

S 303

STEM Jobs Act of 2013

Congress: 113 (2013–2015, Ended)

Chamber: Senate

Policy Area: Immigration

Introduced: Feb 13, 2013

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Feb 13, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/senate-bill/303>

Sponsor

Name: Sen. Vitter, David [R-LA]

Party: Republican • **State:** LA • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Feb 13, 2013

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

Bill	Relationship	Last Action
113 HR 459	Related bill	Feb 28, 2013: Referred to the Subcommittee on Immigration And Border Security.

STEM Jobs Act of 2013 - Amends the Immigration and Nationality Act to make up to 55,000 visas available in FY2014 and subsequent fiscal years to qualified immigrants who: (1) have a doctorate degree in a field of science, technology, engineering, or mathematics (STEM degree) from a U.S. doctoral institution of higher education; and (2) have taken all doctoral courses in a STEM field, including all courses taken by correspondence or by distance education, while physically present in the United States.

Defines "United States doctoral institution of higher education" as an institution that: (1) is defined under the Higher Education Act of 1965; (2) was classified by the Carnegie Foundation for the Advancement of Teaching on January 1, 2012, as a doctorate-granting university with a very high or high level of research activity or classified by the National Science Foundation as having research activity equivalent to such institutions; (3) has been in existence for at least 10 years; and (4) is accredited by an accrediting body that is itself accredited either by the Department of Education or the Council for Higher Education Accreditation.

Makes any such unused visas available to aliens who: (1) hold a master's degree in a STEM field from a U.S. doctoral institution of higher education that was either part of a master's program that required at least two years of enrollment or part of a five-year combined baccalaureate-master's degree program in such field; (2) have taken all master's degree courses in a STEM field, including all courses taken by correspondence or by distance education, while physically present in the United States; and (3) hold a baccalaureate degree in a STEM field or in a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary group of biological and biomedical sciences.

Prohibits the Secretary of Homeland Security (DHS) (Secretary) from approving an employer petition on behalf of a STEM alien unless the Secretary receives a determination by the Secretary of Labor that there are not sufficient American workers available for the job.

Requires DHS to: (1) adjudicate a petition on behalf of a STEM alien within 60 days, and (2) notify a petitioner within 30 days if the petition does not meet approval standards and needs to be resubmitted.

Requires: (1) employers of foreign STEM graduates to submit a job order for the position with the appropriate state workforce agency, and (2) such agency to post the position on its website for at least 30 days.

Requires the Department of Labor to: (1) adjudicate a STEM application within 180 days, and (2) notify an applicant within 60 days if the application does not meet approval standards and needs to be resubmitted.

Requires DHS to make available on its website specified information regarding foreign STEM employers, the number of aliens granted STEM status, and their occupations.

Makes unused STEM visas in FY2014 through FY2017 available for use in future years under specified conditions.

Eliminates the diversity immigrant program.

Requires the National Science Foundation to report to Congress every five years regarding the STEM workforce in the United States.

States that: (1) the permanent priority date for any employment-based petition shall be the date on which the petition is filed, unless such filing was preceded by the filing of a labor certification with the Secretary of Labor, in which case that

date shall constitute the priority date; and (2) an alien who is the beneficiary of an employment-based petition that was approvable when filed shall retain such petition's priority date in the consideration of any subsequently filed employment-based petition.

Revises foreign student visa (F-visa) provisions to establish: (1) an F-1 visa for a foreign student who is pursuing a full course of STEM field study at a U.S. institution of higher education or a proprietary institution of higher education which has agreed to report the attendance termination of each nonimmigrant student to DHS, or who is participating in related temporary optional practical training following completion of such studies; (2) an F-2 visa for a foreign student who has an actual residence in a foreign country and who seeks to enter the United States temporarily and solely to pursue a course of study at an established college, university, seminary, conservatory, academic high school, elementary school, or in a language training program in the United States, which has agreed to report the attendance termination of each nonimmigrant student to DHS; (3) an F-3 visa for the spouse or minor child of an F-1 or F-2 foreign student; and (4) an F-4 visa for a Canadian or Mexican foreign student who maintains an actual residence in such country and commutes to a U.S. institution for full or part-time (F-1 or F-2 related) study.

Authorizes the spouse and minor children (V-visa) of a lawful permanent resident alien to wait in the United States (without work authorization) for the availability of an immigrant visa after having spent a year on the visa waiting list.

Offsets amounts expended to carry out this Act by a corresponding reduction in federal discretionary spending.

Actions Timeline

- **Feb 13, 2013:** Introduced in Senate
- **Feb 13, 2013:** Sponsor introductory remarks on measure. (CR S670-672)
- **Feb 13, 2013:** Read twice and referred to the Committee on the Judiciary.