

116TH CONGRESS  
1ST SESSION

# H. R. 1044

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IN THE SENATE OF THE UNITED STATES

JULY 11, 2019

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

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## AN ACT

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

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (2) PER-COUNTRY LEVELS.—

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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives July 10, 2019.

Attest:                           CHERYL L. JOHNSON,  
*Clerk.*