

MOTION TO RECOMMIT WITH INSTRUCTIONS

M _____
of _____ moves
to recommit the bill H.R. 6429 to the Committee on the
Judiciary with instructions to report the same back to
the House forthwith with the following amendment:

Strike all after the enacting clause and insert the
following:

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

1 clause (ii), to be used in accordance with paragraphs (6)
2 and (7) of section 203(b), except that—

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

8 “(II) for purposes of paragraphs (1) through
9 (5) of section 203(b), the increase under this sub-
10 paragraph shall not be counted for purposes of com-
11 puting any percentage of the worldwide level under
12 this subsection.

13 “(ii) The number specified in this clause is 55,000.

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

1 available in fiscal years after fiscal year 2014 in connec-
2 tion with a petition under section 204(a)(1)(F), or an ap-
3 plication for a labor certification under section
4 212(a)(5)(A), that was filed in fiscal year 2014.

5 “(iv) Immigrant visa numbers made available under
6 this subparagraph for fiscal year 2015, but not used for
7 the classes specified in paragraphs (6) and (7) of section
8 203(b) during such year, may be made available in subse-
9 quent years as if they were included in the number speci-
10 fied in clause (ii) only to the extent of the cumulative num-
11 ber of petitions under section 204(a)(1)(F), and applica-
12 tions for a labor certification under section 212(a)(5)(A),
13 filed in fiscal year 2015 with respect to aliens seeking a
14 visa under paragraph (6) or (7) of section 203(b) up to,
15 but not exceeding, the number specified in clause (ii) for
16 such year. Such immigrant visa numbers may only be
17 made available in fiscal years after fiscal year 2015 in con-
18 nection with a petition under section 204(a)(1)(F), or an
19 application for a labor certification under section
20 212(a)(5)(A), that was filed in fiscal year 2015.

21 “(v) Immigrant visa numbers made available under
22 this subparagraph for fiscal year 2016, but not used for
23 the classes specified in paragraphs (6) and (7) of section
24 203(b) in such year, may be made available in subsequent

1 years as if they were included in the number specified in
2 clause (ii), but only—

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

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

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

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

23 “(vi) Immigrant visa numbers made available under
24 this subparagraph for fiscal year 2017, but not used for
25 the classes specified in paragraphs (6) and (7) of section

1 203(b) in such year, may be made available in subsequent
2 years as if they were included in the number specified in
3 clause (ii), but only—

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

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

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

19 Such immigrant visa numbers may only be made available
20 in fiscal years after fiscal year 2017 in connection with
21 a petition under section 204(a)(1)(F), or an application
22 for a labor certification under section 212(a)(5)(A), that
23 was filed in fiscal year 2017.”

24 (b) NUMERICAL LIMITATION TO ANY SINGLE FOR-
25 EIGN STATE.—Section 202(a)(5)(A) of such Act (8 U.S.C.

1 1152(a)(5)(A)) is amended by striking “or (5)” and in-
2 serting “(5), (6), or (7)”.

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

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

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

10 “(6) ALIENS HOLDING DOCTORATE DEGREES
11 FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER
12 EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEER-
13 ING, OR MATHEMATICS.—

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

18 “(i) hold a doctorate degree in a field
19 of science, technology, engineering, or
20 mathematics from a United States doctoral
21 institution of higher education;

22 “(ii) have taken all doctoral courses in
23 a field of science, technology, engineering,
24 or mathematics, including all courses taken
25 by correspondence (including courses of-

1 ferred by telecommunications) or by dis-
2 tance education, while physically present in
3 the United States; and

4 “(iii) have an offer of employment
5 from an employer and will receive a wage
6 level from the employer that is at least the
7 actual wage level paid by the employer to
8 all other individuals with similar experience
9 and qualifications for the specific employ-
10 ment in question.

11 “(B) DEFINITIONS.—For purposes of this
12 paragraph, paragraph (7), and sections
13 101(a)(15)(F)(i)(I) and 212(a)(5)(A)(iii)(III):

14 “(i) The term ‘distance education’ has
15 the meaning given such term in section
16 103 of the Higher Education Act of 1965
17 (20 U.S.C. 1003).

18 “(ii) The term ‘field of science, tech-
19 nology, engineering, or mathematics’
20 means a field included in the Department
21 of Education’s Classification of Instruc-
22 tional Programs taxonomy within the sum-
23 mary groups of computer and information
24 sciences and support services, engineering,

1 mathematics and statistics, and physical
2 sciences.

3 “(iii) The term ‘United States doc-
4 toral institution of higher education’ means
5 an institution that—

6 “(I) is described in section
7 101(a) of the Higher Education Act
8 of 1965 (20 U.S.C. 1001(a));

9 “(II) was classified by the Car-
10 negie Foundation for the Advance-
11 ment of Teaching on January 1,
12 2012, as a doctorate-granting univer-
13 sity with a very high or high level of
14 research activity or classified by the
15 National Science Foundation after the
16 date of enactment of this paragraph,
17 pursuant to an application by the in-
18 stitution, as having equivalent re-
19 search activity to those institutions
20 that had been classified by the Car-
21 negie Foundation as being doctorate-
22 granting universities with a very high
23 or high level of research activity;

24 “(III) has been in existence for
25 at least 10 years; and

1 “(IV) is accredited by an accred-
2 iting body that is itself accredited ei-
3 ther by the Department of Education
4 or by the Council for Higher Edu-
5 cation Accreditation.

6 “(C) LABOR CERTIFICATION REQUIRED.—

7 “(i) IN GENERAL.—Subject to clause
8 (ii), the Secretary of Homeland Security
9 may not approve a petition filed for classi-
10 fication of an alien under subparagraph
11 (A) unless the Secretary of Homeland Se-
12 curity is in receipt of a determination
13 made by the Secretary of Labor pursuant
14 to the provisions of section 212(a)(5)(A),
15 except that the Secretary of Homeland Se-
16 curity may, when the Secretary deems it to
17 be in the national interest, waive this re-
18 quirement.

19 “(ii) REQUIREMENT DEEMED SATIS-
20 FIED.—The requirement of clause (i) shall
21 be deemed satisfied with respect to an em-
22 ployer and an alien in a case in which a
23 certification made under section
24 212(a)(5)(A)(i) has already been obtained
25 with respect to the alien by that employer.

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

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

8 “(i) hold a master’s degree in a field
9 of science, technology, engineering, or
10 mathematics from a United States doctoral
11 institution of higher education that was ei-
12 ther part of a master’s program that re-
13 quired at least 2 years of enrollment or
14 part of a 5-year combined baccalaureate-
15 master’s degree program in such field;

16 “(ii) have taken all master’s degree
17 courses in a field of science, technology,
18 engineering, or mathematics, including all
19 courses taken by correspondence (including
20 courses offered by telecommunications) or
21 by distance education, while physically
22 present in the United States;

23 “(iii) hold a baccalaureate degree in a
24 field of science, technology, engineering, or
25 mathematics or in a field included in the

1 Department of Education's Classification
2 of Instructional Programs taxonomy within
3 the summary group of biological and bio-
4 medical sciences; and

5 “(iv) have an offer of employment
6 from an employer and will receive a wage
7 level from the employer that is at least the
8 actual wage level paid by the employer to
9 all other individuals with similar experience
10 and qualifications for the specific employ-
11 ment in question.

12 “(B) LABOR CERTIFICATION REQUIRED.—

13 “(i) IN GENERAL.—Subject to clause
14 (ii), the Secretary of Homeland Security
15 may not approve a petition filed for classi-
16 fication of an alien under subparagraph
17 (A) unless the Secretary of Homeland Se-
18 curity is in receipt of a determination
19 made by the Secretary of Labor pursuant
20 to the provisions of section 212(a)(5)(A),
21 except that the Secretary of Homeland Se-
22 curity may, when the Secretary deems it to
23 be in the national interest, waive this re-
24 quirement.

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

8 “(C) DEFINITIONS.—The definitions in
9 paragraph (6)(B) shall apply for purposes of
10 this paragraph.”.

11 (d) PROCEDURE FOR GRANTING IMMIGRANT STA-
12 TUS.—Section 204(a)(1)(F) of such Act (8 U.S.C.
13 1154(a)(1)(F)) is amended—

- 14 (1) by striking “(F)” and inserting “(F)(i)”;
15 (2) by striking “or 203(b)(3)” and inserting
16 “203(b)(3), 203(b)(6), or 203(b)(7)”;
17 (3) by striking “Attorney General” and insert-
18 ing “Secretary of Homeland Security”; and
19 (4) by adding at the end the following:

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

24 “(I) The Secretary of Homeland Security shall
25 adjudicate such petitions not later than 60 days

1 after the date on which the petition is filed. In the
2 event that additional information or documentation
3 is requested by the Secretary during such 60-day pe-
4 riod, the Secretary shall adjudicate the petition not
5 later than 30 days after the date on which such in-
6 formation or documentation is received.

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

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

17 (1) in subparagraph (A)—

18 (A) in clause (ii)—

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

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

23 (iii) by adding at the end the fol-
24 lowing:

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

7 (B) by redesignating clauses (ii) through
8 (iv) as clauses (iii) through (v), respectively;

9 (C) by inserting after clause (i) the fol-
10 lowing:

11 “(ii) **JOB ORDER.**—

12 “(I) **IN GENERAL.**—An employer
13 who files an application under clause
14 (i) shall submit a job order for the
15 labor the alien seeks to perform to the
16 State workforce agency in the State in
17 which the alien seeks to perform the
18 labor. The State workforce agency
19 shall post the job order on its official
20 agency website for a minimum of 30
21 days and not later than 3 days after
22 receipt using the employment statis-
23 tics system authorized under section
24 15 of the Wagner-Peyser Act (29
25 U.S.C. 49 et seq.).

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

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

8 “(vi) PROCESSING STANDARDS FOR
9 ALIEN BENEFICIARIES QUALIFYING UNDER
10 PARAGRAPHS (6) AND (7) OF SECTION
11 203(B).—The following processing stand-
12 ards shall apply with respect to applica-
13 tions under clause (i) relating to alien
14 beneficiaries qualifying under paragraph
15 (6) or (7) of section 203(b):

16 “(I) The Secretary of Labor shall
17 adjudicate such applications not later
18 than 180 days after the date on which
19 the application is filed. In the event
20 that additional information or docu-
21 mentation is requested by the Sec-
22 retary during such 180-day period,
23 the Secretary shall adjudicate the ap-
24 plication not later than 60 days after

1 the date on which such information or
2 documentation is received.

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

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

15 (f) FURTHER PROTECTING AMERICAN WORKERS.—
16 Section 212(p) of such Act (8 U.S.C. 1182(p)) is amended
17 by adding at the end the following:

18 “(5) To satisfy the requirement under paragraph
19 (6)(A)(iii) or (7)(A)(iv) of section 203(b), an employer
20 must demonstrate that the total amount of compensation
21 to be paid to the alien (including health insurance, stock
22 options, and other benefits provided by the employer)
23 must meet or exceed the total amount of compensation
24 paid by the employer to all other employees with similar

1 experience and qualifications working in the same occupa-
2 tional classification.”.

3 (g) GAO STUDY.—Not later than June 30, 2018, the
4 Comptroller General of the United States shall provide to
5 the Congress the results of a study on the use by the Na-
6 tional Science Foundation of the classification authority
7 provided under section 203(b)(6)(B)(iii)(II) of the Immi-
8 gration and Nationality Act (8 U.S.C.
9 1153(b)(6)(B)(iii)(II)), as added by this section.

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

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

23 (2) The number of aliens granted status under
24 either of such paragraphs in the month and fiscal

1 year to date based upon a petition filed by such em-
2 ployer.

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

6 (i) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on October 1, 2013, and shall
8 apply with respect to fiscal years beginning on or after
9 such date. Nothing in the preceding sentence shall be con-
10 strued to prohibit the Secretary of Homeland Security
11 from accepting before such date petitions under section
12 204(a)(1)(F) of the Immigration and Nationality Act (8
13 U.S.C. 1154(a)(1)(F)) relating to alien beneficiaries quali-
14 fying under paragraph (6) or (7) of section 203(b) of such
15 Act (8 U.S.C. 1153(b)) (as added by this section).

16 **SEC. 3. PERMANENT PRIORITY DATES.**

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

20 “(i) PERMANENT PRIORITY DATES.—

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

1 the filing of the petition was preceded by the filing
2 of a labor certification with the Secretary of Labor,
3 in which case that date shall constitute the priority
4 date.

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

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

17 **SEC. 4. STUDENT VISA REFORM.**

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

21 “(F) an alien—

22 “(i) who—

23 “(I) is a bona fide student qualified to
24 pursue a full course of study in a field of
25 science, technology, engineering, or mathe-

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

23 “(II) is engaged in temporary employ-
24 ment for optional practical training related
25 to such alien’s area of study following com-

1 pletion of the course of study described in
2 subclause (I);

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

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

8 (b) FHA.—Subsection (b) of section 402 of the Tem-
9 porary Payroll Tax Cut Continuation Act of 2011 (Public
10 Law 112–78; 125 Stat. 1289) is amended by striking “Oc-
11 tober 1, 2021” and inserting “October 1, 2022”.

