

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1758

To amend the Immigration and Nationality Act to provide status in each of fiscal years 2008 through 2012 for 65,000 H-1B nonimmigrants who have a master's or Ph.D. degree and meet the requirements for such status and whose employers make scholarship payments to institutions of higher education for undergraduate and postgraduate education.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. WU (for himself, Mr. TOM DAVIS of Virginia, and Mr. STARK) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to provide status in each of fiscal years 2008 through 2012 for 65,000 H-1B nonimmigrants who have a master's or Ph.D. degree and meet the requirements for such status and whose employers make scholarship payments to institutions of higher education for undergraduate and postgraduate education.

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

1 **SECTION 1. H-1B NONIMMIGRANT STATUS FOR CERTAIN**  
2 **ALIENS WHOSE EMPLOYERS MAKE SCHOLAR-**  
3 **SHIP DONATIONS FOR UNDERGRADUATE AND**  
4 **POST-GRADUATE EDUCATION.**

5 (a) IN GENERAL.—The Immigration and Nationality  
6 Act is amended by inserting after section 218 the following  
7 new section:

8 “H-1B NONIMMIGRANT STATUS FOR CERTAIN ALIENS  
9 WHOSE EMPLOYERS MAKE SCHOLARSHIP PAYMENTS  
10 FOR UNDERGRADUATE AND POSTGRADUATE EDU-  
11 CATION

12 “SEC. 218A. (a) H-1B STATUS.—Notwithstanding  
13 section 214(g)(1)(A) and subject to subsection (c), during  
14 the period beginning on the date of the enactment of this  
15 Act and ending on September 30, 2012, the Secretary of  
16 Homeland Security may provide nonimmigrant status  
17 under section 101(a)(15)(H)(i)(b) to an alien who meets  
18 the requirements under subsection (b), if the employer pe-  
19 titioning under section 214(c) for the provision of such  
20 status makes a qualified scholarship payment for each  
21 year in which such status is held.

22 “(b) ELIGIBILITY.—An alien shall be eligible for a  
23 visa or the provision of H-1B nonimmigrant status under  
24 this section if the alien—

1           “(1) disregarding section 214(g)(1)(A), meets  
2           all the requirements for an H-1B nonimmigrant;  
3           and

4           “(2) possesses a master’s or Ph.D. degree from  
5           an institution of higher education in the United  
6           States (or an equivalent degree from an educational  
7           institution in a foreign country).

8           “(c) NUMERICAL LIMITATION.—The total number of  
9           aliens who may be issued a visa or otherwise provided non-  
10          immigrant status under this section may not exceed  
11          65,000 during any fiscal year (beginning with fiscal year  
12          2008 and ending with fiscal year 2012). Aliens issued a  
13          visa or otherwise provided nonimmigrant status under this  
14          section shall not be counted in applying the numerical lim-  
15          itations under section 214(g)(1)(A).

16          “(d) USE OF SCHOLARSHIP FUNDS BY INSTITUTIONS  
17          OF HIGHER EDUCATION.—An institution of higher edu-  
18          cation that receives funds under subsection (a) shall use  
19          such funds only to provide scholarships administered by  
20          such institution to students enrolled full-time in programs  
21          of undergraduate and postgraduate study. Priority consid-  
22          eration in the award of such scholarships shall be given  
23          to citizens and permanent resident aliens.

24          “(e) CERTIFICATION.—Not later than 15 days after  
25          receipt of a payment pursuant to this section, an institu-

1 tion of higher education shall certify the receipt of such  
2 payment to the Secretary of Homeland Security.

3 “(f) DEADLINES.—A visa (or other appropriate docu-  
4 mentation of status) under this section shall be issued—

5 “(1) within 30 days of receipt of certification  
6 under subsection (e); and

7 “(2) in the case of an alien who received a de-  
8 gree described in subsection (b)(2) from an edu-  
9 cational institution in a foreign country, within 30  
10 days of receipt of a completed application and cer-  
11 tification under subsection (e).

12 “(g) DEFINITIONS.—For purposes of this section:

13 “(1) H-1B NONIMMIGRANT.—The term ‘H-1B  
14 nonimmigrant’ has the meaning given such term in  
15 section 212(n)(4).

16 “(2) INSTITUTION OF HIGHER EDUCATION.—  
17 The term ‘institution of higher education’ means an  
18 educational institution in any State that meets all of  
19 the following criteria:

20 “(A) Admits as regular students only per-  
21 sons who have a certificate of graduation from  
22 a school providing secondary education or the  
23 recognized equivalent of such a certificate.

1           “(B) Is legally authorized within such  
2 State to provide a program of education beyond  
3 secondary education.

4           “(C) Is accredited by a nationally recog-  
5 nized accrediting agency or association, or if  
6 not so accredited, is an institution that has  
7 been granted preaccreditation status by such an  
8 agency or association that has been recognized  
9 by the Secretary of Education for the granting  
10 of preaccreditation status, and the Secretary of  
11 Education has determined that there are satis-  
12 factory assurances that the institution will meet  
13 the accreditation standards of such an agency  
14 or association within a reasonable time.

15           “(D) Provides an educational program for  
16 which the institution awards a bachelor’s degree  
17 or provides a program that requires a bach-  
18 elor’s degree for admission.

19           “(E) Is a public or other nonprofit institu-  
20 tion.

21           “(3) QUALIFIED SCHOLARSHIP PAYMENT.—The  
22 term ‘qualified scholarship’ payment means a pay-  
23 ment to an institution of higher education in the  
24 United States in an amount which is equal to the  
25 then current maximum authorized Pell Grant award

1 for each year under the Federal Pell Grants pro-  
2 gram authorized under subpart 1 of part A of title  
3 IV of the Higher Education Act of 1965 (20 U.S.C.  
4 1070a et seq.).”.

5 (b) CLERICAL AMENDMENT.—The table of contents  
6 of the Immigration and Nationality Act is amended by in-  
7 serting after the item relating to section 218 the following:

“Sec. 218A. H-1B nonimmigrant status for certain aliens whose employers  
make scholarship payments for undergraduate and post-  
graduate education.”.

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