

114TH CONGRESS
1ST SESSION

S. 98

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

JANUARY 7, 2015

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 2015”.

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 2016 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2 U.S.C. 1151 note) if section 201(e) had not been repealed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 2015.

4 “(iii) Immigrant visa numbers made available under
5 this subparagraph for fiscal year 2016, 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 2016 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 2016 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 2016.

20 “(iv) Immigrant visa numbers made available under
21 this subparagraph for fiscal year 2017, 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 2017 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 2017 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 2017.

11 “(v) Immigrant visa numbers made available under
 12 this subparagraph for fiscal year 2018, 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 2018 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 2017 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 2018.

7 Such immigrant visa numbers may only be made available
8 in fiscal years after fiscal year 2018 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 2018.

12 “(vi) Immigrant visa numbers made available under
13 this subparagraph for fiscal year 2019, 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 2019 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 2018 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 2019.

9 Such immigrant visa numbers may only be made available
 10 in fiscal years after fiscal year 2018 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 2019.”.

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 UNITED STATES DOCTORAL INSTITUTIONS OF
 3 HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, EN-
 4 GINEERING, 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

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

“(ii) The term ‘field of science, technology, engineering, or mathematics’ means a field included in the Department of Education’s Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, mathematics and statistics, and physical sciences.

“(iii) The term ‘United States doctoral institution of higher education’ means an institution that—

“(I) is described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or is a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b)));

“(II) was classified by the Carnegie Foundation for the Advancement of Teaching on January 1, 2014, as a doctorate-granting university 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 waive this requirement if the
 4 Secretary determines such waiver to be in
 5 the national interest.

6 “(ii) REQUIREMENT DEEMED SATIS-
 7 FIED.—The requirement under clause (i)
 8 shall be deemed satisfied with respect to
 9 an employer and an alien in a case in
 10 which a 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 UNITED STATES DOCTORAL INSTITUTIONS OF
 15 HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, EN-
 16 GINEERING, 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),

except that the Secretary of Homeland Security may waive this requirement if the Secretary determines such waiver to be in the national interest.

“(ii) REQUIREMENT DEEMED SATISFIED.—The requirement under clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.”.

(d) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(F) of such Act (8 U.S.C. 1154(a)(1)(F)) is amended—

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

(2) by striking “203(b)(1)(B), 203(b)(1)(C), 203(b)(2) or 203(b)(3)” and inserting “paragraph (1)(B), (1)(C), (2), (3), (6), or (7) of section 203(b)”;

(3) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(4) by adding at the end the following:

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

1 alien beneficiaries qualifying under paragraph (6) or (7)
 2 of section 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. If addi-
 6 tional information or documentation is requested by
 7 the Secretary during such 60-day period, the Sec-
 8 retary shall adjudicate the petition not later than 30
 9 days after the date on which such information or
 10 documentation is received.

11 “(II) The petitioner shall be notified in writing
 12 not later than 30 days after the date of filing if the
 13 petition does not meet the standards for approval.

14 “(III) Notification under subclause (II) shall in-
 15 clude—

16 “(aa) a description of the specific defi-
 17 ciencies in the petition; and

18 “(bb) an explanation of the process avail-
 19 able to the applicant for the prompt resubmis-
 20 sion of a modified petition.”.

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

24 (1) in subparagraph (A)—

25 (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 beginning not later than 3 days
 3 after receipt using the employment
 4 statistics system authorized under sec-
 5 tion 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. If additional

1 information or documentation is re-
 2 quested by the Secretary during such
 3 180-day period, the Secretary shall
 4 adjudicate the application not later
 5 than 60 days after the date on which
 6 such information or documentation is
 7 received.

8 “(II) The applicant shall be noti-
 9 fied in writing not later than 60 days
 10 after the date of filing if the applica-
 11 tion does not meet the standards for
 12 approval.

13 “(III) Notification under sub-
 14 clause (II) shall include—

15 “(aa) a description of the
 16 specific deficiencies in the peti-
 17 tion; and

18 “(bb) an explanation of the
 19 process available to the applicant
 20 for the prompt resubmission of a
 21 modified petition.”; and

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

24 (f) GAO STUDY.—Not later than June 30, 2020, the
 25 Comptroller General of the United States shall submit to

1 Congress the results of a study on the use by the National
2 Science Foundation of the classification authority pro-
3 vided under section 203(b)(6)(B)(iii)(II) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1153(b)(6)(B)(iii)(II)),
5 as added by subsection (c).

6 (g) PUBLIC INFORMATION.—The Secretary of Home-
7 land Security shall make available to the public on the
8 official website of the Department of Homeland Security,
9 and shall update not less than monthly, the following in-
10 formation, organized by month and fiscal year, with re-
11 spect to aliens granted status under paragraph (6) or (7)
12 of section 203(b) of the Immigration and Nationality Act
13 (8 U.S.C. 1153(b)), as added by this section:

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

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

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

25 (h) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendments made by
 2 this section shall take effect on October 1, 2015,
 3 and shall apply with respect to fiscal years beginning
 4 on or after such date.

5 (2) SAVINGS PROVISION.—Nothing in this sub-
 6 section may be construed to prohibit the Secretary
 7 of Homeland Security from accepting petitions be-
 8 fore October 1, 2015, under section 204(a)(1)(F) of
 9 the Immigration and Nationality Act (8 U.S.C.
 10 1154(a)(1)(F)) relating to alien beneficiaries quali-
 11 fying under paragraph (6) or (7) of section 203(b)
 12 of such Act (8 U.S.C. 1153(b)), as added by sub-
 13 section (c).

14 **SEC. 3. ELIMINATION OF DIVERSITY IMMIGRANT PRO-**
 15 **GRAM.**

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

19 (1) in subsection (a)—

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

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

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

25 (2) by striking subsection (e).

1 (b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—

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

3 (1) by striking subsection (c);

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

6 (3) in subsection (e)—

7 (A) by striking paragraph (2); and

8 (B) by redesignating paragraph (3) as
9 paragraph (2);

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

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

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

17 (1) in subsection (a)(1), by striking subpara-
18 graph (I); and

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

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on October 1, 2015, and shall
23 apply with respect to fiscal years beginning on or after
24 such date.

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

2 (a) REPORT REQUIRED.—

3 (1) IN GENERAL.—Not later than 4 years after
4 the date of the enactment of this Act, and every 5
5 years thereafter, the National Science Foundation
6 shall submit a report regarding the science, tech-
7 nology, engineering, and math workforce in the
8 United States to—

9 (A) the Committee on the Judiciary of the
10 Senate;

11 (B) the Committee on Commerce, Science,
12 and Transportation of the Senate;

13 (C) the Committee on Health, Education,
14 Labor, and Pensions of the Senate;

15 (D) the Committee on the Judiciary of the
16 House of Representatives;

17 (E) the Committee on Science, Space, and
18 Technology of the House of Representatives;
19 and

20 (F) the Committee on Education and the
21 Workforce of the House of Representatives.

22 (2) CONTRACT AUTHORITY.—The National
23 Science Foundation may contract with the National
24 Academies for more detailed studies to support the
25 report required under paragraph (1).

1 (b) CONTENTS.—The report required under sub-
2 section (a) shall—

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

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

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

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

21 (5) recommend to the Congress whether the
22 amendments made under section 2 of this Act
23 should be reauthorized before the period of their ef-
24 fectiveness has terminated.

1 **SEC. 5. PERMANENT PRIORITY DATES.**

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

5 “(i) PERMANENT PRIORITY DATES.—

6 “(1) IN GENERAL.—Subject to paragraph (2)
7 and subsection (h)(3), the priority date for any em-
8 ployment-based petition shall be—

9 “(A) the date of filing of the petition with
10 the Secretary of Homeland Security (or the
11 Secretary of State, if applicable); or

12 “(B) if the filing of the petition was pre-
13 ceded by the filing of a labor certification with
14 the Secretary of Labor, the date of such labor
15 certification filing.

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

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall take effect on October 1, 2015, and

1 shall apply to aliens who are a beneficiary of a classifica-
 2 tion petition pending on or after such date.

3 **SEC. 6. STUDENT VISA REFORM.**

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

7 “(F) an alien—

8 “(i) who—

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

Security, after consultation with the Secretary of Education, which institution shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution fails to make reports promptly the approval shall be withdrawn; or

“(II) is engaged in temporary employment for optional practical training related to such alien’s area of study following completion of the course of study described in subclause (I);

“(ii) who has a residence in a foreign country which the alien has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by

1 the Secretary of Homeland Security, after con-
2 sultation with the Secretary of Education,
3 which institution of learning or place of study
4 shall have agreed to report to the Secretary of
5 Homeland Security the termination of attend-
6 ance of each nonimmigrant student, and if any
7 such institution of learning or place of study
8 fails to make reports promptly the approval
9 shall be withdrawn;

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

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

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

24 (c) CONFORMING AMENDMENT.—Section 214(m)(1)
25 of the Immigration and Nationality Act (8 U.S.C.

1 1184(m)(1)) is amended, in the matter preceding subpara-
 2 graph (A), by striking “(i) or (iii)” and inserting “(i), (ii),
 3 or (iv)”.

4 (d) EFFECTIVE DATE.—The amendments made by
 5 this section shall take effect on October 1, 2015, and shall
 6 apply to nonimmigrants who possess or are granted status
 7 under section 101(a)(15)(F) of the Immigration and Na-
 8 tionality Act (8 U.S.C. 1101(a)(15)(F)), as amended by
 9 subsection (a), on or after such date.

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

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

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

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

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

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

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

5 (2) in paragraph (1)—

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

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

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

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on October 1, 2015, and shall
18 apply to an alien who—

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

23 (2) is the beneficiary of a classification petition
24 filed under section 204 of the Immigration and Na-

1 tionality Act (8 U.S.C. 1154) before, on, or after
2 such date.

3 **SEC. 8. OFFSET.**

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

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