

## HR 459

STEM Visa Act of 2013

**Congress:** 113 (2013–2015, Ended)

**Chamber:** House

**Policy Area:** Immigration

**Introduced:** Feb 4, 2013

**Current Status:** Referred to the Subcommittee on Immigration And Border Security.

**Latest Action:** Referred to the Subcommittee on Immigration And Border Security. (Feb 28, 2013)

**Official Text:** <https://www.congress.gov/bill/113th-congress/house-bill/459>

### Sponsor

**Name:** Rep. Issa, Darrell E. [R-CA-49]

**Party:** Republican • **State:** CA • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Feb 28, 2013

### Subjects & Policy Tags

**Policy Area:**

Immigration

### Related Bills

Bill	Relationship	Last Action
113 S 303	Related bill	<b>Feb 13, 2013:</b> Read twice and referred to the Committee on the Judiciary.

STEM Jobs Act of 2013 - Amends the Immigration and Nationality Act to make up to 55,000 visas available in FY2015 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, and (3) 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; and (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.

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.

Makes unused STEM visas in FY2015 through FY2017 available for use in future years under specified conditions.

Eliminates the diversity immigrant program.

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.

### **Actions Timeline**

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- **Feb 28, 2013:** Referred to the Subcommittee on Immigration And Border Security.
- **Feb 4, 2013:** Introduced in House
- **Feb 4, 2013:** Referred to the House Committee on the Judiciary.

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