

106TH CONGRESS  
2D SESSION

# H. R. 5448

To amend the Immigration and Nationality Act to give priority for certain family-sponsored immigrants based upon educational attainment and to require diversity immigrants to have a bachelor's degree.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2000

Mr. SMITH of Texas 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 give priority for certain family-sponsored immigrants based upon educational attainment and to require diversity immigrants to have a bachelor's 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. SHORT TITLE.**

4 This Act may be cited as the “New Economy Work-  
5 force Act”.

1 **SEC. 2. EDUCATIONAL PRIORITY FOR CERTAIN FAMILY-**  
2 **SPONSORED IMMIGRANTS.**

3 Section 203(e)(1) of the Immigration and Nationality  
4 Act (8 U.S.C. 1153(e)(1)) is amended—

5 (1) by striking “(1) Immigrant visas” and in-  
6 serting “(1)(A) Subject to the succeeding provisions  
7 of this paragraph, immigrant visas”; and

8 (2) by adding at the end the following:

9 “(B)(i) An immigrant visa may be made available  
10 under paragraph (1), (2)(B), (3), or (4) of subsection (a)  
11 to an alien who—

12 “(I) does not have a bachelor’s degree (or high-  
13 er degree) only if there is no qualified individual to  
14 whom such a visa may be made available under the  
15 respective paragraph who has such a degree; or

16 “(II) is not a high school graduate only if there  
17 is no qualified individual to whom such a visa may  
18 be made available under the respective paragraph  
19 who has a bachelor’s degree (or higher degree) or  
20 who is a high school graduate.

21 “(ii) For purposes of clause (i)—

22 “(I) the term ‘bachelor’s degree’ includes a for-  
23 eign degree that is a recognized foreign equivalent of  
24 a bachelor’s degree; and

25 “(II) the term ‘high school graduate’ means an  
26 individual who has successfully completed either a

1 12-year course of elementary and secondary school  
2 study in the United States or a formal course of ele-  
3 mentary and secondary school study abroad equiva-  
4 lent to a 12-year course of elementary and secondary  
5 school study in the United States.

6 “(iii) The determination of educational status under  
7 clause (i) shall be made using the most recent evidence  
8 with respect to educational credentials proffered by the  
9 alien.”.

10 **SEC. 3. BACHELOR’S DEGREE REQUIREMENT FOR DIVER-**  
11 **SITY IMMIGRANTS.**

12 Section 203(c)(2) of the Immigration and Nationality  
13 Act (8 U.S.C. 1153(a)(2)) is amended to read as follows:

14 “(2) REQUIREMENT OF EDUCATION.—

15 “(A) IN GENERAL.—An alien is not eligible  
16 for a visa under this subsection unless the alien  
17 has a bachelor’s degree (or higher degree).

18 “(B) DEFINITION.—For purposes of sub-  
19 paragraph (A), the term ‘bachelor’s degree’ in-  
20 cludes a foreign degree that is a recognized for-  
21 eign equivalent of a bachelor’s degree.”.

1 **SEC. 4. OBLIGATIONS OF SECRETARY OF STATE WITH RE-**  
2 **SPECT TO DETERMINATIONS OF FOREIGN**  
3 **DEGREE EQUIVALENCE AND VERIFICATION**  
4 **OF EDUCATIONAL CREDENTIALS.**

5 Section 203 of the Immigration and Nationality Act  
6 (8 U.S.C. 1153) is amended by adding at the end the fol-  
7 lowing:

8 “(h) DETERMINATIONS WITH RESPECT TO FOREIGN  
9 DEGREE EQUIVALENCE.—For purposes of subsections  
10 (c)(2) and (e)(1)(B), in the case of an alien obtaining a  
11 foreign degree, or completing a foreign course of elemen-  
12 tary and secondary school study, any determination with  
13 respect to the equivalence of that degree or course of study  
14 to a degree obtained, or a course of study completed, in  
15 the United States shall be made by the Secretary of State.  
16 In carrying out the preceding sentence, the Secretary of  
17 State shall verify the authenticity of any foreign edu-  
18 cational credential proffered by an alien.”.

19 **SEC. 5. ADMINISTRATIVE OBLIGATIONS.**

20 (a) ALLOCATION OF VISAS TO FAMILY-SPONSORED  
21 IMMIGRANTS.—Not later than 90 days after the date of  
22 the enactment of this Act, the Secretary of State, in con-  
23 sultation with the Attorney General, shall promulgate reg-  
24 ulations regarding the allocation of immigrant visas, made  
25 available under paragraphs (1), (2)(B), (3), and (4) of sec-

1 tion 203(a) of the Immigration and Nationality Act, pur-  
2 suant to the amendments made by this Act.

3 (b) DETERMINATIONS WITH RESPECT TO FOREIGN  
4 DEGREES.—

5 (1) IN GENERAL.—Not later than 90 days after  
6 the date of the enactment of this Act, the Secretary  
7 of State, in consultation with the Attorney General  
8 and the Secretary of Education, shall promulgate  
9 regulations to carry out section 203(h) of the Immi-  
10 gration and Nationality Act (as added by section 4).

11 (2) IMPOSITION OF FEE.—Such regulations  
12 may permit the Secretary of State to charge and col-  
13 lect a processing and verification fee, to be set at a  
14 level that will ensure recovery of the full costs in-  
15 curred in carrying out such section 203(h).

16 (3) USE OF FEE.—There is established in the  
17 general fund of the Treasury a separate account,  
18 which shall be known as the “Foreign Degree  
19 Equivalence Account”. Notwithstanding any other  
20 provision of law, there shall be deposited as offset-  
21 ting receipts into the account all fees collected pur-  
22 suant to paragraph (2). Amounts deposited into the  
23 account shall remain available to the Secretary of  
24 State until expended to carry out section 203(h) of

1 the Immigration and Nationality Act (as added by  
2 section 4).

3 (c) OTHER REGULATIONS.—Except as provided in  
4 subsections (a) and (b), not later than 90 days after the  
5 date of the enactment of this Act, the Attorney General,  
6 in consultation with the Secretary of State and the Sec-  
7 retary of Education, shall promulgate regulations imple-  
8 menting the amendments made by this Act.

9 (d) FORMS.—Not later than 90 days after the date  
10 on which regulations are promulgated under subsections  
11 (a) through (c), the Attorney General and the Secretary  
12 of State shall each make available revised forms, as appro-  
13 priate, that prominently include instructions regarding  
14 procedures for establishing an alien's level of educational  
15 attainment for purposes of the amendments made by this  
16 Act. Such forms shall include appropriate forms for  
17 supplementing prior submissions.

18 **SEC. 6. EFFECTIVE DATE.**

19 The amendments made by this Act shall apply to im-  
20 migrant visas made available under section 203(a) of the  
21 Immigration and Nationality Act on or after the date that  
22 is 180 days after the date of the enactment of this Act,  
23 and immigrant visas made available under section 203(c)  
24 of such Act on or after October 1, 2002, regardless of

- 1 the date any classification petition under section 204 of
- 2 such Act may have been filed.

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