

this Act are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of [Insert title of Act];

“(B) in the sixth fiscal year in which aliens described in section 101(a)(15)(Z) of this Act are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of [Insert title of Act]; and

“(C) starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) of this Act are eligible for an immigrant visa, the number equal to the number of Z nonimmigrants who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further Z nonimmigrants adjust status;

“(3) TERMINATION OF TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas shall terminate when the number of visas calculated pursuant to paragraph (2)(C) is zero.

“(4) LIMITATION.—The temporary supplemental visas in paragraph (2) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

**SEC. 502. INCREASING AMERICAN COMPETITIVENESS THROUGH A MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States benefits from a work force that has diverse skills, experience and training.

(b) CREATION OF MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS AND REALLOCATION OF VISAS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended by—

(1) striking paragraphs (1), (2), and (3) and inserting the following:

“(1) MERIT-BASED IMMIGRANTS.—Visas shall first be made available in a number not to exceed 95 percent of such worldwide level, plus any visas not required for the classes in paragraphs (2) and (3), to qualified immigrants selected through a merit-based evaluation system.

“(A) The merit-based evaluation system shall initially consist of the following criteria and weights:

| Category  | Description   | Max pts   |
|---|---|-----------|
| <b>Employment Occupation</b>  |   | <b>47</b> |
|   | U.S. employment in Specialty Occupation (DoL definition)— <b>20 pts</b>   |           |
|   | U.S. employment in High Demand Occupation (BLS largest 10-yr job growth, top 30)— <b>16 pts</b>   |           |
| <i>National interest/critical infrastructure—Employer endorsement</i> | U.S. employment in STEM or health occupation, current for at least 1 year— <b>8 pts</b> (extraordinary or ordinary)<br>A U.S. employer willing to pay 50% of LPR application fee either 1) offers a job, or 2) attests for a current employee— <b>6 pts</b> |           |
| <i>Experience</i>   | Years of work for U.S. firm— <b>2 pts/year (max 10 pts)</b>   |           |
| <i>Age of worker</i>  | Worker's age: 25–39— <b>3 pts</b><br>M.D., M.B.A., Graduate degree, etc.— <b>20</b>   | <b>28</b> |

| Category   | Description  | Max pts    |
|--|--|------------|
| <i>(terminal degree)</i>   | Bachelor's degree— <b>16 PTS</b><br>Associate's degree— <b>10 pts</b><br>High School diploma or GED— <b>6 pts</b><br>Completed certified Perkins Vocational Education program— <b>5 pts</b><br>Education program— <b>5 pts</b><br>Completed DoL Registered Apprenticeship— <b>8 pts</b><br>STEM, assoc & above— <b>8 pts</b> |            |
| <b>English &amp; civics</b>  | native speaker of English or TOEFL score of 75 or higher— <b>15 pts</b><br>TOEFL score of 60–74— <b>10 pts</b><br>Pass USCIS Citizenship Tests in English & Civics— <b>6 pts</b>   | <b>15</b>  |
| <b>Extended family (Applied if threshold of 55 in above categories.)</b> | Adult (21 or older) son or daughter of USC— <b>8 pts</b><br>Adult (21 or older) son or daughter of LPR— <b>6 pts</b><br>Sibling of USC or LPR— <b>4 pts</b><br>If had applied for a family visa in any of the above categories after May 1, 2005— <b>2 pts</b>   | <b>10</b>  |
| <b>Supplemental schedule for Zs Agricultural National Interest</b>       | Worked in agriculture for 3 years, 150 days per year— <b>21 pts</b><br>Worked in agriculture for 4 years (150 days for 3 years, 100 days for 1 year)— <b>23 pts</b><br>Worked in agriculture for 5 years, 100 days per year— <b>25 points</b>  | <b>100</b> |
|  | Year of lawful employment— <b>1 pt</b>   | <b>25</b>  |
| <i>U.S. employment exp.</i>  | Own place of residence— <b>1 pt/ year owned</b>  | <b>5</b>   |
| <i>Home ownership</i>  | Current medical insurance for entire family  | <b>5</b>   |
| <i>Medical Insurance</i>   |  |            |

“(B) The Secretary of Homeland Security, after consultation with the Secretaries of Commerce and Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

“(C) The Standing Commission on Immigration and Labor Markets established pursuant to Section 407 of the [Insert title of Act] shall submit recommendations to Congress concerning the establishment of procedures for modifying the selection criteria and relative weights accorded such criteria in order to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.

“(D) No modifications to the selection criteria and relative weights accorded such criteria that are established by the [Insert title of Act] should criteria that are established by the [Insert title of Act] should take effect

earlier than the sixth fiscal year in which aliens described in section 101(a)(15)(Z) of this Act are eligible for an immigrant visa.

“(E) The application of the selection criteria to any particular visa petition or application pursuant to the merit-based evaluation system shall be within the Secretary's sole and unreviewable discretion.

“(F) Any petition filed pursuant to this paragraph that has not been found by the Secretary to have qualified in the merit-based evaluation system shall be deemed denied on the first day of the third fiscal year following the date of such application. Such denial shall not preclude the petitioner from filing successive petition pursuant to this paragraph. Notwithstanding this paragraph, the Secretary may deny petition when denial is appropriate under other provisions of law, including but not limited to sections 204(c).”.

(2) redesignating paragraph (4) as paragraph (2), by striking “7.1 percent” and inserting “4,200”, and striking “5,000” and inserting “2,500”;

(3) redesignating paragraph (5) as paragraph (3), by striking “7.1 percent”; and inserting “2,800”, and striking “3,000” and inserting “1,500”;

(4) redesignating paragraph (6) as paragraph (4).

(C) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by striking subparagraphs (E) and (F).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment, unless such date is less than 270 days after the date of enactment, in which case the amendments shall take effect on the first day of the following fiscal year.

(2) PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Petitions for an employment-based visa filed for classification under section 203(b)(1), (2), or (3) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) that were filed prior to the date of the introduction of the [Insert title of Act] and were pending or approved at the time of the effective date of this section, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. Aliens with applications for labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

(e) CONFORMING AMENDMENTS.—

(1) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by striking “employment-based” each place it appears and inserting “merit-based”.

(2) Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended by striking “employment-based” each place it appears and inserting “merit-based”.

(3) Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended by:

(A) striking the heading and first sentence and inserting the following:

“(b) Preference allocation for merit-based, special and employment creation immigrants. Aliens subject to the worldwide level specified in section 201(d) for merit-based, special and employment creation immigrants in a fiscal year shall be allotted visas as follows:”;

(B) striking “employment based” and inserting “merit-based” and striking “each of paragraphs (1) through (3)” and inserting “paragraph (1)” in subparagraph (6)(B)(i); and