “(II) shall not be considered in  
5 determining the amount of any such  
6 Federal student aid.

7 “(vii) RULEMAKING.—The Secretary  
8 of Education shall promulgate regulations,  
9 through notice and comment rulemaking in  
10 compliance with section 553 of title 5,  
11 United States Code, to implement the  
12 American Dream Account competitive  
13 grant program authorized under this sub-  
14 paragraph. The Secretary shall issue a no-  
15 tice of proposed rulemaking in the Federal  
16 Register not later than 1 year after the  
17 date of the enactment of this subsection.

18 “(C) ALLOCATIONS TO STATES.—

19 “(i) IN GENERAL.—Subject to clause  
20 (iii), the Secretary of Education, after  
21 making the allocations under subpara-  
22 graphs (A) and (B), shall proportionately  
23 allocate the remaining amount deposited  
24 into the Promoting American Ingenuity  
25 Account in each fiscal year to each State



1 that submits an application under subpara-  
2 graph (D) in an amount that bears the  
3 same relationship to such remaining  
4 amount as the amount the State received  
5 under subpart 2 of part A of title I of the  
6 Elementary and Secondary Education Act  
7 of 1965 (20 U.S.C. 6331 et seq.) for the  
8 preceding fiscal year bears to the amount  
9 all States received under that subpart for  
10 the preceding fiscal year.

11 “(ii) AUTHORIZED USE OF STATE AL-  
12 LOCATIONS.—Of the amount each State  
13 receives under clause (i) in each fiscal  
14 year, the State shall allocate—

15 “(I) 50 percent for the activities  
16 described in subparagraphs (A), (B),  
17 (C), (D), and (G) of paragraph (2);  
18 and

19 “(II) 50 percent for the activities  
20 described in subparagraphs (E), (F),  
21 and (G) of paragraph (2).

22 “(iii) MINIMUM ALLOCATIONS.—

23 “(I) IN GENERAL.—Except as  
24 provided in subclause (II), no State  
25 shall receive less than 0.5 percent of

1 the total amount made available to all  
2 States under this subparagraph from  
3 the Promoting American Ingenuity  
4 Account.

5 “(II) REALLOCATION.—If a  
6 State does not submit an application  
7 in accordance with subparagraph (D)  
8 in a fiscal year, the Secretary of Edu-  
9 cation shall reallocate the State’s allo-  
10 cation to the remaining States in ac-  
11 cordance with this subsection.

12 “(D) STEM EDUCATION GRANT APPLICA-  
13 TION PROCESS.—

14 “(i) APPLICATION.—Each State desir-  
15 ing to receive an allocation from the Pro-  
16 moting American Ingenuity Account shall  
17 submit an application to the Secretary of  
18 Education at such time, in such form, and  
19 including such information as the Sec-  
20 retary may prescribe. The application shall  
21 describe how the State plans to improve  
22 STEM education and training to meet the  
23 needs of employers in the State, in accord-  
24 ance with paragraph (2).

1           “(ii) APPROVAL.—The Secretary of  
2           Education shall approve any application  
3           submitted under clause (i) that meets the  
4           requirements prescribed by the Secretary if  
5           the Secretary determines, after evaluating  
6           the recommendations of peer reviewers,  
7           that the State’s plan for the use of funds  
8           would be successful in making progress to-  
9           ward meeting the purposes set forth in  
10          paragraph (2).

11          “(4) FEDERAL FUNDS TO SUPPLEMENT, NOT  
12          SUPPLANT, NON-FEDERAL FUNDS.—

13                 “(A) IN GENERAL.—A State educational  
14                 agency or local educational agency shall use  
15                 Federal funds received under this subsection  
16                 only to supplement the funds that would, in the  
17                 absence of such Federal funds, be made avail-  
18                 able from State and local sources for the edu-  
19                 cation of students participating in programs as-  
20                 sisted under this part, and not to supplant such  
21                 funds.

22                 “(B) COMPLIANCE.—To demonstrate com-  
23                 pliance with this paragraph, a local educational  
24                 agency shall demonstrate that the methodology  
25                 used to allocate State and local funds to each

1 school receiving assistance under this part en-  
2 sures that such school receives all of the State  
3 and local funds it would otherwise receive if it  
4 were not receiving assistance under this sub-  
5 section.

6 “(C) RULE OF CONSTRUCTION.—Nothing  
7 in this subsection may be construed to author-  
8 ize or permit the Secretary of Education to pre-  
9 scribe the specific methodology a local edu-  
10 cation agency uses to allocate State and local  
11 funds to each school receiving assistance under  
12 this subsection.”.

13 **SEC. 402. NATIONAL EVALUATION.**

14 (a) IN GENERAL.—Using amounts reserved under  
15 section 286(w)(3)(A) of the Immigration and Nationality  
16 Act, as added by section 402, the Secretary of Education  
17 shall conduct, directly or through a grant or contract, an  
18 annual evaluation of the implementation and impact of the  
19 activities funded by the Promoting American Ingenuity  
20 Account.

21 (b) ANNUAL REPORT.—The Secretary shall submit  
22 a report describing the results of each evaluation con-  
23 ducted under subsection (a) to—

24 (1) the President;

1           (2) the Committee on the Judiciary of the Sen-  
2       ate;

3           (3) the Committee on the Judiciary of the  
4       House of Representatives;

5           (4) the Committee on Health, Education,  
6       Labor, and Pensions of the Senate; and

7           (5) the Committee on Education and the Work-  
8       force of the House of Representatives.

9       (c) DISSEMINATION.—The Secretary shall make the  
10   findings of the evaluation widely available to educators,  
11   the business community, and the public.

12   **SEC. 403. RULE OF CONSTRUCTION.**

13       Nothing in this title may be construed to permit the  
14   Secretary of Education or any other Federal official to ap-  
15   prove the content or academic achievement standards of  
16   a State.

17   **TITLE V—REFORMS AFFECTING**  
18       **IMMIGRANT           AND           NON-**  
19       **IMMIGRANT VISAS**

20   **SEC. 501. STREAMLINING PETITIONS FOR ESTABLISHED**  
21                   **EMPLOYERS AND OTHER REQUIREMENTS.**

22       (a) IN GENERAL.—Section 214(c) of the Immigration  
23   and Nationality Act (8 U.S.C. 1184(c)), as amended by  
24   titles I and IV, is further amended by adding at the end  
25   the following:

1       “(16) The Secretary of Homeland Security shall es-  
2       tablish a pre-certification procedure for employers who file  
3       multiple petitions under this subsection or section  
4       204(a)(1)(F) that enables an employer—

5               “(A) to avoid repeatedly submitting documenta-  
6       tion that is common to multiple petitions; and

7               “(B) to establish, through a single filing, cri-  
8       teria relating to the employer and the offered em-  
9       ployment opportunity.

10       “(17) The Secretary of Homeland Security shall pro-  
11       mulgate regulations that allow a petitioner to opt to elec-  
12       tronically sign, file, and store any report, form, or sup-  
13       porting document required to be submitted to U.S. Citi-  
14       zenship and Immigration Services.”.

15       (b) EFFECTIVE DATE.—The amendment made by  
16       subsection (a) shall take effect on the date of the enact-  
17       ment of this Act, and shall apply to petitions filed under  
18       section 204(a)(1)(F) or 214(c) of the Immigration and  
19       Nationality Act (8 U.S.C. 1154(a)(1)(F) and 1184(c)) be-  
20       ginning 180 days after such date.

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