

114TH CONGRESS
1ST SESSION

S. _____

To amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HATCH (for himself, Ms. KLOBUCHAR, Mr. RUBIO, Mr. COONS, Mr. FLAKE, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work 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 the “Immigration Innova-
5 tion Act of 2015” or the “I-Squared Act of 2015”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—EMPLOYMENT-BASED NONIMMIGRANT VISAS

- Sec. 101. Market-based H–1b visa limits.
 Sec. 102. Employment authorization for dependents of H–1B nonimmigrants.
 Sec. 103. Eliminating impediments to worker mobility.

TITLE II—STUDENT VISAS

- Sec. 201. Authorization of dual intent.

TITLE III—EMPLOYMENT-BASED IMMIGRANT VISAS

- Sec. 301. Elimination of per-country numerical limitations.
 Sec. 302. Ensuring all preference employment-based immigrant visas are issued.
 Sec. 303. Aliens not subject to direct numerical limitation.

TITLE IV—STEM EDUCATION FUNDING

- Sec. 401. Funding for STEM education and training.
 Sec. 402. Promoting American Ingenuity Account.
 Sec. 403. STEM education grant application process.
 Sec. 404. Approved activities.
 Sec. 405. National evaluation.
 Sec. 406. Rule of construction.

1 **TITLE I—EMPLOYMENT-BASED**
 2 **NONIMMIGRANT VISAS**

3 **SEC. 101. MARKET-BASED H-1B VISA LIMITS.**

4 (a) IN GENERAL.—Section 214(g) of the Immigra-
 5 tion and Nationality Act (8 U.S.C. 1184(g)) is amended—

6 (1) in paragraph (1)—

7 (A) in the matter preceding subparagraph
 8 (A), by striking “(beginning with fiscal year
 9 1992)”; and

10 (B) by amending subparagraph (A) to read
 11 as follows:

12 “(A) under section 101(a)(15)(H)(i)(b)
 13 may not exceed the sum of—

1 “(i) the base allocation calculated
2 under paragraph (9)(A); and

3 “(ii) the allocation adjustment cal-
4 culated under paragraph (9)(B); and”;

5 (2) in paragraph (5)—

6 (A) in subparagraph (B), by striking “or”
7 at the end; and

8 (B) in subparagraph (C), by striking “,
9 until the number of aliens who are exempted
10 from such numerical limitation during such
11 year exceeds 20,000.” and inserting “; or”;

12 (3) in paragraph (8), by striking subparagraphs
13 (B)(iv) and (D);

14 (4) by redesignating paragraph (10) as sub-
15 paragraph (D) of paragraph (9);

16 (5) by redesignating paragraph (9) as para-
17 graph (10); and

18 (6) by inserting after paragraph (8) the fol-
19 lowing:

20 “(9)(A) The base allocation of nonimmigrant visas
21 under section 101(a)(15)(H)(i)(b) for each fiscal year
22 shall be equal to—

23 “(i) the sum of—

24 “(I) the base allocation for the most re-
25 cently completed fiscal year; and

1 “(II) the allocation adjustment for the
2 most recently completed fiscal year;

3 “(ii) if the number calculated under clause (i)
4 is less than 115,000, 115,000; or

5 “(iii) if the number calculated under clause (i)
6 is more than 195,000, 195,000.

7 “(B)(i) If the number of cap-subject nonimmigrant
8 visa petitions approved under section 101(a)(15)(H)(i)(b)
9 during the first 45 days petitions may be filed for a fiscal
10 year is equal to the base allocation for such fiscal year,
11 an additional 20,000 such visas shall be made available
12 beginning on the 46th day on which petitions may be filed
13 for such fiscal year.

14 “(ii) If the base allocation of cap-subject non-
15 immigrant visa petitions approved under section
16 101(a)(15)(H)(i)(b) for a fiscal year is reached during the
17 15-day period ending on the 60th day on which petitions
18 may be filed for such fiscal year, an additional 15,000
19 such visas shall be made available beginning on the 61st
20 day on which petitions may be filed for such fiscal year.

21 “(iii) If the base allocation of cap-subject non-
22 immigrant visa petitions approved under section
23 101(a)(15)(H)(i)(b) for a fiscal year is reached during the
24 30-day period ending on the 90th day on which petitions
25 may be filed for such fiscal year, an additional 10,000

1 such visas shall be made available beginning on the 91st
2 day on which petitions may be filed for such fiscal year.

3 “(iv) If the base allocation of cap-subject non-
4 immigrant visa petitions approved under section
5 101(a)(15)(H)(i)(b) for a fiscal year is reached during the
6 185-day period ending on the 275th day on which peti-
7 tions may be filed for such fiscal year, an additional 5,000
8 such visas shall be made available beginning on the date
9 on which such allocation is reached.

10 “(v) If the number of cap-subject nonimmigrant visa
11 petitions approved under section 101(a)(15)(H)(i)(b) for
12 a fiscal year is at least 5,000 fewer than the base alloca-
13 tion, but is not more than 9,999 fewer than the base allo-
14 cation, the allocation adjustment for the following fiscal
15 year shall be -5,000.

16 “(vi) If the number of cap-subject nonimmigrant visa
17 petitions approved under section 101(a)(15)(H)(i)(b) for
18 a fiscal year is at least 10,000 fewer than the base alloca-
19 tion, but not more than 14,999 fewer than the base alloca-
20 tion, the allocation adjustment for the following fiscal year
21 shall be -10,000.

22 “(vii) If the number of cap-subject nonimmigrant visa
23 petitions approved under section 101(a)(15)(H)(i)(b) for
24 a fiscal year is at least 15,000 fewer than the base alloca-
25 tion, but not more than 19,999 fewer than the base alloca-

1 tion, the allocation adjustment for the following fiscal year
2 shall be -15,000.

3 “(viii) If the number of cap-subject nonimmigrant
4 visa petitions approved under section 101(a)(15)(H)(i)(b)
5 for a fiscal year is at least 20,000 fewer than the base
6 allocation, the allocation adjustment for the following fis-
7 cal year shall be -20,000.”.

8 (b) REPORTING REQUIREMENT.—The Secretary of
9 Homeland Security shall—

10 (1) timely upload to a public website data that
11 summarizes the adjudication of nonimmigrant peti-
12 tions under section 101(a)(15)(H)(b) of the Immi-
13 gration and Nationality Act (8 U.S.C.
14 1101(a)(15)(H)(b)) during each fiscal year; and

15 (2) allow the timely adjustment of visa alloca-
16 tions under section 214(g)(9)(B) of such Act, as
17 added by subsection (a).

18 **SEC. 102. EMPLOYMENT AUTHORIZATION FOR DEPEND-**
19 **ENTS OF H-1B NONIMMIGRANTS.**

20 Section 214(c) of the Immigration and Nationality
21 Act (8 U.S.C. 1184(c)) is amended—

22 (1) by striking “Attorney General” each place
23 such term appears and inserting “Secretary of
24 Homeland Security”; and

1 (2) in paragraph (2), by amending subpara-
2 graph (E) to read as follows:

3 “(E) The Secretary of Homeland Security
4 shall—

5 “(i) authorize an alien spouse admitted
6 under subparagraph (H)(i)(b) or (L) of section
7 101(a)(15) who is accompanying or following to
8 join the principal alien to engage in employment
9 in the United States; and

10 “(ii) provide the spouse with an ‘employ-
11 ment authorized’ endorsement or other appro-
12 priate work permit.”.

13 **SEC. 103. ELIMINATING IMPEDIMENTS TO WORKER MOBIL-**
14 **ITY.**

15 (a) DEFERENCE TO PRIOR APPROVALS.—Section
16 214(c) of the Immigration and Nationality Act (8 U.S.C.
17 1184(c)) is amended by adding at the end the following:

18 “(9) If the Secretary of Homeland Security or the
19 Secretary of State approves a visa, petition, or application
20 for admission on behalf of an alien described in subpara-
21 graph (H)(i)(b) or (L) of section 101(a)(15), the Sec-
22 retary of Homeland Security or the Secretary of State
23 may not deny a subsequent petition, visa, or application
24 for admission involving the same employer and alien un-
25 less the applicant is provided with a written finding that

1 explains the basis for the Government’s determination
2 that—

3 “(A) there was a material error with regard to the
4 approval of the previous petition, visa, or application for
5 admission;

6 “(B) a substantial change in circumstances has taken
7 place since the prior approval or admission that renders
8 the nonimmigrant ineligible for such status under this Act;
9 or

10 “(C) new material information has been discovered
11 that adversely impacts the eligibility of the employer or
12 the nonimmigrant.”.

13 (b) EFFECT OF ENDING EMPLOYMENT RELATION-
14 SHIP.—Section 214(n) of the Immigration and Nationality
15 Act (8 U.S.C. 1184(n)) is amended by adding at the end
16 the following:

17 “(3) A nonimmigrant admitted under section
18 101(a)(15)(H)(i)(b) whose employment relationship ends
19 (either voluntarily or involuntarily) before the expiration
20 of the nonimmigrant’s period of authorized admission
21 shall be deemed to have retained such legal status
22 throughout the 60-day period beginning on such employ-
23 ment ending date if an employer files a petition to extend,
24 change, or adjust the status of the nonimmigrant during
25 such period.”.

1 (c) VISA REVALIDATION.—Section 222(e) of the Im-
2 migration and Nationality Act (8 U.S.C. 1202(e)) is
3 amended by inserting “The Secretary of State shall au-
4 thorize an alien admitted under subparagraph (E), (H),
5 (L), (O), or (P) of section 101(a)(15) to renew his or her
6 nonimmigrant visa in the United States if the alien has
7 remained eligible for such status.”.

8 **TITLE II—STUDENT VISAS**

9 **SEC. 201. AUTHORIZATION OF DUAL INTENT.**

10 (a) DEFINITION.—Section 101(a)(15)(F)(i) of the
11 Immigration and Nationality Act (8 U.S.C.
12 1101(a)(15)(F)(i)) is amended by striking “which he has
13 no intention of abandoning”.

14 (b) PRESUMPTION OF STATUS; INTENTION TO ABAN-
15 DON FOREIGN RESIDENCE.—Section 214 of the Immigra-
16 tion and Nationality Act (8 U.S.C. 1184) is amended—

17 (1) in subsection (b), by striking “(L) or (V)”
18 and inserting “(F), (L), or (V)”; and

19 (2) in subsection (h), by striking “(H)(i)(b) or
20 (c)” and inserting “(F), (H)(i)(b), (H)(i)(c)”.

1 **TITLE III—EMPLOYMENT-BASED**
2 **IMMIGRANT VISAS**

3 **SEC. 301. ELIMINATION OF PER-COUNTRY NUMERICAL LIM-**
4 **ITATIONS.**

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

8 “(2) PER COUNTRY LEVELS FOR FAMILY-SPON-
9 SORED IMMIGRANTS.—Subject to paragraphs (3)
10 and (4), the total number of immigrant visas made
11 available to natives of any single foreign state or de-
12 pendent area under section 203(a) in any fiscal year
13 may not exceed 15 percent (in the case of a single
14 foreign state) or 2 percent (in the case of a depend-
15 ent area) of the total number of such visas made
16 available under such section in that fiscal year.”.

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

20 (1) in subsection (a)—

21 (A) in paragraph (3), by striking “both
22 subsections (a) and (b) of section 203” and in-
23 serting “section 203(a)”; and

24 (B) by striking paragraph (5); and

1 (2) by amending subsection (e) to read as fol-
2 lows:

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

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

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

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

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect on October 1, 2015, and shall
25 apply to fiscal years beginning with fiscal year 2016.

1 **SEC. 302. ENSURING ALL PREFERENCE EMPLOYMENT-**
2 **BASED IMMIGRANT VISAS ARE ISSUED.**

3 (a) BACKLOG REDUCTION.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, beginning in fiscal year 2016, the
6 number of employment-based immigrant visas that
7 shall be issued under paragraph (1), (2), or (3) of
8 section 203(b) of the Immigration and Nationality
9 Act (8 U.S.C. 1153(b)) shall be increased by the
10 number computed under paragraph (2).

11 (2) NUMBER AVAILABLE.—

12 (A) IN GENERAL.—The number computed
13 under this paragraph is—

14 (i) the greater of—

15 (I) the number of preference im-
16 migrant visas computed under section
17 201(d)(1) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1151(d)(1))
19 for fiscal years 1992 to 2013 that
20 were not issued to any preference im-
21 migrant for any of those fiscal years;
22 or

23 (II) 200,000; minus

24 (ii) the number described in subpara-
25 graph (B).

1 (B) REDUCTION.—The number described
2 in subparagraph (A)(i) shall be reduced, for
3 each fiscal year after fiscal year 2016, by the
4 cumulative number of immigrant visas issued
5 for previous fiscal years pursuant to the in-
6 crease authorized under paragraph (1).

7 (C) CONSTRUCTION.—

8 (i) IN GENERAL.—Nothing in this
9 paragraph may be construed as affecting
10 the application of section 201(c)(3)(C) of
11 the Immigration and Nationality Act (8
12 U.S.C. 1151(c)(3)(C)) with regard to im-
13 migrant visas other than the visas author-
14 ized by the increase computed under sub-
15 paragraph (A).

16 (ii) LIMITATION.—The visas author-
17 ized by the increase computed under sub-
18 paragraph (A) may only be issued to aliens
19 seeking immigrant visas pursuant to para-
20 graph (1), (2), or (3) of section 203(b) of
21 the Immigration and Nationality Act (8
22 U.S.C. 1153(b)).

23 (b) PREFERENCE IMMIGRATION AS DIRECTED BY
24 CONGRESS.—Section 201(c)(1)(B)(ii) of the Immigration

1 and Nationality Act (8 U.S.C. 1151(c)(1)(B)(ii)) is
2 amended to read as follows:

3 “(ii) The number computed under subparagraph (A)
4 shall not be less than the sum of—

5 “(I) 226,000; plus

6 “(II) the number computed under paragraph
7 (3).”.

8 (c) ENSURING FULL IMPLEMENTATION.—Section
9 203(g) of the Immigration and Nationality Act (8 U.S.C.
10 1153(g)) is amended by striking “(g) LISTS.—For pur-
11 poses of carrying out” and inserting the following:

12 “(g) ADMINISTRATION.—

13 “(1) OBLIGATION TO ISSUE ALL AUTHORIZED
14 VISAS.—

15 “(A) IN GENERAL.—The Secretary of
16 State, in coordination with the Secretary of
17 Homeland Security, shall administer this sec-
18 tion in a manner that ensures that all immi-
19 grant visas authorized by Congress to be issued
20 under this section are issued to qualified appli-
21 cants.

22 “(B) NOTICE.—Not later than June 1 of
23 each fiscal year, the Secretary of State shall
24 publish a notice in the Federal Register that

1 describes the steps that the Government is tak-
2 ing to comply with subparagraph (A).

3 “(2) LISTS.—In order to carry out”.

4 (d) FACILITATING ISSUANCE OF VISAS.—Section
5 245(a) of the Immigration and Nationality Act (8 U.S.C.
6 1255(a)) is amended by adding at the end the following
7 flush text:

8 ““For purposes of paragraph (3), an immigrant visa is
9 deemed to be immediately available if any visa number al-
10 located under this Act to preference immigrants described
11 in section 203(b) has not yet been issued for that fiscal
12 year.”.

13 **SEC. 303. ALIENS NOT SUBJECT TO DIRECT NUMERICAL**
14 **LIMITATION.**

15 (a) IN GENERAL.—Section 201(b)(1) of the Immi-
16 gration and Nationality Act (8 U.S.C. 1151(b)(1)) is
17 amended by adding at the end the following:

18 “(F) Aliens who are the spouse or a child of an
19 alien admitted as an employment-based immigrant
20 under section 203(b).

21 “(G) Aliens who have earned a master’s or
22 higher degree in a field listed on the STEM Des-
23 ignated Degree Program List published by the De-
24 partment of Homeland Security on the Student and
25 Exchange Visitor Program website from an institu-

1 tion of higher education (as defined in section
2 101(a) of the Higher Education Act of 1965 (20
3 U.S.C. 1001(a))).

4 “(H) Aliens for whom a petition for an employ-
5 ment-based immigrant visa under paragraph (A) or
6 (B) of section 203(b)(1) has been approved.”.

7 (b) CONFORMING AMENDMENTS.—Section 203(b) of
8 the Immigration and Nationality Act (8 U.S.C. 1153(b))
9 is amended—

10 (1) in paragraph (1), by striking “28.6 per-
11 cent” and inserting “12 percent”;

12 (2) in paragraph (2)(A), by striking “28.6 per-
13 cent” and inserting “36.9 percent”; and

14 (3) in paragraph (3)—

15 (A) in subparagraph (A), by striking “28.6
16 percent” and inserting “36.9 percent”;

17 (B) by striking subparagraph (B); and

18 (C) by redesignating subparagraph (C) as
19 subparagraph (B).

20 **TITLE IV—STEM EDUCATION**
21 **FUNDING**

22 **SEC. 401. FUNDING FOR STEM EDUCATION AND TRAINING.**

23 (a) NONIMMIGRANT FEE ADJUSTMENT AND ALLOCA-
24 TION.—Section 214(c)(9) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1184(c)(9)) is amended—

1 (1) by amending subparagraph (B) to read as
2 follows:

3 “(B) The amount of the fee imposed under this para-
4 graph shall be—

5 “(i) \$1,250 for each such petition filed by an
6 employer with not more than 25 full-time equivalent
7 employees who are employed in the United States
8 (determined by including any affiliate or subsidiary
9 of such employer); and

10 “(ii) \$2,500 for each such petition filed by an
11 employer with more than 25 such employees.”; and

12 (2) by amending subparagraph (C) to read as
13 follows:

14 “(C) Fees collected under this paragraph shall be dis-
15 tributed as follows:

16 “(i) Of the amounts collected pursuant to sub-
17 paragraph (B)(i)—

18 “(I) \$750 shall be deposited in the Treas-
19 ury in accordance with section 286(s); and

20 “(II) \$500 shall be deposited in the Treas-
21 ury in accordance with section 286(w).

22 “(ii) Of the amounts collected pursuant to sub-
23 paragraph (B)(ii)—

24 “(I) \$1,500 shall be deposited in the
25 Treasury in accordance with section 286(s); and

1 “(II) \$1,000 shall be deposited in the
2 Treasury in accordance with section 286(w).”.

3 (b) CONFORMING AMENDMENT.—Section 286(s)(1)
4 of the Immigration and Nationality Act (8 U.S.C.
5 1356(s)(1)) is amended by striking the last sentence and
6 inserting “There shall be deposited as offsetting receipts
7 into the account a portion of the fees collected under para-
8 graphs (9) and (11) of section 214(c).”.

9 (c) IMMIGRANT FEE.—Section 203(b) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1153(b)) is amend-
11 ed by adding at the end the following:

12 “(7) FUNDING FOR STEM EDUCATION AND
13 TRAINING.—The Secretary of Homeland Security
14 shall impose a fee of \$1,000 on each I-140 immi-
15 grant visa petition filed under this subsection.
16 Amounts collected under this paragraph shall be de-
17 posited into the Treasury in accordance with section
18 286(w).”.

19 **SEC. 402. PROMOTING AMERICAN INGENUITY ACCOUNT.**

20 Section 286 of the Immigration and Nationality Act
21 (8 U.S.C. 1356) is amended by adding at the end the fol-
22 lowing:

23 “(w) PROMOTING AMERICAN INGENUITY AC-
24 COUNT.—

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 ‘Promoting American
4 Ingenuity Account’. There shall be deposited as off-
5 setting receipts into the account fees collected under
6 section 203(b)(7) and a portion of the fees collected
7 under section 214(c)(9). Amounts deposited into the
8 account shall remain available to the Secretary of
9 Education until expended.

10 “(2) PURPOSES.—The purposes of the Pro-
11 moting American Ingenuity Account are to enhance
12 the economic competitiveness of the United States
13 by—

14 “(A) strengthening STEM education, in-
15 cluding in computer science, at all levels;

16 “(B) ensuring that schools have access to
17 well-trained and effective STEM teachers;

18 “(C) supporting efforts to strengthen the
19 elementary and secondary curriculum, including
20 efforts to make courses in computer science
21 more broadly available; and

22 “(D) helping colleges and universities
23 produce more graduates in fields needed by
24 American employers.

25 “(3) ALLOCATION OF FUNDS.—

1 “(A) NATIONAL ACTIVITIES.—The Sec-
2 retary of Education may reserve up to 2 per-
3 cent of the amounts deposited into the Pro-
4 moting American Ingenuity Account for na-
5 tional research, development, demonstration,
6 evaluation, and dissemination activities carried
7 out directly or through grants, contracts, or co-
8 operative agreements, including—

9 “(i) activities undertaken jointly with
10 other Federal agencies, such as STEM
11 mission agencies; and

12 “(ii) grants to nonprofit organizations
13 for nationally significant activities con-
14 sistent with the purposes of the Immigra-
15 tion Innovation Act of 2015.

16 “(B) AMERICAN DREAM ACCOUNTS.—

17 “(i) GRANTS AUTHORIZED.—The Sec-
18 retary of Education shall allocate 3 percent
19 of the amounts deposited into the Pro-
20 moting American Ingenuity Account to
21 award grants, on a competitive basis, to el-
22 igible entities to enable such entities to es-
23 tablish and administer American Dream
24 Accounts.

1 “(ii) PURPOSE OF ACCOUNTS.—Amer-
2 ican Dream Accounts shall be personal, on-
3 line accounts for low-income students that
4 include a college savings account, monitor
5 progress toward higher education, and pro-
6 vide opportunities, including mentoring—

7 “(I) to gain financial literacy
8 skills;

9 “(II) to learn about preparing for
10 enrollment in an institution of higher
11 education; and

12 “(III) to identify career interests.

13 “(iii) PRIORITY.—The Secretary shall
14 give priority to applicants that dem-
15 onstrate that they intend to focus on
16 STEM education and careers.

17 “(iv) ELIGIBLE ENTITIES.—An eligi-
18 ble entity may be a partnership of 2 or
19 more of the following entities:

20 “(I) A State educational agency.

21 “(II) A local educational agency.

22 “(III) A charter management or-
23 ganization.

24 “(IV) An institution of higher
25 education.

1 “(V) A nonprofit organization.

2 “(VI) An organization with dem-
3 onstrated experience in educational
4 savings or in preparing low-income
5 students for higher education.

6 “(C) ALLOCATIONS TO STATES.—

7 “(i) IN GENERAL.—Subject to clause
8 (ii), the Secretary of Education shall pro-
9 portionately allocate the remaining
10 amounts deposited into the account to the
11 States each fiscal year in an amount that
12 bears the same relationship to the remain-
13 der as the amount the State received under
14 subpart 2 of part A of title I of the Ele-
15 mentary and Secondary Education Act of
16 1965 (20 U.S.C. 6331 et seq.) for the pre-
17 ceding fiscal year bears to the amount all
18 States received under that subpart for the
19 preceding fiscal year.

20 “(ii) MINIMUM ALLOCATIONS.—No
21 State shall receive less than an amount
22 equal to 0.5 percent of the total amount
23 made available to all States from the Pro-
24 moting American Ingenuity Account. If a
25 State does not request an allocation from

1 the Account for a fiscal year, the Secretary
2 shall reallocate the State’s allocation to the
3 remaining States in accordance with this
4 section.”.

5 **SEC. 403. STEM EDUCATION GRANT APPLICATION PROC-**
6 **ESS.**

7 (a) APPLICATION.—Each State desiring to receive an
8 allocation from the Promoting American Ingenuity Ac-
9 count established under section 286(w) of the Immigration
10 and Nationality Act (8 U.S.C. 1356(w)) submit an appli-
11 cation to the Secretary of Education that describes how
12 the State plans to improve STEM education to meet the
13 needs of employers in the State, at such time, in such
14 form, and including such information as the Secretary
15 may prescribe.

16 (b) APPROVAL.—The Secretary of Education shall
17 approve any application submitted under subsection (a)
18 that meets the requirements prescribed by the Secretary
19 if the Secretary determines, after evaluating the rec-
20 ommendations of peer reviewers, that the State’s plan for
21 the use of funds would be successful in making progress
22 toward meeting the purposes set forth in section
23 286(w)(2) of the Immigration and Nationality Act (8
24 U.S.C. 1356(w)(2)).

1 **SEC. 404. APPROVED ACTIVITIES.**

2 A State or other entity that receives funding from
3 the Promoting American Ingenuity Account may use such
4 funding—

5 (1) to strengthen the State’s academic achieve-
6 ment standards in science, technology, engineering,
7 and mathematics (STEM);

8 (2) to implement strategies for the recruitment,
9 training, placement, and retention of teachers in
10 STEM fields, including computer science;

11 (3) to carry out initiatives designed to assist
12 students in succeeding and graduating from postsec-
13 ondary STEM programs;

14 (4) to improve the availability and access to
15 STEM-related worker training programs, including
16 community college courses and programs; and

17 (5) for other activities approved by the Sec-
18 retary of Education to improve STEM education.

19 **SEC. 405. NATIONAL EVALUATION.**

20 (a) IN GENERAL.—Using amounts reserved under
21 section 286(w)(3)(A) of the Immigration and Nationality
22 Act, as added by section 402, the Secretary of Education
23 shall conduct, directly or through a grant or contract, an
24 annual evaluation of the implementation and impact of the
25 activities funded by the Promoting American Ingenuity
26 Account.

1 (b) ANNUAL REPORT.—The Secretary shall submit
2 a report describing the results of each evaluation con-
3 ducted under subsection (a) to—

4 (1) the President;

5 (2) the Committee on the Judiciary of the Sen-
6 ate

7 (3) the Committee on the Judiciary of the
8 House of Representatives

9 (4) the Committee on Health, Education,
10 Labor, and Pensions of the Senate; and

11 (5) the Committee on Education and the Work-
12 force of the House of Representatives.

13 (c) DISSEMINATION.—The Secretary shall make the
14 findings of the evaluation widely available to educators,
15 the business community, and the public.

16 **SEC. 406. RULE OF CONSTRUCTION.**

17 Nothing in this title may be construed to permit the
18 Secretary of Education or any other Federal official to ap-
19 prove the content or academic achievement standards of
20 a State.