

118TH CONGRESS
1ST SESSION

S. 1887

To provide visa availability for the Government Employee Immigrant Visa program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2023

Mr. VAN HOLLEN (for himself and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide visa availability for the Government Employee Immigrant Visa 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 “Granting Recognition
5 to Accomplished Talented Employees For Unwavering
6 Loyalty Act” or “GRATEFUL Act”.

7 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

1 (1) In 1952, with the enactment of the Immi-
2 gration and Nationality Act (8 U.S.C. 1101 et seq.),
3 Congress established an immigrant visa program to
4 reward foreign nationals who are United States Gov-
5 ernment employees for their service to the United
6 States (referred to in this Act as the “Government
7 Employee Immigrant Visa program”).

8 (2) For 71 years, the Government Employee
9 Immigrant Visa program has allowed foreign nation-
10 als with at least 15 years of exceptional service to
11 the United States to immigrate to the United States
12 with their families.

13 (3) Such foreign national employees of the
14 United States Government are the bulwark of
15 United States foreign policy, risking their lives year
16 after year through civil unrest, terrorism, natural
17 disasters, and war.

18 (4) The work of such foreign nationals—

19 (A) ensures the safety and well-being of
20 United States citizens;

21 (B) provides security and logistics for vis-
22 iting delegations; and

23 (C) supports United States Government
24 operations abroad.

1 (5) Such foreign nationals include employees of
2 the Department of State, the United States Agency
3 for International Development, the Department of
4 Defense, the Department of Homeland Security, the
5 Department of Justice, the Department of Com-
6 merce, and the Department of Agriculture.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the United States should preserve the immi-
9 grant visa program for foreign nationals who are employ-
10 ees of the United States Government abroad or of the
11 American Institute in Taiwan, and who have provided ex-
12 ceptional service over a long term to the United States,
13 by providing a dedicated allocation of visas for such em-
14 ployees and their immediate family members when visas
15 are not immediately available in the corresponding visa
16 category.

17 **SEC. 3. VISA AVAILABILITY FOR GOVERNMENT EMPLOYEE**
18 **IMMIGRANT VISA PROGRAM.**

19 (a) IN GENERAL.—Beginning in fiscal year 2024,
20 subject to subsection (b), visas shall be made available to
21 a special immigrant described in section 101(a)(27)(D) of
22 the Immigration and Nationality Act (8 U.S.C.
23 1101(a)(27)(D)) if a visa is not immediately available for
24 issuance to the special immigrant under section 203(b)(4)
25 of that Act (8 U.S.C. 1153(b)(4)).

1 (b) NUMERICAL LIMITATIONS.—

2 (1) FISCAL YEAR 2024.—For fiscal year 2024,
3 not more than 3,500 visas shall be made available
4 under subsection (a).

5 (2) SUBSEQUENT FISCAL YEARS.—For fiscal
6 year 2025 and each fiscal year thereafter, not more
7 than 3,000 visas shall be made available under sub-
8 section (a).

9 (c) TEMPORARY REDUCTION IN DIVERSITY VISAS.—
10 Section 203(d)(2) of the Nicaraguan Adjustment and Cen-
11 tral America Relief Act (8 U.S.C. 1151 note; Public Law
12 105–100) is amended—

13 (1) by amending paragraph (2) to read as fol-
14 lows:

15 “(2) In no case shall the reduction under paragraph
16 (1) for a fiscal year exceed the amount by which—

17 “(A) the sum of—

18 “(i) one-half of the total number of individ-
19 uals described in subclauses (I), (II), (III), and
20 (IV) of section 309(c)(5)(C)(i) of the Illegal Im-
21 migration Reform and Immigrant Responsibility
22 Act of 1996 (8 U.S.C. 1101 note; Public Law
23 104–208) who have adjusted their status to
24 that of aliens lawfully admitted for permanent
25 residence under section 202 of the Nicaraguan

1 Adjustment and Central American Relief Act
2 (Public Law 105–100; 8 U.S.C. 1255 note) as
3 of the end of the previous fiscal year; and

4 “(ii) the total number of individuals de-
5 scribed in section 101(a)(27)(D) of the Immi-
6 gration and Nationality Act (8 U.S.C.
7 1101(a)(27)(D)) for whom visas shall be made
8 available for the applicable fiscal year under
9 section 3(b) of the Granting Recognition to Ac-
10 complished Talented Employees For Unwaver-
11 ing Loyalty Act; exceeds

12 “(B) the total of the reductions in available
13 visas under this subsection for all previous fiscal
14 years.”; and

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

16 “(3)(A) Paragraph (1) shall not apply in a fiscal year
17 following a fiscal year for which the total number of aliens
18 described in subparagraph (B) is zero.

19 “(B) For a fiscal year, the total number of aliens de-
20 scribed in this subparagraph is the total number of indi-
21 viduals described in section 101(a)(27)(D) of the Immi-
22 gration and Nationality Act (8 U.S.C. 1101(a)(27)(D))
23 who have been issued visas during the previous fiscal year
24 under the Granting Recognition to Accomplished Talented
25 Employees For Unwavering Loyalty Act.

1 “(C) Nothing in this paragraph may be construed—

2 “(i) to repeal, modify, or render permanently
3 inapplicable paragraph (1); or

4 “(ii) to prevent the offsetting of the number of
5 visas described in that paragraph for the purpose of
6 providing visa availability for aliens described in sub-
7 paragraph (B).

8 “(4) In the event that the number of visas available
9 for a fiscal year under section 201(e) of the Immigration
10 and Nationality Act (8 U.S.C. 1151(e)) is reduced to a
11 number fewer than 50,000, not fewer than 3,000 visas
12 shall be made available for individuals described in section
13 3(a) of the Granting Recognition to Accomplished Tal-
14 ented Employees For Unwavering Loyalty Act.”.

15 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion or the amendments made by this section may be con-
17 strued to modify the number of visas available under sec-
18 tion 203(b)(4) of the Immigration and Nationality Act (8
19 U.S.C. 1153(b)(4)) to special immigrants described in sec-
20 tion 101(a)(27)(D) of that Act (8 U.S.C.
21 1101(a)(27)(D)).

○