

NOVEMBER 20, 2012

RULES COMMITTEE PRINT 112-34
TEXT OF H.R. 6429, STEM JOBS ACT OF 2012

**[Showing the text of H.R. 6429, as introduced, with
modifications.]**

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 2013 and subsequent fiscal years
13 shall be further increased by the number specified in
14 clause (ii), to be used in accordance with paragraphs (6)
15 and (7) of section 203(b), except that—

16 “(I) immigrant visa numbers made available
17 under this subparagraph but not required for the
18 classes specified in paragraphs (6) and (7) of section

1 203(b) shall not be counted for purposes of sub-
2 section (c)(3)(C); and

3 “(II) for purposes of paragraphs (1) through
4 (5) of section 203(b), the increase under this sub-
5 paragraph shall not be counted for purposes of com-
6 puting any percentage of the worldwide level under
7 this subsection.

8 “(ii) The number specified in this clause is 55,000,
9 reduced for any fiscal year by the number by which the
10 number of visas under section 201(e) would have been re-
11 duced in that year pursuant to section 203(d) of the Nica-
12 raguan Adjustment and Central American Relief Act (8
13 U.S.C. 1151 note) if section 201(e) had not been repealed
14 by section 3 of the STEM Jobs Act of 2012.

15 “(iii) Immigrant visa numbers made available under
16 this subparagraph for fiscal year 2013, but not used for
17 the classes specified in paragraphs (6) and (7) of section
18 203(b) in such year, may be made available in subsequent
19 years as if they were included in the number specified in
20 clause (ii) only to the extent of the cumulative number
21 of petitions under section 204(a)(1)(F), and applications
22 for a labor certification under section 212(a)(5)(A), filed
23 in fiscal year 2013 with respect to aliens seeking a visa
24 under paragraph (6) or (7) of section 203(b) up to, but
25 not exceeding, the number specified in clause (ii) for such

1 year. Such immigrant visa numbers may only be made
2 available in fiscal years after fiscal year 2013 in connec-
3 tion with a petition under section 204(a)(1)(F), or an ap-
4 plication for a labor certification under section
5 212(a)(5)(A), that was filed in fiscal year 2013.

6 “(iv) Immigrant visa numbers made available under
7 this subparagraph for fiscal year 2014, but not used for
8 the classes specified in paragraphs (6) and (7) of section
9 203(b) during such year, may be made available in subse-
10 quent years as if they were included in the number speci-
11 fied in clause (ii) only to the extent of the cumulative num-
12 ber of petitions under section 204(a)(1)(F), and applica-
13 tions for a labor certification under section 212(a)(5)(A),
14 filed in fiscal year 2014 with respect to aliens seeking a
15 visa under paragraph (6) or (7) of section 203(b) up to,
16 but not exceeding, the number specified in clause (ii) for
17 such year. Such immigrant visa numbers may only be
18 made available in fiscal years after fiscal year 2014 in con-
19 nection with a petition under section 204(a)(1)(F), or an
20 application for a labor certification under section
21 212(a)(5)(A), that was filed in fiscal year 2014.

22 “(v) Immigrant visa numbers made available under
23 this subparagraph for fiscal year 2015, but not used for
24 the classes specified in paragraphs (6) and (7) of section
25 203(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 2015 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 2014 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 2015.

18 Such immigrant visa numbers may only be made available
19 in fiscal years after fiscal year 2015 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 2015.

23 “(vi) Immigrant visa numbers made available under
24 this subparagraph for fiscal year 2016, 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 2016 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 2015 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 2016.

19 Such immigrant visa numbers may only be made available
20 in fiscal years after fiscal year 2016 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 2016.”

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; and

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.

4 “(B) DEFINITIONS.—For purposes of this
5 paragraph, paragraph (7), and sections
6 101(a)(15)(F)(i)(I) and 212(a)(5)(A)(iii)(III):

7 “(i) The term ‘distance education’ has
8 the meaning given such term in section
9 103 of the Higher Education Act of 1965
10 (20 U.S.C. 1003).

11 “(ii) The term ‘field of science, tech-
12 nology, engineering, or mathematics’
13 means a field included in the Department
14 of Education’s Classification of Instruc-
15 tional Programs taxonomy within the sum-
16 mary groups of computer and information
17 sciences and support services, engineering,
18 mathematics and statistics, and physical
19 sciences.

20 “(iii) The term ‘United States doc-
21 toral institution of higher education’ means
22 an institution that—

23 “(I) is described in section
24 101(a) of the Higher Education Act
25 of 1965 (20 U.S.C. 1001(a)) or is a

1 proprietary institution of higher edu-
2 cation (as defined in section 102(b) of
3 such Act (20 U.S.C. 1002(b)));

4 “(II) was classified by the Car-
5 negie Foundation for the Advance-
6 ment of Teaching on January 1,
7 2012, as a doctorate-granting univer-
8 sity with a very high or high level of
9 research activity or classified by the
10 National Science Foundation after the
11 date of enactment of this paragraph,
12 pursuant to an application by the in-
13 stitution, as having equivalent re-
14 search activity to those institutions
15 that had been classified by the Car-
16 negie Foundation as being doctorate-
17 granting universities with a very high
18 or high level of research activity;

19 “(III) has been in existence for
20 at least 10 years; and

21 “(IV) is accredited by an accred-
22 iting body that is itself accredited ei-
23 ther by the Department of Education
24 or by the Council for Higher Edu-
25 cation Accreditation.

1 “(C) LABOR CERTIFICATION REQUIRED.—

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

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

21 “(7) ALIENS HOLDING MASTER’S DEGREES
22 FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER
23 EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEER-
24 ING, OR MATHEMATICS.—

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

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

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

19 “(iii) hold a baccalaureate degree in a
20 field of science, technology, engineering, or
21 mathematics or in a field included in the
22 Department of Education’s Classification
23 of Instructional Programs taxonomy within
24 the summary group of biological and bio-
25 medical sciences.

1 “(B) LABOR CERTIFICATION REQUIRED.—

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

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

21 “(C) DEFINITIONS.—The definitions in
22 paragraph (6)(B) shall apply for purposes of
23 this paragraph.”.

1 (d) PROCEDURE FOR GRANTING IMMIGRANT STA-
2 TUS.—Section 204(a)(1)(F) of such Act (8 U.S.C.
3 1154(a)(1)(F)) is amended—

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

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

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

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

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

14 “(I) The Secretary of Homeland Security shall
15 adjudicate such petitions not later than 60 days
16 after the date on which the petition is filed. In the
17 event that additional information or documentation
18 is requested by the Secretary during such 60-day pe-
19 riod, the Secretary shall adjudicate the petition not
20 later than 30 days after the date on which such in-
21 formation or documentation is received.

22 “(II) The petitioner shall be notified in writing
23 within 30 days of the date of filing if the petition
24 does not meet the standards for approval. If the pe-
25 tition does not meet such standards, the notice shall

1 include the reasons therefore and the Secretary shall
2 provide an opportunity for the prompt resubmission
3 of a modified petition.”.

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

7 (1) in subparagraph (A)—

8 (A) in clause (ii)—

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

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

13 (iii) by adding at the end the fol-
14 lowing:

15 “(III) holds a doctorate degree in
16 a field of science, technology, engi-
17 neering, or mathematics from a
18 United States doctoral institution of
19 higher education (as defined in section
20 203(b)(6)(B)(iii)).”;

21 (B) by redesignating clauses (ii) through
22 (iv) as clauses (iii) through (v), respectively;

23 (C) by inserting after clause (i) the fol-
24 lowing:

25 “(ii) JOB ORDER.—

1 “(I) IN GENERAL.—An employer
2 who files an application under clause
3 (i) shall submit a job order for the
4 labor the alien seeks to perform to the
5 State workforce agency in the State in
6 which the alien seeks to perform the
7 labor. The State workforce agency
8 shall post the job order on its official
9 agency website for a minimum of 30
10 days and not later than 3 days after
11 receipt using the employment statis-
12 tics system authorized under section
13 15 of the Wagner-Peyser Act (29
14 U.S.C. 49 et seq.).

15 “(II) LINKS.—The Secretary of
16 Labor shall include links to the offi-
17 cial websites of all State workforce
18 agencies on a single webpage of the
19 official website of the Department of
20 Labor.”; and

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

22 “(vi) PROCESSING STANDARDS FOR
23 ALIEN BENEFICIARIES QUALIFYING UNDER
24 PARAGRAPHS (6) AND (7) OF SECTION
25 203(B).—The following processing stand-

1 ards shall apply with respect to applica-
2 tions under clause (i) relating to alien
3 beneficiaries qualifying under paragraph
4 (6) or (7) of section 203(b):

5 “(I) The Secretary of Labor shall
6 adjudicate such applications not later
7 than 180 days after the date on which
8 the application is filed. In the event
9 that additional information or docu-
10 mentation is requested by the Sec-
11 retary during such 180-day period,
12 the Secretary shall adjudicate the ap-
13 plication not later than 60 days after
14 the date on which such information or
15 documentation is received.

16 “(II) The applicant shall be noti-
17 fied in writing within 60 days of the
18 date of filing if the application does
19 not meet the standards for approval.
20 If the application does not meet such
21 standards, the notice shall include the
22 reasons therefore and the Secretary
23 shall provide an opportunity for the
24 prompt resubmission of a modified ap-
25 plication.”; and

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

3 (f) GAO STUDY.—Not later than June 30, 2017, 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 (g) 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 (h) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on October 1, 2012, and shall
8 apply with respect to fiscal years beginning on or after
9 such date.

10 **SEC. 3. ELIMINATION OF DIVERSITY IMMIGRANT PRO-**
11 **GRAM.**

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

15 (1) in subsection (a)—

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

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

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

21 (2) by striking subsection (e).

22 (b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—
23 Section 203 of such Act (8 U.S.C. 1153) is amended—

24 (1) by striking subsection (e);

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

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

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

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

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

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

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

15 (d) **EFFECTIVE DATE.**—The amendments made by
16 this section shall take effect on October 1, 2012, and shall
17 apply with respect to fiscal years beginning on or after
18 such date.

19 **SEC. 4. PERMANENT PRIORITY DATES.**

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

23 “(i) **PERMANENT PRIORITY DATES.**—

24 “(1) **IN GENERAL.**—Subject to subsection
25 (h)(3) and paragraph (2), the priority date for any

1 employment-based petition shall be the date of filing
2 of the petition with the Secretary of Homeland Secu-
3 rity (or the Secretary of State, if applicable), unless
4 the filing of the petition was preceded by the filing
5 of a labor certification with the Secretary of Labor,
6 in which case that date shall constitute the priority
7 date.

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

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect on the date of the enact-
18 ment of this Act and shall apply to aliens who are a bene-
19 ficiary of a classification petition pending on or after such
20 date.

21 **SEC. 5. STUDENT VISA REFORM.**

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

25 “(F) an alien—

1 “(i) who—

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

1 reports promptly the approval shall be
2 withdrawn; or

3 “(II) is engaged in temporary employ-
4 ment for optional practical training related
5 to such alien’s area of study following com-
6 pletion of the course of study described in
7 subclause (I);

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

1 such institution of learning or place of study
2 fails to make reports promptly the approval
3 shall be withdrawn;

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

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

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

18 (c) **CONFORMING AMENDMENT.**—Section 214(m)(1)
19 of the Immigration and Nationality Act (8 U.S.C.
20 1184(m)(1)) is amended, in the matter preceding subpara-
21 graph (A), by striking “(i) or (iii)” and inserting “(i), (ii),
22 or (iv)”.

23 (d) **EFFECTIVE DATE.**—The amendments made by
24 this section shall take effect on the date of the enactment
25 of this Act and shall apply to nonimmigrants who possess

1 or are granted status under section 101(a)(15)(F) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1101(a)(15)(F)) on or after such date.

4 **SEC. 6. EXPANSION OF THE “V” NONIMMIGRANT VISA PRO-**
5 **GRAM FOR SPOUSES AND CHILDREN OF PER-**
6 **MANENT RESIDENTS AWAITING THE AVAIL-**
7 **ABILITY OF AN IMMIGRANT VISA.**

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

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

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

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

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

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

23 (2) in paragraph (1)—

24 (A) in subparagraph (A), by striking “the
25 Attorney General” and all that follows through

1 “; and” and inserting “the alien may not be au-
2 thorized to engage in employment in the United
3 States during the period of authorized admis-
4 sion as such a nonimmigrant; and”; and

5 (B) by redesignating subparagraphs (A)
6 and (B) as paragraphs (1) and (2), respectively;
7 and

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

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the date of the enactment
11 of this Act and shall apply to an alien who—

12 (1) applies for nonimmigrant status under sec-
13 tion 101(a)(15)(V) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1101(a)(15)(V)) on or after the
15 date of the enactment of this Act; and

16 (2) is the beneficiary of a classification petition
17 filed under section 204 of the Immigration and Na-
18 tionality Act (8 U.S.C. 1154) before, on, or after the
19 date of the enactment of this Act.

