

118TH CONGRESS
2D SESSION

S. 5644

To establish a new visa category for high-skilled aliens seeking employment in slow-growing and shrinking counties in the United States.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20 (legislative day, DECEMBER 16), 2024

Mr. YOUNG (for himself and Mr. MANCHIN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a new visa category for high-skilled aliens seeking employment in slow-growing and shrinking counties in the United States.

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 “Heartland Visa Act
5 of 2024”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) High-skilled immigrants are an invaluable
9 source of innovation and entrepreneurship for the
10 United States economy. Since 2000, immigrants

1 have accounted for 25 percent of recent startups, 23
2 percent of United States patents, and 38 percent of
3 American Nobel prizes in medicine, chemistry, and
4 physics.

5 (2) Industries that are critical to the United
6 States economic and national security depend on the
7 contributions of foreign-born workers. Nineteen per-
8 cent of our Nation's domestic defense industrial
9 base's workforce is foreign-born, including 49 per-
10 cent of such workers with a master's degree in
11 science, technology, engineering, or math (STEM)
12 and 56 percent of such workers with a STEM PhD.

13 (3) Large portions of the United States have
14 not benefitted from this foreign-born talent since
15 more than $\frac{2}{3}$ of all foreign-born United States resi-
16 dents with a bachelor's degree or higher reside in
17 the largest 100 counties in the United States.

18 (4) Hundreds of counties across the country are
19 suffering from the effects of population decline and
20 shortages of scientific and technical talent.

21 (5) Local population decline erodes municipal
22 tax bases, saps communities of resources for infra-
23 structure and education funding, and erodes eco-
24 nomic dynamism and innovation.

1 (6) A new place-based Heartland Visa Program
2 for skilled talent would—

3 (A) unlock existing latent capacity for
4 growth, innovation, and entrepreneurship that
5 seeds new clusters of opportunity in partici-
6 pating counties;

7 (B) help to build more resilient supply
8 chains in strategically important sectors; and

9 (C) allow the United States to leap ahead
10 of United States competitors in the global race
11 for technical talent.

12 **SEC. 3. HEARTLAND VISA.**

13 (a) IN GENERAL.—Chapter I of title II of the Immi-
14 gration and Nationality Act (8 U.S.C. 1151 et seq.) is
15 amended by adding at the end the following:

16 **“SEC. 210A. HEARTLAND VISA PROGRAM.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) APPLICANT.—The term ‘applicant’ means
19 an alien seeking a Heartland Visa under this sec-
20 tion.

21 “(2) CLEARING RATE.—The term ‘clearing rate’
22 means the lowest successful wage bid in the salary
23 survey for a specific quarter.

24 “(3) ELIGIBLE COUNTY.—The term ‘eligible
25 county’ means a county, an independent city, a par-

1 ish (in Louisiana), or a borough (in Alaska) that has
2 been designated by the Secretary, in accordance with
3 the process described in subsection (b), as a jurisdic-
4 tion that is eligible to participate in the Heartland
5 Visa Program.

6 “(4) HEARTLAND VISA.—The term ‘Heartland
7 Visa’ means a visa issued to an alien pursuant to
8 this section.

9 “(5) HV-1 VISA.—The term ‘HV-1 Visa’
10 means a Heartland Visa issued to an applicant.

11 “(6) HV-2 VISA.—The term ‘HV-2 Visa’
12 means a Heartland Visa issued to the spouse or
13 child of an applicant.

14 “(7) NATIONAL VETTING CENTER.—The term
15 ‘National Vetting Center’ means the National Vet-
16 ting Center established pursuant to National Secu-
17 rity Presidential Memorandum 9, issued on Feb-
18 ruary 6, 2018.

19 “(8) PARTICIPATING COUNTY.—The term ‘par-
20 ticipating county’ means an eligible county that has
21 elected to participate in the Heartland Visa Pro-
22 gram.

23 “(9) REMOTE WORKER.—The term ‘remote
24 worker’ means an employee whose routinely works

1 for an employer at a location that is not owned or
 2 leased by his or her employer.

3 “(10) SECRETARY.—The term ‘Secretary’
 4 means the Secretary of Homeland Security, working
 5 through the Director of U.S. Citizenship and Immi-
 6 gration Services.

7 “(11) WAGE BID.—The term ‘wage bid’ means
 8 an annualized salary reported pursuant to subsection
 9 (c)(2) that has been adjusted in accordance with
 10 subsection (c)(3).

11 “(b) DESIGNATION AND PARTICIPATION OF ELIGI-
 12 BLE COUNTIES.—

13 “(1) INITIAL DESIGNATION.—

14 “(A) REQUIRED CRITERIA.—During the 1-
 15 year period beginning on the date of the enact-
 16 ment of the Heartland Visa Act of 2024, a
 17 county may not be designated as an eligible
 18 county unless—

19 “(i) the number of individuals residing
 20 in the county who are at least 25 years of
 21 age and younger than 55 years of age did
 22 not increase by more than 0.5 percent be-
 23 tween the 2010 decennial census and the
 24 2020 decennial census; and

1 “(ii) the median home value in the
2 county, as measured by the 2016-2020
3 American Community Survey of the Bu-
4 reau of the Census, is not higher than the
5 national median home value.

6 “(B) SUPPLEMENTAL CRITERIA.—In addi-
7 tion to the requirements described in subpara-
8 graph (A), a county may not be designated as
9 an eligible county during the 1-year period be-
10 ginning on the date of the enactment of the
11 Heartland Visa Act of 2024 unless—

12 “(i) the total number of individuals
13 residing in the county did not increase by
14 more than 0.5 percent between the 2010
15 decennial census and the 2020 decennial
16 census; or

17 “(ii)(I) the total population residing
18 in the county peaked at the time of or be-
19 fore the 1980 decennial census; and

20 “(II) the total number of individuals
21 residing in the county did not increase by
22 more than 5 percent between the 2010 de-
23 cennial census and the 2020 decennial cen-
24 sus.

1 “(2) SUBSEQUENT DESIGNATION OF ELIGIBLE
2 COUNTIES.—After the initial 1-year period referred
3 to in paragraph (1), any county that did not meet
4 the initial criteria for designation as an eligible
5 county under such paragraph may be so designated
6 if such county meets the criteria described in para-
7 graph (1), as measured by comparing the data from
8 the most recent 5-year American Community Survey
9 published by the Bureau of the Census with the data
10 from the American Community Survey that was
11 published 10 years before the publication of the
12 most recent American Community Survey.

13 “(3) PARTICIPATION IN HEARTLAND VISA PRO-
14 GRAM.—

15 “(A) APPLICATION.—An eligible county de-
16 siring to participate in the Heartland Visa Pro-
17 gram, after the relevant county decision-making
18 body authorizes such participation, shall submit
19 an application to the Secretary that contains
20 such information as the Secretary, in consulta-
21 tion with the Secretary of Labor, may reason-
22 ably require.

23 “(B) LIMIT ON TOTAL POPULATION OF
24 PARTICIPATING COUNTIES.—The Secretary, in
25 consultation with the Secretary of Labor, shall

1 determine the number of participating counties.
2 In making such determination, the Secretary
3 shall—

4 “(i) limit the combined population of
5 all participating counties to not more than
6 25,000,000;

7 “(ii) ensure that all 4 Census Bureau
8 regions are represented; and

9 “(iii) include both rural and urban
10 counties.

11 “(C) SELECTION CRITERIA.—In deter-
12 mining which eligible counties will be des-
13 ignated as participating counties, the Secretary,
14 in consultation with the Secretary of Labor,
15 shall give priority to counties—

16 “(i) with a larger labor market, based
17 on population and the number of individ-
18 uals employed within the county;

19 “(ii) that are adjacent to other eligible
20 counties that are also applying to partici-
21 pate in the Program;

22 “(iii) in which low-cost housing is
23 available;

24 “(iv) in which 1 or more institutions
25 of higher education are located; and

1 “(v) that demonstrate the capacity to
2 successfully absorb high-skilled immi-
3 grants, including a shortage in skilled
4 labor, local organizations dedicated to help-
5 ing skilled immigrants, and public-private
6 partnerships.

7 “(D) ALLOCATION OF VISAS.—

8 “(i) IN GENERAL.—The Secretary,
9 after consultation with the Secretary of
10 Labor, shall allocate Heartland Visas, on a
11 quarterly basis, among participating coun-
12 ties through the wage-based points system
13 described in subsection (c).

14 “(ii) PRIORITY.—Heartland Visas
15 shall be issued to qualifying applicants in
16 each participating county in descending
17 order of the wage bids until the earlier of
18 the date on which—

19 “(I) all available visas for the ap-
20 plicable quarter have been issued; or

21 “(II) there are no more qualified
22 applicants.

23 “(4) TERMINATING PARTICIPATION.—A county
24 that has participated in the Heartland Visa Program
25 shall terminate such participation if—

1 “(A) the relevant county decision-making
2 body rescinds its prior authorization referred to
3 in paragraph (3)(A) during an annual ‘opt out’
4 period established by the Secretary;

5 “(B) the cumulative population growth of
6 the county since the date on which the county
7 began participating in the Heartland Visa Pro-
8 gram exceeds 15 percent; or

9 “(C) the median home value in the county
10 exceeds the national median home value by at
11 least 20 percent, as measured by the most re-
12 cently published 5-year American Community
13 Survey.

14 “(c) WAGE BIDS.—

15 “(1) IN GENERAL.—The Secretary shall allo-
16 cate Heartland Visas, on a quarterly basis, among
17 participating counties through the wage-based points
18 system described in this subsection. Heartland Visas
19 shall be issued to qualifying applicants in each par-
20 ticipating county in descending order of the wage
21 bids until all available visas have been issued or
22 there are no more qualified applicants remaining.

23 “(2) QUARTERLY SALARY SURVEYS.—The Sec-
24 retary shall hold quarterly salary surveys through
25 which eligible applicants may submit—

1 “(A)(i) the name of a prospective employer
 2 that has given the applicant an offer of employ-
 3 ment and proof of such offer that identifies the
 4 annualized salary being offered; or

5 “(ii) if the applicant intends to remain in
 6 his or her current job and relocate to another
 7 participating county, the name of the appli-
 8 cant’s current employer and proof of the
 9 annualized salary that he or she is being paid;

10 “(B) the current age of the applicant;

11 “(C) proof that the applicant has earned a
 12 bachelor’s degree or higher from an accredited
 13 institution of higher education within the par-
 14 ticipating county, if applicable; and

15 “(D) evidence that the applicant meets the
 16 requirements under paragraph (3)(C), if appli-
 17 cable.

18 “(3) ADJUSTMENTS TO CALCULATE WAGE
 19 BID.—The Secretary shall calculate a wage bid for
 20 each applicant—

21 “(A) by multiplying the annualized salary
 22 reported pursuant to paragraph (2)—

23 “(i) for applicants who are younger
 24 than 25 years of age, by a factor that is
 25 not more than 2.5 and is higher than the

1 factor applicable to applicants described in
2 clause (ii);

3 “(ii) for applicants who are at least
4 25 years of age and younger than 30 years
5 of age, by a factor that is lower than the
6 factor applicable to applicants described in
7 clause (i) and higher than the factor appli-
8 cable to applicants described in clause (iii);

9 “(iii) for applicants who are at least
10 30 years of age and younger than 35 years
11 of age, by a factor that is lower than the
12 factor applicable to applicants described in
13 clause (ii) and higher than the factor ap-
14 plicable to applicants described in clause
15 (iv);

16 “(iv) for applicants who are at least
17 35 years of age and younger than 40 years
18 of age, by a factor that is lower than the
19 factor applicable to applicants described in
20 clause (iii) and higher than the factor ap-
21 plicable to applicants described in clause
22 (v); and

23 “(v) for applicants who are at least 40
24 years of age, by a factor that is lower than

1 the factor applicable to applicants de-
2 scribed in clause (iv) and not less than 1.0;

3 “(B) for applicants who have earned a
4 bachelor’s degree or higher from an institution
5 of higher education (as defined in section 101
6 of the Higher Education Act of 1965 (20
7 U.S.C. 1001)) located within the participating
8 county, multiplying such annualized salary, as
9 adjusted pursuant to subparagraph (A) (if ap-
10 plicable), by 1.1; and

11 “(C) for applicants who are transferring
12 within a company or are remote workers and
13 who have been employed continuously for at
14 least 1 year by such company during the most
15 recent 3-year period, by multiplying such
16 annualized salary, as adjusted pursuant to sub-
17 paragraphs (A) and (B) (if applicable), by 1.1.

18 “(4) AGE WEIGHTING FACTORS.—The Sec-
19 retary shall set the factors under clauses (i) through
20 (iv) of paragraph (3)(A) to maximize the expected
21 future lifetime earnings of Heartland Visa holders.

22 “(5) ALTERNATIVE WAGE BID.—A self-em-
23 ployed applicant, including freelancers providing re-
24 mote professional services, entrepreneurs starting a
25 new business in the United States, and entre-

preneurs moving their business operations to the United States, may submit a wage bid to the Secretary consisting of the average annual personal net earnings received from his or her business during the most recent 3-year period.

“(6) MINIMUM SALARY.—Any applicant with an annualized salary offer described in paragraph (2) that is less than the United States median annual earnings for full-time, year-round workers for the most recent fiscal year is ineligible to receive a Heartland Visa under this section.

“(d) TERMS AND EMPLOYMENT CONDITIONS.—

“(1) FEES.—

“(A) IN GENERAL.—The Secretary shall collect from each Heartland Visa applicant, at the time of application—

“(i) an application fee or a renewal fee, as applicable;

“(ii) an additional fee to pay for the enhanced vetting required under subsection (f)(2); and

“(iii) for those seeking permanent residence in the United States pursuant to subsection (i), an adjustment of status fee in accordance with section 245.

1 “(B) AMOUNT.—

2 “(i) IN GENERAL.—Subject to clauses
3 (ii) and (iii), the Secretary shall set the
4 amount for the fees required under sub-
5 paragraph (A) at an amount that is suffi-
6 cient to cover, but not exceed, the costs of
7 processing applications under this section.

8 “(ii) PREMIUM FEE.—Subject to
9 clause (iii), the Secretary shall collect a
10 premium fee of \$2,805 for aliens desiring
11 expedited processing of their immigration
12 application under this section. Such fee
13 shall be returned if the relevant application
14 is not processed by the date that is 15
15 days after the date on which such applica-
16 tion is received by the Secretary.

17 “(iii) BIENNIAL ADJUSTMENT.—The
18 Secretary shall adjust the premium fee au-
19 thorized under clause (ii) on a biennial
20 basis by the percentage (if any) by which
21 the Consumer Price Index for All Urban
22 Consumers for the month of June pre-
23 ceding the date on which such adjustment
24 takes effect exceeds the Consumer Price
25 Index for All Urban Consumers for the

1 same month of the second preceding cal-
 2 endar year. The provisions of section 553
 3 of title 5, United States Code, shall not
 4 apply to an adjustment authorized under
 5 this clause.

6 “(C) HEARTLAND VISA ACCOUNT.—
 7 Amounts collected pursuant to subparagraph
 8 (A) shall be deposited into the Heartland Visa
 9 Account established under section 286(w).

10 “(2) TERM; RENEWAL.—

11 “(A) TERM.—An applicant who is issued a
 12 Heartland Visa pursuant to this section—

13 “(i) shall reside, during the 3-year pe-
 14 riod such visa remains in effect, except for
 15 an initial grace period of up to 3 months,
 16 as determined by the Secretary, in—

17 “(I) a participating county; or

18 “(II) a county that was a partici-
 19 pating county at the time the appli-
 20 cant first established residency in
 21 such county;

22 “(ii) may be employed by any em-
 23 ployer in the United States during such 3-
 24 year period;

1 “(iii) may not be within any of the
2 classes of inadmissible aliens described in
3 section 212(a) and shall be removed from
4 the United States if he or she is within any
5 of the classes of deportable aliens described
6 in section 237(a); and

7 “(iv) shall depart from the United
8 States before the last day of such 3-year
9 period unless—

10 “(I) the applicant renews such
11 status pursuant to subparagraph (B);
12 or

13 “(II) the applicant, following the
14 2nd 3-year term, applies to adjust his
15 or her status to that of an alien law-
16 fully admitted for permanent resi-
17 dence pursuant subsection (h).

18 “(B) RENEWAL.—An applicant may renew
19 a Heartland Visa issued pursuant to this sec-
20 tion for 1 additional 3-year period under the
21 same terms and conditions as the initial Heart-
22 land Visa was issued by submitting to the Sec-
23 retary proof that the applicant has complied
24 with subparagraph (A)(i) and paragraph (3)

1 during the period in which such visa was in ef-
2 fect.

3 “(3) EARNINGS REQUIREMENT.—Each Heart-
4 land Visa holder shall earn an annualized salary
5 equal to not less than the lesser of—

6 “(A) the amount he or she included in his
7 or her response to the applicable quarterly sal-
8 ary survey under subsection (c)(2); or

9 “(B) the lowest quarterly auction ‘clearing
10 rate’ during the most recent 12-month period.

11 “(4) SPOUSES AND DEPENDENTS.—

12 “(A) APPLICATION.—Each Heartland Visa
13 holder may apply for an HV-2 visa on behalf
14 of his or her spouse and any of his or her un-
15 married dependent children.

16 “(B) TERM.—An HV-2 visa issued pursu-
17 ant to subparagraph (A) shall remain valid
18 while the Heartland Visa of the spouse or par-
19 ent remains valid.

20 “(C) EMPLOYMENT AUTHORIZATION.—The
21 Secretary shall automatically authorize alien
22 spouses and unmarried dependent children who
23 are at least 16 years of age to engage in em-
24 ployment in the United States if such aliens—

1 “(i) were issued an HV-2 visa pursu-
 2 ant to subparagraph (A); and

3 “(ii) are accompanying or following to
 4 join the principal Heartland Visa holder
 5 while maintaining such status.

6 “(D) EXEMPTION FROM NUMERICAL LIM-
 7 TATION.—HV-2 visas issued to spouses and
 8 children pursuant to subparagraph (A) shall not
 9 be subject to the numerical limitation set forth
 10 in subsection (g).

11 “(5) NO DUAL INTENT REQUIREMENT.—

12 “(A) IN GENERAL.—Notwithstanding sub-
 13 section (h), an alien whose nonimmigrant visa
 14 was issued under the condition that such alien
 15 intends to depart the United States upon the
 16 expiration of such visa may apply for an HV-
 17 1 visa under this section.

18 “(B) EXCHANGE VISITOR PROGRAM PAR-
 19 TICIPANTS.—A nonimmigrant admitted to the
 20 United States under section 101(a)(15)(J)(i)
 21 whose employment has been funded, in whole or
 22 in part, directly or indirectly, by any United
 23 States Government agency (other than the De-
 24 partment of State’s Bureau of Educational and
 25 Cultural Affairs) is eligible to apply for an HV-

1 1 Visa. Notwithstanding section 212(e), if such
 2 a nonimmigrant is issued such a visa, the alien
 3 shall be exempt from the 2-year home country
 4 residency requirement under such section.

5 “(6) CONTINUED RESIDENCE IN A COUNTY
 6 THAT HAS TERMINATED PARTICIPATION IN THE
 7 HEARTLAND VISA PROGRAM.—A Heartland Visa
 8 holder residing in a county that terminates its par-
 9 ticipation in the Heartland Visa program pursuant
 10 to subsection (b)(3)(B) may—

11 “(A) continue to reside in such county
 12 until the end of the current 3-year term;

13 “(B) renew the Heartland Visa for another
 14 3-year term in accordance with paragraph
 15 (2)(B); and

16 “(C) move to another participating county.

17 “(e) VERIFICATION PORTAL.—

18 “(1) INFORMATION TO BE SUBMITTED BY
 19 HEARTLAND VISA HOLDERS.—All Heartland Visa
 20 holders shall notify the Secretary of any changes to
 21 his or her physical address or employment by sub-
 22 mitting, not later than 60 days after such docu-
 23 mentation is created—

1 “(A) a digital copy of a signed sale, lease,
2 or rental agreement for their new residence;
3 and

4 “(B) to demonstrate that their earnings
5 meet the minimum earnings requirement under
6 subsection (d)(3)—

7 “(i) a digital copy of a signed employ-
8 ment agreement or digital copies of wage
9 statements; or

10 “(ii) for self-employed Heartland Visa
11 holders, a digital copy of all tax returns
12 submitted to the Internal Revenue Service
13 documenting earnings while in such status.

14 “(2) INFORMATION TO BE SUBMITTED BY EM-
15 PLOYERS.—All employers of Heartland Visa holders
16 shall—

17 “(A) submit documentation that the em-
18 ployer is paying a salary to each Heartland
19 Visa holder that meets the minimum earnings
20 requirement under subsection (d)(3); and

21 “(B) notify the Secretary if any Heartland
22 Visa holder has terminated his or her employ-
23 ment with the employer.

24 “(3) INVESTIGATIONS.—The Secretary shall
25 conduct random investigations to determine whether

1 Heartland Visa holders are complying with the resi-
2 dency requirements under paragraph (2)(A)(i) of
3 subsection (d), except as provided under paragraph
4 (4) of such subsection.

5 “(f) VETTING REQUIREMENTS.—

6 “(1) IN GENERAL.—All applicants for the
7 Heartland Visa Program, including applicants sub-
8 mitting initial applications, renewal applications, and
9 applications for permanent residence, shall undergo
10 a comprehensive background check conducted by the
11 National Vetting Center to ensure they do not pose
12 a security risk to the United States.

13 “(2) ENHANCED VETTING REQUIREMENT FOR
14 CERTAIN APPLICANTS.—In addition to the general
15 background check, any applicant for a Heartland
16 Visa who is a national of a country designated as a
17 ‘Country of Particular Concern’ under section 402
18 of the International Religious Freedom Act of 1998
19 (22 U.S.C. 6442) shall be subject to enhanced vet-
20 ting procedures, which shall include—

21 “(A) additional security screenings and
22 mandatory interviews;

23 “(B) comprehensive background checks;
24 and

1 “(C) a thorough review of the applicant’s
2 travel history and affiliations.

3 “(3) COORDINATION.—In carrying out the
4 background checks and vetting procedures required
5 under this subsection, the Secretary of Homeland
6 Security shall coordinate with other relevant Federal
7 agencies, including the Federal Bureau of Investiga-
8 tion and the Department of State.

9 “(4) DISCRIMINATION PROHIBITED.—No per-
10 son or entity participating in the Heartland Visa
11 Program, including counties, employers, and any
12 other stakeholders, may discriminate against any ap-
13 plicant or visa holder based on nationality, race,
14 color, religion, sex, national origin, age, disability, or
15 genetic information.

16 “(g) NUMERICAL LIMITATIONS.—

17 “(1) IN GENERAL.—The number of HV–1 visas
18 available in each fiscal year shall be 50,000.

19 “(2) REALLOCATION OF UNUSED VISAS.—The
20 Secretary of State, in consultation with the Sec-
21 retary, shall—

22 “(A) calculate the difference between the
23 number of HV–1 visas authorized under para-
24 graph (1) for a fiscal year and the number of
25 such visas issued in such fiscal year; and

1 “(B) reallocate any unused HV-1 visas for
2 the following fiscal year.

3 “(h) ADJUSTMENT OF STATUS.—

4 “(1) APPLICATION.—During the 90-day period
5 immediately preceding the completion of a second 3-
6 year Heartland Visa term, a visa holder may apply
7 for an adjustment of status to that of a person ad-
8 mitted for permanent residence. All such applicants
9 shall be granted an extension of their Heartland
10 Visa status until—

11 “(A) the date on which such application is
12 approved; or

13 “(B) if such application is denied, the date
14 that is 60 days after the date of such denial.

15 “(2) APPROVAL CRITERIA.—The Secretary shall
16 approve any application submitted pursuant to para-
17 graph (1) by a Heartland Visa holder who—

18 “(A) has fully complied with the require-
19 ments of the Heartland Visa Program under
20 this section; and

21 “(B) has met the earnings requirement
22 under subparagraph (A) or (B) of paragraph
23 (3), as verified through an inspection of the ap-
24 plicants tax records.

25 “(3) EARNINGS REQUIREMENT.—

1 “(A) STANDARD CRITERIA.—A Heartland
 2 Visa holder meets the earnings requirement
 3 under the standard criteria if his or her average
 4 earnings during the previous 5 years was not
 5 less than the age-specific 75th income percentile
 6 amount during such period.

7 “(B) HIGHER EARNER CRITERIA.—A
 8 Heartland Visa holder meets the earnings re-
 9 quirement under the higher earner criteria if
 10 his or her earnings during at least 2 of the pre-
 11 vious 5 years was not less than the age-specific
 12 90th income percentile amount for such years.

13 “(C) CALCULATION OF EARNINGS THRESH-
 14 OLDS.—

15 “(i) IN GENERAL.—The Secretary,
 16 using the microdata from the most recent
 17 American Community Survey, shall annu-
 18 ally calculate, for each single-year age, the
 19 75th and 90th income percentile amounts
 20 for all United States residents.

21 “(ii) NOTIFICATION.—The Secretary
 22 shall notify each newly approved Heartland
 23 Visa holder of the age-specific 75th and
 24 90th income percentile amounts applicable

1 to such person for each of the following 6
2 years.

3 “(4) SPOUSES AND CHILDREN.—An HV–1 visa
4 holder who applies for permanent residence pursuant
5 to paragraph (1) may concurrently apply for perma-
6 nent residence on behalf of his or her spouse and
7 any unmarried dependent children who were issued
8 an HV–2 visa concurrently with the principal Heart-
9 land Visa holder pursuant to subsection (d)(4) or,
10 with respect to spouses and children who followed to
11 join such HV–1 visa holder, were later issued an
12 HV–2 visa. Such application shall be approved if the
13 HV–2 visa holder meets other applicable criteria
14 under section 245 for adjustment to permanent resi-
15 dent status.

16 “(5) EXCLUSION FROM NUMERICAL LIMITA-
17 TIONS.—Immigrant visas authorized under this sub-
18 section are not subject to any otherwise applicable
19 numerical limitations, including per country caps.

20 “(i) PENALTIES.—Applicants for Heartland Visas
21 who violate any provision of this Act shall be subject to
22 the same penalties applicable to other visa applicants for
23 similar violations, including fines, deportation, and dis-
24 qualification from future participation in the Heartland
25 Visa Program.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 of the Immigration and Nationality Act (8 U.S.C. 1101
 3 note) is amended by inserting after the item relating to
 4 section 210 the following:

“Sec. 210A. Heartland Visa Program.”.

5 **SEC. 4. RULEMAKING.**

6 Not later than 180 days after the date of the enact-
 7 ment of this Act, the Secretary of Homeland Security shall
 8 promulgate regulations that—

9 (1) establish the requirements and procedures
 10 the Secretary determines necessary to carry out and
 11 implement the Heartland Visa Program authorized
 12 under section 210A of the Immigration and Nation-
 13 ality Act, as added by section 3(a) of this Act, in-
 14 cluding—

15 (A) the criteria and process for the initial
 16 and ongoing designation of eligible counties;

17 (B) the application process for counties
 18 seeking to participate in the program;

19 (C) the wage-based points system for allo-
 20 cating visas, including the methodology for cal-
 21 culating wage bids and clearing rates;

22 (D) the verification and reporting require-
 23 ments for Heartland Visa holders and their em-
 24 ployers;

1 (E) the procedures for the renewal of
2 Heartland Visas; and

3 (F) the criteria required for adjusting the
4 status of a Heartland Visa holder to lawful per-
5 manent resident;

6 (2) certify the relevant decision-making body in
7 each eligible county that is authorized to elect to
8 participate in the Heartland Visa Program, includ-
9 ing—

10 (A) the criteria for the certification of such
11 bodies; and

12 (B) the process for counties to establish or
13 designate a decision-making body if such an en-
14 tity does not currently exist;

15 (3) identify which counties lack such a decision-
16 making body and whose participation in Heartland
17 Visa Program will be determined by the State legis-
18 lature, including—

19 (A) the criteria for identifying such coun-
20 ties; and

21 (B) the process for state legislatures to
22 elect participation in the program on behalf of
23 such counties;

24 (4) specify what constitutes sufficient proof of
25 recent earnings for purposes of paragraph (2)(A)

1 and (5) of section 210A(b) of the Immigration and
2 Nationality Act, as added by section 3(a) of this Act,
3 including—

4 (A) the types of acceptable documentation,
5 which may include tax returns, wage state-
6 ments, employment contracts;

7 (B) the process for state legislatures to
8 elect participation in the program on behalf of
9 these counties, which shall include—

10 (i) a formal resolution or legislative
11 act by the state legislature authorizing the
12 county's participation in the Heartland
13 Visa Program;

14 (ii) the designation of a State-level
15 agency or office to oversee and coordinate
16 the implementation of the Heartland Visa
17 Program within such county;

18 (iii) the establishment of a local advi-
19 sory committee comprising community
20 leaders, business representatives, and other
21 stakeholders to provide input and support
22 for the Heartland Visa Program; and

23 (iv) procedures for ongoing moni-
24 toring and reporting by the State legisla-
25 ture regarding the county's participation

1 in, and outcomes of, the Heartland Visa
2 Program;

3 (5) ensure the fair and equitable treatment of
4 all applicants and participants in the Heartland Visa
5 Program, including—

6 (A) procedures to prevent discrimination
7 based on nationality, race, or other protected
8 characteristics; and

9 (B) mechanisms for addressing grievances
10 and disputes related to the Heartland Visa Pro-
11 gram; and

12 (6) require periodic reviews and evaluations of
13 the Heartland Visa Program, including—

14 (A) metrics for assessing the Heartland
15 Visa Program's impact on participating coun-
16 ties and visa holders;

17 (B) procedures for collecting and reporting
18 data regarding the outcomes of the Heartland
19 Visa Program; and

20 (C) mechanisms for making adjustments to
21 the Heartland Visa Program based on the find-
22 ings of such reviews and evaluations.

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