

115TH CONGRESS
1ST SESSION

H. R. 4427

To amend the Immigration and Nationality Act to eliminate the diversity immigrant program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2017

Ms. MCSALLY (for herself, Mr. GOSAR, Mr. HIGGINS of Louisiana, and Mr. JENKINS of West Virginia) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to eliminate the diversity immigrant program, and for other purposes.

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 “Protecting America
5 and American Workers Act”.

1 **SEC. 2. REDUCTION OF DIVERSITY VISAS TO LEVEL NEC-**
2 **CESSARY FOR NACARA; PARTIAL REALLOCA-**
3 **TION OF VISAS TO BENEFIT CERTAIN EM-**
4 **PLOYMENT-BASED IMMIGRANTS.**

5 (a) REDUCTION OF DIVERSITY VISAS TO LEVEL FOR
6 NACARA.—

7 (1) IN GENERAL.—Section 201(e) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1151(e)) is
9 amended by striking “55,000” and inserting
10 “5,000”.

11 (2) EFFECTIVE DATE; SUNSET.—The amend-
12 ment made by paragraph (1) shall take effect on Oc-
13 tober 1, 2018, and shall cease to be effective on the
14 effective date described in section 3(d)(2).

15 (b) PARTIAL REALLOCATION OF VISAS TO BENEFIT
16 CERTAIN EMPLOYMENT-BASED IMMIGRANTS.—

17 (1) WORLDWIDE LEVEL OF IMMIGRATION.—
18 Section 201(d) of the Immigration and Nationality
19 Act (8 U.S.C. 1151(d)) is amended by adding at the
20 end the following:

21 “(3) Beginning with fiscal year 2019, in addition to
22 the worldwide level of employment-based immigrants com-
23 puted under paragraphs (1) and (2), there shall be avail-
24 able for issuance in each fiscal year—

25 “(A) 8,000 visas, to be allotted to qualified im-
26 migrants who are the beneficiary of a petition ap-

1 proved under subparagraph (E) or (F) of section
2 204(a)(1) for classification under section 203(b)(1);

3 “(B) 8,000 visas, to be allotted to qualified im-
4 migrants who are the beneficiary of a petition ap-
5 proved under section 204(a)(1)(F) for classification
6 under section 203(b)(2); and

7 “(C) 8,000 visas, to be allotted to qualified im-
8 migrants who are the beneficiary of a petition ap-
9 proved under section 204(a)(1)(F) for classification
10 under section 203(b)(3).”.

11 (2) ALLOCATION OF IMMIGRANT VISAS.—Sec-
12 tion 203(b) of such Act (8 U.S.C. 1153(b)) is
13 amended—

14 (A) in paragraph (1), in the matter pre-
15 ceding subparagraph (A), by inserting “, and
16 plus the number of visas specified in section
17 201(d)(3)(A),” after “(4) and (5),”;

18 (B) in paragraph (2)(A), by inserting “,
19 and plus the number of visas specified in sec-
20 tion 201(d)(3)(B),” after “(1),”; and

21 (C) in paragraph (3)(A), in the matter
22 preceding clause (i), by inserting “, and plus
23 the number of visas specified in section
24 201(d)(3)(C),” after “(1) and (2),”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall take effect on October 1,
3 2018.

4 **SEC. 3. ELIMINATION OF DIVERSITY IMMIGRANT PRO-**
5 **GRAM.**

6 (a) WORLDWIDE LEVEL OF IMMIGRATION.—Section
7 201 of the Immigration and Nationality Act (8 U.S.C.
8 1151) is amended—

9 (1) in subsection (a)—

10 (A) by inserting “and” at the end of para-
11 graph (1);

12 (B) by striking “; and” at the end of para-
13 graph (2) and inserting a period; and

14 (C) by striking paragraph (3); and

15 (2) by striking subsection (e).

16 (b) ALLOCATION OF IMMIGRANT VISAS.—Section 203
17 of such Act (8 U.S.C. 1153) is amended—

18 (1) by striking subsection (e);

19 (2) in subsection (d), by striking “(a), (b), or
20 (c),” and inserting “(a) or (b),”;

21 (3) in subsection (e), by striking paragraph (2)
22 and redesignating paragraph (3) as paragraph (2);

23 (4) in subsection (f), by striking “(a), (b), or
24 (c)” and inserting “(a) or (b)”; and

1 (5) in subsection (g), by striking “(a), (b), and
2 (c)” and inserting “(a) and (b)”.

3 (c) PROCEDURE FOR GRANTING IMMIGRANT STA-
4 TUS.—Section 204 of such Act (8 U.S.C. 1154) is amend-
5 ed—

6 (1) by striking subsection (a)(1)(I); and

7 (2) in subsection (e), by striking “(a), (b), or
8 (c)” and inserting “(a) or (b)”.

9 (d) EFFECTIVE DATE.—

10 (1) DETERMINATION.—The Secretary of State
11 and the Secretary of Homeland Security shall jointly
12 determine when visa numbers made available under
13 section 201(e) of the Immigration and Nationality
14 Act (8 U.S.C. 1151(e)) (relating to the worldwide
15 level of diversity immigrants) are no longer nec-
16 essary to offset adjustments of status under section
17 309 of the Illegal Immigration Reform and Immig-
18 grant Responsibility (8 U.S.C. 1101 note), as re-
19 quired by section 203(d) of the Nicaraguan Adjust-
20 ment and Central American Relief Act (8 U.S.C.
21 1151 note). Such Secretaries shall publish a notice
22 in the Federal Register of such determination.

23 (2) AMENDMENTS.—The amendments made by
24 this section shall take effect on the first day of the
25 first fiscal year that begins after the date on which

1 the determination under paragraph (1) is published
2 in the Federal Register.

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