

113TH CONGRESS
1ST SESSION

S. 303

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2013

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “STEM Jobs Act of
5 2013”.

1 **SEC. 2. IMMIGRANT VISAS FOR CERTAIN ADVANCED STEM**
2 **GRADUATES.**

3 (a) **WORLDWIDE LEVEL OF IMMIGRATION.**—Section
4 201(d)(2) of the Immigration and Nationality Act (8
5 U.S.C. 1151(d)(2)) is amended by adding at the end the
6 following:

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

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

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

23 “(ii) The number specified in this clause is 55,000,
24 reduced for any fiscal year by the number by which the
25 number of visas under section 201(e) would have been re-
26 duced in that year pursuant to section 203(d) of the Nica-

1 ragan Adjustment and Central American Relief Act (8
2 U.S.C. 1151 note) if section 201(e) had not been repealed
3 by section 3 of the STEM Jobs Act of 2013.

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

20 “(iv) Immigrant visa numbers made available under
21 this subparagraph for fiscal year 2015, but not used for
22 the classes specified in paragraphs (6) and (7) of section
23 203(b) during such year, may be made available in subse-
24 quent years as if they were included in the number speci-
25 fied in clause (ii) only to the extent of the cumulative num-

1 ber of petitions under section 204(a)(1)(F), and applica-
2 tions for a labor certification under section 212(a)(5)(A),
3 filed in fiscal year 2015 with respect to aliens seeking a
4 visa under paragraph (6) or (7) of section 203(b) up to,
5 but not exceeding, the number specified in clause (ii) for
6 such year. Such immigrant visa numbers may only be
7 made available in fiscal years after fiscal year 2015 in con-
8 nection with a petition under section 204(a)(1)(F), or an
9 application for a labor certification under section
10 212(a)(5)(A), that was filed in fiscal year 2015.

11 “(v) Immigrant visa numbers made available under
12 this subparagraph for fiscal year 2016, but not used for
13 the classes specified in paragraphs (6) and (7) of section
14 203(b) in such year, may be made available in subsequent
15 years as if they were included in the number specified in
16 clause (ii), but only—

17 “(I) to the extent of the cumulative number of
18 petitions under section 204(a)(1)(F), and applica-
19 tions for a labor certification under section
20 212(a)(5)(A), filed in fiscal year 2016 with respect
21 to aliens seeking a visa under paragraph (6) or (7)
22 of section 203(b) up to, but not exceeding, the num-
23 ber specified in clause (ii) for such year;

24 “(II) if the immigrant visa numbers used under
25 this subparagraph for fiscal year 2015 with respect

1 to aliens seeking a visa under paragraph (6) or (7)
2 of section 203(b) were less than the number speci-
3 fied in clause (ii) for such year; and

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

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

12 “(vi) Immigrant visa numbers made available under
13 this subparagraph for fiscal year 2017, but not used for
14 the classes specified in paragraphs (6) and (7) of section
15 203(b) in such year, may be made available in subsequent
16 years as if they were included in the number specified in
17 clause (ii), but only—

18 “(I) to the extent of the cumulative number of
19 petitions under section 204(a)(1)(F), and applica-
20 tions for a labor certification under section
21 212(a)(5)(A), filed in fiscal year 2017 with respect
22 to aliens seeking a visa under paragraph (6) or (7)
23 of section 203(b) up to, but not exceeding, the num-
24 ber specified in clause (ii) for such year;

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

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

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

14 (b) NUMERICAL LIMITATION TO ANY SINGLE FOR-
15 EIGN STATE.—Section 202(a)(5)(A) of such Act (8 U.S.C.
16 1152(a)(5)(A)) is amended by striking “or (5)” and in-
17 serting “(5), (6), or (7)”.

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

21 (1) by redesignating paragraph (6) as para-
22 graph (8); and

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

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

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

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

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

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

23 “(i) The term ‘distance education’ has
24 the meaning given such term in section

1 103 of the Higher Education Act of 1965
2 (20 U.S.C. 1003).

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

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

15 “(I) is described in section
16 101(a) of the Higher Education Act
17 of 1965 (20 U.S.C. 1001(a)) or is a
18 proprietary institution of higher edu-
19 cation (as defined in section 102(b) of
20 such Act (20 U.S.C. 1002(b)));

21 “(II) was classified by the Car-
22 negie Foundation for the Advance-
23 ment of Teaching on January 1,
24 2012, as a doctorate-granting univer-
25 sity with a very high or high level of

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

11 “(III) has been in existence for
12 at least 10 years; and

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

18 “(C) LABOR CERTIFICATION REQUIRED.—

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

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

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

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

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

20 “(i) hold a master’s degree in a field
21 of science, technology, engineering, or
22 mathematics from a United States doctoral
23 institution of higher education that was ei-
24 ther part of a master’s program that re-
25 quired at least 2 years of enrollment or

1 part of a 5-year combined baccalaureate-
2 master's degree program in such field;

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

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

17 “(B) LABOR CERTIFICATION REQUIRED.—

18 “(i) IN GENERAL.—Subject to clause
19 (ii), the Secretary of Homeland Security
20 may not approve a petition filed for classi-
21 fication of an alien under subparagraph
22 (A) unless the Secretary of Homeland Se-
23 curity is in receipt of a determination
24 made by the Secretary of Labor pursuant
25 to the provisions of section 212(a)(5)(A),

1 except that the Secretary of Homeland Se-
2 curity may, when the Secretary deems it to
3 be in the national interest, waive this re-
4 quirement.

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

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

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

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

19 (2) by striking “or 203(b)(3)” and inserting
20 “203(b)(3), 203(b)(6), or 203(b)(7)”;

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

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

24 “(ii) The following processing standards shall apply
25 with respect to petitions under clause (i) relating to alien

1 beneficiaries qualifying under paragraph (6) or (7) of sec-
2 tion 203(b):

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

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

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

21 (1) in subparagraph (A)—

22 (A) in clause (ii)—

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

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

3 (iii) by adding at the end the fol-
4 lowing:

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

11 (B) by redesignating clauses (ii) through
12 (iv) as clauses (iii) through (v), respectively;

13 (C) by inserting after clause (i) the fol-
14 lowing:

15 “(ii) **JOB ORDER.**—

16 “(I) **IN GENERAL.**—An employer
17 who files an application under clause
18 (i) shall submit a job order for the
19 labor the alien seeks to perform to the
20 State workforce agency in the State in
21 which the alien seeks to perform the
22 labor. The State workforce agency
23 shall post the job order on its official
24 agency website for a minimum of 30
25 days and not later than 3 days after

1 receipt using the employment statis-
2 tics system authorized under section
3 15 of the Wagner-Peyser Act (29
4 U.S.C. 49 et seq.).

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

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

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

20 “(I) The Secretary of Labor shall
21 adjudicate such applications not later
22 than 180 days after the date on which
23 the application is filed. In the event
24 that additional information or docu-
25 mentation is requested by the Sec-

1 retary during such 180-day period,
2 the Secretary shall adjudicate the ap-
3 plication not later than 60 days after
4 the date on which such information or
5 documentation is received.

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

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

18 (f) GAO STUDY.—Not later than June 30, 2018, the
19 Comptroller General of the United States shall provide to
20 the Congress the results of a study on the use by the Na-
21 tional Science Foundation of the classification authority
22 provided under section 203(b)(6)(B)(iii)(II) of the Immi-
23 gration and Nationality Act (8 U.S.C.
24 1153(b)(6)(B)(iii)(II)), as added by this section.

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

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

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

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

21 (h) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on October 1, 2013, and shall
23 apply with respect to fiscal years beginning on or after
24 such date. Nothing in the preceding sentence shall be con-
25 strued to prohibit the Secretary of Homeland Security

1 from accepting before such date petitions under section
2 204(a)(1)(F) of the Immigration and Nationality Act (8
3 U.S.C. 1154(a)(1)(F)) relating to alien beneficiaries quali-
4 fying under paragraph (6) or (7) of section 203(b) of such
5 Act (8 U.S.C. 1153(b)) (as added by this section).

6 **SEC. 3. ELIMINATION OF DIVERSITY IMMIGRANT PRO-**
7 **GRAM.**

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

11 (1) in subsection (a)—

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

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

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

17 (2) by striking subsection (e).

18 (b) **ALLOCATION OF DIVERSITY IMMIGRANT VISAS.**—

19 Section 203 of such Act (8 U.S.C. 1153) is amended—

20 (1) by striking subsection (c);

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

23 (3) in subsection (e), by striking paragraph (2)
24 and redesignating paragraph (3) as paragraph (2);

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

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

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

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

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

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

15 **SEC. 4. NATIONAL SCIENCE FOUNDATION REPORT.**

16 (a) **REQUIREMENT FOR REPORT.**—Not later than 4
17 years after the date of the enactment of this Act, and
18 every 5 years thereafter, the National Science Foundation
19 shall submit, to the Committees on the Judiciary, on Com-
20 merce, Science and Transportation, and on Health, Edu-
21 cation, Labor and Pensions of the Senate and the Commit-
22 tees on the Judiciary, on Science, Space and Technology,
23 and on Education and the Workforce of the House of Rep-
24 resentatives, a report regarding the science, technology,
25 engineering, and math workforce in the United States.

1 The National Science Foundation may contract with the
2 National Academies for more detailed studies to support
3 this report.

4 (b) CONTENTS.—The report required by subsection
5 (a) shall—

6 (1) assess the extent to which the science, tech-
7 nology, engineering, and math workforce in the
8 United States is meeting the needs of employers and
9 the goal of improving the international economic
10 competitiveness of the United States;

11 (2) assess the success of institutions of elemen-
12 tary, secondary, and higher education in the United
13 States in preparing United States citizens and aliens
14 lawfully admitted to the United States for perma-
15 nent residence for jobs in the science, technology,
16 engineering, and math workforce;

17 (3) assess the wages, working conditions, and
18 career prospects of United States citizens and aliens
19 lawfully admitted to the United States for perma-
20 nent residence in the science, technology, engineer-
21 ing, and math workforce;

22 (4) assess the impact of this Act on each of the
23 issues described in paragraphs (1) through (3); and

24 (5) recommend to the Congress whether the
25 amendments made by section 2 of this Act should be

1 reauthorized before the period of their effectiveness
2 has terminated.

3 **SEC. 5. PERMANENT PRIORITY DATES.**

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

7 “(i) PERMANENT PRIORITY DATES.—

8 “(1) IN GENERAL.—Subject to subsection
9 (h)(3) and paragraph (2), the priority date for any
10 employment-based petition shall be the date of filing
11 of the petition with the Secretary of Homeland Secu-
12 rity (or the Secretary of State, if applicable), unless
13 the filing of the petition was preceded by the filing
14 of a labor certification with the Secretary of Labor,
15 in which case that date shall constitute the priority
16 date.

17 “(2) SUBSEQUENT EMPLOYMENT-BASED PETI-
18 TIONS.—Subject to subsection (h)(3), an alien who
19 is the beneficiary of any employment-based petition
20 that was approvable when filed (including self-peti-
21 tioners) shall retain the priority date assigned with
22 respect to that petition in the consideration of any
23 subsequently filed employment-based petition (in-
24 cluding self-petitions).”.

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

5 **SEC. 6. STUDENT VISA REFORM.**

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

9 “(F) an alien—

10 “(i) who—

11 “(I) is a bona fide student qualified to
12 pursue a full course of study in a field of
13 science, technology, engineering, or mathe-
14 matics (as defined in section
15 203(b)(6)(B)(ii)) leading to a bachelors or
16 graduate degree and who seeks to enter
17 the United States for the purpose of pur-
18 suing such a course of study consistent
19 with section 214(m) at an institution of
20 higher education (as described in section
21 101(a) of the Higher Education Act of
22 1965 (20 U.S.C. 1001(a))) or a propri-
23 etary institution of higher education (as
24 defined in section 102(b) of such Act (20
25 U.S.C. 1002(b))) in the United States,

1 particularly designated by the alien and
2 approved by the Secretary of Homeland
3 Security, after consultation with the Sec-
4 retary of Education, which institution shall
5 have agreed to report to the Secretary of
6 Homeland Security the termination of at-
7 tendance of each nonimmigrant student,
8 and if any such institution fails to make
9 reports promptly the approval shall be
10 withdrawn; or

11 “(II) is engaged in temporary employ-
12 ment for optional practical training related
13 to such alien’s area of study following com-
14 pletion of the course of study described in
15 subclause (I);

16 “(ii) who has a residence in a foreign coun-
17 try which the alien has no intention of aban-
18 doning, who is a bona fide student qualified to
19 pursue a full course of study, and who seeks to
20 enter the United States temporarily and solely
21 for the purpose of pursuing such a course of
22 study consistent with section 214(m) at an es-
23 tablished college, university, seminary, conserv-
24 atory, academic high school, elementary school,
25 or other academic institution or in a language

1 training program in the United States, particu-
2 larly designated by the alien and approved by
3 the Secretary of Homeland Security, after con-
4 sultation with the Secretary of Education,
5 which institution of learning or place of study
6 shall have agreed to report to the Secretary of
7 Homeland Security the termination of attend-
8 ance of each nonimmigrant student, and if any
9 such institution of learning or place of study
10 fails to make reports promptly the approval
11 shall be withdrawn;

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

15 “(iv) who is a national of Canada or Mex-
16 ico, who maintains actual residence and place of
17 abode in the country of nationality, who is de-
18 scribed in clause (i) or (ii) except that the
19 alien’s qualifications for and actual course of
20 study may be full or part-time, and who com-
21 mutes to the United States institution or place
22 of study from Canada or Mexico.”.

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

1 (c) CONFORMING AMENDMENT.—Section 214(m)(1)
2 of the Immigration and Nationality Act (8 U.S.C.
3 1184(m)(1)) is amended, in the matter preceding subpara-
4 graph (A), by striking “(i) or (iii)” and inserting “(i), (ii),
5 or (iv)”.

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

12 **SEC. 7. EXPANSION OF THE “V” NONIMMIGRANT VISA PRO-**
13 **GRAM FOR SPOUSES AND CHILDREN OF PER-**
14 **MANENT RESIDENTS AWAITING THE AVAIL-**
15 **ABILITY OF AN IMMIGRANT VISA.**

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

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

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

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

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

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

7 (2) in paragraph (1)—

8 (A) in subparagraph (A), by striking “the
9 Attorney General” and all that follows through
10 “; and” and inserting “the alien may not be au-
11 thorized to engage in employment in the United
12 States during the period of authorized admis-
13 sion as such a nonimmigrant; and”;

14 (B) by redesignating subparagraphs (A)
15 and (B) as paragraphs (1) and (2), respectively;
16 and

17 (3) by striking “(q)(1)” and inserting “(q)”.

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

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

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

5 **SEC. 8. OFFSET.**

6 The amounts expended to carry out this Act shall be
7 offset by a corresponding reduction in Federal discre-
8 tionary spending.

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