

116TH CONGRESS
2D SESSION

H. R. 8838

To overhaul the legal immigration system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2020

Mr. KING of Iowa introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Foreign Affairs, and Education and Labor, 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

A BILL

To overhaul the legal immigration system, 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 “Legal Immigration for
5 the U.S. Act”.

1 **TITLE I—LEGAL IMMIGRATION**

2 **SEC. 101. WORLDWIDE LEVELS OF FAMILY-SPONSORED**
3 **AND EMPLOYMENT-BASED IMMIGRANTS.**

4 (a) FAMILY-SPONSORED IMMIGRANTS.—Section
5 201(c) of the Immigration and Nationality Act (8 U.S.C.
6 1151(c)) is amended to read as follows:

7 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
8 IMMIGRANTS.—The worldwide level of family-sponsored
9 immigrants is capped at 195,000 for each fiscal year.”.

10 (b) EMPLOYMENT-BASED IMMIGRANTS.—Section
11 201(d) of the Immigration and Nationality Act (8 U.S.C.
12 1151(d)) is amended to read as follows:

13 “(c) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
14 IMMIGRANTS.—The worldwide level of employment-based
15 immigrants is capped at 480,000 for each fiscal year.”.

16 **SEC. 102. PARENTS OF CITIZENS.**

17 Section 201(b)(2)(A)(i) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended in
19 the first sentence by striking the period at the end and
20 inserting “and shall demonstrate that the parent has a
21 financial or physical need to reside in the household of
22 the citizen.”.

1 **SEC. 103. ELIMINATION OF DIVERSITY IMMIGRANT PRO-**
2 **GRAM.**

3 (a) WORLDWIDE LEVEL OF DIVERSITY IMMI-
4 GRANTS.—Section 201 of the Immigration and Nation-
5 ality Act (8 U.S.C. 1151) is amended—

6 (1) in subsection (a)—

7 (A) by inserting “and” at the end of para-
8 graph (1);

9 (B) by striking “; and” at the end of para-
10 graph (2) and inserting a period; and

11 (C) by striking paragraph (3); and

12 (2) by striking subsection (e).

13 (b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—
14 Section 203 of such Act (8 U.S.C. 1153) is amended—

15 (1) by striking subsection (c);

16 (2) in subsection (d), by striking “(a), (b), or
17 (c),” and inserting “(a) or (b),”;

18 (3) in subsection (e), by striking paragraph (2)
19 and redesignating paragraph (3) as paragraph (2);

20 (4) in subsection (f), by striking “(a), (b), or
21 (c)” and inserting “(a) or (b),” and

22 (5) in subsection (g), by striking “(a), (b), and
23 (c)” and inserting “(a) and (b)”.

24 (c) PROCEDURE FOR GRANTING IMMIGRANT STA-
25 TUS.—Section 204 of such Act (8 U.S.C. 1154) is amend-
26 ed—

1 (1) by striking subsection (a)(1)(I); and
2 (2) in subsection (e), by striking “(a), (b), or
3 (c)” and inserting “(a) or (b)”.

4 **SEC. 104. ANNUAL ADMISSION OF REFUGEES AND ASYLEES.**

5 Section 207(a) of the Immigration and Nationality
6 Act (8 U.S.C. 1157(a)) is amended by adding at the end
7 the following:

8 “(5) The number of refugees who may be admitted
9 under this section, and the number of aliens granted asy-
10 lum whose status may be adjusted under section 209, may
11 not exceed a total of 50,000 in any fiscal year after fiscal
12 year 2020.”.

13 **SEC. 105. ELIMINATION OF ADJUSTMENT OF STATUS EX-**
14 **CEPTION.**

15 Section 245(c) of the Immigration and Nationality
16 Act (8 U.S.C. 1255(c)) is amended by striking “(other
17 than an immediate relative as defined in section 201(b)
18 or a special immigrant described in section 101(a)(27)(H),
19 (I), (J), or (K))”.

20 **SEC. 106. MERIT-BASED ALLOCATION OF EMPLOYMENT-**
21 **BASED IMMIGRANT VISAS.**

22 Section 203(b) of the Immigration and Nationality
23 Act (8 U.S.C. 1153(b)) is amended by striking paragraph
24 (1) and all that follows through the end and inserting the
25 following:

1 “(1) IN GENERAL.—Visas made available under
2 this subsection shall be awarded based on a 5-factor,
3 100-point assessment. Applicants who score 67 and
4 higher may qualify. Those who score lower than 67
5 do not qualify, but can work on the requisite quali-
6 fications and try again.

7 “(2) AWARDING OF POINTS.—Points are award-
8 ed as follows:

9 “(A) English language skills (reading,
10 writing, listening and speaking) (maximum 28
11 points)—completed through an approved test
12 administered by the Department of State. A
13 maximum of 7 points each is allocated for each
14 skill area.

15 “(B) Education (maximum of 20 points).

16 “(C) Work experience (maximum of 20
17 points) for demonstrating substantive experi-
18 ence in a critical needs occupation in the econ-
19 omy of the United States, as determined by the
20 Secretary of Labor under paragraph (3).

21 “(D) Arranged employment in the United
22 States (maximum of 10 points) for dem-
23 onstrating a job offer of at least 1 year from
24 an employer in the United States in a critical
25 needs occupation.

1 “(E) Adaptability (maximum of 10 points)
2 for demonstrating, through use of the English
3 language, past or present ties with the United
4 States (such as a spouse, family, studies, work,
5 arranged employment) that would enable an in-
6 dividual to assimilate well into life and work in
7 the United States.

8 “(F) Age-based points are assessed for age
9 on the date that the petition for classification
10 under section 204 is received, as follows:

11 “(i) Zero points for aliens under 18
12 years of age and over 46 years of age.

13 “(ii) Twelve points for aliens 18 to 35
14 years of age.

15 “(iii) Eleven points for aliens 36 years
16 of age.

17 “(iv) Ten points for aliens 37 years of
18 age.

19 “(v) Nine points for aliens 38 years of
20 age.

21 “(vi) Eight points for aliens 39 years
22 of age.

23 “(vii) Seven points for aliens 40 years
24 of age.

1 “(viii) Six points for aliens 41 years
2 of age.

3 “(ix) Five points for aliens 42 years
4 of age.

5 “(x) Four points for aliens 43 years
6 of age.

7 “(xi) Three points for aliens 44 years
8 of age.

9 “(xii) Two points for aliens 45 years
10 of age.

11 “(xiii) One point for aliens 46 years of
12 age.

13 “(3) DETERMINATION OF CRITICAL NEEDS.—
14 The Secretary of Labor shall determine critical
15 needs occupations by examining job openings, hires,
16 and total separations by industry during each month
17 in which an alien’s qualifications may be assessed.”.

18 **SEC. 107. EFFECTIVE DATE.**

19 The amendments made by this title shall take effect
20 on October 1, 2020.

21 **TITLE II—NATURALIZATION**
22 **REFORM**

23 **SEC. 201. GOOD MORAL CHARACTER.**

24 Section 101(f)(7) of the Immigration and Nationality
25 Act (8 U.S.C. 1101(f)(7)) is amended to read as follows:

1 “(7) one who at any time is convicted of a
2 crime for which the term of imprisonment is in ex-
3 cess of 180 days;”.

4 **SEC. 202. ENGLISH AND CIVICS EXAMS.**

5 Section 312(a)(2) of the Immigration and Nationality
6 Act (8 U.S.C. 1423(a)(2)) is amended by striking “United
7 States.” and inserting “United States by means of suc-
8 cessful completion of an examination administered only in
9 English.”.

10 **SEC. 203. INVESTIGATION OF APPLICANTS.**

11 Section 335(a) of the Immigration and Nationality
12 Act (8 U.S.C. 1446(a)) is amended by adding at the end
13 the following: “Each applicant for naturalization shall
14 have a background check interview conducted in
15 English.”.

16 **SEC. 204. MARRIED PERSONS.**

17 Section 319(a) of the Immigration and Nationality
18 Act (8 U.S.C. 1430(a)) is amended by striking “for at
19 least three” and inserting “for at least five”.

20 **TITLE III—BIRTHRIGHT**
21 **CITIZENSHIP ACT**

22 **SEC. 301. CITIZENSHIP AT BIRTH FOR CERTAIN PERSONS**
23 **BORN IN THE UNITED STATES.**

24 (a) IN GENERAL.—Section 301 of the Immigration
25 and Nationality Act (8 U.S.C. 1401) is amended—

1 (1) by inserting “(a) IN GENERAL.—” before
2 “‘The following’”;

3 (2) by redesignating subsections (a) through (h)
4 as paragraphs (1) through (8), respectively; and

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

6 “(b) DEFINITION.—Acknowledging the right of birth-
7 right citizenship established by section 1 of the 14th
8 amendment to the Constitution, a person born in the
9 United States shall be considered ‘subject to the jurisdic-
10 tion’ of the United States for purposes of subsection (a)(1)
11 if the person is born in the United States of parents, one
12 of whom is—

13 “(1) a citizen or national of the United States;

14 “(2) an alien lawfully admitted for permanent
15 residence in the United States whose residence is in
16 the United States; or

17 “(3) an alien performing active service in the
18 armed forces (as defined in section 101 of title 10,
19 United States Code).”.

20 (b) APPLICABILITY.—The amendment made by sub-
21 section (a)(3) shall not be construed to affect the citizen-
22 ship or nationality status of any person born before the
23 date of the enactment of this Act.

1 **TITLE IV—RELIGIOUS WORKER**
2 **VISA RECIPROCITY ACT**

3 **SEC. 401. REQUIRING RECIPROCAL IMMIGRATION TREAT-**
4 **MENT.**

5 Section 204(a)(1)(G) of the Immigration and Nation-
6 ality Act (8 U.S.C. 1154(a)(1)(G)) is amended by adding
7 at the end the following:

8 “(iii) Beginning on October 1, 2019, no petition may
9 be approved for classification of an alien as a special immi-
10 grant under section 101(a)(27)(C) if the Secretary of
11 Homeland Security has determined that the country of the
12 alien’s nationality—

13 “(I) is identified as a ‘Country of Particular
14 Concern’ or a country where religious freedom is of
15 significant interest in the 2013 International Reli-
16 gious Freedom Report; or

17 “(II) does not extend reciprocal immigration
18 treatment to nationals of the United States who are
19 seeking resident status in order to work in a reli-
20 gious vocation or occupation.”.

1 **TITLE V—TERMINATE THE EB-5**
2 **PROGRAM**

3 **SEC. 501. TERMINATION OF EB-5 PROGRAM.**

4 (a) REPEAL OF PROVISIONS.—Effective on the date
5 of the enactment of this Act, the following provisions are
6 repealed:

7 (1) Section 203(b)(5) of the Immigration and
8 Nationality Act (8 U.S.C. 1153(b)(5)).

9 (2) Section 204(a)(1)(H) of the Immigration
10 and Nationality Act (8 U.S.C. 1154(a)(1)(H)).

11 (3) Section 216A of the Immigration and Na-
12 tionality Act (8 U.S.C. 1186b).

13 (4) Section 610 of the Departments of Com-
14 merce, Justice, and State, the Judiciary, and Re-
15 lated Agencies Appropriations Act, 1993 (8 U.S.C.
16 1153 note).

17 (b) APPLICABILITY.—Beginning on the date of the
18 enactment of this Act, the Secretary of Homeland Secu-
19 rity—

20 (1) shall cease to accept petitions and applica-
21 tions under any authority repealed under subsection
22 (a); and

23 (2) shall dismiss all pending petitions and appli-
24 cations described in paragraph (1).

1 **TITLE VI—THE E-BONDING FOR**
2 **IMMIGRATION INTEGRITY ACT**

3 **SEC. 601. REQUIREMENT OF BOND.**

4 (a) BOND REQUIRED.—Prior to arriving at a port of
5 entry of the United States, an alien seeking admission to
6 the United States shall post a bond, in accordance with
7 subsection (d), in an amount determined by the Secretary
8 if such alien seeks admission to the United States as a
9 nonimmigrant in a category—

10 (1) described under subparagraph (B), (F),
11 (H)(ii)(b), (H)(ii)(b), or (K) of section 101(a)(15) of
12 the Immigration and Nationality Act (8 U.S.C.
13 1101(a)(15)); or

14 (2) identified by the Secretary, in accordance
15 with section 502, to have a visa overstay rate that
16 is more than 1.5 percent.

17 (b) AMOUNT OF BOND.—Not later than 1 year after
18 the date of the enactment of this section, the Secretary
19 shall, by rule, establish the amount of the bond required
20 by subsection (a) for each visa category under subsection
21 (a)(1) and each visa category identified by the Secretary
22 under section 502, which amount shall—

23 (1) be not less than \$2,500 and not more than
24 \$10,000; and

1 (2) be determined based on the Secretary's as-
2 sessment of the level of risk of visa overstays for
3 that category.

4 (c) ADJUSTMENT OF AMOUNT OF BOND.—On an an-
5 nual basis, the Secretary shall review, and, as appropriate,
6 adjust the amounts of the bonds described in subsection
7 (b).

8 (d) PAYMENT OF BOND.—An alien required to post
9 the bond under subsection (a) shall post such bond—

10 (1) in electronic form; and

11 (2) with a bonding agent designated by the Sec-
12 retary as qualified to hold such bond.

13 (e) RELEASE OF BOND.—The Secretary shall author-
14 ize a bonding agent to release a bond—

15 (1) to an alien required to post such bond—

16 (A) after receiving a notification from the
17 United States embassy or consulate in the
18 alien's country of origin that such alien de-
19 parted the United States and returned to such
20 country of origin; or

21 (B) if such alien changed or adjusted their
22 status to an immigration status not required to
23 post a bond under this section.

1 (2) to the E-bond Enforcement Fund under
2 section 503 upon a determination by the Secretary
3 that an alien—

4 (A) overstayed their visa; or

5 (B) did not return to their country of ori-
6 gin following the termination of their visa.

7 (f) CHANGE OF STATUS.—An alien who has been ad-
8 mitted to the United States and who is required to post
9 a bond under subsection (a) may be required to post an
10 additional bond if such alien changes their status to that
11 of a nonimmigrant in a category required to pay a higher
12 bond under this section.

13 (g) COLLECTION OF RECORDS RELATING TO
14 BONDS.—The United States Embassy or United States
15 consular office in the alien’s country of origin shall collect
16 any records necessary to carry out this section.

17 (h) EFFECTIVE DATE.—This section shall take effect
18 on the date that is 120 calendar days after the enactment
19 of this Act.

20 **SEC. 602. VISA OVERSTAY RATE CATEGORIES.**

21 The Secretary shall identify—

22 (1) the visa overstay rate for each category of
23 nonimmigrant aliens described under section
24 101(a)(15) of the Immigration and Nationality Act
25 (8 U.S.C. 1101(a)(15)) in the previous year; and

1 (2) each category of nonimmigrant aliens de-
2 scribed under such section that had a visa overstay
3 rate in the previous year that was more than 1.5
4 percent.

5 **SEC. 603. E-BOND ENFORCEMENT FUND.**

6 (a) IN GENERAL.—There is established in the general
7 fund of the Treasury a separate account, which shall be
8 known as the “E-bond Enforcement Fund” (in this sub-
9 section referred to as the “Fund”).

10 (b) DEPOSITS.—There shall be deposited as offset-
11 ting receipts into the Fund all amounts released under
12 section 501(e)(2) of this title.

13 (c) USE OF AMOUNTS.—Amounts deposited into the
14 Fund shall remain available until expended and shall be
15 refunded out of the Fund by the Secretary of the Treas-
16 ury, to the Secretary of Homeland Security to—

17 (1) ensure compliance with this title; and

18 (2) administer enforcement programs.

19 **SEC. 604. REPORT.**

20 Not later than 120 days after the date of the enact-
21 ment of this Act, and each year thereafter, the Secretary
22 shall submit to the committees of appropriate jurisdiction
23 a report that includes—

24 (1) the visa overstay rate for each category of
25 nonimmigrant alien described under section

1 101(a)(15) of the Immigration and Nationality Act
2 (8 U.S.C. 1101(a)(15)) in the previous year;

3 (2) the categories that had a visa overstay rate
4 in the previous year that was more than 1.5 percent,
5 as determined by the Secretary in accordance with
6 section 502;

7 (3) the amounts of the bonds, as determined by
8 the Secretary in accordance with section 501;

9 (4) information relating to the Fund under sec-
10 tion 503; and

11 (5) any other information determined appro-
12 priate by the Secretary.

13 **SEC. 605. DEFINITIONS.**

14 In this title:

15 (1) COMMITTEES OF APPROPRIATE JURISDIC-
16 TION.—The term “committees of appropriate juris-
17 diction” means—

18 (A) the Committee on the Judiciary of the
19 House of Representatives;

20 (B) the Committee on the Judiciary of the
21 Senate;

22 (C) the Committee on Homeland Security
23 of the House of Representatives; and

24 (D) the Committee on Homeland Security
25 and Governmental Affairs of the Senate.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Homeland Security, unless other-
3 wise provided.

4 (3) VISA OVERSTAY RATE.—The term “visa
5 overstay rate” means the ratio of, for each category
6 of nonimmigrant aliens described in section
7 101(a)(15) of the Immigration and Nationality Act
8 (8 U.S.C. 1101 (a)(15))—

9 (A) the number of aliens admitted to the
10 United States for each such category whose pe-
11 riod of authorized stays ended during a fiscal
12 year but who remained unlawfully in the United
13 States beyond such period; to

14 (B) the total number of aliens admitted to
15 the United States for each such category during
16 that fiscal year.

17 **TITLE VII—ENGLISH LANGUAGE**
18 **UNITY ACT**

19 **SEC. 701. FINDINGS.**

20 The Congress finds and declares the following:

21 (1) The United States is comprised of individ-
22 uals from diverse ethnic, cultural, and linguistic
23 backgrounds, and continues to benefit from this rich
24 diversity.

1 (2) Throughout the history of the United
2 States, the common thread binding individuals of
3 differing backgrounds has been the English lan-
4 guage.

5 (3) Among the powers reserved to the States
6 respectively is the power to establish the English
7 language as the official language of the respective
8 States, and otherwise to promote the English lan-
9 guage within the respective States, subject to the
10 prohibitions enumerated in the Constitution of the
11 United States and in laws of the respective States.

12 **SEC. 702. ENGLISH AS OFFICIAL LANGUAGE OF THE**
13 **UNITED STATES.**

14 (a) IN GENERAL.—Title 4, United States Code, is
15 amended by adding at the end the following new chapter:

16 **“CHAPTER 6—OFFICIAL LANGUAGE**

17 **“§ 161. Official language of the United States**

18 “The official language of the United States is
19 English.

20 **“§ 162. Preserving and enhancing the role of the offi-**
21 **cial language**

22 “Representatives of the Federal Government shall
23 have an affirmative obligation to preserve and enhance the
24 role of English as the official language of the Federal Gov-
25 ernment. Such obligation shall include encouraging great-

1 er opportunities for individuals to learn the English lan-
2 guage.

3 **“§ 163. Official functions of Government to be con-
4 ducted in English**

5 “(a) OFFICIAL FUNCTIONS.—The official functions
6 of the Government of the United States shall be conducted
7 in English.

8 “(b) SCOPE.—For the purposes of this section, the
9 term ‘United States’ means the several States and the
10 District of Columbia, and the term ‘official’ refers to any
11 function that (i) binds the Government, (ii) is required
12 by law, or (iii) is otherwise subject to scrutiny by either
13 the press or the public.

14 “(c) PRACTICAL EFFECT.—This section shall apply
15 to all laws, public proceedings, regulations, publications,
16 orders, actions, programs, and policies, but does not apply
17 to—

18 “(1) teaching of languages;

19 “(2) requirements under the Individuals with
20 Disabilities Education Act;

21 “(3) actions, documents, or policies necessary
22 for national security, international relations, trade,
23 tourism, or commerce;

24 “(4) actions or documents that protect the pub-
25 lic health and safety;

1 “(5) actions or documents that facilitate the ac-
2 tivities of the Bureau of the Census in compiling any
3 census of population;

4 “(6) actions that protect the rights of victims of
5 crimes or criminal defendants; or

6 “(7) using terms of art or phrases from lan-
7 guages other than English.

8 **“§ 164. Uniform English language rule for naturaliza-**
9 **tion**

10 “(a) UNIFORM LANGUAGE TESTING STANDARD.—All
11 citizens should be able to read and understand generally
12 the English language text of the Declaration of Independ-
13 ence, the Constitution, and the laws of the United States
14 made in pursuance of the Constitution.

15 “(b) CEREMONIES.—All naturalization ceremonies
16 shall be conducted in English.

17 **“§ 165. Rules of construction**

18 “Nothing in this chapter shall be construed—

19 “(1) to prohibit a Member of Congress or any
20 officer or agent of the Federal Government, while
21 performing official functions, from communicating
22 unofficially through any medium with another per-
23 son in a language other than English (as long as of-
24 ficial functions are performed in English);

1 “(2) to limit the preservation or use of Native
2 Alaskan or Native American languages (as defined
3 in the Native American Languages Act);

4 “(3) to disparage any language or to discourage
5 any person from learning or using a language; or

6 “(4) to be inconsistent with the Constitution of
7 the United States.

8 **“§ 166. Standing**

9 “A person injured by a violation of this chapter may
10 in a civil action (including an action under chapter 151
11 of title 28) obtain appropriate relief.”.

12 (b) CLERICAL AMENDMENT.—The table of chapters
13 at the beginning of title 4, United States Code, is amended
14 by inserting after the item relating to chapter 5 the fol-
15 lowing new item:

“CHAPTER 6. OFFICIAL LANGUAGE”.

16 **SEC. 703. GENERAL RULES OF CONSTRUCTION FOR**
17 **ENGLISH LANGUAGE TEXTS OF THE LAWS OF**
18 **THE UNITED STATES.**

19 (a) IN GENERAL.—Chapter 1 of title 1, United
20 States Code, is amended by adding at the end the fol-
21 lowing new section:

22 **“§ 9. General rules of construction for laws of the**
23 **United States**

24 “(a) English language requirements and workplace
25 policies, whether in the public or private sector, shall be

1 presumptively consistent with the laws of the United
2 States.

3 “(b) Any ambiguity in the English language text of
4 the laws of the United States shall be resolved, in accord-
5 ance with the last two articles of the Bill of Rights, not
6 to deny or disparage rights retained by the people, and
7 to reserve powers to the States respectively, or to the peo-
8 ple.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 1 of title 1, is amended by
11 inserting after the item relating to section 8 the following
12 new item:

“9. General rules of construction for laws of the United States.”.

13 **SEC. 704. IMPLEMENTING REGULATIONS.**

14 The Secretary of Homeland Security shall, within
15 180 days after the date of enactment of this Act, issue
16 for public notice and comment a proposed rule for uniform
17 testing English language ability of candidates for natu-
18 ralization, based upon the principles that—

19 (1) all citizens should be able to read and un-
20 derstand generally the English language text of the
21 Declaration of Independence, the Constitution, and
22 the laws of the United States which are made in
23 pursuance thereof; and

1 (2) any exceptions to this standard should be
2 limited to extraordinary circumstances, such as asy-
3 lum.

4 **SEC. 705. EFFECTIVE DATE.**

5 The amendments made by sections 702 and 703 shall
6 take effect on the date that is 180 days after the date
7 of the enactment of this Act.

8 **TITLE VIII—EXPATRIATE**
9 **TERRORIST ACT**

10 **SEC. 801. LOSS OF NATIONALITY DUE TO SUPPORT OF TER-**
11 **RORISM.**

12 Section 349(a) of the Immigration and Nationality
13 Act (8 U.S.C. 1481(a)) is amended to read as follows:

14 “(a) IN GENERAL.—A person who is a national of
15 the United States whether by birth or naturalization, shall
16 lose his or her nationality by voluntarily performing any
17 of the following acts with the intention of relinquishing
18 United States nationality:

19 “(1) Obtaining naturalization in a foreign state
20 upon his or her own application or upon an applica-
21 tion filed by a duly authorized agent, after having
22 attained 18 years of age.

23 “(2) Taking an oath or making an affirmation
24 or other formal declaration of allegiance to a foreign
25 state, a political subdivision thereof, or a foreign ter-

1 rorist organization designated under section 219,
2 after having attained 18 years of age.

3 “(3) Entering, or serving in, the armed forces
4 of a foreign state or a foreign terrorist organization
5 designated under section 219 if—

6 “(A) such armed forces are engaged in
7 hostilities against the United States; or

8 “(B) such persons serve as a commissioned
9 or noncommissioned officer.

10 “(4) Becoming a member of, or providing train-
11 ing or material assistance to, any foreign terrorist
12 organization designated under section 219.

13 “(5) Accepting, serving in, or performing the
14 duties of any office, post, or employment under the
15 government of a foreign state, a political subdivision
16 thereof, or a foreign terrorist organization des-
17 ignated under section 219 if—

18 “(A) the person knowingly has or acquires
19 the nationality of such foreign state; or

20 “(B) an oath, affirmation, or declaration
21 of allegiance to the foreign state, political sub-
22 division, or designated foreign terrorist organi-
23 zation is required for such office, post, or em-
24 ployment.

1 “(6) Making a formal renunciation of United
2 States nationality before a diplomatic or consular of-
3 ficer of the United States in a foreign state, in such
4 form as may be prescribed by the Secretary of State.

5 “(7) Making in the United States a formal
6 written renunciation of nationality in such form as
7 may be prescribed by, and before such officer as
8 may be designated by, the Attorney General, when-
9 ever the United States shall be in a state of war and
10 the Attorney General shall approve such renunci-
11 ation as not contrary to the interests of national de-
12 fense.

13 “(8)(A) Committing any act of treason against,
14 or attempting by force to overthrow, or bearing arms
15 against, the United States;

16 “(B) violating or conspiring to violate any of
17 the provisions of section 2383 of title 18, United
18 States Code;

19 “(C) willfully performing any act in violation of
20 section 2385 of title 18, United States Code; or

21 “(D) violating section 2384 of such title by en-
22 gaging in a conspiracy to overthrow, put down, or to
23 destroy by force the Government of the United
24 States, or to levy war against them,

1 if and when such person is convicted thereof by a
2 court martial or by a court of competent jurisdic-
3 tion.”.

4 **SEC. 802. REVOCATION OR DENIAL OF PASSPORTS AND**
5 **PASSPORT CARDS TO INDIVIDUALS WHO ARE**
6 **MEMBERS OF FOREIGN TERRORIST ORGANI-**
7 **ZATIONS.**

8 The Act entitled “An Act to regulate the issue and
9 validity of passports, and for other purposes”, approved
10 July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly
11 known as the “Passport Act of 1926”, is amended by add-
12 ing at the end the following:

13 **“SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT AND**
14 **PASSPORT CARD.**

15 “(a) INELIGIBILITY.—

16 “(1) ISSUANCE.—The Secretary of State shall
17 not issue a passport or passport card to any indi-
18 vidual whom the Secretary has determined is a
19 member, or is attempting to become a member, of
20 an organization the Secretary has designated as a
21 foreign terrorist organization pursuant to section
22 219 of the Immigration and Nationality Act (8
23 U.S.C. 1189).

1 “(2) REVOCATION.—The Secretary of State
2 shall revoke a passport or passport card previously
3 issued to any individual described in paragraph (1).

4 “(b) RIGHT OF REVIEW.—Any person who, in ac-
5 cordance with this section, is denied issuance of a passport
6 or passport card by the Secretary of State, or whose pass-
7 port or passport card is revoked or otherwise restricted
8 by the Secretary of State, may request a due process hear-
9 ing not later than 60 days after receiving such notice of
10 the nonissuance, revocation, or restriction.”.

11 **TITLE IX—NO DEDUCTION OF**
12 **WAGES PAID TO UNAUTHOR-**
13 **IZED ALIENS**

14 **SEC. 901. CLARIFICATION THAT WAGES PAID TO UNAU-**
15 **THORIZED ALIENS MAY NOT BE DEDUCTED**
16 **FROM GROSS INCOME.**

17 (a) IN GENERAL.—Subsection (c) of section 162 of
18 the Internal Revenue Code of 1986 (relating to illegal
19 bribes, kickbacks, and other payments) is amended by
20 adding at the end the following new paragraph:

21 “(4) WAGES PAID TO OR ON BEHALF OF UNAU-

22 THORIZED ALIENS.—

23 “(A) IN GENERAL.—No deduction shall be
24 allowed under subsection (a) for any wage paid
25 to or on behalf of an unauthorized alien, as de-

1 fined under section 274A(h)(3) of the Immigra-
2 tion and Nationality Act (8 U.S.C.
3 1324a(h)(3)).

4 “(B) WAGES.—For the purposes of this
5 paragraph, the term ‘wages’ means all remu-
6 neration for employment, including the cash
7 value of all remuneration (including benefits)
8 paid in any medium other than cash.

9 “(C) SAFE HARBOR.—If a person or other
10 entity is participating in the E-Verify Program
11 described in section 403(a) of the Illegal Immi-
12 gration Reform and Immigrant Responsibility
13 Act of 1996 (8 U.S.C. 1324a note) and obtains
14 confirmation of identity and employment eligi-
15 bility in compliance with the terms and condi-
16 tions of the program with respect to the hiring
17 (or recruitment or referral) of an employee,
18 subparagraph (A) shall not apply with respect
19 to wages paid to such employee.

20 “(D) BURDEN OF PROOF.—In the case of
21 any examination of a return in connection with
22 a deduction under this section by reason of this
23 paragraph, the Secretary shall bear the burden
24 of proving that wages were paid to or on behalf
25 of an unauthorized alien.

1 “(E) LIMITATION ON TAXPAYER AUDIT.—
2 The Secretary may not commence an audit or
3 other investigation of a taxpayer solely on the
4 basis of a deduction taken under this section by
5 reason of this paragraph.”.

6 (b) SIX-YEAR LIMITATION ON ASSESSMENT AND
7 COLLECTION.—Subsection (c) of section 6501 of the In-
8 ternal Revenue Code of 1986 (relating to exceptions) is
9 amended by adding at the end the following new para-
10 graph:

11 “(12) DEDUCTION CLAIMED FOR WAGES PAID
12 TO UNAUTHORIZED ALIENS.—In the case of a return
13 of tax on which a deduction is shown in violation of
14 section 162(c)(4), any tax under chapter 1 may be
15 assessed, or a proceeding in court for the collection
16 of such tax may be begun without assessment, at
17 any time within 6 years after the return was filed.”.

18 (c) USE OF DOCUMENTATION FOR ENFORCEMENT
19 PURPOSES.—Section 274A of the Immigration and Na-
20 tionality Act (8 U.S.C. 1324a) is amended—

21 (1) in subparagraph (b)(5), by inserting “, sec-
22 tion 162(c)(4) of the Internal Revenue Code of
23 1986,” after “enforcement of this Act”;

1 (2) in subparagraph (d)(2)(F), by inserting “,
2 section 162(c)(4) of the Internal Revenue Code of
3 1986,” after “enforcement of this Act”; and

4 (3) in subparagraph (d)(2)(G), by inserting
5 “section 162(c)(4) of the Internal Revenue Code of
6 1986 or” after “or enforcement of”.

7 (d) AVAILABILITY OF INFORMATION.—

8 (1) IN GENERAL.—The Commissioner of Social
9 Security, the Secretary of the Department of Home-
10 land Security, and the Secretary of the Treasury,
11 shall jointly establish a program to share informa-
12 tion among such agencies that may or could lead to
13 the identification of unauthorized aliens (as defined
14 under section 274A(h)(3) of the Immigration and
15 Nationality Act), including any no-match letter, any
16 information in the earnings suspense file, and any
17 information in the investigation and enforcement of
18 section 162(c)(4) of the Internal Revenue Code of
19 1986.

20 (2) DISCLOSURE BY SECRETARY OF THE
21 TREASURY.—

22 (A) IN GENERAL.—Subsection (i) of sec-
23 tion 6103 of the Internal Revenue Code of 1986
24 is amended by adding at the end the following
25 new paragraph:

1 “(9) PAYMENT OF WAGES TO UNAUTHORIZED
2 ALIENS.—Upon request from the Commissioner of
3 the Social Security Administration or the Secretary
4 of the Department of Homeland Security, the Sec-
5 retary shall disclose to officers and employees of
6 such Administration or Department—

7 “(A) taxpayer identity information of em-
8 ployers who paid wages with respect to which a
9 deduction was not allowed by reason of section
10 162(c)(4), and

11 “(B) taxpayer identity information of indi-
12 viduals to whom such wages were paid,
13 for purposes of carrying out any enforcement activi-
14 ties of such Administration or Department with re-
15 spect to such employers or individuals.”.

16 (B) RECORDKEEPING.—Paragraph (4) of
17 section 6103(p) of such Code is amended—

18 (i) by striking “(5), or (7)” in the
19 matter preceding subparagraph (A) and in-
20 serting “(5), (7), or (9)”; and

21 (ii) by striking “(5) or (7)” in sub-
22 paragraph (F)(ii) and inserting “(5), (7),
23 or (9)”.

24 (e) EFFECTIVE DATE.—

1 (1) Except as provided in paragraph (2), this
2 Act and the amendments made by this Act shall
3 take effect on the date of the enactment of this Act.

4 (2) The amendments made by subsections (a)
5 and (b) shall apply to taxable years beginning after
6 December 31, 2020.

7 **SEC. 902. MODIFICATION OF E-VERIFY PROGRAM.**

8 (a) **MAKING PERMANENT.**—Subsection (b) of section
9 401 of the Illegal Immigration Reform and Immigrant Re-
10 sponsibility Act of 1996 (8 U.S.C. 1324a note) is amended
11 by striking the last sentence.

12 (b) **APPLICATION TO CURRENT EMPLOYEES.**—

13 (1) **VOLUNTARY ELECTION.**—The first sentence
14 of section 402(a) of such Act is amended to read as
15 follows: “Any person or other entity that conducts
16 any hiring (or recruitment or referral) in a State or
17 employs any individuals in a State may elect to par-
18 ticipate in the E-Verify Program.”.

19 (2) **BENEFIT OF REBUTTABLE PRESUMP-**
20 **TION.**—Paragraph (1) of section 402(b) of such Act
21 is amended by adding at the end the following: “If
22 a person or other entity is participating in the E-
23 Verify Program and obtains confirmation of identity
24 and employment eligibility in compliance with the
25 terms and conditions of the program with respect to

1 individuals employed by the person or entity, the
2 person or entity has established a rebuttable pre-
3 sumption that the person or entity has not violated
4 section 274A(a)(2) with respect to such individ-
5 uals.”.

6 (3) SCOPE OF ELECTION.—Subparagraph (A)
7 of section 402(e)(2) of such Act is amended to read
8 as follows:

9 “(A) IN GENERAL.—Any electing person or
10 other entity may provide that the election under
11 subsection (a) shall apply (during the period in
12 which the election is in effect)—

13 “(i) to all its hiring (and all recruit-
14 ment or referral);

15 “(ii) to all its hiring (and all recruit-
16 ment or referral and all individuals em-
17 ployed by the person or entity);

18 “(iii) to all its hiring (and all recruit-
19 ment or referral) in one or more States or
20 one or more places of hiring (or recruit-
21 ment or referral, as the case may be); or

22 “(iv) to all its hiring (and all recruit-
23 ment or referral and all individuals em-
24 ployed by the person or entity) in one or
25 more States or one or more place of hiring

1 (or recruitment or referral or employment,
2 as the case may be).”.

3 (4) PROCEDURES FOR PARTICIPANTS IN E-
4 VERIFY PROGRAM.—Subsection (a) of section 403 of
5 such Act is amended—

6 (A) in the matter preceding paragraph (1),
7 by inserting “or continued employment in the
8 United States” after “United States”; and

9 (B) in paragraph (3)—

10 (i) in subparagraph (A), by striking
11 all that follows “(as specified by the Sec-
12 retary of Homeland Security)” and insert-
13 ing “after the date of the hiring, or re-
14 cruitment or referral, in the case of inquir-
15 ies made pursuant to a hiring, recruitment
16 or referral (and not of previously hired in-
17 dividuals).”; and

18 (ii) in subparagraph (B), by striking
19 “such 3 working days” and inserting “the
20 specified period”.

21 (c) APPLICATION TO JOB APPLICANTS.—Section
22 402(c)(2) of such Act is amended by adding at the end
23 the following:

24 “(C) JOB OFFER MAY BE MADE CONDI-
25 TIONAL ON FINAL CONFIRMATION BY E-

1 VERIFY.—A person or other entity that elects to
2 participate in the E-Verify Program may offer
3 a prospective employee an employment position
4 conditioned on final verification of the identity
5 and employment eligibility of the employee
6 using the employment eligibility confirmation
7 system established under section 404.”.

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