

110TH CONGRESS  
2D SESSION

# S. 2868

To amend title II of the Immigration and Nationality Act to replace the diversity visa lottery program with a program that issues visas to aliens with an advanced degree.

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## IN THE SENATE OF THE UNITED STATES

APRIL 16, 2008

Mr. GREGG (for himself, Mr. ALEXANDER, Mr. HATCH, Mrs. DOLE, Mr. CORNYN, and Mr. SUNUNU) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title II of the Immigration and Nationality Act to replace the diversity visa lottery program with a program that issues 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—

7 (1) in subsection (a)(3), by inserting striking  
8 “diversity immigrants” and inserting “immigrants  
9 with advanced degrees”; and

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

3           “(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH AD-  
4           VANCED DEGREES.—The worldwide level of immigrants  
5           with advanced degrees described in section 203(c)(2) is  
6           equal to 55,000 for each fiscal year.”.

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

10           (1) by amending subsection (c) to read as fol-  
11           lows:

12           “(c) IMMIGRANTS WITH ADVANCED DEGREES.—

13           “(1) ALIENS WHO HOLD AN ADVANCED DEGREE  
14           IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGI-  
15           NEERING.—

16           “(A) IN GENERAL.—Qualified immigrants  
17           who hold a master’s or doctorate degree in the  
18           life sciences, the physical sciences, mathematics,  
19           technology, or engineering shall be issued immi-  
20           grant visas or otherwise granted permanent  
21           resident status each fiscal year in a number not  
22           to exceed the worldwide level allotted under sec-  
23           tion 201(e).

24           “(B) ECONOMIC CONSIDERATIONS.—Be-  
25           ginning on the date which is 1 year after the

1           date of the enactment of this paragraph, the  
2           Secretary of State, in consultation with the Sec-  
3           retary of Commerce, the Secretary of Homeland  
4           Security, and the Secretary of Labor, and after  
5           notice and public hearing, shall determine which  
6           of the degrees described in subparagraph (A)  
7           will provide immigrants with the knowledge and  
8           skills that are most needed to meet anticipated  
9           workforce needs and protect the economic secu-  
10          rity of the United States.

11           “(2) MAINTENANCE OF INFORMATION.—The  
12          Secretary of State shall maintain information on the  
13          age, degree (including field of study), occupation,  
14          work experience, and other relevant characteristics  
15          of immigrants issued immigrant visas or otherwise  
16          granted permanent resident status under paragraph  
17          (1).”; and

18           (2) in subsection (e), by amending paragraph  
19          (2) to read as follows:

20           “(2) Immigrant visas and adjustment of status under  
21          subsection (c) (relating to immigrants with advanced de-  
22          grees) shall be issued as follows:

23           “(A) If the Secretary of State has not made a  
24          determination under subsection (c)(1)(B), immigrant  
25          visas shall be issued, or adjustment granted, in a

1 strictly random order established by the Secretary  
2 for the fiscal year involved.

3 “(B) If the Secretary of State has made a de-  
4 termination under subsection (c)(1)(B) and the  
5 number of eligible qualified immigrants who have a  
6 degree selected under such subsection and apply for  
7 an immigrant visa described in subsection (c) is  
8 greater than the worldwide level specified in section  
9 201(e), the Secretary of State shall only issue immi-  
10 grant visas to, or the Secretary of Homeland Secu-  
11 rity shall only adjust the status of, such immigrants  
12 in a strictly random order established by the Sec-  
13 retary for the fiscal year involved.

14 “(C) If the Secretary of State has made a de-  
15 termination under subsection (c)(1)(B) and the  
16 number of eligible qualified immigrants who have de-  
17 grees selected under such subsection and apply for  
18 an immigrant visa described in subsection (c) is not  
19 greater than the worldwide level specified in section  
20 201(e), the Secretary of State (or the Secretary of  
21 Homeland Security in the case of adjustment of sta-  
22 tus) shall—

23 “(i) issue immigrant visas to, or adjust the  
24 status of, eligible qualified immigrants with de-

1           degrees determined under subsection (c)(1)(B);  
2           and

3                   “(ii) issue any remaining immigrant visas  
4           to, or adjust the status of, other eligible quali-  
5           fied immigrants with degrees described in sub-  
6           section (c)(1)(A) in a strictly random order es-  
7           tablished by the Secretary for the fiscal year in-  
8           volved.”.

9           (c) EFFECTIVE DATE.—The amendments made by  
10 this section shall take effect on October 1, 2008.

11 **SEC. 2. ADVANCED DEGREE VISA CARRYOVER.**

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

15           “(II) An immigrant visa made available under sub-  
16 section 203(c) for fiscal year 2009, or for any subsequent  
17 fiscal year, may be issued, or adjustment of status under  
18 section 245(a) may be granted, to an eligible qualified  
19 alien who has properly applied for such visa or adjustment  
20 of status in the fiscal year for which the alien was selected  
21 notwithstanding the end of such fiscal year. Such visa or  
22 adjustment of status shall be counted against the world-  
23 wide levels set forth in section 201(e) for the fiscal year  
24 for which the alien was selected.”.

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