

“(I) used the minimum guaranteed number of waivers under section 212(e) in health professional shortage areas in the most recent fiscal year; or

“(II) all agreed to waive the right to receive the minimum guaranteed number of such waivers.

“(C) In this paragraph:

“(i) The term ‘‘health professional shortage area’’ has the meaning given the term in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1));

“(ii) The term ‘‘underserved highly rural State’’ means a State with at least 30 counties with a population density of not more than 10 people per square mile, based on the latest available decennial census conducted by the Bureau of Census.

“(iii) The term ‘‘minimum guaranteed number’’ means—

“(I) for the first fiscal year of the pilot program, 15;

“(II) for each subsequent fiscal year, the sum of—

(a) the minimum guaranteed number for the second fiscal year; and

(b) 3, if any State received additional waivers under this paragraph in the first fiscal year.

“(III) for the third fiscal year, the sum of—

(a) the minimum guaranteed number for the second fiscal year; and

(b) 3, if any State received additional waivers under this paragraph in the first fiscal year.

(c) **TERMINATION DATE.**—The authority provided by the amendments made by subsection (b) shall expire on September 30, 2011.

(d) Section 212(j) of the Immigration and Nationality Act (8 U.S.C. 1182(j)) is amended by—

(1) revising the preamble of paragraph (2) to read ‘‘An alien who has graduated from medical school and who is coming to the United States to practice primary care or specialty medicine as a member of the medical profession may not be admitted as a nonimmigrant under section 1101(a)(15)(H)(i)(b) of this title unless—’’

(2) redesignating paragraph (2) as paragraph (3);

(3) adding new paragraph (2) to read—

“(2)(A) An alien who is coming to the United States to receive graduate medical education or training (or seeks to acquire status as a nonimmigrant under section 1101(a)(15)(J) to receive graduate medical education or training) may not change status under section 1258 to a nonimmigrant under section 1101(a)(15)(H)(i)(b) until the alien graduates from the medical education or training program and meets the requirements of paragraph (3)(B).

“(B) Any occupation that an alien described in paragraph (2)(A) may be employed in while receiving graduate medical education or training shall not be deemed a ‘‘specialty occupation’’ within the meaning of section 1184(i) for purposes of section 1101(a)(15)(H)(i)(b).’’

(e) Section 101(a)(15)(J) is amended by adding ‘‘(except an alien coming to the United States to receive graduate medical education or training)’’ after ‘‘abandoning’’.

(f) Section 214(h) of the Immigration and Nationality Act (8 U.S.C. 1184(h)) is amended by inserting ‘‘(E) (J) who is coming to the United States to receive graduate medical education or training,’’ after ‘‘subparagraph’’ where that term first appears.

(g) **MEDICAL RESIDENTS INELIGIBLE FOR H-1B NONIMMIGRANT STATUS.**—Section 214(i) of the Immigration and Nationality Act (8 U.S.C. 1184(i)) is amended to read—

“(1) Except as provided in paragraph (3), for purposes of section 101(a)(15)(H)(i)(b), section 101(a)(15)(E)(iii), and paragraph (2), the term ‘‘specialty occupation’’—

“(A) means an occupation that requires—

“(i) theoretical and practical application of a body of highly specialized knowledge, and

“(ii) attainment of a bachelor’s or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States; and

“(B) shall not include graduate medical education or training.’’

(h) Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)) is amended—

(1) in paragraph (1)(C)(i) by striking ‘‘Attorney General’’ and inserting ‘‘Secretary of Homeland Security’’;

(2) in paragraph (1)(C) by striking subclause (ii) and inserting the following:

“(i) the alien has accepted employment with the health facility or health care organization and agrees to continue to work for a total of not less than 3 years; and

“(iii) the alien begins employment within 90 days of:

“(I) receiving such waiver; or

“(II) receiving nonimmigrant status or employment authorization pursuant to an application filed under paragraph (2)(A) (if such application is filed with 90 days of eligibility of completing graduate medical education or training under a program approved pursuant to section 212(j)(1));

‘‘whichever is latest.’’

(3) by striking at the end ‘‘.’’, inserting ‘‘; or’’ and adding new paragraph (1)(E) to read—

“(E) in the case of a request by an interested State agency, the alien agrees to practice primary care or specialty medicine care, for a continuous period of 2 years, only at a federally qualified health facility, health care organization or center, or in a rural health clinic that is located in:

“(i) a geographic area which is designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

“(ii) a State that utilized less than 10 of the total allotted waivers for the State under paragraph (1)(B) (excluding the number of waivers available pursuant to paragraph (1)(D)(ii)) in the most recent fiscal year.’’

(4) in paragraph (2), by amending subparagraph (A) to read as follows:

“(A) Notwithstanding section 248(a)(2), upon submission of a request to an interested Federal agency or an interested State agency for recommendation of a waiver under this section by a physician who is maintaining valid nonimmigrant status under section 101(a)(15)(J), the Secretary of Homeland Security may accept as properly filed an application to change the status of such physician to [any applicable nonimmigrant status]. Upon favorable recommendation by the Secretary of State of such request, and approval by the Secretary of Homeland Security the waiver under this section, the Secretary of Homeland Security may change the status of such physician to that of [an appropriate nonimmigrant status.]’’

(5) in paragraph (3)(A) amended by inserting ‘‘requirement of or’’ before ‘‘agreement entered into.’’

(i) **PERIOD OF AUTHORIZED ADMISSION FOR PHYSICIANS ON H-1B VISAS WHO WORK IN MEDICALLY UNDERSERVED COMMUNITIES.**—

Section 214(g)(5), as renumbered by Section 405 and amended by Section 719(c), is further amended by adding at the end the following new subparagraph:

“(D) The period of authorized admission under subparagraph (A) shall not apply to an alien physician who fulfills the requirements of section 214(l)(1)(E) and who has practiced primary or specialty care in a medically un-

derserved community for a continuous period of 5 years.’’

SEC. 426. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, and the amendments made by this title.

TITLE V—Immigration Benefits

SEC. 501. REBALANCING OF IMMIGRANT VISA ALLOCATION.

“(a) **FAMILY-SPONSORED IMMIGRANTS.**—Section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) is amended to read as follows:

“(c) **WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.**—

“(1) For each fiscal year until visas needed for petitions described in section 503(f)(2) of the [Insert title of Act] become available, the worldwide level of family-sponsored immigrants under this subsection is 567,000 for petitions for classifications under 203(a), plus any immigrant visas not required for the class specified in (d)

“(2) Except as provided in paragraph (1), the worldwide level of family-sponsored immigrants under this subsection for fiscal year is 127,000, plus any immigrant visas not required for the class specified in (d).

(b) **MERIT-BASED IMMIGRANTS**—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

“(d) **WORLDWIDE LEVEL OF MERIT-BASED, SPECIAL, AND EMPLOYMENT CREATION IMMIGRANTS.**—

“(1) **IN GENERAL.**—The worldwide level of merit-based, special and employment creation immigrants under this subsection for a fiscal year—

“(A) for the first five fiscal years shall be equal to the number of immigrant visas made available to aliens seeking immigrant visas under section 203(b) of this Act for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which:

(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

(ii) 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the [Insert title of Act].

“(B) stating in the sixth fiscal year, shall be equal to 140,000 for each fiscal year until aliens described in section 101(a)(15)(Z) of this Act first become eligible for an immigrant visa, plus any immigrant visas not required for the class specified in (c), of which:

(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

(ii) no more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the [Insert title of Act].

“(C)(i) 380,000, for each fiscal year starting in the first fiscal year in which aliens described in section 101(a)(15)(Z) of this Act become eligible for an immigrant visa, of which at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y), plus any immigrant visas not required for the class specified in (c); plus

“(ii) the temporary supplemental allocation of additional visas described in paragraph (2) for nonimmigrants described in section 101(a)(15)(Z).

“(2) **TEMPORARY SUPPLEMENTAL ALLOCATION.**—The temporary supplemental allocation of visas described in this paragraph is as follows:

“(A) for the first five fiscal years in which aliens described in section 101(a)(15)(Z) of