

114TH CONGRESS
1ST SESSION

H. R. 3370

To amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Ms. LOFGREN (for herself and Mr. GUTIÉRREZ) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce and Rules, 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 amend the Immigration and Nationality Act to promote innovation, investment, and research 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—

5 (1) the “Entrepreneurial Businesses Creating
6 Jobs Act of 2015”; or

7 (2) the “EB-JOBS Act of 2015”.

1 **TITLE I—PROMOTING ENTRE-**
2 **PRENEURSHIP AND INNOVA-**
3 **TION**

4 **SEC. 101. ENTREPRENEURS WHO ESTABLISH BUSINESSES**
5 **AND CREATE JOBS IN THE UNITED STATES.**

6 (a) **STARTUP BUSINESS AND JOB CREATION**
7 **VISAS.**—Section 203(b) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1153(b)) is amended—

9 (1) by redesignating paragraph (6) as para-
10 graph (8); and

11 (2) by inserting after paragraph (5) the fol-
12 lowing:

13 “(6) **STARTUP ENTREPRENEURS.**—

14 “(A) **IN GENERAL.**—Visas shall be made
15 available, notwithstanding subsection (a)(2) or
16 (d) of section 201 or the matter preceding para-
17 graph (1) of this subsection, to qualified immi-
18 grants who are described in subparagraph (B)
19 or (C).

20 “(B) **VENTURE CAPITAL-BACKED START-**
21 **UP ENTREPRENEURS.**—An alien is described in
22 this subparagraph if the alien intends to found
23 and actively engage in the management or oper-
24 ations of a new commercial enterprise (which
25 may include any entity formed for the purpose

1 of doing for-profit business) in the United
2 States—

3 “(i) with respect to which the alien
4 has completed an investment agreement re-
5 quiring an investment in the enterprise in
6 an amount not less than—

7 “(I) \$500,000 on the part of—

8 “(aa) a qualified venture
9 capital fund whose investment
10 adviser is a qualified venture cap-
11 ital entity;

12 “(bb) 1 or more angel inves-
13 tors (of which at least 1 such in-
14 vestor is a qualified super angel
15 investor providing \$100,000 of
16 the required investment); or

17 “(cc) a qualified business
18 entity; or

19 “(II) \$100,000 through a quali-
20 fied seed accelerator; and

21 “(ii) which will benefit the United
22 States economy, and, for purposes of this
23 clause a commercial enterprise shall only
24 be considered to benefit the United States
25 economy if, during the 2-year period begin-

ning on the date on which the alien obtains status pursuant to a visa issued under this paragraph, it will—

“(I) create permanent full-time employment for at least 5 United States workers;

“(II) raise not less than an additional \$2,000,000 in capital investment;

“(III) generate not less than \$1,000,000 in revenue; or

“(IV) create permanent full-time employment for at least 3 United States workers who are each paid an annual salary in an amount of not less than \$100,000.

“(C) SELF-SPONSORED STARTUP ENTREPRENEURS.—An alien is described in this subparagraph if—

“(i) the alien has founded and is actively engaging in the management and operations of a new commercial enterprise (which may include any entity formed for the purpose of doing for-profit business) in the United States;

1 “(ii) the enterprise has created per-
2 manent full-time employment for at least 3
3 United States workers; and

4 “(iii) by not later than the end of the
5 2-year period beginning on the date on
6 which the alien obtains status pursuant to
7 a visa issued under this paragraph the en-
8 terprise will create permanent full-time
9 employment for a total of—

10 “(I) at least 10 United States
11 workers (which total may include the
12 employment described in clause (ii));
13 or

14 “(II) at least 7 United States
15 workers (which may include the em-
16 ployment described in clause (ii)) who
17 are each paid an annual salary in an
18 amount not less than \$100,000.

19 “(D) INFLATION ADJUSTMENT.—Effective
20 for the third fiscal year that begins more than
21 6 months after the date of the enactment of
22 this paragraph, and every third fiscal year
23 thereafter, the monetary amounts described in
24 subparagraphs (B) and (C) shall be increased
25 by the percentage (if any) by which the Con-

sumer Price Index for the month of June preceding the date on which such increase takes effect exceeds the Consumer Price Index for the same month of the calendar year 3 years prior. An increase described in the preceding sentence shall apply to aliens filing petitions under section 204(a)(1)(H) on or after the date on which the increase takes effect. For purposes of this clause, the term ‘Consumer Price Index’ means the Consumer Price Index for all urban consumers published by the Department of Labor.

“(E) DEFINITIONS.—For purposes of this paragraph:

“(i) PERMANENT FULL-TIME EMPLOYMENT.—The term ‘permanent full-time employment’ means employment in a position that requires at least 35 hours of service per week at any time, regardless of who fills the position, and which is expected to last for at least two years. Such employment may be satisfied on a full-time equivalent basis by calculating the number of full-time employees who could have been employed if the reported number of hours worked by part-time employees had been

1 worked by full-time employees. Full-time
2 equivalent employment shall be calculated
3 by dividing the part-time hours paid by the
4 standard number of hours for full-time em-
5 ployees.

6 “(ii) INVESTMENT.—The term ‘invest-
7 ment’ does not include investing any assets
8 acquired, directly or indirectly, by unlawful
9 means.

10 “(iii) INVESTMENT ADVISER.—The
11 term ‘investment adviser’ has the meaning
12 given such term under section 202(a)(11)
13 of the Investment Advisers Act of 1940
14 (15 U.S.C. 80b–2(a)(11)).

15 “(iv) QUALIFIED BUSINESS ENTITY.—
16 The term ‘qualified business entity’ means,
17 with respect to a qualified immigrant, an
18 entity that—

19 “(I) has been operating for a pe-
20 riod beginning on a date that is not
21 less than 2 years before the date of
22 the petition for classification under
23 this paragraph;

1 “(II) employs not fewer than 10
2 United States workers in the United
3 States; and

4 “(III) has employed the alien for
5 not less than 1 year on the date of the
6 petition for classification under this
7 paragraph.

8 “(v) QUALIFIED SEED ACCEL-
9 ERATOR.—The term ‘qualified seed accel-
10 erator’ means, with respect to a qualified
11 immigrant, an entity that—

12 “(I) is based in the United
13 States;

14 “(II) has a majority of ownership
15 and control that is held by individuals
16 who are United States citizens or
17 aliens lawfully admitted to the United
18 States for permanent residence;

19 “(III) has been operating for a
20 period of at least 2 years before the
21 date of the petition for classification
22 under this paragraph; and

23 “(IV) before the date of the peti-
24 tion for classification under this para-
25 graph, has made at least—

1 “(aa) 5 seed investments in
2 startup businesses that are each
3 valued at not less than
4 \$100,000,000; or

5 “(bb) 20 seed investments in
6 startup businesses that are to-
7 gether valued at not less than
8 \$150,000,000.

9 “(vi) QUALIFIED SUPER ANGEL IN-
10 VESTOR.—The term ‘qualified super angel
11 investor’ means, with respect to a qualified
12 immigrant, an individual who—

13 “(I) is an accredited investor (as
14 defined in section 230.501(a) of title
15 17, Code of Federal Regulations (as
16 in effect on April 1, 2010));

17 “(II) is a United States citizen or
18 an alien lawfully admitted to the
19 United States for permanent resi-
20 dence; and

21 “(III) has made at least—

22 “(aa) 2 equity investments
23 of not less than \$50,000 in each
24 of the 3 years before the date of

1 the petition for classification
2 under this paragraph; or

3 “(bb) 15 equity investments
4 with a total investment of not
5 less than \$250,000 during the 3-
6 year period preceding the date of
7 the petition for classification
8 under this paragraph.

9 “(vii) QUALIFIED VENTURE CAPITAL
10 ENTITY.—The term ‘qualified venture cap-
11 ital entity’ means, with respect to a quali-
12 fied immigrant, an entity that—

13 “(I) serves as an investment ad-
14 viser to a venture capital fund that is
15 making an investment under this
16 paragraph;

17 “(II) has its primary office loca-
18 tion or principal place of business in
19 the United States;

20 “(III) has a majority of owner-
21 ship and control that is held by indi-
22 viduals who are United States citizens
23 or aliens lawfully admitted to the
24 United States for permanent resi-
25 dence;

1 “(IV) has been advising one or
2 more venture capital funds for a pe-
3 riod of at least 2 years before the date
4 of the petition for classification under
5 this paragraph; and

6 “(V) advises one or more venture
7 capital funds that have made at
8 least—

9 “(aa) 2 investments of not
10 less than \$500,000 in each of the
11 2 years before the date of the pe-
12 tition for classification under this
13 paragraph; or

14 “(bb) 15 investments with a
15 total investment of not less than
16 \$3,000,000 during the 3-year pe-
17 riod preceding the date of the pe-
18 tition for classification under this
19 paragraph.

20 “(viii) VENTURE CAPITAL FUND.—
21 The term ‘venture capital fund’ means an
22 entity—

23 “(I) that is classified as a ‘ven-
24 ture capital operating company’ under
25 section 2510.3–101(d) of title 29,

1 Code of Federal Regulations (as in ef-
2 fect on January 1, 2015), or has man-
3 agement rights in its portfolio compa-
4 nies to the extent required by such
5 section if the venture capital fund
6 were classified as a venture capital op-
7 erating company;

8 “(II) has capital commitments of
9 not less than \$10,000,000; and

10 “(III) in which the majority of
11 ownership and control of the general
12 partner or managing members is held
13 by individuals who are United States
14 citizens or aliens lawfully admitted to
15 the United States for permanent resi-
16 dence.

17 “(ix) SEED INVESTMENT.—The term
18 ‘seed investment’ means an investment in
19 which a seed accelerator makes an invest-
20 ment into a startup business that is valued
21 at less than \$10 million at the time of the
22 investment in exchange for at least 4 per-
23 cent of the equity in the startup busi-
24 nesses.

1 “(x) UNITED STATES WORKER.—The
2 term ‘United States worker’ means an em-
3 ployee (other than the immigrant or the
4 immigrant’s spouse, son, or daughter) who
5 is—

6 “(I) a citizen or national of the
7 United States; or

8 “(II) an alien who is lawfully ad-
9 mitted for permanent residence, is ad-
10 mitted as a refugee under section 207,
11 is granted asylum under section 208,
12 or is an immigrant otherwise author-
13 ized to be employed in the United
14 States.

15 “(F) DELEGATION OF CERTAIN EB-6 AU-
16 THORITY.—

17 “(i) IN GENERAL.—The Secretary of
18 Homeland Security may delegate to the
19 Secretary of Commerce authority and re-
20 sponsibility for determinations under sec-
21 tions 203(b)(6) and 216A (with respect to
22 an alien entrepreneur who obtains status
23 under section 203(b)(6)) of the Immigra-
24 tion and Nationality Act (8 U.S.C.
25 1153(b)(6) and 1186b), including deter-

1 mining whether an alien has met employ-
2 ment creation requirements.

3 “(ii) REGULATIONS.—The Secretary
4 of Homeland Security and the Secretary of
5 Commerce may each adopt such rules and
6 regulations as are necessary to carry out
7 the delegation authorized under clause (i),
8 including regulations governing the eligi-
9 bility criteria for obtaining benefits pursu-
10 ant to this paragraph.

11 “(iii) USE OF FEES.—Adjudication
12 fees described in section 286(m) of the Im-
13 migration and Nationality Act (8 U.S.C.
14 1356(m)) shall remain available until ex-
15 pended to reimburse the Secretary of Com-
16 merce for the costs of any determinations
17 made by the Secretary of Commerce under
18 clause (i).

19 “(7) TREATY INVESTORS.—Visas shall be made
20 available, notwithstanding subsection (a)(2) or (d) of
21 section 201 or the matter preceding paragraph (1)
22 of this subsection, to qualified immigrants who have
23 been issued a visa or otherwise provided non-
24 immigrant status under section 101(a)(15)(E)(ii)
25 (not including alien employees of the treaty inves-

1 tor), maintained that status for a minimum of 10
2 years, and created full-time employment for at least
3 5 United States workers for a minimum of 10
4 years.”.

5 (b) PROCEDURE FOR GRANTING IMMIGRANT STA-
6 TUS.—Section 204(a)(1)(H) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1154(a)(1)(H)) is amended by
8 striking “section 203(b)(5)” and inserting “paragraph
9 (5), (6), or (7) of section 203(b)”.

10 (c) CONDITIONAL PERMANENT RESIDENT STATUS.—
11 Section 216A of the Immigration and Nationality Act (8
12 U.S.C. 1186b) is amended—

13 (1) by striking “Attorney General” each place
14 such term appears and inserting “Secretary of
15 Homeland Security”;

16 (2) in subsection (b)(1)—

17 (A) in subparagraph (A), by striking “in-
18 vestment” and inserting “investment or engage-
19 ment”;

20 (B) by amending subparagraph (B) to read
21 as follows:

22 “(B) the requisite investment or engage-
23 ment was not made; or”; and

1 (C) in subparagraph (C), by striking “sec-
2 tion 203(b)(5)” and inserting “paragraph (5)
3 or (6) of section 203(b), as applicable”;
4 (3) in subsection (d)(1)—

5 (A) in the matter preceding subparagraph
6 (A), by striking “the alien”;

7 (B) by amending subparagraph (A) to read
8 as follows:

9 “(A) the requisite investment or engage-
10 ment was made; and”; and

11 (C) in subparagraph (B), by striking “sec-
12 tion 203(b)(5)” and inserting “paragraph (5)
13 or (6) of section 203(b), as applicable”; and
14 (4) in subsection (f)—

15 (A) in paragraph (1), by striking “section
16 203(b)(5)” and inserting “paragraph (5) or (6)
17 of section 203(b)”; and

18 (B) in paragraph (3), by striking “a lim-
19 ited partnership” and inserting “any entity
20 formed for the purpose of doing for-profit busi-
21 ness”.

22 (d) CAP EXEMPTION.—Section 201(b)(1) of the Im-
23 migration and Nationality Act (8 U.S.C. 1151(b)(1)), is
24 amended by adding at the end the following:

1 “(F) Aliens described in paragraph (6) or
2 (7) of section 203(b).”.

3 **SEC. 102. IMMIGRANT ENTREPRENEURS AND INNOVATORS**
4 **PRESENT IN THE UNITED STATES.**

5 Section 245 of the Immigration and Nationality Act
6 (8 U.S.C. 1255) is amended by adding at the end the fol-
7 lowing:

8 “(n) IMMIGRANT ENTREPRENEURS AND INNOVATORS
9 PRESENT IN THE UNITED STATES.—An alien who is eligi-
10 ble to receive an immigrant visa under paragraph (6) or
11 (7) of section 203(b) may adjust status pursuant to sub-
12 section (a) and notwithstanding paragraph (2), (7), or (8)
13 of subsection (c) and paragraphs (6)(A) and (7) of section
14 212(a), if the alien was present in the United States on
15 the date of the enactment of the EB-JOBS Act of 2015
16 and has been continuously present since that date.”.

17 **TITLE II—PROMOTING INVEST-**
18 **MENT IN THE AMERICAN**
19 **ECONOMY**

20 **SEC. 201. EB-5 EMPLOYMENT CREATION INVESTOR PRO-**
21 **GRAM.**

22 (a) PERMANENT AUTHORIZATION OF EB-5 EMPLOY-
23 MENT CREATION REGIONAL CENTER PROGRAM.—Section
24 203(b)(5) of the Immigration and Nationality Act (8

1 U.S.C. 1153(b)(5)) is amended by adding at the end the
2 following:

3 “(E) SET-ASIDE FOR EMPLOYMENT CRE-
4 ATION REGIONAL CENTERS.—

5 “(i) IN GENERAL.—Of the visas other-
6 wise available under this paragraph, the
7 Secretary of State, together with the Sec-
8 retary of Homeland Security, shall set
9 aside at least 5,000 visas for a program in-
10 volving regional centers designated by the
11 Secretary of Homeland Security, on the
12 basis of a general proposal, for the pro-
13 motion of economic growth, including im-
14 proved regional productivity, job creation,
15 or increased domestic capital investment. A
16 regional center shall have jurisdiction over
17 a specific geographic area, which shall be
18 described in the proposal and consistent
19 with the purpose of concentrating pooled
20 investment in defined economic zones. The
21 establishment of a regional center under
22 this subparagraph may be based on gen-
23 eral predictions, contained in the proposal,
24 concerning the kinds of new commercial
25 enterprises that will receive capital from

1 aliens under this paragraph, the jobs that
2 will be created (directly or indirectly) as a
3 result of such capital investments and the
4 other positive economic effects such capital
5 investments will have.

6 “(ii) METHODOLOGIES.—In deter-
7 mining compliance with this subparagraph,
8 and notwithstanding requirements applica-
9 ble to investors not involving regional cen-
10 ters, the Secretary of Homeland Security,
11 in consultation with the Secretary of Com-
12 merce, shall recognize reasonable meth-
13 odologies for determining the number of
14 jobs created by a designated regional cen-
15 ter, including such jobs that are estimated
16 to have been created indirectly through
17 revenues generated from increased exports,
18 improved regional productivity, or in-
19 creased domestic capital investment result-
20 ing from the regional center. The Sec-
21 retary may consider estimated job creation
22 outside the geographic boundary of a des-
23 ignated regional center if such estimate is
24 supported by substantial evidence and con-
25 stitutes no more than 50 percent of the

1 overall number of jobs estimated to be cre-
2 ated by such regional center.

3 “(iii) PREAPPROVAL OF NEW COM-
4 Mercial ENTERPRISES.—The Secretary of
5 Homeland Security shall establish a
6 preapproval procedure that—

7 “(I) allows a regional center to
8 apply to the Secretary for approval of
9 a particular investment offering
10 through a new commercial enterprise
11 before any alien files a petition for
12 classification under this paragraph by
13 reason of investment in the new com-
14 mercial enterprise;

15 “(II) in considering an applica-
16 tion under subclause (I), requires that
17 the Secretary make final decisions on
18 all issues under this paragraph other
19 than those issues unique to an indi-
20 vidual investor in the new commercial
21 enterprise; and

22 “(III) requires that the Secretary
23 eliminate the need for the repeated
24 submission of documentation that is
25 common to multiple petitions for clas-

1 sification under this paragraph
2 through a regional center.

3 “(iv) FEE FOR REGIONAL CENTER
4 DESIGNATION.—In addition to any other
5 fees authorized by law, the Secretary of
6 Homeland Security shall impose a fee to
7 apply for designation as an EB–5 regional
8 center under this paragraph. Fees collected
9 under this paragraph shall be deposited in
10 the Treasury in accordance with section
11 286(y).

12 “(v) SITE VISITS.—The Secretary
13 shall perform site visits on a random basis
14 of not less than 5 percent of all approved
15 regional center capital investment projects
16 each fiscal year.

17 “(F) REGIONAL CENTER ANNUAL STATE-
18 MENTS.—

19 “(i) IN GENERAL.—Each regional cen-
20 ter designated under subparagraph (E)
21 shall annually submit, to the Director of
22 United States Citizenship and Immigration
23 Services (referred to in this subparagraph
24 as the ‘Director’), in a manner prescribed

1 by the Secretary of Homeland Security,
2 statements, including—

3 “(I) a description of any pending
4 litigation or bankruptcy proceedings
5 or litigation or bankruptcy pro-
6 ceedings resolved during the preceding
7 fiscal year, involving the regional cen-
8 ter or an associated commercial enter-
9 prise;

10 “(II) an accounting of all foreign
11 investor money invested in the re-
12 gional center or its associated com-
13 mercial enterprises; and

14 “(III) for each associated com-
15 mercial enterprise—

16 “(aa) an accounting of the
17 aggregate capital invested in the
18 associated commercial enterprise
19 by immigrants under subpara-
20 graph (E) for each capital invest-
21 ment project being undertaken by
22 the associated commercial enter-
23 prise;

24 “(bb) a description of how
25 such capital is being used to exe-

1 cute each capital investment
2 project in the approved business
3 plan;

4 “(cc) evidence that 100 per-
5 cent of such capital has been ir-
6 revocably committed to each cap-
7 ital investment project;

8 “(dd) detailed evidence of
9 the progress made toward the
10 completion of the capital invest-
11 ment project;

12 “(ee) an accounting of the
13 aggregate direct and indirect jobs
14 created or preserved;

15 “(ff) for all fees collected
16 from alien entrepreneurs by any
17 party in connection with the as-
18 sociated commercial enterprise,
19 including administrative, loan
20 monitoring, or loan management
21 fees—

22 “(AA) a description of
23 all fees collected;

1 “(BB) a list of the enti-
2 ties that received such fees;
3 and

4 “(CC) the purpose for
5 which such fees were col-
6 lected; and

7 “(gg) a certification by the
8 regional center that such state-
9 ments are accurate.

10 “(ii) ASSOCIATED COMMERCIAL EN-
11 TERPRISE.—For purposes of this para-
12 graph, the term ‘associated commercial en-
13 terprise’ means any for-profit entity that
14 associates with a regional center and re-
15 ceives, or is established to receive, capital
16 investment under the regional center pro-
17 gram described in subparagraph (E).

18 “(iii) AMENDMENT OF ANNUAL
19 STATEMENTS.—If the Director determines
20 that an annual statement submitted pursu-
21 ant to clause (i) is deficient, the Director
22 may require the regional center to amend
23 or supplement such annual statement.

24 “(iv) SANCTIONS.—

1 “(I) EFFECT OF VIOLATION.—If
2 a regional center fails to submit an
3 annual statement or if the Director
4 determines—

5 “(aa) that a statement sub-
6 mitted pursuant to this subpara-
7 graph is materially inaccurate or
8 insufficient; or

9 “(bb) that the regional cen-
10 ter is conducting itself in a man-
11 ner inconsistent with its designa-
12 tion,

13 the Director may sanction the vio-
14 lating entity or individual under sub-
15 clause (II).

16 “(II) AUTHORIZED SANCTIONS.—
17 The Director shall establish a grad-
18 uated set of sanctions for violations
19 referred to in subclause (I), includ-
20 ing—

21 “(aa) fines equal to not
22 more than 5 percent of the total
23 capital invested by immigrant in-
24 vestors in the commercial enter-
25 prise, the payment of which shall

1 not in any circumstance utilize
2 any of such alien entrepreneurs'
3 capital investment;

4 “(bb) temporary suspension
5 from participation in the pro-
6 gram described in subparagraph
7 (E), which may be lifted by the
8 Director if the individual or enti-
9 ty cures the alleged violation
10 after being provided such an op-
11 portunity by the Director;

12 “(cc) permanent bar from
13 program participation for 1 or
14 more individuals involved with
15 the regional center; and

16 “(dd) termination of re-
17 gional center status.

18 “(G) BONA FIDES OF PERSONS INVOLVED
19 WITH REGIONAL CENTERS OR ASSOCIATED COM-
20 MERCIAL ENTERPRISES.—

21 “(i) IN GENERAL.—No person shall be
22 permitted by any regional center or associ-
23 ated commercial enterprise to be involved
24 with the regional center or associated com-

1 mercial enterprise if the Secretary of
2 Homeland Security—

3 “(I) determines such person has
4 been found liable within the previous
5 5 years for any criminal or civil viola-
6 tion of any law relating to fraud or
7 deceit, or at any time if such violation
8 involved a criminal conviction with a
9 term of imprisonment of at least 1
10 year or a criminal or civil violation of
11 any law or agency regulation in con-
12 nection with the purchase or sale of a
13 security; or

14 “(II) knows or has reasonable
15 cause to believe that the person is en-
16 gaged in, has ever been engaged in, or
17 seeks to engage in any—

18 “(aa) illicit trafficking in
19 any controlled substance;

20 “(bb) activity relating to es-
21 pionage or sabotage;

22 “(cc) activity related to
23 money laundering (as described
24 in section 1956 or 1957 of title
25 18, United States Code);

1 “(dd) terrorist activity (as
2 defined in clauses (iii) and (iv) of
3 section 212(a)(3)(B));

4 “(ee) human trafficking or
5 human rights offense; or

6 “(ff) violation of any stat-
7 ute, regulation, or Executive
8 order regarding foreign financial
9 transactions or foreign asset con-
10 trol.

11 “(ii) PERSONS INVOLVED WITH A RE-
12 GIONAL CENTER OR ASSOCIATED COMMER-
13 CIAL ENTERPRISE.—For the purposes of
14 this paragraph, a person is considered to
15 be ‘involved’ with a regional center or an
16 associated commercial enterprise if he or
17 she is the principal, representative, admin-
18 istrator, owner, officer, board member,
19 manager, executive, general partner, fidu-
20 ciary, marketer, promoter, director, or
21 other similar position of substantial au-
22 thority for the operations, management, or
23 promotion of the regional center or associ-
24 ated commercial enterprise, respectively.

1 “(iii) STATUS OF REGIONAL CENTER
2 PRINCIPALS.—

3 “(I) LAWFUL STATUS RE-
4 QUIRED.—No person may be directly
5 or indirectly involved with a regional
6 center unless the person is a national
7 of the United States or an individual
8 who has been lawfully admitted for
9 permanent residence.

10 “(II) FOREIGN GOVERNMENTS.—
11 No foreign government entity may be
12 directly or indirectly associated with
13 the ownership or administration of a
14 regional center.

15 “(iv) INFORMATION REQUIRED.—The
16 Secretary shall require such attestations
17 and information, including the submission
18 of fingerprints to the Federal Bureau of
19 Investigation, and shall perform such
20 criminal record checks and other back-
21 ground checks with respect to a regional
22 center, and persons involved in a regional
23 center or associated commercial enterprise,
24 as described in clause (i), as the Secretary
25 considers appropriate to determine whether

1 the regional center or associated commer-
2 cial enterprise is in compliance with clause
3 (i). The Secretary may require the infor-
4 mation and attestations described in this
5 clause from such regional center or associ-
6 ated commercial enterprise, and any per-
7 son involved in the regional center or asso-
8 ciated commercial enterprise, at any time
9 on or after the date of the enactment of
10 the EB-JOBS Act of 2015.

11 “(v) CERTIFICATION.—A regional cen-
12 ter must provide a certification on an an-
13 nual basis that it remains in compliance
14 with clauses (i) and (iii).

15 “(vi) TERMINATION.—The Secretary
16 shall terminate any regional center from
17 the program that fails to provide a certifi-
18 cation as required under clause (v). The
19 Secretary may terminate any regional cen-
20 ter from the program under this paragraph
21 if he or she determines that—

22 “(I) the regional center or associ-
23 ated commercial enterprise has vio-
24 lated clause (i);

1 “(II) the regional center is in vio-
2 lation of clause (iii);

3 “(III) the regional center or asso-
4 ciated commercial enterprise or any
5 person involved with the regional cen-
6 ter or associated commercial enter-
7 prise has provided any false attesta-
8 tion or information under clause (iv);
9 or

10 “(IV) the regional center or asso-
11 ciated commercial enterprise or any
12 person involved with the regional cen-
13 ter or associated commercial enter-
14 prise fails to provide an attestation or
15 information requested by the Sec-
16 retary under clause (iv).

17 “(H) REGIONAL CENTER COMPLIANCE
18 WITH SECURITIES LAWS.—

19 “(i) CERTIFICATION REQUIRED.—The
20 Secretary of Homeland Security shall not
21 approve an application for regional center
22 designation or regional center amendment
23 that does not certify that the regional cen-
24 ter and, to the best knowledge of the appli-
25 cant, all parties to the regional center are

1 in, and will maintain, compliance with the
2 securities laws of the United States.

3 “(ii) MONITORING AND SUPER-
4 VISION.—In furtherance of the certification
5 described in clause (i), the regional center
6 shall be required to monitor and supervise
7 all offers and sales of securities which are
8 made by associated commercial enterprises
9 to ensure compliance with the securities
10 laws of the United States, and to maintain
11 records, data, and information relating to
12 all such offers and sales of securities.

13 “(iii) TERMINATION OR SUSPEN-
14 SION.—The Secretary shall terminate the
15 designation of any regional center that
16 does not provide the certification described
17 in clause (i) on an annual basis. In addi-
18 tion to any other authority provided to the
19 Secretary regarding the regional center
20 program described in subparagraph (E),
21 the Secretary may, in the Secretary’s
22 unreviewable discretion, suspend or termi-
23 nate the designation of any regional center
24 if he or she determines that the regional

1 center or any party to the regional cen-
2 ter—

3 “(I) is permanently or tempo-
4 rarily enjoined by order, judgment, or
5 decree of any court of competent ju-
6 risdiction in connection with the offer,
7 purchase, or sale of a security;

8 “(II) is subject to any final order
9 of the Securities and Exchange Com-
10 mission that—

11 “(aa) bars such person from
12 association with an entity regu-
13 lated by the Securities and Ex-
14 change Commission; or

15 “(bb) constitutes a final
16 order based on violations in con-
17 nection with the offer, purchase,
18 or sale of a security; or

19 “(III) knowingly submitted or
20 caused to be submitted a certification
21 described in clause (i) that contained
22 an untrue statement of a material fact
23 or omitted to state a material fact
24 necessary in order to make the state-
25 ments made, in the light of the cir-

1 cumstances under which they were
2 made, not misleading.

3 “(iv) SAVINGS PROVISION.—Nothing
4 in this subparagraph may be construed to
5 impair or limit the authority of the Securi-
6 ties and Exchange Commission under the
7 Federal securities laws.

8 “(v) DEFINED TERM.—For the pur-
9 pose of this subparagraph, the term ‘party
10 to the regional center’ means—

11 “(I) the regional center or associ-
12 ated commercial enterprise;

13 “(II) the regional center or asso-
14 ciated commercial enterprise’s owners,
15 officers, directors, managers, partners,
16 agents, employees, promoters, and at-
17 torneys; and

18 “(III) any person in active con-
19 cert or participation with the regional
20 center or associated commercial enter-
21 prise or directly or indirectly control-
22 ling, controlled by, or under common
23 control with the regional center or as-
24 sociated commercial enterprise.

1 “(I) FRAUD, MISREPRESENTATION, CRIMI-
2 NAL MISUSE, AND THREATS TO NATIONAL SE-
3 CURITY.—If the Secretary of Homeland Secu-
4 rity determines that participation of the re-
5 gional center in the program is contrary to the
6 national interest of the United States, poses a
7 threat to national security, or that the regional
8 center or any person involved with the regional
9 center is engaged or seeks to engage in any
10 criminal or civil violation of any law relating to
11 fraud, deceit, misrepresentation, or criminal
12 misuse, the Secretary may—

13 “(i) deny or revoke an approval of a
14 regional center designation;

15 “(ii) terminate an approved regional
16 center designation;

17 “(iii) deny or revoke a preapproval
18 under section 203(b)(5)(E)(iii) of the Im-
19 migration and Nationality Act;

20 “(iv) deny or revoke a petition seeking
21 classification of an alien as an alien inves-
22 tor under this paragraph; or

23 “(v) deny a petition to remove condi-
24 tions under section 216A.

1 “(J) DELEGATION OF CERTAIN EB-5 AU-
2 THORITY.—

3 “(i) IN GENERAL.—The Secretary of
4 Homeland Security may delegate to the
5 Secretary of Commerce authority and re-
6 sponsibility for determinations under sec-
7 tions 203(b)(5) and 216A (with respect to
8 an alien entrepreneur who obtains status
9 under section 203(b)(5)) of the Immigra-
10 tion and Nationality Act (8 U.S.C.
11 1153(b)(5) and 1186a), including deter-
12 mining whether an alien has met employ-
13 ment creation requirements.

14 “(ii) REGULATIONS.—The Secretary
15 of Homeland Security and the Secretary of
16 Commerce may each adopt such rules and
17 regulations as are necessary to carry out
18 the delegation authorized under clause (i),
19 including regulations governing the eligi-
20 bility criteria for obtaining benefits pursu-
21 ant to this subsection.

22 “(iii) USE OF FEES.—Adjudication
23 fees described in section 286(m) of the Im-
24 migration and Nationality Act (8 U.S.C.
25 1356(m)) shall remain available until ex-

1 pended to reimburse the Secretary of Com-
2 merce for the costs of any determinations
3 made by the Secretary of Commerce under
4 clause (i).”.

5 (b) TARGETED EMPLOYMENT AREAS.—Section
6 203(b)(5)(B) of the Immigration and Nationality Act (8
7 U.S.C. 1153(b)(5)(B)) is amended as follows:

8 (1) SET ASIDE VISAS.—In clause (i), to read as
9 follows:

10 “(i)(I) Not less than 2,000 of the
11 visas made available under this paragraph
12 in each fiscal year shall be reserved for
13 qualified immigrants who invest in a new
14 commercial enterprise described in sub-
15 paragraph (A) which will create employ-
16 ment in an area described in clause (ii)(I).

17 “(II) Not less than 4,000 of the visas
18 made available under this paragraph in
19 each fiscal year shall be reserved for quali-
20 fied immigrants who invest in a new com-
21 mercial enterprise described in subpara-
22 graph (A) which will create employment in
23 an area described in clause (ii)(II).

24 “(III) Not less than 2,000 of the visas
25 made available under this paragraph in

each fiscal year shall be reserved for qualified immigrants who invest in a new commercial enterprise described in subparagraph (A) which will create employment in an area described in subclause (III), (IV), or (V) of clause (ii).

“(IV) Notwithstanding section 203(b)(1), any visa number made available by subclause (I), (II), or (III), and which has not been used at the end of the fiscal year in which it was made available, will remain available for qualified immigrants as described in each respective subclause.”.

(2) TARGETED EMPLOYMENT AREA DEFINED.—

In clause (ii), to read as follows:

“(ii) TARGETED EMPLOYMENT AREA DEFINED.—In this paragraph, the term ‘targeted employment area’ means—

“(I) a rural area;

“(II) an area that has experienced high unemployment (of at least 150 percent of the national average rate) within the preceding 12 months;

1 “(III) a county that has had a 20
2 percent or more decrease in popu-
3 lation since 1970;

4 “(IV) an area that is within the
5 boundaries established for purposes of
6 a State or Federal economic develop-
7 ment incentive program, including
8 areas defined as Enterprise Zones,
9 Renewal Communities and Empower-
10 ment Zones; or

11 “(V) an area within the geo-
12 graphic boundaries of any military in-
13 stallation closed pursuant to a base
14 closure law (as defined in section
15 101(a)(17) of title 10, United States
16 Code).”.

17 (3) RURAL AREA DEFINED.—In clause (iii), by
18 striking “within a metropolitan statistical area or”.

19 (4) AREA THAT HAS EXPERIENCED HIGH UN-
20 EMPLOYMENT DEFINED.—By adding after clause
21 (iii) the following:

22 “(iv) AREA THAT HAS EXPERIENCED
23 HIGH UNEMPLOYMENT.—The term ‘area
24 that has experienced high unemployment’
25 means an area, comprising of one or more

1 contiguous census tracts within one Core
2 Based Statistical Area, that has an unem-
3 ployment rate that is at least 150 percent
4 of the national average unemployment
5 rate, using the most recent census data
6 available.”.

7 (5) EFFECT OF PRIOR DETERMINATION.—By
8 adding at the end the following:

9 “(v) EFFECT OF PRIOR DETERMINA-
10 TION.—In a case in which a geographic
11 area is determined under clause (ii) to be
12 a targeted employment area, such deter-
13 mination shall remain in effect during the
14 5-year period beginning on the date of the
15 determination for purposes of any alien
16 seeking a visa reserved under this subpara-
17 graph.”.

18 (c) CALCULATING JOB CREATION.—Section
19 203(b)(5)(D) of such Act (8 U.S.C. 1153(b)(5)(D)) is
20 amended to read as follows:

21 “(D) PERMANENT FULL-TIME EMPLOY-
22 MENT.—In this paragraph, the term ‘perma-
23 nent full-time employment’ means employment
24 in a position that requires at least 35 hours of
25 service per week at any time, regardless of who

1 fills the position and which is expected to last
 2 for at least two years. Such employment may be
 3 satisfied on a full-time equivalent basis by cal-
 4 culating the number of full-time employees that
 5 could have been employed if the reported num-
 6 ber of hours worked by part-time employees had
 7 been worked by full-time employees. Full-time
 8 equivalent employment shall be calculated by di-
 9 viding the part-time hours paid by the standard
 10 number of hours for full-time employees.”.

11 (d) CAPITAL.—Section 203(b)(5)(C) of the Immigra-
 12 tion and Nationality Act (8 U.S.C. 1153(b)(5)(C)) is
 13 amended by adding at the end the following:

14 “(iv) CAPITAL DEFINED.—For pur-
 15 poses of this paragraph, the term ‘capital’
 16 does not include any assets acquired, di-
 17 rectly or indirectly, by unlawful means.

18 “(v) INFLATION ADJUSTMENT.—

19 “(I) INITIAL ADJUSTMENT.—Ef-
 20 fective for the first fiscal year that be-
 21 gins more than 6 months after the
 22 date of the enactment of this sub-
 23 clause, the amount specified in the
 24 first sentence of clause (i) shall be
 25 \$2,000,000. An increase described in

1 the preceding sentence shall apply to
2 aliens filing petitions under section
3 204(a)(1)(H) on or after the date on
4 which the increase takes effect, unless
5 the petition is filed by reason of an in-
6 vestment in a new commercial enter-
7 prise for which a preapproval under
8 section 203(b)(5)(E)(iii) was filed be-
9 fore the date the increase takes effect.

10 “(II) SUBSEQUENT ADJUST-
11 MENTS.—The amount described in
12 subclause (I) (as of the last increase
13 to such amount) shall be increased
14 every third year by the percentage (if
15 any) by which the Consumer Price
16 Index for the month of June pre-
17 ceding the date on which such in-
18 crease takes effect exceeds the Con-
19 sumer Price Index for the same
20 month of the calendar year 3 years
21 prior. An increase described in the
22 preceding sentence shall apply to
23 aliens filing petitions under section
24 204(a)(1)(H) on or after the date on
25 which the increase takes effect, unless

1 the petition is filed by reason of an in-
2 vestment in a new commercial enter-
3 prise for which a preapproval under
4 section 203(b)(5)(E)(iii) was filed be-
5 fore the date the increase takes effect.

6 “(III) DEFINITION.—For pur-
7 poses of this clause, the term ‘Con-
8 sumer Price Index’ means the Con-
9 sumer Price Index for all urban con-
10 sumers published by the Department
11 of Labor.”.

12 (e) TYPE OF INVESTMENT.—Section 203(b)(5)(A) of
13 the Immigration and Nationality Act (8 U.S.C.
14 1153(b)(5)(A)), is amended as follows:

15 (1) ANY FOR-PROFIT ENTITY CAN BE A NEW
16 COMMERCIAL ENTERPRISE.—In the matter pre-
17 ceding clause (i), by striking “including a limited
18 partnership” and inserting “which may include any
19 entity formed for the purpose of doing for-profit
20 business”.

21 (2) LENGTH OF INVESTMENT DEFINED.—In
22 clause (i), by inserting “and which is expected to re-
23 main invested for not less than 2 years” after
24 “(C),”.

1 (3) JOB CREATION BENEFITS THE ECONOMY.—

2 By amending clause (ii) to read as follows:

3 “(ii) which will benefit the United
4 States economy. A commercial enterprise
5 will only be considered to benefit the
6 United States economy if it will create per-
7 manent full-time employment for at least
8 10 United States workers. For the pur-
9 poses of this paragraph, the term ‘United
10 States worker’ means—

11 “(I) an employee (other than the
12 immigrant or the immigrant’s spouse,
13 son, or daughter) who is a citizen or
14 national of the United States; or

15 “(II) is an alien who is lawfully
16 admitted for permanent residence, is
17 admitted as a refugee under section
18 207, is granted asylum under section
19 208, or is otherwise authorized to be
20 employed in the United States.”.

21 (f) EXTENSION.—Subparagraph (A) of section
22 216A(d)(2) of the Immigration and Nationality Act (8
23 U.S.C. 1186b(d)(2)(A)) is amended by adding at the end
24 the following: “The fourth anniversary shall be substituted
25 for the second anniversary in applying the preceding sen-

1 tence if the petitioner provides an explanation for the
2 delay in filing the petition that is based on circumstances
3 outside of the petitioner's control, and demonstrates that
4 such circumstances will be able to be resolved by the
5 fourth anniversary.'".

6 (g) STUDY.—

7 (1) IN GENERAL.—The Secretary of Homeland
8 Security, in appropriate consultation with the Sec-
9 retary of Commerce and other interested parties,
10 shall conduct a study concerning—

11 (A) current job creation counting method-
12 ology and initial projections under section
13 203(b)(5) of the Immigration and Nationality
14 Act (8 U.S.C. 1153(b)(5)); and

15 (B) how to best promote the employment
16 creation program described in such section
17 overseas to potential immigrant investors.

18 (2) REPORT.—The Secretary of Homeland Se-
19 curity shall submit a report to the Committee on the
20 Judiciary of the House of Representatives and the
21 Committee on the Judiciary of the Senate not later
22 than 1 year after the date of the enactment of this
23 Act containing the results of the study conducted
24 under paragraph (1).

1 (h) ANNUAL SITE VISIT REPORT.—Beginning on the
2 date that is one year after the enactment of this Act, and
3 every year thereafter, the Secretary of Homeland Security
4 shall submit a report to the Committee on the Judiciary
5 of the House of Representatives and the Committee on
6 the Judiciary of the Senate on the site visits conducted
7 pursuant to section 203(b)(5)(E)(v), including the number
8 and locations of site visits conducted and the number and
9 type of sanctions, if any, resulting from those site visits.

10 (i) BIENNIAL REPORT.—Beginning on the date that
11 is one year after the date of the enactment of this Act,
12 and every 2 years thereafter, the Secretary of Homeland
13 Security shall submit a report to the Committee on the
14 Judiciary of the House of Representatives and the Com-
15 mittee on the Judiciary of the Senate that measures the
16 economic impact of the regional center program described
17 in section 203(b)(5)(E) of the Immigration and Nation-
18 ality Act (8 U.S.C. 1153(b)(5)(E)), including—

- 19 (1) foreign and domestic capital investment;
20 (2) the number of jobs directly and indirectly
21 created;
22 (3) any other economic benefits related to for-
23 eign investment under such program; and
24 (4) the number of petitions under such section
25 approved or denied for each regional center.

1 (j) RULEMAKING.—Not later than 120 days after the
 2 date of the enactment of this Act, the Secretary of Home-
 3 land Security shall prescribe regulations to implement the
 4 amendments made by this section.

5 **SEC. 202. CONCURRENT FILING; ADJUSTMENT OF STATUS.**

6 Section 245 of the Immigration and Nationality Act
 7 (8 U.S.C. 1255) is amended—

8 (1) in subsection (k), in the matter preceding
 9 paragraph (1), by striking “(1), (2), or (3)” and in-
 10 serting “(1), (2), (3), (5), (6), or (7)”; and

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

12 “(n) If, at the time a petition is filed under section
 13 204 for classification under paragraph (5), (6), or (7) of
 14 section 203(b), approval of the petition would make a visa
 15 immediately available to the alien beneficiary, the alien
 16 beneficiary’s adjustment application under this section
 17 shall be considered to be properly filed whether the appli-
 18 cation is submitted concurrently with, or subsequent to,
 19 the visa petition.”.

20 **SEC. 203. FEES; PREMIUM PROCESSING.**

21 (a) ESTABLISHMENT OF ACCOUNT; USE OF FEES.—
 22 Section 286 of the Immigration and Nationality Act (8
 23 U.S.C. 1356), as amended by this Act, is further amended
 24 by adding at the end the following:

25 “(y) IMMIGRANT ENTREPRENEUR ACCOUNT.—

1 “(1) IN GENERAL.—There is established in the
2 general fund of the Treasury a separate account,
3 which shall be known as the ‘Immigrant Entre-
4 preneur Account’. Notwithstanding any other provi-
5 sion of law, there shall be deposited as offsetting re-
6 ceipts into the account all fees collected in connec-
7 tion with paragraph (5) or (6) of section 203(b) of
8 this Act, section 216A of this Act, or section 610(b)
9 of the Departments of Commerce, Justice, and
10 State, the Judiciary, and Related Agencies Appro-
11 priations Act, 1993 (8 U.S.C. 1153 note).

12 “(2) USE OF FEES.—Fees collected under this
13 section may only be used by the Secretary of Home-
14 land Security to administer and operate the employ-
15 ment creation program described in paragraph (5)
16 or (6) of section 203(b).”.

17 (b) PREMIUM PROCESSING.—Section 286(u) of the
18 Immigration and Nationality Act (8 U.S.C. 1356(u)) is
19 amended by adding at the end the following: “In the case
20 of a petition filed under section 204(a)(1)(H) for classi-
21 fication under paragraph (5) of section 203(b) and which
22 was granted a preapproval under section 203(b)(5)(E)(iii),
23 the Secretary shall provide premium processing services
24 for a fee set at \$5,000 and shall be deposited as offsetting
25 receipts in the Immigrant Entrepreneur Account estab-

1 lished under subsection (y). The Secretary may adjust this
 2 fee according to the Consumer Price Index.”.

3 **SEC. 204. CONTINGENT INCREASE IN VISA NUMBER AVAIL-**
 4 **ABILITY.**

5 Section 203(b)(5) of the Immigration and Nationality
 6 Act (8 U.S.C. 1153(b)(5)), as amended by this Act, is fur-
 7 ther amended by adding at the end the following:

8 “(K) INCREASE IN VISA NUMBER AVAIL-
 9 ABILITY.—In the event all visas made available
 10 under subparagraph (A) have been made avail-
 11 able to qualified immigrants in a fiscal year, an
 12 additional 10,000 visas shall be made available
 13 to qualified immigrants as described in sub-
 14 paragraph (A) for that fiscal year, unless a
 15 joint resolution as described below is enacted.

16 “(i) For purposes of this subpara-
 17 graph, the term ‘joint resolution’ means
 18 only a joint resolution introduced in the
 19 period beginning on the date on which all
 20 visas made available under subparagraph
 21 (A) have been made available to qualified
 22 immigrants in a fiscal year and ending 60
 23 days thereafter (excluding days either
 24 House of Congress is adjourned for more
 25 than 3 days during a session of Congress),

1 the matter after the resolving clause of
2 which is as follows: ‘That Congress finds
3 that an increase in visa number availability
4 for qualified immigrants under section
5 203(b)(5) is not needed and that addi-
6 tional visas provided in subparagraph (K)
7 of that section will not take effect.’.

8 “(ii) A joint resolution described in
9 clause (i) shall be referred to the Com-
10 mittee on the Judiciary in each House of
11 Congress.

12 “(iii) In the Senate, if the Committee
13 on the Judiciary has not reported such
14 joint resolution as described in clause (i)
15 (or an identical joint resolution) at the end
16 of 15 session days after the date of intro-
17 duction of the joint resolution, such com-
18 mittee may be discharged from further
19 consideration of such joint resolution upon
20 a petition supported in writing by 30 Mem-
21 bers of the Senate, and such joint resolu-
22 tion shall be placed on the calendar.

23 “(iv)(I) In the Senate, when the Com-
24 mittee on the Judiciary has reported, or
25 when such committee is discharged (under

1 clause (iii)) from further consideration of a
2 joint resolution described in clause (i), it is
3 at any time thereafter in order (even
4 though a previous motion to the same ef-
5 fect has been disagreed to) for a motion to
6 proceed to the consideration of the joint
7 resolution, and all points of order against
8 the joint resolution (and against consider-
9 ation of the joint resolution) are waived.
10 The motion is not subject to amendment,
11 or to a motion to postpone, or to a motion
12 to proceed to the consideration of other
13 business. A motion to reconsider the vote
14 by which the motion is agreed to or dis-
15 agreed to shall not be in order. If a motion
16 to proceed to the consideration of the joint
17 resolution is agreed to, the joint resolution
18 shall remain the unfinished business of the
19 Senate until disposed of.

20 “(II) In the Senate, debate on the
21 joint resolution, and on all debatable mo-
22 tions and appeals in connection therewith,
23 shall be limited to not more than 10 hours,
24 which shall be divided equally between
25 those favoring and those opposing the joint

1 resolution. A motion to further limit de-
2 bate is in order and not debatable. An
3 amendment to, or a motion to postpone, or
4 a motion to proceed to the consideration of
5 other business, or a motion to recommit
6 the joint resolution is not in order.

7 “(III) In the Senate, immediately fol-
8 lowing the conclusion of the debate on a
9 joint resolution described in clause (i), and
10 a single quorum call at the conclusion of
11 the debate if requested in accordance with
12 the rules of the Senate, the vote on final
13 passage of the joint resolution shall occur.

14 “(IV) Appeals from the decisions of
15 the Chair relating to the application of the
16 rules of the Senate to the procedure relat-
17 ing to a joint resolution described in clause
18 (i) shall be decided without debate.

19 “(v) In the House of Representatives,
20 if the Committee on the Judiciary has not
21 reported a joint resolution as described in
22 clause (i) to the House at the end of 15
23 legislative days after its introduction, such
24 committee shall be discharged from further
25 consideration of the joint resolution, and it

1 shall be placed on the appropriate cal-
2 endar. On the second and fourth Thurs-
3 days of each month it shall be in order at
4 any time for the Speaker to recognize a
5 Member who favors passage of a joint res-
6 olution that has appeared on the calendar
7 for at least 5 legislative days to call up
8 that joint resolution for immediate consid-
9 eration in the House without intervention
10 of any point of order. When so called up
11 such joint resolution shall be considered as
12 read and shall be debatable for 1 hour
13 equally divided and controlled by the pro-
14 ponent and an opponent, and the previous
15 question shall be considered as ordered to
16 its passage without intervening motion. It
17 shall not be in order to reconsider the vote
18 on passage. If a vote on final passage of
19 the joint resolution has not been taken by
20 the third Thursday on which the Speaker
21 may recognize a Member under this sub-
22 section, such vote shall be taken on that
23 day.

24 “(vi) If, before the passage by one
25 House of a joint resolution of that House

1 described in clause (i), that House receives
2 from the other House a joint resolution de-
3 scribed in clause (i), then the following
4 procedures shall apply:

5 “(I) The joint resolution of the
6 other House shall not be referred to a
7 committee.

8 “(II) With respect to a joint res-
9 olution described in clause (i) of the
10 House receiving the joint resolution—

11 “(aa) the procedure in that
12 House shall be the same as if no
13 joint resolution had been received
14 from the other House; but

15 “(bb) the vote on final pas-
16 sage shall be on the joint resolu-
17 tion of the other House.

18 “(vii)(I) In addition to the oppor-
19 tunity for review otherwise provided under
20 this subparagraph, in the case that the
21 date on which all visas made available
22 under subparagraph (A) have been made
23 available to qualified immigrants occurs
24 during the period beginning on the date
25 occurring—

1 “(aa) in the case of the Senate,
2 60 session days; or

3 “(bb) in the case of the House of
4 Representatives, 60 legislative days,
5 before the date the Congress is sched-
6 uled to adjourn a session of Congress
7 through the date on which the same
8 or succeeding Congress first convenes
9 its next session, clauses (i) to (vi)
10 shall apply in the succeeding session
11 of Congress.

12 “(II) In applying clauses (i) to (vi) for
13 purposes of such additional review, the
14 date described under clause (vii) shall be
15 treated as though such date occurred—

16 “(aa) in the case of the Senate,
17 the 15th session day; or

18 “(bb) in the case of the House of
19 Representatives, the 15th legislative
20 day, after the succeeding session of
21 Congress first convenes.”.

1 **TITLE III—PERMANENT AU-**
 2 **THORIZATION OF CONRAD**
 3 **STATE 30 J-1 VISA WAIVER**
 4 **PROGRAM**

5 **SEC. 301. PERMANENT AUTHORIZATION OF CONRAD STATE**
 6 **30 J-1 VISA WAIVER PROGRAM.**

7 Section 220(c) of the Immigration and Nationality
 8 Technical Corrections Act of 1994 (8 U.S.C. 1182 note)
 9 is amended by striking “and before September 30, 2015”.

10 **TITLE IV—REAUTHORIZATION**
 11 **OF THE E-VERIFY PROGRAM**
 12 **AND SPECIAL IMMIGRANT**
 13 **NONMINISTER RELIGIOUS**
 14 **WORKER PROGRAM**

15 **SEC. 401. REAUTHORIZATION OF THE E-VERIFY PROGRAM.**

16 Section 401(b) of the Illegal Immigration Reform and
 17 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
 18 note) is amended by striking “September 30, 2015” and
 19 inserting “September 30, 2020”.

20 **SEC. 402. REAUTHORIZATION OF THE SPECIAL IMMIGRANT**
 21 **NONMINISTER RELIGIOUS WORKER PRO-**
 22 **GRAM.**

23 Section 101(a)(27)(C)(ii) of the Immigration and
 24 Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amend-
 25 ed—

- 1 (1) in subclause (II), by striking “September
2 30, 2015” and inserting “September 30, 2020”; and
3 (2) in subclause (III), by striking “September
4 30, 2015” and inserting “September 30, 2020”.

○