

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6429

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## AN ACT

To amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “STEM Jobs Act of  
3 2012”.

4 **SEC. 2. IMMIGRANT VISAS FOR CERTAIN ADVANCED STEM**  
5 **GRADUATES.**

6 (a) **WORLDWIDE LEVEL OF IMMIGRATION.**—Section  
7 201(d)(2) of the Immigration and Nationality Act (8  
8 U.S.C. 1151(d)(2)) is amended by adding at the end the  
9 following:

10 “(D)(i) In addition to the increase provided under  
11 subparagraph (C), the number computed under this para-  
12 graph for fiscal year 2014 and subsequent fiscal years  
13 shall be further increased by the number specified in  
14 clause (ii), to be used in accordance with paragraphs (6)  
15 and (7) of section 203(b), except that—

16 “(I) immigrant visa numbers made available  
17 under this subparagraph but not required for the  
18 classes specified in paragraphs (6) and (7) of section  
19 203(b) shall not be counted for purposes of sub-  
20 section (c)(3)(C); and

21 “(II) for purposes of paragraphs (1) through  
22 (5) of section 203(b), the increase under this sub-  
23 paragraph shall not be counted for purposes of com-  
24 puting any percentage of the worldwide level under  
25 this subsection.

1       “(ii) The number specified in this clause is 55,000,  
2 reduced for any fiscal year by the number by which the  
3 number of visas under section 201(e) would have been re-  
4 duced in that year pursuant to section 203(d) of the Nica-  
5 ragan Adjustment and Central American Relief Act (8  
6 U.S.C. 1151 note) if section 201(e) had not been repealed  
7 by section 3 of the STEM Jobs Act of 2012.

8       “(iii) Immigrant visa numbers made available under  
9 this subparagraph for fiscal year 2014, but not used for  
10 the classes specified in paragraphs (6) and (7) of section  
11 203(b) in such year, may be made available in subsequent  
12 years as if they were included in the number specified in  
13 clause (ii) only to the extent of the cumulative number  
14 of petitions under section 204(a)(1)(F), and applications  
15 for a labor certification under section 212(a)(5)(A), filed  
16 in fiscal year 2014 with respect to aliens seeking a visa  
17 under paragraph (6) or (7) of section 203(b) up to, but  
18 not exceeding, the number specified in clause (ii) for such  
19 year. Such immigrant visa numbers may only be made  
20 available in fiscal years after fiscal year 2014 in connec-  
21 tion with a petition under section 204(a)(1)(F), or an ap-  
22 plication for a labor certification under section  
23 212(a)(5)(A), that was filed in fiscal year 2014.

24       “(iv) Immigrant visa numbers made available under  
25 this subparagraph for fiscal year 2015, but not used for

1 the classes specified in paragraphs (6) and (7) of section  
2 203(b) during such year, may be made available in subse-  
3 quent years as if they were included in the number speci-  
4 fied in clause (ii) only to the extent of the cumulative num-  
5 ber of petitions under section 204(a)(1)(F), and applica-  
6 tions for a labor certification under section 212(a)(5)(A),  
7 filed in fiscal year 2015 with respect to aliens seeking a  
8 visa under paragraph (6) or (7) of section 203(b) up to,  
9 but not exceeding, the number specified in clause (ii) for  
10 such year. Such immigrant visa numbers may only be  
11 made available in fiscal years after fiscal year 2015 in con-  
12 nection with a petition under section 204(a)(1)(F), or an  
13 application for a labor certification under section  
14 212(a)(5)(A), that was filed in fiscal year 2015.

15 “(v) Immigrant visa numbers made available under  
16 this subparagraph for fiscal year 2016, but not used for  
17 the classes specified in paragraphs (6) and (7) of section  
18 203(b) in such year, may be made available in subsequent  
19 years as if they were included in the number specified in  
20 clause (ii), but only—

21 “(I) to the extent of the cumulative number of  
22 petitions under section 204(a)(1)(F), and applica-  
23 tions for a labor certification under section  
24 212(a)(5)(A), filed in fiscal year 2016 with respect  
25 to aliens seeking a visa under paragraph (6) or (7)

1 of section 203(b) up to, but not exceeding, the num-  
2 ber specified in clause (ii) for such year;

3 “(II) if the immigrant visa numbers used under  
4 this subparagraph for fiscal year 2015 with respect  
5 to aliens seeking a visa under paragraph (6) or (7)  
6 of section 203(b) were less than the number speci-  
7 fied in clause (ii) for such year; and

8 “(III) if the processing standards set forth in  
9 sections 204(a)(1)(F)(ii) and 212(a)(5)(A)(vi) were  
10 not met in fiscal year 2016.

11 Such immigrant visa numbers may only be made available  
12 in fiscal years after fiscal year 2016 in connection with  
13 a petition under section 204(a)(1)(F), or an application  
14 for a labor certification under section 212(a)(5)(A), that  
15 was filed in fiscal year 2016.

16 “(vi) Immigrant visa numbers made available under  
17 this subparagraph for fiscal year 2017, but not used for  
18 the classes specified in paragraphs (6) and (7) of section  
19 203(b) in such year, may be made available in subsequent  
20 years as if they were included in the number specified in  
21 clause (ii), but only—

22 “(I) to the extent of the cumulative number of  
23 petitions under section 204(a)(1)(F), and applica-  
24 tions for a labor certification under section  
25 212(a)(5)(A), filed in fiscal year 2017 with respect

1 to aliens seeking a visa under paragraph (6) or (7)  
2 of section 203(b) up to, but not exceeding, the num-  
3 ber specified in clause (ii) for such year;

4 “(II) if the immigrant visa numbers used under  
5 this subparagraph for fiscal year 2016 with respect  
6 to aliens seeking a visa under paragraph (6) or (7)  
7 of section 203(b) were less than the number speci-  
8 fied in clause (ii) for such year; and

9 “(III) if the processing standards set forth in  
10 sections 204(a)(1)(F)(ii) and 212(a)(5)(A)(vi) were  
11 not met in fiscal year 2017.

12 Such immigrant visa numbers may only be made available  
13 in fiscal years after fiscal year 2016 in connection with  
14 a petition under section 204(a)(1)(F), or an application  
15 for a labor certification under section 212(a)(5)(A), that  
16 was filed in fiscal year 2017.”.

17 (b) NUMERICAL LIMITATION TO ANY SINGLE FOR-  
18 EIGN STATE.—Section 202(a)(5)(A) of such Act (8 U.S.C.  
19 1152(a)(5)(A)) is amended by striking “or (5)” and in-  
20 serting “(5), (6), or (7)”.

21 (c) PREFERENCE ALLOCATION FOR EMPLOYMENT-  
22 BASED IMMIGRANTS.—Section 203(b) of such Act (8  
23 U.S.C. 1153(b)) is amended—

24 (1) by redesignating paragraph (6) as para-  
25 graph (8); and

1           (2) by inserting after paragraph (5) the fol-  
2           lowing:

3           “(6) ALIENS HOLDING DOCTORATE DEGREES  
4           FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER  
5           EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEER-  
6           ING, OR MATHEMATICS.—

7           “(A) IN GENERAL.—Visas shall be made  
8           available, in a number not to exceed the number  
9           specified in section 201(d)(2)(D)(ii), to quali-  
10          fied immigrants who—

11           “(i) hold a doctorate degree in a field  
12           of science, technology, engineering, or  
13           mathematics from a United States doctoral  
14           institution of higher education; and

15           “(ii) have taken all doctoral courses in  
16           a field of science, technology, engineering,  
17           or mathematics, including all courses taken  
18           by correspondence (including courses of-  
19           fered by telecommunications) or by dis-  
20           tance education, while physically present in  
21           the United States.

22           “(B) DEFINITIONS.—For purposes of this  
23           paragraph, paragraph (7), and sections  
24           101(a)(15)(F)(i)(I) and 212(a)(5)(A)(iii)(III):

1           “(i) The term ‘distance education’ has  
2 the meaning given such term in section  
3 103 of the Higher Education Act of 1965  
4 (20 U.S.C. 1003).

5           “(ii) The term ‘field of science, tech-  
6 nology, engineering, or mathematics’  
7 means a field included in the Department  
8 of Education’s Classification of Instruc-  
9 tional Programs taxonomy within the sum-  
10 mary groups of computer and information  
11 sciences and support services, engineering,  
12 mathematics and statistics, and physical  
13 sciences.

14           “(iii) The term ‘United States doc-  
15 toral institution of higher education’ means  
16 an institution that—

17           “(I) is described in section  
18 101(a) of the Higher Education Act  
19 of 1965 (20 U.S.C. 1001(a)) or is a  
20 proprietary institution of higher edu-  
21 cation (as defined in section 102(b) of  
22 such Act (20 U.S.C. 1002(b)));

23           “(II) was classified by the Car-  
24 negie Foundation for the Advance-  
25 ment of Teaching on January 1,

1           2012, as a doctorate-granting univer-  
2           sity with a very high or high level of  
3           research activity or classified by the  
4           National Science Foundation after the  
5           date of enactment of this paragraph,  
6           pursuant to an application by the in-  
7           stitution, as having equivalent re-  
8           search activity to those institutions  
9           that had been classified by the Car-  
10          negie Foundation as being doctorate-  
11          granting universities with a very high  
12          or high level of research activity;

13                   “(III) has been in existence for  
14                   at least 10 years; and

15                   “(IV) is accredited by an accred-  
16                   iting body that is itself accredited ei-  
17                   ther by the Department of Education  
18                   or by the Council for Higher Edu-  
19                   cation Accreditation.

20           “(C) LABOR CERTIFICATION REQUIRED.—

21                   “(i) IN GENERAL.—Subject to clause  
22                   (ii), the Secretary of Homeland Security  
23                   may not approve a petition filed for classi-  
24                   fication of an alien under subparagraph  
25                   (A) unless the Secretary of Homeland Se-

1           curity is in receipt of a determination  
2           made by the Secretary of Labor pursuant  
3           to the provisions of section 212(a)(5)(A),  
4           except that the Secretary of Homeland Se-  
5           curity may, when the Secretary deems it to  
6           be in the national interest, waive this re-  
7           quirement.

8           “(ii) REQUIREMENT DEEMED SATIS-  
9           FIED.—The requirement of clause (i) shall  
10          be deemed satisfied with respect to an em-  
11          ployer and an alien in a case in which a  
12          certification made under section  
13          212(a)(5)(A)(i) has already been obtained  
14          with respect to the alien by that employer.

15          “(7) ALIENS HOLDING MASTER’S DEGREES  
16          FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER  
17          EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEER-  
18          ING, OR MATHEMATICS.—

19          “(A) IN GENERAL.—Any visas not required  
20          for the class specified in paragraph (6) shall be  
21          made available to the class of aliens who—

22                 “(i) hold a master’s degree in a field  
23                 of science, technology, engineering, or  
24                 mathematics from a United States doctoral  
25                 institution of higher education that was ei-

1 ther part of a master’s program that re-  
2 quired at least 2 years of enrollment or  
3 part of a 5-year combined baccalaureate-  
4 master’s degree program in such field;

5 “(ii) have taken all master’s degree  
6 courses in a field of science, technology,  
7 engineering, or mathematics, including all  
8 courses taken by correspondence (including  
9 courses offered by telecommunications) or  
10 by distance education, while physically  
11 present in the United States; and

12 “(iii) hold a baccalaureate degree in a  
13 field of science, technology, engineering, or  
14 mathematics or in a field included in the  
15 Department of Education’s Classification  
16 of Instructional Programs taxonomy within  
17 the summary group of biological and bio-  
18 medical sciences.

19 “(B) LABOR CERTIFICATION REQUIRED.—

20 “(i) IN GENERAL.—Subject to clause  
21 (ii), the Secretary of Homeland Security  
22 may not approve a petition filed for classi-  
23 fication of an alien under subparagraph  
24 (A) unless the Secretary of Homeland Se-  
25 curity is in receipt of a determination

1 made by the Secretary of Labor pursuant  
2 to the provisions of section 212(a)(5)(A),  
3 except that the Secretary of Homeland Se-  
4 curity may, when the Secretary deems it to  
5 be in the national interest, waive this re-  
6 quirement.

7 “(ii) REQUIREMENT DEEMED SATIS-  
8 FIED.—The requirement of clause (i) shall  
9 be deemed satisfied with respect to an em-  
10 ployer and an alien in a case in which a  
11 certification made under section  
12 212(a)(5)(A)(i) has already been obtained  
13 with respect to the alien by that employer.

14 “(C) DEFINITIONS.—The definitions in  
15 paragraph (6)(B) shall apply for purposes of  
16 this paragraph.”.

17 (d) PROCEDURE FOR GRANTING IMMIGRANT STA-  
18 TUS.—Section 204(a)(1)(F) of such Act (8 U.S.C.  
19 1154(a)(1)(F)) is amended—

20 (1) by striking “(F)” and inserting “(F)(i)”;

21 (2) by striking “or 203(b)(3)” and inserting  
22 “203(b)(3), 203(b)(6), or 203(b)(7)”;

23 (3) by striking “Attorney General” and insert-  
24 ing “Secretary of Homeland Security”; and

25 (4) by adding at the end the following:

1       “(ii) The following processing standards shall apply  
2 with respect to petitions under clause (i) relating to alien  
3 beneficiaries qualifying under paragraph (6) or (7) of sec-  
4 tion 203(b):

5           “(I) The Secretary of Homeland Security shall  
6 adjudicate such petitions not later than 60 days  
7 after the date on which the petition is filed. In the  
8 event that additional information or documentation  
9 is requested by the Secretary during such 60-day pe-  
10 riod, the Secretary shall adjudicate the petition not  
11 later than 30 days after the date on which such in-  
12 formation or documentation is received.

13           “(II) The petitioner shall be notified in writing  
14 within 30 days of the date of filing if the petition  
15 does not meet the standards for approval. If the pe-  
16 tition does not meet such standards, the notice shall  
17 include the reasons therefore and the Secretary shall  
18 provide an opportunity for the prompt resubmission  
19 of a modified petition.”.

20       (e) LABOR CERTIFICATION AND QUALIFICATION FOR  
21 CERTAIN IMMIGRANTS.—Section 212(a)(5) of such Act (8  
22 U.S.C. 1182(a)(5)) is amended—

23           (1) in subparagraph (A)—

24                   (A) in clause (ii)—

1 (i) in subclause (I), by striking “, or”  
2 at the end and inserting a semicolon;

3 (ii) in subclause (II), by striking the  
4 period at the end and inserting “; or”; and

5 (iii) by adding at the end the fol-  
6 lowing:

7 “(III) holds a doctorate degree in  
8 a field of science, technology, engi-  
9 neering, or mathematics from a  
10 United States doctoral institution of  
11 higher education (as defined in section  
12 203(b)(6)(B)(iii)).”;

13 (B) by redesignating clauses (ii) through  
14 (iv) as clauses (iii) through (v), respectively;

15 (C) by inserting after clause (i) the fol-  
16 lowing:

17 “(ii) JOB ORDER.—

18 “(I) IN GENERAL.—An employer  
19 who files an application under clause  
20 (i) shall submit a job order for the  
21 labor the alien seeks to perform to the  
22 State workforce agency in the State in  
23 which the alien seeks to perform the  
24 labor. The State workforce agency  
25 shall post the job order on its official

1 agency website for a minimum of 30  
2 days and not later than 3 days after  
3 receipt using the employment statis-  
4 tics system authorized under section  
5 15 of the Wagner-Peyser Act (29  
6 U.S.C. 49 et seq.).

7 “(II) LINKS.—The Secretary of  
8 Labor shall include links to the offi-  
9 cial websites of all State workforce  
10 agencies on a single webpage of the  
11 official website of the Department of  
12 Labor.”; and

13 (D) by adding at the end the following:

14 “(vi) PROCESSING STANDARDS FOR  
15 ALIEN BENEFICIARIES QUALIFYING UNDER  
16 PARAGRAPHS (6) AND (7) OF SECTION  
17 203(B).—The following processing stand-  
18 ards shall apply with respect to applica-  
19 tions under clause (i) relating to alien  
20 beneficiaries qualifying under paragraph  
21 (6) or (7) of section 203(b):

22 “(I) The Secretary of Labor shall  
23 adjudicate such applications not later  
24 than 180 days after the date on which  
25 the application is filed. In the event

1 that additional information or docu-  
2 mentation is requested by the Sec-  
3 retary during such 180-day period,  
4 the Secretary shall adjudicate the ap-  
5 plication not later than 60 days after  
6 the date on which such information or  
7 documentation is received.

8 “(II) The applicant shall be noti-  
9 fied in writing within 60 days of the  
10 date of filing if the application does  
11 not meet the standards for approval.  
12 If the application does not meet such  
13 standards, the notice shall include the  
14 reasons therefore and the Secretary  
15 shall provide an opportunity for the  
16 prompt resubmission of a modified ap-  
17 plication.”; and

18 (2) in subparagraph (D), by striking “(2) or  
19 (3)” and inserting “(2), (3), (6), or (7)”.

20 (f) GAO STUDY.—Not later than June 30, 2018, the  
21 Comptroller General of the United States shall provide to  
22 the Congress the results of a study on the use by the Na-  
23 tional Science Foundation of the classification authority  
24 provided under section 203(b)(6)(B)(iii)(II) of the Immi-

1 gration and Nationality Act (8 U.S.C.  
2 1153(b)(6)(B)(iii)(II)), as added by this section.

3 (g) PUBLIC INFORMATION.—The Secretary of Home-  
4 land Security shall make available to the public on the  
5 official website of the Department of Homeland Security,  
6 and shall update not less than monthly, the following in-  
7 formation (which shall be organized according to month  
8 and fiscal year) with respect to aliens granted status  
9 under paragraph (6) or (7) of section 203(b) of the Immi-  
10 gration and Nationality Act (8 U.S.C. 1153(b)), as added  
11 by this section:

12 (1) The name, city, and State of each employer  
13 who petitioned pursuant to either of such para-  
14 graphs on behalf of one or more aliens who were  
15 granted status in the month and fiscal year to date.

16 (2) The number of aliens granted status under  
17 either of such paragraphs in the month and fiscal  
18 year to date based upon a petition filed by such em-  
19 ployer.

20 (3) The occupations for which such alien or  
21 aliens were sought by such employer and the job ti-  
22 tles listed by such employer on the petition.

23 (h) EFFECTIVE DATE.—The amendments made by  
24 this section shall take effect on October 1, 2013, and shall  
25 apply with respect to fiscal years beginning on or after

1 such date. Nothing in the preceding sentence shall be con-  
2 strued to prohibit the Secretary of Homeland Security  
3 from accepting before such date petitions under section  
4 204(a)(1)(F) of the Immigration and Nationality Act (8  
5 U.S.C. 1154(a)(1)(F)) relating to alien beneficiaries quali-  
6 fying under paragraph (6) or (7) of section 203(b) of such  
7 Act (8 U.S.C. 1153(b)) (as added by this section).

8 **SEC. 3. ELIMINATION OF DIVERSITY IMMIGRANT PRO-**  
9 **GRAM.**

10 (a) **WORLDWIDE LEVEL OF DIVERSITY IMMI-**  
11 **GRANTS.**—Section 201 of the Immigration and Nation-  
12 ality Act (8 U.S.C. 1151) is amended—

13 (1) in subsection (a)—

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

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

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

19 (2) by striking subsection (e).

20 (b) **ALLOCATION OF DIVERSITY IMMIGRANT VISAS.**—  
21 Section 203 of such Act (8 U.S.C. 1153) is amended—

22 (1) by striking subsection (c);

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

1           (3) in subsection (e), by striking paragraph (2)  
2           and redesignating paragraph (3) as paragraph (2);  
3           (4) in subsection (f), by striking “(a), (b), or  
4           (c)” and inserting “(a) or (b)”; and  
5           (5) in subsection (g), by striking “(a), (b), and  
6           (c)” and inserting “(a) and (b)”.

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

10           (1) by striking subsection (a)(1)(I); and  
11           (2) in subsection (e), by striking “(a), (b), or  
12           (c)” and inserting “(a) or (b)”.

13           (d) **EFFECTIVE DATE.**—The amendments made by  
14 this section shall take effect on October 1, 2013, and shall  
15 apply with respect to fiscal years beginning on or after  
16 such date.

17 **SEC. 4. PERMANENT PRIORITY DATES.**

18           (a) **IN GENERAL.**—Section 203 of the Immigration  
19 and Nationality Act (8 U.S.C. 1153) is amended by add-  
20 ing at the end the following:

21           “(i) **PERMANENT PRIORITY DATES.**—

22                   “(1) **IN GENERAL.**—Subject to subsection  
23           (h)(3) and paragraph (2), the priority date for any  
24           employment-based petition shall be the date of filing  
25           of the petition with the Secretary of Homeland Secu-

1 rity (or the Secretary of State, if applicable), unless  
2 the filing of the petition was preceded by the filing  
3 of a labor certification with the Secretary of Labor,  
4 in which case that date shall constitute the priority  
5 date.

6 “(2) SUBSEQUENT EMPLOYMENT-BASED PETI-  
7 TIONS.—Subject to subsection (h)(3), an alien who  
8 is the beneficiary of any employment-based petition  
9 that was approvable when filed (including self-peti-  
10 tioners) shall retain the priority date assigned with  
11 respect to that petition in the consideration of any  
12 subsequently filed employment-based petition (in-  
13 cluding self-petitions).”.

14 (b) EFFECTIVE DATE.—The amendment made by  
15 subsection (a) shall take effect on October 1, 2013, and  
16 shall apply to aliens who are a beneficiary of a classifica-  
17 tion petition pending on or after such date.

18 **SEC. 5. STUDENT VISA REFORM.**

19 (a) IN GENERAL.—Section 101(a)(15)(F) of the Im-  
20 migration and Nationality Act (8 U.S.C. 1101(a)(15)(F))  
21 is amended to read as follows:

22 “(F) an alien—

23 “(i) who—

24 “(I) is a bona fide student qualified to  
25 pursue a full course of study in a field of

1 science, technology, engineering, or mathe-  
2 matics (as defined in section  
3 203(b)(6)(B)(ii)) leading to a bachelors or  
4 graduate degree and who seeks to enter  
5 the United States for the purpose of pur-  
6 suing such a course of study consistent  
7 with section 214(m) at an institution of  
8 higher education (as described in section  
9 101(a) of the Higher Education Act of  
10 1965 (20 U.S.C. 1001(a))) or a propri-  
11 etary institution of higher education (as  
12 defined in section 102(b) of such Act (20  
13 U.S.C. 1002(b))) in the United States,  
14 particularly designated by the alien and  
15 approved by the Secretary of Homeland  
16 Security, after consultation with the Sec-  
17 retary of Education, which institution shall  
18 have agreed to report to the Secretary of  
19 Homeland Security the termination of at-  
20 tendance of each nonimmigrant student,  
21 and if any such institution fails to make  
22 reports promptly the approval shall be  
23 withdrawn; or

24 “(II) is engaged in temporary employ-  
25 ment for optional practical training related

1           to such alien’s area of study following com-  
2           pletion of the course of study described in  
3           subclause (I);

4           “(ii) who has a residence in a foreign coun-  
5           try which the alien has no intention of aban-  
6           doning, who is a bona fide student qualified to  
7           pursue a full course of study, and who seeks to  
8           enter the United States temporarily and solely  
9           for the purpose of pursuing such a course of  
10          study consistent with section 214(m) at an es-  
11          tablished college, university, seminary, conserv-  
12          atory, academic high school, elementary school,  
13          or other academic institution or in a language  
14          training program in the United States, particu-  
15          larly designated by the alien and approved by  
16          the Secretary of Homeland Security, after con-  
17          sultation with the Secretary of Education,  
18          which institution of learning or place of study  
19          shall have agreed to report to the Secretary of  
20          Homeland Security the termination of attend-  
21          ance of each nonimmigrant student, and if any  
22          such institution of learning or place of study  
23          fails to make reports promptly the approval  
24          shall be withdrawn;

1           “(iii) who is the spouse or minor child of  
2           an alien described in clause (i) or (ii) if accom-  
3           panying or following to join such an alien; or

4           “(iv) who is a national of Canada or Mex-  
5           ico, who maintains actual residence and place of  
6           abode in the country of nationality, who is de-  
7           scribed in clause (i) or (ii) except that the  
8           alien’s qualifications for and actual course of  
9           study may be full or part-time, and who com-  
10          mutes to the United States institution or place  
11          of study from Canada or Mexico.”.

12          (b) ADMISSION.—Section 214(b) of the Immigration  
13          and Nationality Act (8 U.S.C. 1184(b)) is amended by in-  
14          serting “(F)(i),” before “(L) or (V)”.

15          (c) CONFORMING AMENDMENT.—Section 214(m)(1)  
16          of the Immigration and Nationality Act (8 U.S.C.  
17          1184(m)(1)) is amended, in the matter preceding subpara-  
18          graph (A), by striking “(i) or (iii)” and inserting “(i), (ii),  
19          or (iv)”.

20          (d) EFFECTIVE DATE.—The amendments made by  
21          this section shall take effect on October 1, 2013, and shall  
22          apply to nonimmigrants who possess or are granted status  
23          under section 101(a)(15)(F) of the Immigration and Na-  
24          tionality Act (8 U.S.C. 1101(a)(15)(F)) on or after such  
25          date.

1 **SEC. 6. EXPANSION OF THE “V” NONIMMIGRANT VISA PRO-**  
2 **GRAM FOR SPOUSES AND CHILDREN OF PER-**  
3 **MANENT RESIDENTS AWAITING THE AVAIL-**  
4 **ABILITY OF AN IMMIGRANT VISA.**

5 (a) IN GENERAL.—Section 101(a)(15)(V) of the Im-  
6 migration and Nationality Act (8 U.S.C. 1101(a)(15)(V))  
7 is amended—

8 (1) in the matter preceding clause (i), by strik-  
9 ing “that was filed with the Attorney General under  
10 section 204 on or before the date of the enactment  
11 of the Legal Immigration Family Equity Act,”;

12 (2) in clause (i), by striking “3 years or more;”  
13 and inserting “1 year or more;”; and

14 (3) in clause (ii), by striking “3 years or more  
15 have” and inserting “1 year or more has”.

16 (b) PROVISIONS AFFECTING NONIMMIGRANT STA-  
17 TUS.—Section 214(q) of the Immigration and Nationality  
18 Act (8 U.S.C. 1184(q)) is amended—

19 (1) by striking paragraphs (2) and (3);

20 (2) in paragraph (1)—

21 (A) in subparagraph (A), by striking “the  
22 Attorney General” and all that follows through  
23 “; and” and inserting “the alien may not be au-  
24 thorized to engage in employment in the United  
25 States during the period of authorized admis-  
26 sion as such a nonimmigrant; and”; and

1 (B) by redesignating subparagraphs (A)  
2 and (B) as paragraphs (1) and (2), respectively;  
3 and  
4 (3) by striking “(q)(1)” and inserting “(q)”.

5 (c) EFFECTIVE DATE.—The amendments made by  
6 this section shall take effect on October 1, 2013, and shall  
7 apply to an alien who—

8 (1) applies for nonimmigrant status under sec-  
9 tion 101(a)(15)(V) of the Immigration and Nation-  
10 ality Act (8 U.S.C. 1101(a)(15)(V)) on or after such  
11 date; and

12 (2) is the beneficiary of a classification petition  
13 filed under section 204 of the Immigration and Na-  
14 tionality Act (8 U.S.C. 1154) before, on, or after  
15 such date.

16 **SEC. 7. EXTENSION OF GUARANTEE FEES FOR GOVERN-**  
17 **MENT-SPONSORED HOUSING ENTERPRISES**  
18 **AND FHA.**

19 (a) GSEs.—Subsection (f) of section 1327 of the  
20 Housing and Community Development Act of 1992 (12  
21 U.S.C. 4547) is amended by striking “October 1, 2021”  
22 and inserting “October 1, 2022”.

23 (b) FHA.—Subsection (b) of section 402 of the Tem-  
24 porary Payroll Tax Cut Continuation Act of 2011 (Public

1 Law 112–78; 125 Stat. 1289) is amended by striking “Oc-  
2 tober 1, 2021” and inserting “October 1, 2022”.

Passed the House of Representatives November 30,  
2012.

Attest:

*Clerk.*



112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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# **H. R. 6429**

## **AN ACT**

To amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.