

110TH CONGRESS
1ST SESSION

S. 1350

To amend title II of the Immigration and Nationality Act to reform the diversity visa program and create a program that awards visas to aliens with an advanced degree.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2007

Mr. GREGG introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title II of the Immigration and Nationality Act to reform the diversity visa program and create a program that awards visas to aliens with an advanced degree.

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. IMMIGRANTS WITH ADVANCED DEGREES.**

4 (a) WORLDWIDE LEVEL.—Section 201 of the Immi-
5 gration and Nationality Act (8 U.S.C. 1151) is amend-
6 ed—

1 (1) in subsection (a)(3), by inserting “and im-
 2 migrants with advanced degrees” after “diversity
 3 immigrants”; and

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

6 “(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS
 7 AND IMMIGRANTS WITH ADVANCED DEGREES.—

8 “(1) DIVERSITY IMMIGRANTS.—The worldwide
 9 level of diversity immigrants described in section
 10 203(c)(1) is equal to 18,333 for each fiscal year.

11 “(2) IMMIGRANTS WITH ADVANCED DE-
 12 GREES.—The worldwide level of immigrants with ad-
 13 vanced degrees described in section 203(c)(2) is
 14 equal to 36,667 for each fiscal year.”.

15 (b) ALLOCATION OF IMMIGRANT VISAS.—Section 203
 16 of the Immigration and Nationality Act (8 U.S.C.
 17 1153(c)) is amended—

18 (1) in subsection (c)—

19 (A) in paragraph (1), by striking “para-
 20 graph (2), aliens subject to the worldwide level
 21 specified in section 201(e)” and inserting
 22 “paragraphs (2) and (3), aliens subject to the
 23 worldwide level specified in section 201(e)(1)”;

24 (B) by redesignating paragraphs (2) and
 25 (3) as paragraphs (3) and (4), respectively;

1 (C) by inserting after paragraph (1) the
2 following:

3 “(2) ALIENS WHO HOLD AN ADVANCED DEGREE
4 IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGI-
5 NEERING.—

6 “(A) IN GENERAL.—Qualified immigrants
7 who hold a master’s or doctorate degree in the
8 life sciences, the physical sciences, mathematics,
9 technology, or engineering shall be allotted visas
10 each fiscal year in a number not to exceed the
11 worldwide level specified in section 201(e)(2).

12 “(B) ECONOMIC CONSIDERATIONS.—Be-
13 ginning on the date which is 1 year after the
14 date of the enactment of this paragraph, the
15 Secretary of State, in consultation with the Sec-
16 retary of Commerce and the Secretary of
17 Labor, and after notice and public hearing,
18 shall determine which of the degrees described
19 in subparagraph (A) will provide immigrants
20 with the knowledge and skills that are most
21 needed to meet anticipated workforce needs and
22 protect the economic security of the United
23 States.”;

(D) in paragraph (3), as redesignated, by striking “this subsection” each place it appears and inserting “paragraph (1)”; and

(E) by amending paragraph (4), as redesignated, to read as follows:

“(4) MAINTENANCE OF INFORMATION.—

“(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

“(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).”; and

(2) in subsection (e)—

(A) in paragraph (2), by striking “(c)” and inserting “(c)(1)”; and

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

1 “(3) Immigrant visas made available under sub-
2 section (c)(2) shall be issued as follows:

3 “(A) If the Secretary of State has not made a
4 determination under subsection (c)(2)(B), immigrant
5 visas shall be issued in a strictly random order es-
6 tablished by the Secretary for the fiscal year in-
7 volved.

8 “(B) If the Secretary of State has made a de-
9 termination under subsection (c)(2)(B) and the
10 number of eligible qualified immigrants who have a
11 degree selected under such subsection and apply for
12 an immigrant visa described in subsection (c)(2) is
13 greater than the worldwide level specified in section
14 201(e)(2), the Secretary shall issue immigrant visas
15 only to such immigrants and in a strictly random
16 order established by the Secretary for the fiscal year
17 involved.

18 “(C) If the Secretary of State has made a de-
19 termination under subsection (c)(2)(B) and the
20 number of eligible qualified immigrants who have de-
21 grees selected under such subsection and apply for
22 an immigrant visa described in subsection (c)(2) is
23 not greater than the worldwide level specified in sec-
24 tion 201(e)(2), the Secretary shall—

1 “(i) issue immigrant visas to eligible quali-
 2 fied immigrants with degrees selected in sub-
 3 section (c)(2)(B); and

4 “(ii) issue any immigrant visas remaining
 5 thereafter to other eligible qualified immigrants
 6 with degrees described in subsection (c)(2)(A)
 7 in a strictly random order established by the
 8 Secretary for the fiscal year involved.”.

9 (c) EFFECTIVE DATE.—The amendments made by
 10 this section shall take effect on October 1, 2007.

11 **SEC. 2. CARRYOVER OF ADVANCED DEGREE VISAS AND DI-**
 12 **VERSITY VISAS.**

13 Section 204(a)(1)(I)(ii)(II) of the Immigration and
 14 Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)) is amend-
 15 ed to read as follows:

16 “(II) An immigrant visa made available under sub-
 17 section 203(c) for fiscal year 2007, or for any subsequent
 18 fiscal year, may be issued, or adjustment of status under
 19 section 245(a) may be granted, to an eligible qualified
 20 alien who has properly applied for such visa or adjustment
 21 of status in the fiscal year for which the alien was selected
 22 notwithstanding the end of such fiscal year. Such visa or
 23 adjustment of status shall be counted against the world-

- 1 wide levels set forth in section 201(e) for the fiscal year
- 2 for which the alien was selected.”.

