

116TH CONGRESS
1ST SESSION

H. R. 1044

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Ms. LOFGREN (for herself, Mr. BUCK, Mr. BACON, Mr. BARR, Mrs. BEATTY, Mr. BERA, Mr. BILIRAKIS, Mr. BLUMENAUER, Ms. BONAMICI, Mrs. BROOKS of Indiana, Ms. BROWNLEY of California, Mr. CALVERT, Mr. CÁRDENAS, Mr. CARSON of Indiana, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COHEN, Mr. COMER, Mr. COOPER, Mr. COSTA, Mr. COURTNEY, Mr. COX of California, Mr. CROW, Mr. CURTIS, Ms. DAVIDS of Kansas, Mr. RODNEY DAVIS of Illinois, Ms. DEGETTE, Mr. DEUTCH, Mrs. DINGELL, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. EMMER, Mr. ENGEL, Ms. ESHOO, Mr. ESPAILLAT, Mr. ESTES, Mr. FITZPATRICK, Mr. FOSTER, Mr. GIBBS, Mr. GONZALEZ of Texas, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. GUEST, Mr. GUTHRIE, Mr. HARDER of California, Ms. HERRERA BEUTLER, Mr. HICE of Georgia, Mr. HILL of Arkansas, Mr. HURD of Texas, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JOHNSON of Ohio, Ms. JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KATKO, Mr. KHANNA, Mr. KIND, Mr. KING of New York, Mr. KINZINGER, Mr. KRISHNAMOORTHY, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LAWSON of Florida, Mr. LONG, Mr. LOWENTHAL, Mr. MALINOWSKI, Mr. MARSHALL, Mr. MASSIE, Ms. MATSUI, Mrs. MCBATH, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mrs. RODGERS of Washington, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. MORELLE, Mr. NORMAN, Mr. PALLONE, Mr. PANETTA, Mr. PASCRELL, Mr. PERRY, Ms. PINGREE, Mr. PRICE of North Carolina, Mr. RASKIN, Miss RICE of New York, Mr. RIGGLEMAN, Mr. DAVID P. ROE of Tennessee, Mr. RUTHERFORD, Mr. SARBANES, Ms. SCHAKOWSKY, Ms. SHALALA, Mr. SIRES, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Ms. STEFANIK, Mr. STEWART, Mr. STIVERS, Mr. SWALWELL of California, Mr. TAKANO, Ms. TITUS, Mr. TONKO, Mrs. TORRES of California, Mr. UPTON, Mrs. WAGNER, Mrs. WATSON COLEMAN, Mr. WELCH, Mr. WESTERMAN, Ms. WILD, Mr. WOODALL, Mr. YARMUTH, Mr. YOUNG, Mr. NEWHOUSE, Mr. NADLER, Mr. AGUILAR, and Mrs. MURPHY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. NUMERICAL LIMITATION TO ANY SINGLE FOREIGN**
7 **STATE.**

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

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

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

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

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

18 (5) by striking “such subsections” and inserting
19 “such section”.

1 (b) CONFORMING AMENDMENTS.—Section 202 of the
2 Immigration and Nationality Act (8 U.S.C. 1152) is
3 amended—

4 (1) in subsection (a)(3), by striking “both sub-
5 sections (a) and (b) of section 203” and inserting
6 “section 203(a)”;

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

8 (3) by amending subsection (e) to read as fol-
9 lows:

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

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

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

6 (2) by striking subsection (d) and redesignating
7 subsection (e) as subsection (d).

8 (d) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect as if enacted on September
10 30, 2019, and shall apply to fiscal years beginning with
11 fiscal year 2020.

12 (e) TRANSITION RULES FOR EMPLOYMENT-BASED
13 IMMIGRANTS.—

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

18 (A) For fiscal year 2020, 15 percent of the
19 immigrant visas made available under each of
20 paragraphs (2), (3), and (5) of section 203(b)
21 of such Act (8 U.S.C. 1153(b)) shall be allotted
22 to immigrants who are natives of a foreign
23 state or dependent area that is not one of the
24 two states with the largest aggregate numbers
25 of natives who are beneficiaries of approved pe-

1 titions for immigrant status under such para-
2 graphs.

3 (B) For fiscal year 2021, 10 percent of the
4 immigrant visas made available under each of
5 such paragraphs shall be allotted to immigrants
6 who are natives of a foreign state or dependent
7 area that is not one of the two states with the
8 largest aggregate numbers of natives who are
9 beneficiaries of approved petitions for immi-
10 grant status under such paragraphs.

11 (C) For fiscal year 2022, 10 percent of the
12 immigrant visas made available under each of
13 such paragraphs shall be allotted to immigrants
14 who are natives of a foreign state or dependent
15 area that is not one of the two states with the
16 largest aggregate numbers of natives who are
17 beneficiaries of approved petitions for immi-
18 grant status under such paragraphs.

19 (2) PER-COUNTRY LEVELS.—

20 (A) RESERVED VISAS.—With respect to
21 the visas reserved under each of subparagraphs
22 (A) through (C) of paragraph (1), the number
23 of such visas made available to natives of any
24 single foreign state or dependent area in the ap-
25 propriate fiscal year may not exceed 25 percent

1 (in the case of a single foreign state) or 2 per-
2 cent (in the case of a dependent area) of the
3 total number of such visas.

4 (B) UNRESERVED VISAS.—With respect to
5 the immigrant visas made available under each
6 of paragraphs (2), (3), and (5) of section
7 203(b) of such Act (8 U.S.C. 1153(b)) and not
8 reserved under paragraph (1), for each of fiscal
9 years 2020, 2021, and 2022, not more than 85
10 percent shall be allotted to immigrants who are
11 natives of any single foreign state.

12 (3) SPECIAL RULE TO PREVENT UNUSED
13 VISAS.—If, with respect to fiscal year 2020, 2021, or
14 2022, the operation of paragraphs (1) and (2) of
15 this subsection would prevent the total number of
16 immigrant visas made available under paragraph (2)
17 or (3) of section 203(b) of such Act (8 U.S.C.
18 1153(b)) from being issued, such visas may be
19 issued during the remainder of such fiscal year with-
20 out regard to paragraphs (1) and (2) of this sub-
21 section.

22 (4) TRANSITION RULE FOR CURRENTLY AP-
23 PROVED BENEFICIARIES.—

24 (A) IN GENERAL.—Notwithstanding sec-
25 tion 202 of the Immigration and Nationality

1 Act, as amended by this Act, immigrant visas
2 under section 203(b) of the Immigration and
3 Nationality Act (8 U.S.C. 1153(b)) shall be al-
4 located such that no alien described in subpara-
5 graph (B) receives a visa later than the alien
6 otherwise would have received said visa had this
7 Act not been enacted.

8 (B) ALIEN DESCRIBED.—An alien is de-
9 scribed in this subparagraph if the alien is the
10 beneficiary of a petition for an immigrant visa
11 under section 203(b) of the Immigration and
12 Nationality Act (8 U.S.C. 1153(b)) that was
13 approved prior to the date of enactment of this
14 Act.

15 (5) RULES FOR CHARGEABILITY.—Section
16 202(b) of such Act (8 U.S.C. 1152(b)) shall apply
17 in determining the foreign state to which an alien is
18 chargeable for purposes of this subsection.

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