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(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R.

To amend the Immigration and Nationality Act to enhance American competitiveness through the encouragement of high-skilled immigration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ISSA introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Immigration and Nationality Act to enhance American competitiveness through the encouragement of high-skilled immigration, 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 “Supplying Knowledge
5 Based Immigrants and Lifting Levels of STEM Visas
6 Act” or the “SKILLS Visa Act”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—IMMIGRANT VISA REFORMS

- Sec. 101. Immigrant visas for certain advanced STEM graduates.
- Sec. 102. Immigrant visas for entrepreneurs.
- Sec. 103. Additional employment-based immigrant visas.
- Sec. 104. Employment creation immigrant visas.
- Sec. 105. Family-sponsored immigrant visas.
- Sec. 106. Elimination of diversity immigrant program.
- Sec. 107. Numerical limitation to any single foreign state.
- Sec. 108. Physicians.
- Sec. 109. Permanent priority dates.

TITLE II—NONIMMIGRANT VISA REFORMS

- Sec. 201. H-1B visas.
- Sec. 202. L visas.
- Sec. 203. O visas.
- Sec. 204. Mexican and Canadian professionals.
- Sec. 205. Students.
- Sec. 206. Extension of employment eligibility while visa extension petition pending.
- Sec. 207. Fraud detection and prevention fee.
- Sec. 208. Technical correction.

TITLE III—REFORMS AFFECTING BOTH IMMIGRANT AND NONIMMIGRANT VISAS

Subtitle A—STEM Education Funding

- Sec. 301. Funding for STEM education and training.
- Sec. 302. Promoting American Ingenuity Account.
- Sec. 303. STEM education grant application process.
- Sec. 304. Authorized activities.
- Sec. 305. National evaluations.
- Sec. 306. Rule of construction.

Subtitle B—Other Reforms

- Sec. 311. Prevailing wages.
- Sec. 312. Streamlining petitions for established employers.

1 **TITLE I—IMMIGRANT VISA**
2 **REFORMS**
3 **SEC. 101. IMMIGRANT VISAS FOR CERTAIN ADVANCED**
4 **STEM GRADUATES.**
5 (a) **WORLDWIDE LEVEL OF IMMIGRATION.—Section**
6 **201(d)(1)(A) of the Immigration and Nationality Act (8**

1 U.S.C. 1151(d)(1)(A)) is amended by striking “140,000,”
2 and inserting “140,000 in fiscal years through 2013 and
3 195,000 beginning in fiscal year 2014, reduced for any
4 fiscal year beginning in fiscal year 2014 by the number
5 by which the number of visas under section 201(e) would
6 have been reduced in that year pursuant to section 203(d)
7 of the Nicaraguan Adjustment and Central American Re-
8 lief Act (8 U.S.C. 1151 note) if section 201(e) had not
9 been repealed by section 106 of the SKILLS Visa Act,”.

10 (b) PREFERENCE ALLOCATION FOR EMPLOYMENT-
11 BASED IMMIGRANTS.—Section 203(b) of such Act (8
12 U.S.C. 1153(b)) is amended—

13 (1) by redesignating paragraph (6) as para-
14 graph (9); and

15 (2) by inserting after paragraph (5) the fol-
16 lowing:

17 “(6) ALIENS HOLDING DOCTORATE DEGREES
18 FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER
19 EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEER-
20 ING, OR MATHEMATICS.—

21 “(A) IN GENERAL.—Visas shall be made
22 available, in a number not to exceed 55,000, re-
23 duced for any fiscal year by the number by
24 which the number of visas under section 201(e)
25 would have been reduced in that year pursuant

1 to section 203(d) of the Nicaraguan Adjust-
2 ment and Central American Relief Act (8
3 U.S.C. 1151 note) if section 201(e) had not
4 been repealed by section 106 of the SKILLS
5 Visa Act, plus any visas not required for the
6 classes specified in paragraph (1), to qualified
7 immigrants who—

8 “(i) hold a doctorate degree in a field
9 of science, technology, engineering, or
10 mathematics from a United States doctoral
11 institution of higher education, or have
12 successfully completed a dental, medical, or
13 veterinary residency program (within the
14 summary group of residency programs in
15 the Department of Education’s Classifica-
16 tion of Instructional Programs taxonomy),
17 have received a medical degree (MD) in a
18 program that prepares individuals for the
19 independent professional practice of medi-
20 cine (series 51.12 in the Department of
21 Education’s Classification of Instructional
22 Programs taxonomy), have received a den-
23 tistry degree (DDS, DMD) in a program
24 that prepares individuals for the inde-
25 pendent professional practice of dentistry/

1 dental medicine (series 51.04 in the De-
2 partment of Education’s Classification of
3 Instructional Programs taxonomy), have
4 received a veterinary degree (DVM) in a
5 program that prepares individuals for the
6 independent professional practice of veteri-
7 nary medicine (series 51.24 in the Depart-
8 ment of Education’s Classification of In-
9 structional Programs taxonomy), or have
10 received an osteopathic medicine/osteop-
11 athy degree (DO) in a program that pre-
12 pares individuals for the independent pro-
13 fessional practice of osteopathic medicine
14 (series 51.19 in the Department of Edu-
15 cation’s Classification of Instructional Pro-
16 grams taxonomy) from an institution that
17 is described in subclauses (I), (III), and
18 (IV) of subparagraph (B)(iii); and

19 “(ii) have taken all courses required
20 for such degrees, including all courses
21 taken by correspondence (including courses
22 offered by telecommunications) or by dis-
23 tance education, while physically present in
24 the United States.

1 “(B) DEFINITIONS.—For purposes of this
2 paragraph, paragraph (7), and sections
3 101(a)(15)(F)(i)(I) and 212(a)(5)(A)(iii)(III):

4 “(i) The term ‘distance education’ has
5 the meaning given such term in section
6 103 of the Higher Education Act of 1965
7 (20 U.S.C. 1003).

8 “(ii) The term ‘field of science, tech-
9 nology, engineering, or mathematics’
10 means a field included in the Department
11 of Education’s Classification of Instruc-
12 tional Programs taxonomy within the sum-
13 mary groups of computer and information
14 sciences and support services, engineering,
15 biological and biomedical sciences, mathe-
16 matics and statistics, physical sciences,
17 and the series geography and cartography
18 (series 45.07), advanced/graduate dentistry
19 and oral sciences (series 51.05) and nurs-
20 ing (series 51.16).

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

24 “(I) is described in section
25 101(a) of the Higher Education Act

1 of 1965 (20 U.S.C. 1001(a)) or is a
2 proprietary institution of higher edu-
3 cation (as defined in section 102(b) of
4 such Act (20 U.S.C. 1002(b)));

5 “(II) was classified by the Car-
6 negie Foundation for the Advance-
7 ment of Teaching on January 1,
8 2013, as a doctorate-granting univer-
9 sity with a very high or high level of
10 research activity or classified by the
11 National Science Foundation after the
12 date of enactment of this paragraph,
13 pursuant to an application by the in-
14 stitution, as having equivalent re-
15 search activity to those institutions
16 that had been classified by the Car-
17 negie Foundation as being doctorate-
18 granting universities with a very high
19 or high level of research activity;

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

22 “(IV) is accredited by an accred-
23 iting body that is itself accredited ei-
24 ther by the Department of Education

1 or by the Council for Higher Edu-
2 cation Accreditation.

3 “(C) LABOR CERTIFICATION REQUIRED.—

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

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

23 “(7) ALIENS HOLDING MASTER’S DEGREES
24 FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER

1 EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEER-
2 ING, OR MATHEMATICS.—

3 “(A) IN GENERAL.—Any visas not required
4 for the classes specified in paragraphs (1) and
5 (6) shall be made available to the classes of
6 aliens who—

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

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

22 “(iii) hold a baccalaureate degree in a
23 field of science, technology, engineering, or
24 mathematics.

25 “(B) LABOR CERTIFICATION REQUIRED.—

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

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

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

23 (c) ALIENS WHO ARE MEMBERS OF THE PROFES-
24 SIONS HOLDING ADVANCD DEGREES OR ALIENS OF EX-
25 CEPTIONAL ABILITY.—Section 203(b)(2)(A) of such Act

1 (8 U.S.C. 1153(b)(2)(A)) is amended by striking “para-
2 graph (1),” and inserting “paragraphs (1), (6), and (7),”.

3 (d) SKILLED WORKERS, PROFESSIONALS, AND
4 OTHER WORKERS.—Section 203(b)(3)(A) of such Act (8
5 U.S.C. 1153(b)(3)(A)) is amended by striking “para-
6 graphs (1) and (2),” and inserting “paragraphs (1), (2),
7 (6), and (7),”.

8 (e) PROCEDURE FOR GRANTING IMMIGRANT STA-
9 TUS.—Section 204(a)(1)(F) of such Act (8 U.S.C.
10 1154(a)(1)(F)) is amended—

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

12 (2) by striking “or 203(b)(3)” and inserting
13 “203(b)(3), 203(b)(6), or 203(b)(7)”;

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

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

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

21 “(I) The Secretary of Homeland Security shall
22 adjudicate such petitions not later than 60 days
23 after the date on which the petition is filed. In the
24 event that additional information or documentation
25 is requested by the Secretary during such 60-day pe-

1 riod, the Secretary shall adjudicate the petition not
2 later than 30 days after the date on which such in-
3 formation or documentation is received.

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

11 (f) LABOR CERTIFICATION AND QUALIFICATION FOR
12 CERTAIN IMMIGRANTS.—Section 212(a)(5) of such Act (8
13 U.S.C. 1182(a)(5)) is amended—

14 (1) in subparagraph (A)—

15 (A) in clause (ii)—

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

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

20 (iii) by adding at the end the fol-
21 lowing:

22 “(III) holds a doctorate degree in
23 a field of science, technology, engi-
24 neering, or mathematics from a
25 United States doctoral institution of

1 higher education (as defined in section
2 203(b)(6)(B)(iii)).”;

3 (B) by redesignating clauses (ii) through
4 (iv) as clauses (iii) through (v), respectively;

5 (C) by inserting after clause (i) the fol-
6 lowing:

7 “(ii) **JOB ORDER.**—

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

22 “(II) **LINKS.**—The Secretary of
23 Labor shall include links to the offi-
24 cial websites of all State workforce
25 agencies on a single webpage of the

1 official website of the Department of
2 Labor.”; and

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

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

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

23 “(II) The applicant shall be noti-
24 fied in writing within 60 days of the
25 date of filing if the application does

1 not meet the standards for approval.
2 If the application does not meet such
3 standards, the notice shall include the
4 reasons therefore and the Secretary
5 shall provide an opportunity for the
6 prompt resubmission of a modified ap-
7 plication.”; and

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

10 (g) GAO STUDY.—Not later than June 30, 2019, the
11 Comptroller General of the United States shall provide to
12 the Congress the results of a study on the use by the Na-
13 tional Science Foundation of the classification authority
14 provided under section 203(b)(6)(B)(iii)(II) of the Immi-
15 gration and Nationality Act (8 U.S.C.
16 1153(b)(6)(B)(iii)(II)), as added by this section.

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

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

5 (2) The number of aliens granted status under
6 either of such paragraphs in the month and fiscal
7 year to date based upon a petition filed by such em-
8 ployer.

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

12 (i) **EFFECTIVE DATE.**—The amendments made by
13 this section shall take effect on October 1, 2014, and shall
14 apply with respect to fiscal years beginning on or after
15 such date. Nothing in the preceding sentence shall be con-
16 strued to prohibit the Secretary of Homeland Security
17 from accepting before such date petitions under section
18 204(a)(1)(F) of the Immigration and Nationality Act (8
19 U.S.C. 1154(a)(1)(F)) relating to alien beneficiaries quali-
20 fying under paragraph (6) or (7) of section 203(b) of such
21 Act (8 U.S.C. 1153(b)) (as added by this section).

22 **SEC. 102. IMMIGRANT VISAS FOR ENTREPRENEURS.**

23 (a) **PREFERENCE ALLOCATION FOR EMPLOYMENT**
24 **BASED IMMIGRANTS.**—Section 203(b) of the Immigration
25 and Nationality Act (8 U.S.C. 1153(b)) is amended by in-

1 serring after paragraph (7) (as added by section 101 of
2 this Act) the following:

3 “(8) ALIEN ENTREPRENEURS.—

4 “(A) IN GENERAL.—Visas shall be made
5 available, in a number not to exceed 10,000,
6 plus any visas not required for the classes speci-
7 fied in paragraphs (1), (2), and (3), to the fol-
8 lowing classes of aliens:

9 “(i) VENTURE CAPITAL-BACKED
10 START-UP ENTREPRENEURS.—

11 “(I) An alien is described in this
12 clause if the alien intends to engage in
13 a new commercial enterprise (includ-
14 ing a limited partnership) in the
15 United States—

16 “(aa) with respect to which
17 the alien has completed an in-
18 vestment agreement requiring an
19 investment in the enterprise in
20 an amount not less than
21 \$500,000, subject to subclause
22 (III), on the part of—

23 “(AA) a qualified ven-
24 ture capital operating com-
25 pany; or

1 “(BB) 1 or more quali-
2 fied angel investors (of
3 which at least 1 such inves-
4 tor is providing \$100,000,
5 subject to subclause (III), of
6 the required investment);
7 and

8 “(bb) which will benefit the
9 United States economy and, dur-
10 ing the 2-year period beginning
11 on the date on which the visa is
12 issued under this paragraph,
13 will—

14 “(AA) create full-time
15 employment for at least 5
16 United States workers with-
17 in the enterprise; and

18 “(BB) raise not less
19 than an additional
20 \$1,000,000 in capital invest-
21 ment, subject to subclause
22 (III), or generate not less
23 than \$1,000,000 in revenue,
24 subject to subclause (III).

1 “(II) DEFINITIONS.—For pur-
2 poses of this clause:

3 “(aa) INVESTMENT.—The
4 term ‘investment’ does not in-
5 clude any assets acquired, di-
6 rectly or indirectly, by unlawful
7 means.

8 “(bb) QUALIFIED ANGEL IN-
9 VESTOR.—The term ‘qualified
10 angel investor’ means an indi-
11 vidual who—

12 “(AA) is an accredited
13 investor (as defined in sec-
14 tion 230.501(a) of title 17,
15 Code of Federal Regulations
16 (as in effect on April 1,
17 2010));

18 “(BB) is a United
19 States citizen or an alien
20 lawfully admitted to the
21 United States for permanent
22 residence; and

23 “(CC) has made at
24 least 2 equity investments of
25 not less than \$50,000 in

1 each of the 3 years before
2 the date of a petition by the
3 qualified immigrant for clas-
4 sification under this para-
5 graph.

6 “(cc) QUALIFIED VENTURE
7 CAPITAL OPERATING COMPANY.—
8 The term ‘qualified venture cap-
9 ital operating company’ means an
10 entity that—

11 “(AA) is classified as a
12 ‘venture capital operating
13 company’ under section
14 2510.3-101(d) of title 29,
15 Code of Federal Regulations
16 (as in effect on July 1,
17 2009);

18 “(BB) is based in the
19 United States;

20 “(CC) is owned and
21 controlled by United States
22 citizens or aliens lawfully
23 admitted to the United
24 States for permanent resi-
25 dence;

1 “(DD) has capital com-
2 mitments of not less than
3 \$10,000,000;

4 “(EE) has been oper-
5 ating for a period of at least
6 2 years before the date of
7 the petition for classification
8 under this paragraph; and

9 “(FF) has made at
10 least 2 investments of not
11 less than \$500,000 in each
12 of the 2 years before the
13 date of the petition for clas-
14 sification under this para-
15 graph.

16 “(III) INFLATION ADJUST-
17 MENT.—Effective for the first fiscal
18 year that begins more than 6 months
19 after the date of the enactment of this
20 clause, and for each fiscal year there-
21 after, the amounts described in sub-
22 clauses (I) and (II) shall be increased
23 by the percentage (if any) by which
24 the Consumer Price Index for the
25 month of June preceding the date on

1 which such increase takes effect ex-
2 ceeds the Consumer Price Index for
3 the same month of the preceding cal-
4 endar year. An increase described in
5 the preceding sentence shall apply to
6 aliens filing petitions under section
7 204(a)(1)(H) on or after the date on
8 which the increase takes effect. For
9 purposes of this clause, the term
10 ‘Consumer Price Index’ means the
11 Consumer Price Index for all urban
12 consumers published by the Depart-
13 ment of Labor.

14 “(ii) TREATY INVESTORS.—Immi-
15 grants who have been issued a visa or oth-
16 erwise provided nonimmigrant status under
17 section 101(a)(15)(E)(ii) (not including
18 alien employees of the treaty investor) who
19 have maintained that status for a min-
20 imum of 10 years and have benefitted the
21 United States economy and created full-
22 time employment for not fewer than 5
23 United States workers for a minimum of
24 10 years.

1 “(B) DEFINITIONS.—For purposes of this
2 paragraph:

3 “(i) The term ‘full-time employment’
4 has the meaning given such term in para-
5 graph (5).

6 “(ii) The term ‘United States worker’
7 means an employee (other than the immi-
8 grant or the immigrant’s spouse, sons, or
9 daughters) who—

10 “(I) is a citizen or national of the
11 United States; or

12 “(II) is an alien who is lawfully
13 admitted for permanent residence, is
14 admitted as a refugee under section
15 207, is granted asylum under section
16 208, or is an immigrant otherwise au-
17 thorized to be employed in the United
18 States.”.

19 (b) PROCEDURES FOR GRANTING IMMIGRANT STA-
20 TUS.—Section 204(a)(1)(H) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1154(a)(1)(H)) is amended—

22 (1) by striking “section 203(b)(5)” and insert-
23 ing “paragraph (5) or (8) of section 203(b)”; and

24 (2) by striking “Attorney General” and insert-
25 ing “Secretary of Homeland Security”.

1 (c) CONDITIONAL PERMANENT RESIDENT STATUS.—

2 (1) IN GENERAL.—

3 (A) CONFORMING AMENDMENTS.—Section
4 216A of the Immigration and Nationality Act
5 (8 U.S.C. 1186b) is amended—

6 (i) in the section heading, by striking
7 “ENTREPRENEURS,” and inserting “INVESTORS,”
8 TORS,”.

9 (ii) by striking “Attorney General”
10 each place such term appears and inserting
11 “Secretary of Homeland Security”;

12 (iii) by striking “entrepreneur” each
13 place such term appears and inserting “investor”;
14 and

15 (iv) In subsection (c)(3)(A), by striking
16 “the such filing” and inserting “such
17 filing”.

18 (B) TABLE OF CONTENTS.—The item re-
19 lating to section 216A in the table of contents
20 of the Immigration and Nationality Act (8
21 U.S.C. 1101 et seq.) is amended to read as fol-
22 lows:

“Sec. 216A. Conditional permanent resident status for certain alien investors,
spouses, and children.”.

1 (2) CONDITIONAL PERMANENT RESIDENT STA-
2 TUS FOR CERTAIN ALIEN ENTREPRENEURS,
3 SPOUSES, AND CHILDREN.—

4 (A) IN GENERAL.—Chapter 2 of title II of
5 the Immigration and Nationality Act (8 U.S.C.
6 1181 et seq.) is amended by inserting after sec-
7 tion 216A the following:

8 **“SEC. 216B. CONDITIONAL PERMANENT RESIDENT STATUS**
9 **FOR CERTAIN ALIEN ENTREPRENEURS,**
10 **SPOUSES, AND CHILDREN.**

11 “(a) IN GENERAL.—

12 “(1) CONDITIONAL BASIS FOR STATUS.—Not-
13 withstanding any other provision of this Act, an
14 alien entrepreneur (as defined in subsection (f)(1) of
15 this section), alien spouse, and alien child (as de-
16 fined in subsection (f)(2) of this section) shall be
17 considered, at the time of obtaining the status of an
18 alien lawfully admitted for permanent residence, to
19 have obtained such status on a conditional basis sub-
20 ject to the provisions of this section.

21 “(2) NOTICE OF REQUIREMENTS.—

22 “(A) AT TIME OF OBTAINING PERMANENT
23 RESIDENCE.—At the time an alien entre-
24 preneur, alien spouse, or alien child obtains per-
25 manent resident status on a conditional basis

1 under paragraph (1), the Secretary of Home-
2 land Security shall provide for notice to such an
3 entrepreneur, spouse, or child respecting the
4 provisions of this section and the requirements
5 of subsection (c)(1) of this section to have the
6 conditional basis of such status removed.

7 “(B) AT TIME OF REQUIRED PETITION.—
8 In addition, the Secretary of Homeland Secu-
9 rity shall attempt to provide notice to such an
10 entrepreneur, spouse, or child, at or about the
11 beginning of the 90-day period described in
12 subsection (d)(2)(A) of this section, of the re-
13 quirements of subsection (c)(1) of this section.

14 “(C) EFFECT OF FAILURE TO PROVIDE
15 NOTICE.—The failure of the Secretary of
16 Homeland Security to provide a notice under
17 this paragraph shall not affect the enforcement
18 of the provisions of this section with respect to
19 such an entrepreneur, spouse, or child.

20 “(b) TERMINATION OF STATUS IF FINDING THAT
21 QUALIFYING ENTREPRENEURSHIP IMPROPER.—

22 “(1) IN GENERAL.—In the case of an alien en-
23 trepreneur with permanent resident status on a con-
24 ditional basis under subsection (a) of this section, if
25 the Secretary of Homeland Security determines, be-

1 fore the second anniversary of the alien’s obtaining
2 the status of lawful admission for permanent resi-
3 dence, that—

4 “(A) the required investment in the com-
5 mercial enterprise under section
6 203(b)(8)(A)(i)(I) was intended solely as a
7 means of evading the immigration laws of the
8 United States;

9 “(B)(i) any requisite capital to be invested
10 under section 203(b)(8)(A)(i)(I) had not been
11 invested, or was not actively in the process of
12 being invested; or

13 “(ii) the alien was not sustaining the ac-
14 tions described in clause (i) throughout the pe-
15 riod of the alien’s residence in the United
16 States; or

17 “(C) the alien was otherwise not con-
18 forming to the requirements of section
19 203(b)(8)(A)(i);

20 then the Secretary of Homeland Security shall so
21 notify the alien involved and, subject to paragraph
22 (2), shall terminate the permanent resident status of
23 the alien (and the alien spouse and alien child) in-
24 volved as of the date of the determination.

1 “(2) HEARING IN REMOVAL PROCEEDING.—Any
2 alien whose permanent resident status is terminated
3 under paragraph (1) may request a review of such
4 determination in a proceeding to remove the alien.
5 In such proceeding, the burden of proof shall be on
6 the Secretary of Homeland Security to establish, by
7 a preponderance of the evidence, that a condition de-
8 scribed in paragraph (1) is met.

9 “(c) REQUIREMENTS OF TIMELY PETITION AND
10 INTERVIEW FOR REMOVAL OF CONDITION.—

11 “(1) IN GENERAL.—In order for the conditional
12 basis established under subsection (a) of this section
13 for an alien entrepreneur, alien spouse, or alien child
14 to be removed—

15 “(A) the alien entrepreneur must submit
16 to the Secretary of Homeland Security, during
17 the period described in subsection (d)(2), a peti-
18 tion which requests the removal of such condi-
19 tional basis and which states, under penalty of
20 perjury, the facts and information described in
21 subsection (d)(1); and

22 “(B) in accordance with subsection (d)(3),
23 the alien entrepreneur must appear for a per-
24 sonal interview before an officer or employee of
25 the Department of Homeland Security respect-

1 ing the facts and information described in sub-
2 section (d)(1).

3 “(2) TERMINATION OF PERMANENT RESIDENT
4 STATUS FOR FAILURE TO FILE PETITION OR HAVE
5 PERSONAL INTERVIEW.—

6 “(A) IN GENERAL.—In the case of an alien
7 with permanent resident status on a conditional
8 basis under subsection (a) of this section, if—

9 “(i) no petition is filed with respect to
10 the alien in accordance with the provisions
11 of paragraph (1)(A); or

12 “(ii) unless there is good cause shown,
13 the alien entrepreneur fails to appear at
14 the interview described in paragraph
15 (1)(B) (if required under subsection (d)(3)
16 of this section), the Secretary of Homeland
17 Security shall terminate the permanent
18 resident status of the alien (and the alien’s
19 spouse and children if it was obtained on
20 a conditional basis under this section or
21 section 216A) as of the second anniversary
22 of the alien’s lawful admission for perma-
23 nent residence.

24 “(B) HEARING IN REMOVAL PRO-
25 CEEDING.—In any removal proceeding with re-

1 spect to an alien whose permanent resident sta-
2 tus is terminated under subparagraph (A), the
3 burden of proof shall be on the alien to estab-
4 lish compliance with the conditions of subpara-
5 graphs (A) and (B) of paragraph (1).

6 “(3) DETERMINATION AFTER PETITION AND
7 INTERVIEW.—

8 “(A) IN GENERAL.—If—

9 “(i) a petition is filed in accordance
10 with the provisions of paragraph (1)(A);
11 and

12 “(ii) the alien entrepreneur appears at
13 any interview described in paragraph
14 (1)(B);

15 the Secretary of Homeland Security shall make
16 a determination, within 90 days of the date of
17 such filing or interview (whichever is later), as
18 to whether the facts and information described
19 in subsection (d)(1) and alleged in the petition
20 are true with respect to the qualifying commer-
21 cial enterprise.

22 “(B) REMOVAL OR EXTENSION OF CONDI-
23 TIONAL BASIS.—

24 “(i) IN GENERAL.—Except as pro-
25 vided in clause (ii), if the Secretary of

1 Homeland Security determines that such
2 facts and information are true, including
3 demonstrating that the alien complied with
4 subsection (d)(1)(B)(i), the Secretary shall
5 so notify the alien involved and shall re-
6 move the conditional basis of the alien's
7 status effective as of the second anniver-
8 sary of the alien's lawful admission for
9 permanent residence.

10 “(ii) EXCEPTION.—If the petition
11 demonstrates that the facts and informa-
12 tion are true, including demonstrating that
13 the alien is in compliance with section
14 (d)(1)(B)(ii), then the Secretary of Home-
15 land Security may, in the Secretary's dis-
16 cretion, extend the conditional status for
17 an additional year at the end of which—

18 “(I) the alien must file a petition
19 within 30 days after the third anni-
20 versary of the alien's lawful admission
21 for permanent residence dem-
22 onstrating that the alien complied
23 with subsection (d)(1)(B)(i) and the
24 Secretary shall remove the conditional

1 basis of the alien's status effective as
2 of such third anniversary; or

3 “(II) the conditional status shall
4 terminate.

5 “(C) DETERMINATION IF ADVERSE DETER-
6 MINATION.—If the Secretary of Homeland Se-
7 curity determines that such facts and informa-
8 tion are not true, the Secretary shall so notify
9 the alien involved and, subject to subparagraph
10 (D), shall terminate the permanent resident
11 status of an alien entrepreneur, alien spouse, or
12 alien child as of the date of the determination.

13 “(D) HEARING IN REMOVAL PRO-
14 CEEDING.—Any alien whose permanent resident
15 status is terminated under subparagraph (C)
16 may request a review of such determination in
17 a proceeding to remove the alien. In such pro-
18 ceeding, the burden of proof shall be on the
19 Secretary of Homeland Security to establish, by
20 a preponderance of the evidence, that the facts
21 and information described in subsection (d)(1)
22 of this section and alleged in the petition are
23 not true with respect to the qualifying commer-
24 cial enterprise.

25 “(d) DETAILS OF PETITION AND INTERVIEW.—

1 “(1) CONTENTS OF PETITION.—Each petition
2 under subsection (c)(1)(A) shall contain facts and
3 information demonstrating that—

4 “(A)(i) any requisite capital to be invested
5 under section 203(b)(8)(A)(i)(I) had been in-
6 vested, or was actively in the process of being
7 invested; and

8 “(ii) the alien sustained the actions de-
9 scribed in clause (i) throughout the period of
10 the alien’s residence in the United States;

11 “(B)(i) the alien created the employment
12 required under section
13 203(b)(8)(A)(i)(I)(bb)(AA); or

14 “(ii) the alien is actively in the process of
15 creating the employment required under section
16 203(b)(8)(A)(i)(I)(bb)(AA) and will create such
17 employment before the third anniversary of the
18 alien’s lawful admission for permanent resi-
19 dence; and

20 “(C) the alien is otherwise conforming to
21 the requirements of section 203(b)(8)(A)(i).

22 “(2) PERIOD FOR FILING PETITION.—

23 “(A) 90-DAY PERIOD BEFORE SECOND AN-
24 NIVERSARY.—Except as provided in subpara-
25 graph (B), the petition under subsection

1 (c)(1)(A) of this section must be filed during
2 the 90-day period before the second anniversary
3 of the alien's lawful admission for permanent
4 residence.

5 “(B) DATE PETITIONS FOR GOOD
6 CAUSE.—Such a petition may be considered if
7 filed after such date, but only if the alien estab-
8 lishes to the satisfaction of the Secretary of
9 Homeland Security good cause and extenuating
10 circumstances for failure to file the petition
11 during the period described in subparagraph
12 (A).

13 “(C) FILING OF PETITIONS DURING RE-
14 MOVAL.—In the case of an alien who is the sub-
15 ject of removal hearings as a result of failure
16 to file a petition on a timely basis in accordance
17 with subparagraph (A), the Secretary of Home-
18 land Security may stay such removal pro-
19 ceedings against an alien pending the filing of
20 the petition under subparagraph (B).

21 “(3) PERSONAL INTERVIEW.—The interview
22 under subsection (c)(1)(B) shall be conducted within
23 90 days after the date of submitting a petition under
24 subsection (c)(1)(A) and at a local office of the De-
25 partment of Homeland Security, designated by the

1 Secretary of Homeland Security, which is convenient
2 to the parties involved. The Secretary, in the Sec-
3 retary's discretion, may waive the deadline for such
4 an interview or the requirement for such an inter-
5 view in such cases as may be appropriate.

6 “(e) TREATMENT OF PERIOD FOR PURPOSES OF
7 NATURALIZATION.—For purposes of title III, in the case
8 of an alien who is in the United States as a lawful perma-
9 nent resident on a conditional basis under this section, the
10 alien shall be considered to have been admitted as an alien
11 lawfully admitted for permanent residence and to be in
12 the United States as an alien lawfully admitted to the
13 United States for permanent residence.

14 “(f) DEFINITIONS.—In this section:

15 “(1) The term ‘alien entrepreneur’ means an
16 alien who obtains the status of an alien lawfully ad-
17 mitted for permanent residence (whether on a condi-
18 tional basis or otherwise) under section
19 203(b)(8)(A)(i)(I) of this title.

20 “(2) The term ‘alien spouse’ and the term ‘alien
21 child’ mean an alien who obtains the status of an
22 alien lawfully admitted for permanent residence
23 (whether on a conditional basis or otherwise) by vir-
24 tue of being the spouse or child, respectively, of an
25 alien entrepreneur.

1 “(3) The term ‘commercial enterprise’ includes
2 a limited partnership.”.

3 (B) CLERICAL AMENDMENT.—The table of
4 contents for such Act is amended by inserting
5 after the item relating to section 216A the fol-
6 lowing:

 “Sec. 216B. Conditional permanent resident status for certain alien entre-
 preneurs, spouses, and children.”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on October 1, 2013, and shall
9 apply with respect to fiscal years beginning on or after
10 such date.

11 **SEC. 103. ADDITIONAL EMPLOYMENT-BASED IMMIGRANT**
12 **VISAS.**

13 (a) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IM-
14 MIGRANTS.—Section 201(d)(1)(A) of the Immigration and
15 Nationality Act (8 U.S.C. 1151(d)(1)(A)), as amended by
16 section 101, is further amended by striking “195,000”
17 and inserting “235,000”.

18 (b) PRIORITY WORKERS.—Section 203(b)(1) of such
19 Act (8 U.S.C. 1153(b)(1)) is amended by striking “28.6
20 percent of such worldwide level,” and inserting “40,040,”.

21 (c) ALIENS WHO ARE MEMBERS OF THE PROFES-
22 SIONS HOLDING ADVANCED DEGREES OR ALIENS OF EX-
23 CEPTIONAL ABILITY.—Section 203(b)(2) of such Act (8

1 U.S.C. 1153(b)(2)) is amended by striking “28.6 percent
2 of such worldwide level,” and inserting “55,040,”.

3 (d) SKILLED WORKERS, PROFESSIONALS, AND
4 OTHER WORKERS.—Section 203(b)(3) of such Act (8
5 U.S.C. 1153(b)(3)) is amended by striking “28.6 percent
6 of such worldwide level,” and inserting “55,040,”.

7 (e) CERTAIN SPECIAL IMMIGRANTS.—Section
8 203(b)(4) of such Act (8 U.S.C. 1153(b)(3)) is amended
9 by striking “7.1 percent of such worldwide level,” and in-
10 serting “9,940,”.

11 (f) EMPLOYMENT CREATION.—Section 203(b)(5) of
12 such Act (8 U.S.C. 1153(b)(4)) is amended by striking
13 “7.1 percent of such worldwide level,” and inserting
14 “9,940,”.

15 (g) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on October 1, 2013, and shall
17 apply with respect to fiscal years beginning on or after
18 such date.

19 **SEC. 104. EMPLOYMENT CREATION IMMIGRANT VISAS.**

20 (a) CHANGES TO THE GENERAL PROGRAM.—

21 (1) CAPITAL.—Section 203(b)(5)(C) of the Im-
22 migration and Nationality Act (8 U.S.C.
23 1153(b)(5)(C)) is amended by adding at the end the
24 following:

1 “(iv) CAPITAL DEFINED.—For pur-
2 poses of this paragraph, the term ‘capital’
3 does not include any assets acquired, di-
4 rectly or indirectly, by unlawful means.”.

5 (2) INFLATION ADJUSTMENT.—Such section, as
6 amended by paragraph (1), is further amended by
7 adding at the end the following:

8 “(v) INFLATION ADJUSTMENT.—

9 “(I) INITIAL ADJUSTMENT.—As
10 of the date of enactment of the
11 SKILLS Visa Act, the amount speci-
12 fied in the first sentence of clause (i)
13 shall be increased by the percentage
14 (if any) by which the Consumer Price
15 Index for the month preceding such
16 enactment date exceeds the Consumer
17 Price Index for the same month of
18 calendar year 1990. The increase de-
19 scribed in the preceding sentence shall
20 apply to aliens filing petitions under
21 section 204(a)(1)(H) on or after such
22 enactment date.

23 “(II) SUBSEQUENT ADJUST-
24 MENTS.—Effective for the first fiscal
25 year that begins more than 6 months

1 after the date of the enactment of this
2 clause, and for each fiscal year there-
3 after, the amount described in sub-
4 clause (I) (as of the last increase to
5 such amount) shall be increased by
6 the percentage (if any) by which the
7 Consumer Price Index for the month
8 of June preceding the date on which
9 such increase takes effect exceeds the
10 Consumer Price Index for the same
11 month of the preceding calendar year.
12 An increase described in the preceding
13 sentence shall apply to aliens filing
14 petitions under section 204(a)(1)(H)
15 on or after the date on which the in-
16 crease takes effect.

17 “(III) DEFINITION.—For pur-
18 poses of this clause, the term ‘Con-
19 sumer Price Index’ means the Con-
20 sumer Price Index for all urban con-
21 sumers published by the Department
22 of Labor.”.

23 (3) FLEXIBILITY FOR JOB CREATION TIME PE-
24 RIOD.—

1 (A) REMOVAL OF CONDITIONAL BASIS IF
2 FAVORABLE DETERMINATION.—Section
3 216A(c)(3)(B) of the Immigration and Nation-
4 ality Act (8 U.S.C. 1186b(c)(3)(B)), is amend-
5 ed to read as follows:

6 “(B) REMOVAL OR EXTENSION OF CONDI-
7 TIONAL BASIS.—

8 “(i) IN GENERAL.—Except as pro-
9 vided under clause (ii), if the Secretary of
10 Homeland Security determines that such
11 facts and information are true, including
12 demonstrating that the alien complied with
13 section (d)(1)(B)(i), the Secretary shall so
14 notify the alien involved and shall remove
15 the conditional basis of the alien’s status
16 effective as of the second anniversary of
17 the alien’s lawful admission for permanent
18 residence.

19 “(ii) EXCEPTION.—If the petition
20 demonstrates that the facts and informa-
21 tion are true, including demonstrating that
22 the alien is in compliance with section
23 (d)(1)(B)(ii), then the Secretary of Home-
24 land Security may in the Secretary’s dis-

1 cretion extend the conditional status for an
2 additional year at the end of which—

3 “**(I)** the alien must file a petition
4 within 30 days after the third anni-
5 versary of the alien’s lawful admission
6 for permanent residence dem-
7 onstrating that the alien complied
8 with section (d)(1)(B)(i) and the Sec-
9 retary shall remove the conditional
10 basis of the alien’s status effective as
11 of such third anniversary; or

12 “**(II)** the conditional status shall
13 terminate.”.

14 **(B) CONTENTS OF PETITION.**—Section
15 216A(d)(1) of such Act (8 U.S.C. 1186b(d)(1))
16 is amended—

17 (i) by striking “and” at the end of
18 subparagraph (A);

19 (ii) by redesignating subparagraph
20 “(B)” as subparagraph “(C)”; and

21 (iii) by inserting after subparagraph
22 (A) the following:

23 “(B)(i) created the employment required
24 under section 203(b)(5)(A)(ii); or

1 “(ii) is actively in the process of creating
2 the employment required under section
3 203(b)(5)(A)(ii) and will create such employ-
4 ment before the third anniversary of the alien’s
5 lawful admission for permanent residence;
6 and”.

7 (4) TARGETED EMPLOYMENT AREAS.—

8 (A) TARGETED EMPLOYMENT AREA DE-
9 FINED.—Section 203(b)(5)(B)(ii) of the Immi-
10 gration and Nationality Act (8 U.S.C.
11 1153(b)(5)(B)(ii)) is amended by striking “(of
12 at least 150 percent of the national average
13 rate)”.

14 (B) SET-ASIDE FOR TARGETED EMPLOY-
15 MENT AREA.—Section 203(b)(5)(B) of the Im-
16 migration and Nationality Act (8 U.S.C.
17 1153(b)(5)(B)) is amended by adding at the
18 end the following:

19 “(iv) DEFINITION.—In this para-
20 graph, the term ‘an area which has experi-
21 enced high unemployment’ means an area
22 which has an unemployment rate of at
23 least 150 of the national average rate.
24 Such an area must fit entirely within a
25 geographical unit that the Secretary of

1 Labor has determined has an unemploy-
2 ment rate of at least 150 percent of the
3 national average rate (and which deter-
4 mination has not been superseded by a
5 later determination in which the Secretary
6 of Labor has found that the unit did not
7 have an unemployment rate of at least 150
8 percent of the national average rate). The
9 Secretary of Labor shall set forth a uni-
10 form methodology for determining whether
11 an area an area qualifies as having experi-
12 enced unemployment of at least 150 per-
13 cent of the national average rate. It shall
14 be within the discretion of the Secretary of
15 Homeland Security to determine whether
16 any particular area has experienced high
17 unemployment for purposes of this para-
18 graph, and the Secretary shall not be
19 bound by the determination of any other
20 governmental or nongovernmental entity
21 that a particular area has experienced high
22 unemployment for purposes of this para-
23 graph.”.

24 (b) REGIONAL CENTERS.—

1 (1) PERMANENT REAUTHORIZATION OF THE
2 REGIONAL CENTER PILOT PROGRAM.—Section 610
3 of the Departments of Commerce, Justice, and
4 State, the Judiciary, and Related Agencies Appro-
5 priations Act, 1993 (8 U.S.C. 1153 note) is amend-
6 ed—

7 (A) by striking “pilot” each place such
8 term appears; and

9 (B) in subsection (b), by striking “until
10 September 30, 2015”.

11 (2) PERSONS BARRED FROM INVOLVEMENT IN
12 REGIONAL CENTERS.—

13 (A) PROHIBITION.—Such section 610 is
14 amended by adding at the end the following:

15 “(e)(1) No person who—

16 “(A) has been convicted of an aggravated felony
17 (as defined in section 101(a)(43) of the Immigration
18 and Nationality Act (8 U.S.C. 1101(a)(43)));

19 “(B) would be inadmissible under section
20 212(a)(3) of such Act (8 U.S.C. 1182(a)(3)) if they
21 were an alien seeking admission; or

22 “(C) has been convicted of violating, or found
23 to have violated, a fraud provision of the Federal se-
24 curities laws (as such term is defined under section

1 3 of the Securities Exchange Act of 1934 (15 U.S.C.
2 78c)),
3 shall be permitted by any regional center to be in-
4 volved with the regional center as its principal, rep-
5 resentative, administrator, owner, officer, board
6 member, manager, executive, general partner, fidu-
7 ciary, marketer, promoter, or in other similar posi-
8 tion of substantive authority for the operations,
9 management, or promotion of the regional center.

10 “(2) The Secretary of Homeland Security shall re-
11 quire such attestations and information (including biomet-
12 ric information), and shall perform such criminal record
13 checks and other background checks with respect to a re-
14 gional center, and persons involved in a regional center
15 as described in paragraph (1), as the Secretary, in the
16 Secretary’s discretion, considers appropriate to determine
17 whether the regional center is in compliance with para-
18 graph (1).

19 “(3) The Secretary is authorized, in the Secretary’s
20 unreviewable discretion, to terminate any regional center
21 from the program under this section if the Secretary de-
22 termines that—

23 “(A) the regional center is in violation of para-
24 graph (1);

1 “(B) the regional center, or any person involved
2 with the regional center as described in paragraph
3 (1), has provided any false attestation or informa-
4 tion under paragraph (2); or

5 “(C) the regional center, or any person involved
6 with the regional center as described in paragraph
7 (1), fails to provide an attestation or information re-
8 quested by the Secretary under paragraph (2).

9 “(4) For the purpose of this subsection, the
10 term ‘regional center’ shall, in addition to the re-
11 gional center itself, include any commercial enter-
12 prise or job creating enterprise in which a regional
13 center has invested.”.

14 (B) COMPLIANCE WITH SECURITIES
15 LAWS.—Such section 610, as amended by sub-
16 paragraph (A), is further amended by adding at
17 the end the following:

18 “(f)(1) The Secretary of Homeland Security shall not
19 approve an application for regional center designation or
20 regional center amendment that does not certify that the
21 regional center and all parties to the regional center are
22 in and will maintain compliance with Federal securities
23 laws (as such term is defined under section 3 of the Secu-
24 rities Exchange Act of 1934 (15 U.S.C. 78c)).

1 “(2) The Secretary of Homeland Security shall imme-
2 diately terminate the designation of any regional center
3 that does not provide the certification described in para-
4 graph (1) on an annual basis.

5 “(3) In addition to any other authority provided to
6 the Secretary of Homeland Security regarding the pro-
7 gram described in this section, the Secretary may suspend
8 or terminate the designation of any regional center if the
9 Secretary determines that the regional center, or any
10 party to the regional center:

11 “(A) is permanently or temporarily enjoined by
12 order, judgment, or decree of any court of competent
13 jurisdiction in connection with the purchase or sale
14 of a security;

15 “(B) is subject to any order of the Securities
16 and Exchange Commission that bars such person
17 from association with an entity regulated by the Se-
18 curities and Exchange Commission, or constitutes a
19 final order based on violations in connection with the
20 purchase or sale of a security;

21 “(C) has been convicted of violating, or found
22 to have violated, a fraud provision of the Federal se-
23 curities laws (as such term is defined under section
24 3 of the Securities Exchange Act of 1934 (15 U.S.C.
25 78c)); or

1 “(D) knowingly submitted or caused to be sub-
2 mitted a certification described in paragraphs (1) or
3 (2) of this subsection that contained an untrue
4 statement of material fact, or omitted to state a ma-
5 terial fact necessary, in order to make the state-
6 ments made, in light of the circumstances under
7 which they were made, not misleading.

8 “(4) Nothing in this subsection shall be construed to
9 impair or limit the authority of the Securities and Ex-
10 change Commission under the Federal securities laws.

11 “(5) For the purpose of this subsection, the term
12 ‘party to the regional center’ shall include, in addition to
13 the regional center itself, its agents, servants, employees,
14 attorneys, or any persons in active concert or participation
15 with the regional center.”.

16 (c) EFFECTIVE DATES.—

17 (1) IN GENERAL.—Except for the amendments
18 made by paragraphs (1) and (2) of subsection (a),
19 the amendments made by subsections (a) and (b)
20 shall take effect on the date of the enactment of this
21 Act and shall apply—

22 (A) to aliens filing petitions under section
23 204(a)(1)(H) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1154(a)(1)(H)) on or after
25 such date;

1 (B) to a regional center (and any person
2 involved with or a party to a regional center)
3 designated before, on, or after such date; and

4 (C) to any application to designate a re-
5 gional center, and any person involved with or
6 a party to the regional center, that is pending
7 on such date.

8 (2) DEFINITION OF “CAPITAL”.—The amend-
9 ment made by subsection (a)(1) shall take effect on
10 the date of the enactment of this Act.

11 (3) INFLATION ADJUSTMENT.—The amendment
12 made by subsection (a)(2) shall take effect as pro-
13 vided in section 203(b)(5)(C)(v) of the Immigration
14 and Nationality Act, as added by subsection (a)(2)
15 of this section.

16 **SEC. 105. FAMILY-SPONSORED IMMIGRANT VISAS.**

17 (a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-
18 MIGRANTS.—Section 201(c)(1) of the Immigration and
19 Nationality Act (8 U.S.C. 1151(c)(1)) is amended—

20 (1) in subparagraph (A)(i), by striking
21 “480,000,” and inserting “480,000 in fiscal years
22 through 2013 and 440,000 beginning in fiscal year
23 2014,”; and

24 (2) in subparagraph (B)(ii), by striking
25 “226,000.” and inserting “226,000 in fiscal years

1 through 2013 and 186,000 beginning in fiscal year
2 2014.”.

3 (b) PREFERENCE ALLOCATION FOR FAMILY-SPON-
4 SORED IMMIGRANTS.—Section 203(a)(2) of such Act (8
5 U.S.C. 1153(a)(2)) is amended—

6 (1) by striking “114,200,” and inserting
7 “139,200,”;

8 (2) by striking “226,000,” and inserting
9 “226,000 in fiscal years through 2013 and 186,000
10 beginning in fiscal year 2014,”; and

11 (3) by striking “77” and inserting “81.13”.

12 (c) BROTHERS AND SISTERS OF CITIZENS.—Section
13 203(a) of such Act (8 U.S.C. 1151(a)) is amended by
14 striking paragraph (4).

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on October 1, 2014, and shall
17 apply with respect to fiscal years beginning on or after
18 such date.

19 **SEC. 106. ELIMINATION OF DIVERSITY IMMIGRANT PRO-**
20 **GRAM.**

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

24 (1) in subsection (a)—

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

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

5 (C) by striking paragraph (3); and
6 (2) by striking subsection (e).

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

9 (1) by striking subsection (e);

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

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

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

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

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

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

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

24 (d) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on October 1, 2013, and shall

1 apply with respect to fiscal years beginning on or after
2 such date.

3 **SEC. 107. NUMERICAL LIMITATION TO ANY SINGLE FOR-**
4 **EIGN STATE.**

5 (a) IN GENERAL.—Section 202(a)(2) of the Immi-
6 gration and Nationality Act (8 U.S.C. 1152(a)(2)) is
7 amended—

8 (1) in the paragraph heading, by striking “AND
9 EMPLOYMENT-BASED”;

10 (2) by striking “(3), (4), and (5),” and insert-
11 ing “(3) and (4),”;

12 (3) by striking “subsections (a) and (b) of sec-
13 tion 203” and inserting “section 203(a)”;

14 (4) by striking “7” and inserting “15”; and

15 (5) by striking “such subsections” and inserting
16 “such section”.

17 (b) CONFORMING AMENDMENTS.—Section 202 of the
18 Immigration and Nationality Act (8 U.S.C. 1152) is
19 amended—

20 (1) in subsection (a)(3), by striking “both sub-
21 sections (a) and (b) of section 203” and inserting
22 “section 203(a)”;

23 (2) by striking subsection (a)(5); and

24 (3) by amending subsection (e) to read as fol-
25 lows:

1 “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—
2 If it is determined that the total number of immigrant
3 visas made available under section 203(a) to natives of
4 any single foreign state or dependent area will exceed the
5 numerical limitation specified in subsection (a)(2) in any
6 fiscal year, in determining the allotment of immigrant visa
7 numbers to natives under section 203(a), visa numbers
8 with respect to natives of that state or area shall be allo-
9 cated (to the extent practicable and otherwise consistent
10 with this section and section 203) in a manner so that,
11 except as provided in subsection (a)(4), the proportion of
12 the visa numbers made available under each of paragraphs
13 (1) through (4) of section 203(a) is equal to the ratio of
14 the total number of visas made available under the respec-
15 tive paragraph to the total number of visas made available
16 under section 203(a).”.

17 (c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the
18 Chinese Student Protection Act of 1992 (8 U.S.C. 1255
19 note) is amended—

20 (1) in subsection (a), by striking “subsection
21 (e))” and inserting “subsection (d))”; and

22 (2) by striking subsection (d) and redesignating
23 subsection (e) as subsection (d).

24 (d) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on October 1, 2013.

1 (e) TRANSITION RULES FOR EMPLOYMENT-BASED
2 IMMIGRANTS.—

3 (1) IN GENERAL.—Subject to the succeeding
4 paragraphs of this subsection and notwithstanding
5 title II of the Immigration and Nationality Act (8
6 U.S.C. 1151 et seq.), the following rules shall apply:

7 (A) For fiscal year 2014, 15 percent of the
8 immigrant visas made available under each of
9 paragraphs (2) and (3) of section 203(b) of
10 such Act (8 U.S.C. 1153(b)) shall be allotted to
11 immigrants who are natives of a foreign state
12 or dependent area that was not one of the two
13 states with the largest aggregate numbers of
14 natives obtaining immigrant visas during fiscal
15 year 2012 under such paragraphs.

16 (B) For fiscal year 2015, 10 percent of the
17 immigrant visas made available under each of
18 such paragraphs shall be allotted to immigrants
19 who are natives of a foreign state or dependent
20 area that was not one of the two states with the
21 largest aggregate numbers of natives obtaining
22 immigrant visas during fiscal year 2013 under
23 such paragraphs.

24 (C) For fiscal year 2016, 10 percent of the
25 immigrant visas made available under each of

1 such paragraphs shall be allotted to immigrants
2 who are natives of a foreign state or dependent
3 area that was not one of the two states with the
4 largest aggregate numbers of natives obtaining
5 immigrant visas during fiscal year 2014 under
6 such paragraphs.

7 (2) PER-COUNTRY LEVELS.—

8 (A) RESERVED VISAS.—With respect to
9 the visas reserved under each of subparagraphs
10 (A) through (C) of paragraph (1), the number
11 of such visas made available to natives of any
12 single foreign state or dependent area in the ap-
13 propriate fiscal year may not exceed 25 percent
14 (in the case of a single foreign state) or 2 per-
15 cent (in the case of a dependent area) of the
16 total number of such visas.

17 (B) UNRESERVED VISAS.—With respect to
18 the immigrant visas made available under each
19 of paragraphs (2) and (3) of section 203(b) of
20 such Act (8 U.S.C. 1153(b)) and not reserved
21 under paragraph (1), for each of fiscal years
22 2014, 2015, or 2016, not more than 85 percent
23 shall be allotted to immigrants who are natives
24 of any single foreign state.

1 (3) SPECIAL RULE TO PREVENT UNUSED
2 VISAS.—If, with respect to fiscal year 2014, 2015, or
3 2016, the operation of paragraphs (1) and (2) of
4 this subsection would prevent the total number of
5 immigrant visas made available under paragraph (2)
6 or (3) of section 203(b) of such Act (8 U.S.C.
7 1153(b)) from being issued, such visas may be
8 issued during the remainder of such fiscal year with-
9 out regard to paragraphs (1) and (2) of this sub-
10 section.

11 (4) RULES FOR CHARGEABILITY.—Section
12 202(b) of such Act (8 U.S.C. 1152(b)) shall apply
13 in determining the foreign state to which an alien is
14 chargeable for purposes of this subsection.

15 (5) EMPLOYMENT-BASED IMMIGRANTS NOT
16 SUBJECT TO PER COUNTRY LIMITATION IF ADDI-
17 TIONAL VISAS AVAILABLE.—Section 202(a)(5) of
18 such Act (8 U.S.C. 1152(a)(5)) is amended by strik-
19 ing “or (5)” and inserting “(5), (6), (7), or (8)”.

20 **SEC. 108. PHYSICIANS.**

21 (a) PERMANENT AUTHORIZATION OF THE CONRAD
22 STATE 30 PROGRAM.—Section 220(c) of the Immigration
23 and Nationality Technical Corrections Act of 1994 (Public
24 Law 103–416; 8 U.S.C. 1182 note) is amended by striking
25 “and before September 30, 2015”.

1 (b) ALLOTMENT OF CONRAD 30 WAIVERS.—

2 (1) IN GENERAL.—Section 214(l) of the Immi-
3 gration and Nationality Act (8 U.S.C. 1184(l)) is
4 amended by adding at the end the following:

5 “(4)(A)(i) All States shall be allotted a total of 35
6 waivers under paragraph (1)(B) for a fiscal year if 90 per-
7 cent of the waivers available to the States receiving at
8 least 5 waivers were used in the previous fiscal year.

9 “(ii) When an allocation has occurred under clause
10 (i), all States shall be allotted an additional 5 waivers
11 under paragraph (1)(B) for each subsequent fiscal year
12 if 90 percent of the waivers available to the States receiv-
13 ing at least 5 waivers were used in the previous fiscal year.
14 If the States are allotted 45 or more waivers for a fiscal
15 year, the States will only receive an additional increase
16 of 5 waivers the following fiscal year if 95 percent of the
17 waivers available to the States receiving at least 1 waiver
18 were used in the previous fiscal year.

19 “(B) Any increase in allotments under subparagraph
20 (A) shall be maintained indefinitely, unless in a fiscal year,
21 the total number of such waivers granted is 5 percent
22 lower than in the last year in which there was an increase
23 in the number of waivers allotted pursuant to this para-
24 graph, in which case—

1 “(i) the number of waivers allotted shall be de-
2 creased by 5 for all States beginning in the next fis-
3 cal year; and

4 “(ii) each additional 5 percent decrease in such
5 waivers granted from the last year in which there
6 was an increase in the allotment, shall result in an
7 additional decrease of 5 waivers allotted for all
8 States, provided that the number of waivers allotted
9 for all States shall not drop below 30.”.

10 (2) ACADEMIC MEDICAL CENTERS.—Section
11 214(l)(1)(D) of the Immigration and Nationality Act
12 (8 U.S.C. 1184(l)(1)(D)) is amended—

13 (A) in clause (ii), by striking “and” at the
14 end;

15 (B) in clause (iii), by striking the period at
16 the end and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(iv) in the case of a request by an inter-
19 ested State agency—

20 “(I) the head of such agency deter-
21 mines that the alien is to practice medicine
22 in, or be on the faculty of a residency pro-
23 gram at, an academic medical center (as
24 that term is defined in section
25 411.355(e)(2) of title 42, Code of Federal

1 Regulations, or similar successor regula-
2 tion), without regard to whether such facil-
3 ity is located within an area designated by
4 the Secretary of Health and Human Serv-
5 ices as having a shortage of health care
6 professionals; and

7 “(II) the head of such agency deter-
8 mines that—

9 “(aa) the alien physician’s work
10 is in the public interest; and

11 “(bb) the grant of such waiver
12 would not cause the number of the
13 waivers granted on behalf of aliens for
14 such State for a fiscal year (within
15 the limitation in subparagraph (B)
16 and subject to paragraph (4)) in ac-
17 cordance with the conditions of this
18 clause to exceed 3.”.

19 (c) EMPLOYMENT PROTECTIONS FOR PHYSICIANS.—

20 (1) IN GENERAL.—Section 214(l)(1)(C) of the
21 Immigration and Nationality Act (8 U.S.C.
22 1184(l)(1)(C)) is amended by striking clauses (i)
23 and (ii) and inserting the following:

24 “(i) the alien demonstrates a bona fide
25 offer of full-time employment, at a health care

1 organization, which employment has been deter-
2 mined by the Secretary of Homeland Security
3 to be in the public interest; and

4 “(ii) the alien agrees to begin employment
5 with the health facility or health care organiza-
6 tion in a geographic area or areas which are
7 designated by the Secretary of Health and
8 Human Services as having a shortage of health
9 care professionals by the later of the date that
10 is 90 days after receiving such waiver, 90 days
11 after completing graduate medical education or
12 training under a program approved pursuant to
13 section 212(j)(1), or 90 days after receiving
14 nonimmigrant status or employment authoriza-
15 tion, and agrees to continue to work for a total
16 of not less than 3 years in any status author-
17 ized for such employment under this subsection
18 unless—

19 “(I) the Secretary determines that ex-
20 tenuating circumstances exist that justify a
21 lesser period of employment at such facility
22 or organization, in which case the alien
23 shall demonstrate another bona fide offer
24 of employment at a health facility or

1 health care organization, for the remainder
2 of such 3-year period;

3 “(II) the interested State agency that
4 requested the waiver attests that extenu-
5 ating circumstances exist that justify a
6 lesser period of employment at such facility
7 or organization in which case the alien
8 shall demonstrate another bona fide offer
9 of employment at a health facility or
10 health care organization so designated by
11 the Secretary of Health and Human Serv-
12 ices, for the remainder of such 3-year pe-
13 riod; or

14 “(III) if the alien elects not to pursue
15 a determination of extenuating cir-
16 cumstances pursuant to subclause (I) or
17 (II), the alien terminates the alien’s em-
18 ployment relationship with such facility or
19 organization, in which case the alien shall
20 be employed for the remainder of such 3-
21 year period, and 1 additional year for each
22 determination, at another health facility or
23 health care organization in a geographic
24 area or areas which are designated by the
25 Secretary of Health and Human Services

1 as having a shortage of health care profes-
2 sionals; and”.

3 (2) CONTRACT REQUIREMENTS.—Section 214(l)
4 of the Immigration and Nationality Act (8 U.S.C.
5 1184(l)), as amended by subsection (b)(1), is further
6 amended by adding at the end the following:

7 “(5) An alien granted a waiver under paragraph
8 (1)(C) shall enter into an employment agreement with the
9 contracting health facility or health care organization
10 that—

11 “(A) specifies the maximum number of on-call
12 hours per week (which may be a monthly average)
13 that the alien will be expected to be available and
14 the compensation the alien will receive for on-call
15 time;

16 “(B) specifies whether the contracting facility
17 or organization will pay for the alien’s malpractice
18 insurance premiums, including whether the employer
19 will provide malpractice insurance and, if so, the
20 amount of such insurance that will be provided;

21 “(C) describes all of the work locations that the
22 alien will work and a statement that the contracting
23 facility or organization will not add additional work
24 locations without the approval of the Federal agency
25 or State agency that requested the waiver; and

1 “(D) does not include a non-compete provision.

2 “(6) An alien granted a waiver under paragraph
3 (1)(C) whose employment relationship with a health facil-
4 ity or health care organization terminates during the 3-
5 year service period required by such paragraph—

6 “(A) shall have a period of 120 days beginning
7 on the date of such determination of employment to
8 submit to the Secretary of Homeland Security appli-
9 cations or petitions to commence employment with
10 another contracting health facility or health care or-
11 ganization in a geographic area or areas which are
12 designated by the Secretary of Health and Human
13 Services as having a shortage of health care profes-
14 sionals; and

15 “(B) shall be considered to be maintaining law-
16 ful status in an authorized stay during the 120-day
17 period referred to in subparagraph (A).”.

18 (d) AMENDMENTS TO THE PROCEDURES, DEFINI-
19 TIONS, AND OTHER PROVISIONS RELATED TO PHYSICIAN
20 IMMIGRATION.—

21 (1) DUAL INTENT FOR PHYSICIANS SEEKING
22 GRADUATE MEDICAL TRAINING.—Section 214(b) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1184(b)) is amended by striking “(other than a non-
25 immigrant described in subparagraph (L) or (V) of

1 section 101(a)(15), and other than a nonimmigrant
2 described in any provision of section
3 101(a)(15)(H)(i) except subclause (b1) of such sec-
4 tion)” and inserting “(other than a nonimmigrant
5 described in subparagraph (L) or (V) of section
6 101(a)(15), a nonimmigrant described in any provi-
7 sion of section 101(a)(15)(H)(i), except subclause
8 (b1) of such section, and an alien coming to the
9 United States to receive graduate medical education
10 or training as described in section 212(j) or to take
11 examinations required to receive graduate medical
12 education or training as described in section
13 212(j))”.

14 (2) ALLOWABLE VISA STATUS FOR PHYSICIANS
15 FULFILLING WAIVER REQUIREMENTS IN MEDICALLY
16 UNDERSERVED AREAS.—Section 214(l)(2)(A) of the
17 Immigration and Nationality Act (8 U.S.C.
18 1184(l)(2)(A)) is amended by striking “an alien de-
19 scribed in section 101(a)(15)(H)(i)(b).” and insert-
20 ing “any status authorized for employment under
21 this Act.”.

22 (3) PHYSICIAN NATIONAL INTEREST WAIVER
23 CLARIFICATIONS.—

24 (A) PRACTICE AND GEOGRAPHIC AREA.—
25 Section 203(b)(2)(B)(ii)(I) of the Immigration

1 and Nationality Act (8 U.S.C.
2 1153(b)(2)(B)(ii)(I)) is amended by striking
3 items (aa) and (bb) and inserting the following:

4 “(aa) the alien physician agrees to
5 work on a full-time basis practicing pri-
6 mary care, specialty medicine, or a com-
7 bination thereof, in an area or areas des-
8 ignated by the Secretary of Health and
9 Human Services as having a shortage of
10 health care professionals, or at a health
11 care facility under the jurisdiction of the
12 Secretary of Veterans Affairs; or

13 “(bb) the alien physician is pursuing
14 such waiver based upon service at a facility
15 or facilities that serve patients who reside
16 in a geographic area or areas designated
17 by the Secretary of Health and Human
18 Services as having a shortage of health
19 care professionals (without regard to
20 whether such facility or facilities are lo-
21 cated within such an area) and a Federal
22 agency, or a local, county, regional, or
23 State department of public health deter-
24 mines the alien physician’s work was or
25 will be in the public interest.”.

1 (B) FIVE-YEAR SERVICE REQUIREMENT.—
2 Section 203(b)(2)(B)(ii)(II) of the Immigration
3 and Nationality Act (8 U.S.C. 1153(B)(ii)(II))
4 is amended—

5 (i) by inserting “(aa)” after “(II)”;

6 and

7 (ii) by adding at the end the fol-
8 lowing:

9 “(bb) The 5-year service requirement of
10 item (aa) shall be counted from the date the
11 alien physician begins work in the shortage area
12 in any legal status and not the date an immi-
13 grant visa petition is filed or approved. Such
14 service shall be aggregated without regard to
15 when such service began and without regard to
16 whether such service began during or in con-
17 junction with a course of graduate medical edu-
18 cation.

19 “(cc) An alien physician shall not be re-
20 quired to submit an employment contract with
21 a term exceeding the balance of the 5-year com-
22 mitment yet to be served, nor an employment
23 contract dated within a minimum time period
24 prior to filing of a visa petition pursuant to this
25 subsection.

1 “(dd) An alien physician shall not be re-
2 quired to file additional immigrant visa peti-
3 tions upon a change of work location from the
4 location approved in the original national inter-
5 est immigrant petition.”.

6 (4) TECHNICAL CLARIFICATION REGARDING AD-
7 VANCED DEGREE FOR PHYSICIANS.—Section
8 203(b)(2)(A) of the Immigration and Nationality
9 Act (8 U.S.C. 1153(b)(2)(A)) is amended by adding
10 at the end “An alien physician holding a foreign
11 medical degree that has been deemed sufficient for
12 acceptance by an accredited United States medical
13 residency or fellowship program is a member of the
14 professions holding an advanced degree or its equiv-
15 alent.”.

16 (5) SHORT-TERM WORK AUTHORIZATION FOR
17 PHYSICIANS COMPLETING THEIR RESIDENCIES.—A
18 physician completing graduate medical education or
19 training as described in section 212(j) of the Immi-
20 gration and Nationality Act (8 U.S.C. 1182(j)) as a
21 nonimmigrant described section 101(a)(15)(H)(i) of
22 such Act (8 U.S.C. 1101(a)(15)(H)(i)) shall have
23 such nonimmigrant status automatically extended
24 until October 1 of the fiscal year for which a petition
25 for a continuation of such nonimmigrant status has

1 been submitted in a timely manner and where the
2 employment start date for the beneficiary of such
3 petition is October 1 of that fiscal year. Such physi-
4 cian shall be authorized to be employed incident to
5 status during the period between the filing of such
6 petition and October 1 of such fiscal year. However,
7 the physician's status and employment authorization
8 shall terminate 30 days from the date such petition
9 is rejected, denied or revoked. A physician's status
10 and employment authorization will automatically ex-
11 tend to October 1 of the next fiscal year if all visas
12 as described in such section 101(a)(15)(H)(i) au-
13 thorized to be issued for the fiscal year have been
14 issued.

15 (6) APPLICABILITY OF SECTION 212(e) TO
16 SPOUSES AND CHILDREN OF J-1 EXCHANGE VISI-
17 TORS.—A spouse or child of an exchange visitor de-
18 scribed in section 101(a)(15)(J) of the Immigration
19 and Nationality Act (8 U.S.C. 1101(a)(15)(J)) shall
20 not be subject to the requirements of section 212(e)
21 of the Immigration and Nationality Act (8 U.S.C.
22 1182(e)).

23 (e) EFFECTIVE DATE.—The amendments made by
24 subsections (a) and (c) shall take effect on the date of
25 the enactment of this Act and shall apply to aliens granted

1 waivers before, on, or after the date of the enactment of
2 this Act. Subsection (d), and the amendments made by
3 subsections (b) and (d), shall take effect on October 1,
4 2013.

5 **SEC. 109. PERMANENT PRIORITY DATES.**

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

9 “(i) PERMANENT PRIORITY DATES.—

10 “(1) IN GENERAL.—Subject to subsection
11 (h)(3) and paragraph (2), the priority date for any
12 employment-based petition shall be the date of filing
13 of the petition with the Secretary of Homeland Secu-
14 rity (or the Secretary of State, if applicable), unless
15 the filing of the petition was preceded by the filing
16 of a labor certification with the Secretary of Labor,
17 in which case that date shall constitute the priority
18 date.

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

1 subsequently filed employment-based petition (in-
2 cluding self-petitions).”.

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

7 **TITLE II—NONIMMIGRANT VISA** 8 **REFORMS**

9 **SEC. 201. H-1B VISAS.**

10 (a) **INCREASE IN H-1B VISA NUMERICAL LIMIT.**—
11 Section 214(g) of the Immigration and Nationality Act (8
12 U.S.C. 1184(g) is amended—

13 (1) in paragraph (1)(A)—

14 (A) in clause (vi), by striking “and” at the
15 end,

16 (B) by amending clause (vii) to read as fol-
17 lows:

18 “(vii) 65,000 in fiscal years 2004 through
19 2013; and”; and

20 (C) by adding at the end the following:

21 “(viii) 155,000 in each succeeding fis-
22 cal year; or”; and

23 (2) by amending paragraph (5)(C) to read as
24 follows:

1 “(C) meets the requirements of paragraph
2 (6)(A) or (7)(A) of section 203(b), until the number
3 of aliens who are exempted from such numerical lim-
4 itation during such year exceeds 40,000.”.

5 (b) SPOUSAL EMPLOYMENT.—Section 214(c)(1)(E)
6 of the Immigration and Nationality Act (8 U.S.C.
7 1184(c)(1)(E)) is amended by striking “101(a)(15)(L),”
8 and inserting “subparagraph (H)(i)(b), (H)(i)(b1),
9 (E)(iii), or (L) of section 101(a)”.

10 (c) ANTI-FRAUD MEASURES.—

11 (1) FOREIGN DEGREES.—

12 (A) SPECIALTY OCCUPATION.—Section
13 214(i) of the Immigration and Nationality Act
14 (8 U.S.C. 1184(i)) is amended by adding at the
15 end the following:

16 “(4)(A) For purposes of paragraphs (1)(B) and
17 (3)(B), the term ‘bachelor’s or higher degree’ in-
18 cludes a foreign degree that is a recognized foreign
19 equivalent of a bachelor’s or higher degree.

20 “(B)(i) In the case of an alien with a foreign
21 degree, any determination with respect to the
22 equivalence of that degree to a degree obtained in
23 the United States shall be made by the Secretary of
24 State.

1 “(ii) In carrying out the preceding clause, the
2 Secretary of State shall verify the authenticity of
3 any foreign degree proffered by an alien. The Sec-
4 retary of State may enter into contracts with public
5 or private entities in conducting such verifications.

6 “(iii) In addition to any other fees authorized
7 by law, the Secretary of State may impose a fee on
8 an employer filing a petition under subsection (e)(1)
9 initially to grant an alien nonimmigrant status de-
10 scribed in section 101(a)(15)(H)(i)(b), if a deter-
11 mination or verification described in clause (i) or (ii)
12 is required with respect to the petition. Fees col-
13 lected under this clause shall be deposited in the
14 Treasury in accordance with section 286(t).”.

15 (B) Section 286 of the Immigration and
16 Nationality Act (8 U.S.C. 1356) is amended by
17 adding at the end the following:

18 “(w) H-1B EDUCATIONAL CREDENTIAL
19 VERIFICATION ACCOUNT.—There is established in the
20 general fund of the Treasury a separate account, which
21 shall be known as the ‘H-1B Educational Credential
22 Verification Account’. Notwithstanding any other provi-
23 sion of law, there shall be deposited as offsetting receipts
24 into the account all fees collected under section
25 214(i)(4)(B)(iii). Amounts deposited into the account

1 shall remain available to the Secretary of State until ex-
2 pended to carry out section 214(i)(4)(B).”.

3 (2) INVESTIGATIONS.—The first sentence of
4 subsection (n)(2)(F), and the first sentence of sub-
5 section (t)(3)(E) (as added by section 402(b)(2) of
6 Public Law 108–77 (117 Stat. 941)), of section 212
7 of the Immigration and Nationality Act (8 U.S.C.
8 1182) are each amended by striking all that follows
9 “investigations” and inserting a period.

10 (3) BONA FIDE BUSINESSES.—Section 214(c)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1184(c)) is amended by adding at the end the fol-
13 lowing:

14 “(15) The Secretary of Homeland Security may
15 not approve any petition under paragraph (1) filed
16 by an employer with respect to an alien seeking to
17 obtain the status of a nonimmigrant under subclause
18 (b) or (b1) of section 101(a)(15)(H)(i) and the Sec-
19 retary of State may not approve a visa with respect
20 to an alien seeking to obtain the status of a non-
21 immigrant under subparagraph (E)(iii) or (H)(i)(b1)
22 of section 101(a)(15) unless—

23 “(A) the employer—

24 “(i) is an institution of higher edu-
25 cation (as defined in section 101(a) of the

1 Higher Education Act of 1965 (20 U.S.C.
2 1001(a))), or a governmental or nonprofit
3 entity; or

4 “(ii) maintains a place of business in
5 the United States that is licensed in ac-
6 cordance with any applicable State or local
7 business licensing requirements and is used
8 exclusively for business purposes; and

9 “(B) the employer—

10 “(i) is a governmental entity;

11 “(ii) has aggregate gross assets with a
12 value of not less than \$50,000—

13 “(II) in the case of an employer
14 that is a publicly held corporation, as
15 determined using its most recent re-
16 port filed with the Securities and Ex-
17 change Commission; or

18 “(I) in the case of any other em-
19 ployer, as determined as of the date
20 on which the petition is filed under
21 regulations promulgated by the Sec-
22 retary of Homeland Security; or

23 “(iii) provides appropriate documenta-
24 tion of business activity under regulations

1 promulgated by the Secretary of Homeland
2 Security.”.

3 (4) SUBPOENA AUTHORITY.—

4 (A) H-1B APPLICATION.—Section
5 212(n)(2) of the Immigration and Nationality
6 Act (8 U.S.C. 1182(n)(2)) is amended by add-
7 ing at the end the following:

8 “(J) The Secretary of Labor is authorized to
9 issue subpoenas as may be necessary to assure em-
10 ployer compliance with the terms and conditions of
11 this subsection.”.

12 (B) ATTESTATION WITH RESPECT TO
13 OTHER NONIMMIGRANT EMPLOYEES.—Section
14 212(t)(3) of such Act (8 U.S.C. 1182(t)(3)) is
15 amended by adding at the end the following:

16 “(G) The Secretary of Labor is authorized to
17 issue subpoenas as may be necessary to assure em-
18 ployer compliance with the terms and conditions of
19 this subsection.”.

20 (d) B VISAS IN LIEU OF H-1B VISAS.—Section
21 214(g) of the Immigration and Nationality Act (8 U.S.C.
22 1184(g)) is amended by adding at the end the following:

23 “(12) Notwithstanding any other provision of this
24 Act, any alien admitted or provided status as a non-
25 immigrant in order to provide services in a specialty occu-

1 pation described in paragraph (1) or (3) of subsection (i)
2 (other than services described in subparagraph (H)(ii)(a),
3 (O), or (P) of section 101(a)(15)) or as a fashion model
4 shall have been issued a visa (or otherwise been provided
5 nonimmigrant status) under subclause (b) or (b1) of sec-
6 tion 101(a)(15)(H)(i) or section 101(a)(15)(E)(iii).”.

7 (e) EFFECTIVE DATES.—

8 (1) The amendments made by subsection (a)
9 shall take effect on the date of the enactment of this
10 Act and shall apply to aliens issued visas or other-
11 wise provided with nonimmigrant status under sec-
12 tion 101(a)(15)(H)(i)(b) of the Immigration and
13 Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) be-
14 ginning in fiscal year 2014.

15 (2) The amendments made by subsection (b)
16 shall take effect on the date of the enactment of this
17 Act and shall apply to the spouses of aliens issued
18 visas or otherwise provided with nonimmigrant sta-
19 tus under subparagraph (H)(i)(b), (H)(i)(b1), or
20 (E)(iii) of section 101(a)(15) of the Immigration
21 and Nationality Act before, on, or after such date.

22 (3) The amendments made by paragraphs (1)
23 and (3) of subsection (c) shall take effect on the
24 date of the enactment of this Act and shall apply to
25 petitions filed under section 214(c) of the Immigra-

1 tion and Nationality Act (8 U.S.C. 1184(c)) on or
2 after such date and to visa applications filed on or
3 after such date where no petition was filed because
4 none was required under subparagraph (H)(i)(b1) or
5 (E)(iii) of section 101(a)(15) of the Immigration
6 and Nationality Act (8 U.S.C. 1101(a)(15)).

7 (4) The amendments made by paragraphs (2)
8 and (4) of subsection (c) shall take effect on the
9 date of the enactment of this Act and shall apply to
10 employers of aliens issued visas or otherwise pro-
11 vided with nonimmigrant status under subparagraph
12 (H)(i)(b), (H)(i)(b1), or (E)(iii) section 101(a)(15)
13 of the Immigration and Nationality Act (8 U.S.C.
14 1101(a)(15)) before, on, or after such date.

15 (5) The amendment made by subsection (d)
16 shall take effect on the date of the enactment of this
17 Act and shall apply to aliens admitted or provided
18 status as nonimmigrants on or after such date.

19 **SEC. 202. L VISAS.**

20 (a) IN GENERAL.—Section 214(c)(2) of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1184(c)(2)) is amend-
22 ed by adding at the end the following:

23 “(G)(i) An employer of an alien who will
24 serve in a capacity for the employer involving
25 specialized knowledge under section

1 101(a)(15)(L) for a cumulative period of time
2 in excess of 6 months over a 3 year period—

3 “(I) will offer to the alien during the
4 period of authorized employment wages
5 that are at least—

6 “(aa) the actual wage level paid
7 by the employer to all other individ-
8 uals with similar experience and quali-
9 fications for the specific employment
10 in question; or

11 “(bb) the prevailing wage level
12 for the occupational classification in
13 the area of employment, whichever is
14 greater, based on the best information
15 available; and

16 “(II) will provide working conditions for such alien
17 that will not adversely affect the working conditions of
18 workers similarly employed.

19 “(ii) In complying with the requirements of
20 clause (i), an employer may take into account
21 the value of wages paid by the employer to the
22 alien in the currency of the alien’s home coun-
23 try, the value of benefits paid by the employer
24 to the alien in the alien’s home country, em-
25 ployer-provided housing or housing allowances,

1 employer-provided vehicles or transportation al-
2 lowances, and other benefits provided to the
3 alien as an incident of the assignment in the
4 United States.

5 “(iii) The Secretary of Labor shall have
6 the same investigatory and enforcement powers
7 to ensure compliance with this subparagraph as
8 are set forth in section 212(n)(2).”.

9 (b) **EFFECTIVE DATE.**—The amendment made by
10 subsection (a) shall take effect on the date of the enact-
11 ment of this Act and shall apply to employers with respect
12 to aliens issued visas or otherwise provided nonimmigrant
13 status under section 101(a)(15)(L) of the Immigration
14 and Nationality Act (8 U.S.C. 1101(a)(15)(L)) on or after
15 such date.

16 **SEC. 203. O VISAS.**

17 (a) **PORTABILITY OF O VISAS.**—The first sentence of
18 section 214(n)(1) of the Immigration and Nationality Act
19 (8 U.S.C. 1184(n)(1)) is amended—

20 (1) by striking “section 101(a)(15)(H)(i)(b)”
21 and inserting “subparagraphs (H)(i)(b) and (O)(i)
22 of section 101(a)(15)”; and

23 (2) by inserting “under such sections” after
24 “new employment”.

1 (b) 3 YEAR WAIVER OF NEW O-1 CONSULTATIONS
2 FOR ARTS AND MOTION PICTURES AND TELEVISION AND
3 TRANSPARENCY FOR O-1 VISAS FOR MOTION PICTURES
4 AND TELEVISION.—

5 (1) IN GENERAL.—Section 214(c)(3) of the Im-
6 migration and Nationality Act (8 U.S.C. 1184(c)(3))
7 is amended—

8 (A) by striking “Attorney General” each
9 place such term appears and inserting “Sec-
10 retary of Homeland Security”; and

11 (B) by striking the first two sentences of
12 the matter that follows subparagraph (B) and
13 inserting the following: “In the case of an alien
14 seeking entry for a motion picture or television
15 production, (i) any opinion under the previous
16 sentence shall only be advisory, (ii) any such
17 opinion that recommends denial must be in
18 writing, (iii) in making the decision the Sec-
19 retary of Homeland Security shall consider the
20 exigencies and scheduling of the production, (iv)
21 the Secretary of Homeland Security shall ap-
22 pend to the decision any such opinion, and (v)
23 upon making the decision, the Secretary of
24 Homeland Security shall immediately provide a
25 copy of the decision to the consulting labor and

1 management organizations. The Secretary of
2 Homeland Security shall provide by regulation
3 for the waiver of the consultation requirement
4 under subparagraph (A) in the case of aliens
5 who have been admitted as nonimmigrants
6 under section 101(a)(15)(O)(i) because of ex-
7 traordinary ability in the arts or extraordinary
8 achievement in motion picture or television pro-
9 duction and who seek readmission to perform
10 similar services within 3 years after the date of
11 a consultation under such subparagraph pro-
12 vided that, in the case of aliens admitted be-
13 cause of extraordinary achievement in motion
14 picture or television production, such waiver
15 shall apply only if the prior consultations by the
16 appropriate union and management organiza-
17 tion were favorable or raised no objection to the
18 approval of the petition.”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall take effect on the date of the
21 enactment of this Act and shall apply to petitions
22 filed under section 214(c) of the Immigration and
23 Nationality Act (8 U.S.C. 1184(c)) on or after such
24 date and to consultation decisions made before, on,
25 or after such date.

1 **SEC. 204. MEXICAN AND CANADIAN PROFESSIONALS.**

2 Section 214(e) of the Immigration and Nationality
3 Act (8 U.S.C. 1184(e)) is amended by adding at the end
4 the following:

5 “(7)(A) An employer of a Mexican or Canadian
6 professional under this subsection—

7 “(i) will offer to the alien during the period of
8 authorized employment wages that are at least—

9 “(I) the actual wage level paid by the em-
10 ployer to all other individuals with similar expe-
11 rience and qualifications for the specific em-
12 ployment in question; or

13 “(II) the prevailing wage level for the occu-
14 pational classification in the area of employ-
15 ment, whichever is greater, based on the best
16 information available; and

17 “(ii) will provide working conditions for such
18 alien that will not adversely affect the working con-
19 ditions of workers similarly employed.

20 “(B) The Secretary of Labor shall have the
21 same investigatory and enforcement powers to en-
22 sure compliance with this paragraph as are set forth
23 in section 212(n)(2).”.

24 **SEC. 205. STUDENTS.**

25 (a) DUAL INTENT.—

1 (1) IN GENERAL.—Section 101(a)(15)(F) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1101(a)(15)(F)) is amended to read as follows:

4 “(F) an alien—

5 “(i) who—

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

1 Homeland Security the determination of
2 attendance of each nonimmigrant student,
3 and if any such institution fails to make
4 reports promptly the approval shall be
5 withdrawn; or

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

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

1 shall have agreed to report to the Secretary of
2 Homeland Security the determination of attend-
3 ance of each nonimmigrant student, and if any
4 such institution of learning or place of study
5 fails to make reports promptly the approval
6 shall be withdrawn;

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

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

18 (2) ADMISSION.—Section 214(b) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1184(b)), as
20 amended by section 108(d)(1) of this Act, is further
21 amended by striking “(L) or (V)” inserting “(F)(i),
22 (L), or (V)”.

23 (3) CONFORMING AMENDMENT.—Section
24 214(m)(1) of the Immigration and Nationality Act
25 (8 U.S.C. 1184(m)(1)) is amended, in the matter

1 preceding subparagraph (A), by striking “(i) or
2 (iii)” and inserting “(i), (ii), or (iv)”.

3 (b) OPTIONAL PRACTICAL TRAINING FOR FOREIGN
4 STUDENTS.—Section 214 of the Immigration and Nation-
5 ality Act (8 U.S.C. 1184) is amended by adding at the
6 end the following:

7 “(s)(1) An employer providing optional practical
8 training to an alien who has been issued a visa or other-
9 wise provided nonimmigrant status under subparagraph
10 (F) or (M) of section 101(a)(15) after completion of the
11 alien’s course of study—

12 “(A) shall offer to the alien during the period
13 of optional practical training wages that are at
14 least—

15 “(i) the actual wage level paid by the em-
16 ployer to all other individuals with similar expe-
17 rience and qualifications for the specific em-
18 ployment in question; or

19 “(ii) the prevailing wage level for the occu-
20 pational classification in the area of employ-
21 ment, whichever is greater, based on the best
22 information available; and

23 “(B) shall provide working conditions for such
24 alien that will not adversely affect the working con-
25 ditions of workers similarly employed.

1 “(2) The Secretary of Labor has the same investiga-
2 tory and enforcement powers to ensure compliance with
3 paragraph (1) as are set forth in section 212(n)(2).”.

4 (c) EFFECTIVE DATES.—

5 (1) The amendments made by subsection (a)
6 shall take effect on the date of the enactment of this
7 Act, and shall apply to nonimmigrants who possess
8 or are granted status under section 101(a)(15)(F) of
9 the Immigration and Nationality Act (8 U.S.C.
10 1101(a))(15)(F)) on or after such date.

11 (2) The amendment made by subsection (b)
12 shall apply to employers with respect to aliens who
13 begin post-course of study optional practical training
14 with them on or after the date of the enactment of
15 this Act.

16 **SEC. 206. EXTENSION OF EMPLOYMENT ELIGIBILITY WHILE**
17 **VISA EXTENSION PETITION PENDING.**

18 (a) IN GENERAL.—Section 214 of the Immigration
19 and Nationality Act (8 U.S.C. 1184, as amended by sec-
20 tion 205(b), is further amended by adding at the end the
21 following:

22 “(t) A nonimmigrant issued a visa or otherwise pro-
23 vided nonimmigrant status under subparagraph (A), (E),
24 (G), (H), (I), (J), (L), (O), (P), (Q), or (R) of section
25 101(a)(15), or section 214(e), and otherwise as the Sec-

1 retary of Homeland Security may by regulations prescribe,
2 whose status has expired but who has, or whose spon-
3 soring employer or authorized agent has, filed a timely ap-
4 plication or petition for an extension of authorized status
5 as provided under this section, is authorized to continue
6 employment with the same employer for a period not to
7 exceed 240 days beginning on the date of the expiration
8 of the authorized period of stay until and unless the appli-
9 cation or petition is denied. Such authorization shall be
10 subject to the same conditions and limitations noted on
11 the original authorization.”.

12 (b) **EFFECTIVE DATE.**—The amendment made by
13 subsection (a) shall take effect on the date of the enact-
14 ment of this Act and shall apply to aliens issued visas or
15 otherwise provided nonimmigrant status before, on, or
16 after such date.

17 **SEC. 207. FRAUD DETECTION AND PREVENTION FEE.**

18 Section 214(c)(12)(A) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1184(c)(12)(A)) is amended by
20 adding at the end the following:

21 “The Secretary of Homeland Security shall also impose
22 the fee described in the preceding sentence on an employer
23 filing an attestation under section 212(t)(1) or employing
24 an alien pursuant to subsection (e).”.

1 **SEC. 208. TECHNICAL CORRECTION.**

2 The second subsection designated as subsection (t)
3 of section 212 of the Immigration and Nationality Act (8
4 U.S.C. 1182) (as added by section 1(b)(2)(B) of Public
5 Law 108–449 (118 Stat. 3470)) is redesignated as sub-
6 section (u) of such section.

7 **TITLE III—REFORMS AFFECTING**
8 **BOTH IMMIGRANT AND NON-**
9 **IMMIGRANT VISAS**

10 **Subtitle A—STEM Education**
11 **Funding**

12 **SEC. 301. FUNDING FOR STEM EDUCATION AND TRAINING.**

13 (a) NONIMMIGRANT FEE ADJUSTMENT AND ALLOCA-
14 TION.—Section 214(c)(9) of the Immigration and Nation-
15 ality Act (8 U.S.C. 1184(c)(9)) is amended—

16 (1) in subparagraph (A)—

17 (A) in the matter preceding clause (i)—

18 (i) by striking “(20 U.S.C. 1001(a),”

19 and inserting “(20 U.S.C. 1001(a),”;

20 (ii) by striking “filing before a peti-
21 tion” and inserting “filing a petition”;

22 (2) by amending subparagraph (B) to read as
23 follows:

24 “(B) The amount of the fee imposed under this para-
25 graph shall be—

1 “(i) \$1,250 for each such petition filed by an
2 employer with not more than 25 full-time equivalent
3 employees who are employed in the United States
4 (determined by including any affiliate or subsidiary
5 of such employer); and

6 “(ii) \$2,500 for each such petition filed by an
7 employer with more than 25 such employees.”;

8 (3) by amending subparagraph (C) to read as
9 follows:

10 “(C) Fees collected under this paragraph shall
11 be distributed as follows:

12 “(i) Of the amounts collected pursuant to
13 subparagraph (B)(i)—

14 “(I) \$750 shall be deposited in the
15 Treasury in accordance with section
16 286(s); and

17 “(II) \$500 shall be deposited in the
18 Treasury in accordance with section
19 286(x).

20 “(ii) Of the amounts collected pursuant to
21 subparagraph (B)(ii)—

22 “(I) \$1,500 shall be deposited in the
23 Treasury in accordance with section
24 286(s); and

1 “(II) \$1,000 shall be deposited in the
2 Treasury in accordance with section
3 286(x).”;

4 (4) by redesignating subparagraph (C) as sub-
5 paragraph (D); and

6 (5) by inserting after subparagraph (B) the fol-
7 lowing:

8 “(C) The Secretary of Homeland Security shall
9 impose the fee described in this paragraph on an
10 employer filing an attestation under section
11 212(t)(1), and on an employer employing an alien
12 pursuant to section 214(e), in the same manner as
13 such fee is imposed on an employer described in sub-
14 paragraph (A). In the case of employment pursuant
15 to section 214(e), the Secretary of Homeland Secu-
16 rity shall establish a method of imposing the fee de-
17 scribed in the preceding sentence notwithstanding
18 the absence of a petition or attestation.”.

19 (b) CONFORMING AMENDMENT.—Section 286(s)(1)
20 of the Immigration and Nationality Act (8 U.S.C.
21 1356(s)(1)) is amended by striking the last sentence and
22 inserting “There shall be deposited as offsetting receipts
23 into the account a portion of the fees collected under para-
24 graphs (9) and (11) of section 214(e).”.

1 (c) IMMIGRANT FEE.—Section 203(b) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1153(b)) is amend-
3 ed by adding at the end the following:

4 “(7) FUNDING FOR STEM EDUCATION AND
5 TRAINING.—The Secretary of Homeland Security
6 shall impose a fee of \$1,000 on each I-140 immi-
7 grant visa petition filed under this subsection.
8 Amounts collected under this paragraph shall be de-
9 posited into the Treasury in accordance with section
10 286(x).”.

11 (d) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on October 1, 2013, and shall
13 apply to petitions filed under section 214(c)(1) of the Im-
14 migration and Nationality Act (8 U.S.C. 1184(c)(1)), and
15 attestations filed under section 212(t)(1) of such Act (8
16 U.S.C. 1182(t)(1)), on or after such date.

17 **SEC. 302. PROMOTING AMERICAN INGENUITY ACCOUNT.**

18 Section 286 of the Immigration and Nationality Act
19 (8 U.S.C. 1356), as amended by section 201(c)(1)(B) of
20 this Act, is further amended by adding at the end the fol-
21 lowing:

22 “(x) PROMOTING AMERICAN INGENUITY ACCOUNT.—

23 “(1) IN GENERAL.—There is established in the
24 general fund of the Treasury a separate account,
25 which shall be known as the ‘Promoting American

1 Ingenuity Account’. There shall be deposited as off-
2 setting receipts into the account fees collected under
3 section 203(b)(7) and a portion of the fees collected
4 under section 214(c)(9). Amounts deposited into the
5 account shall remain available to the Secretary of
6 Education until expended.

7 “(2) PURPOSES.—The purposes of the Pro-
8 moting American Ingenuity Account are to enhance
9 the economic competitiveness of the United States
10 by—

11 “(A) strengthening STEM education, in-
12 cluding in computer science, at all levels;

13 “(B) ensuring that schools have access to
14 well-trained and effective STEM teachers; and

15 “(C) helping colleges and universities
16 produce more graduates in fields needed by
17 American employers.

18 “(3) ALLOCATION OF FUNDS.—

19 “(A) RESERVATION OF FUNDS.—

20 “(i) IN GENERAL.—The Secretary of
21 Education may reserve up to 5 percent of
22 the amounts deposited into the Promoting
23 American Ingenuity Account to carry out
24 the activities described in clause (ii).

1 “(ii) NATIONAL ACTIVITIES.—From
2 the amounts reserved under clause (i), the
3 Secretary of Education shall, directly or
4 through grants and contracts—

5 “(I) provide technical assistance
6 to States and local educational agen-
7 cies in carrying out activities de-
8 scribed in section 304 of the SKILLS
9 Visa Act; and

10 “(II) acting through the Institute
11 of Education Sciences, conduct na-
12 tional evaluations of activities carried
13 out by the State under such section
14 304.

15 “(B) ALLOCATIONS TO STATES.—

16 “(i) IN GENERAL.—Subject to clause
17 (ii), the Secretary of Education shall pro-
18 portionately allocate the remaining
19 amounts deposited into the account to the
20 States each fiscal year in an amount that
21 bears the same relationship to the remain-
22 der as the amount the State received under
23 subpart 2 of part A of title I of the Ele-
24 mentary and Secondary Education Act of
25 1965 (20 U.S.C. 6331 et seq.) for the pre-

1 ceding fiscal year bears to the amount all
2 States received under that subpart for the
3 preceding fiscal year.

4 “(ii) **MINIMUM ALLOCATIONS.**—No
5 State shall receive less than an amount
6 equal to 0.5 percent of the total amount
7 made available to all States from the Pro-
8 moting American Ingenuity Account. If a
9 State does not request an allocation from
10 the Account for a fiscal year, the Secretary
11 shall reallocate the State’s allocation to
12 those States with approved applications
13 under section 303 of the SKILLS Visa Act
14 in accordance with clause (i).”

15 **SEC. 303. STEM EDUCATION GRANT APPLICATION PROC-**
16 **ESS.**

17 (a) **APPLICATION.**—Each Governor and Chief State
18 School Officer desiring to receive an allocation from the
19 Promoting American Ingenuity Account established under
20 section 286(x) of the Immigration and Nationality Act (as
21 added by section 302 of this Act) shall jointly submit a
22 plan, including a proposed budget, signed by the Governor
23 and Chief Sate School Officer, to the Secretary of Edu-
24 cation at such time, and in such manner, as the Secretary
25 may require, that—

1 (1) designates a State agency as the agency re-
2 sponsible for carrying out programs funded by such
3 allocation;

4 (2) describes the activities to be funded with
5 such allocation and how such activities will improve
6 STEM education in the State;

7 (3) describes how the State will partner with
8 employers to design and carry out the activities
9 funded by such allocation;

10 (4) describes how the State will collaborate with
11 institutions of higher education (as defined in sec-
12 tion 102 of the Higher Education Act of 1965 (20
13 U.S.C. 1002), except that such term does not in-
14 clude institutions described in subsection (a)(1)(C)
15 of such section 102), local educational agencies,
16 State and local workforce investment boards funded
17 under the Workforce Investment Act of 1998 (29
18 U.S.C. 2801 et seq.), and other State and local gov-
19 ernment entities as appropriate to carry out the ac-
20 tivities funded by such allocation; and

21 (5) describes how the State will coordinate ac-
22 tivities funded by such allocation with activities
23 funded under the Elementary and Secondary Edu-
24 cation Act of 1965 (20 U.S.C. 6301 et seq.), the
25 Higher Education Act of 1965 (20 U.S.C. 1001 et

1 seq.), and the Workforce Investment Act of 1998
2 (29 U.S.C. 2801 et seq.).

3 (b) PROHIBITION.—

4 (1) IN GENERAL.—The information described in
5 subsection (a) shall be the only information required
6 of States, and the Secretary of Education shall not
7 establish any additional criteria for State eligibility
8 for such allocations.

9 (2) STANDARDS AND ASSESSMENTS.—The Sec-
10 retary shall not condition State receipt of such allo-
11 cations on any decision to adopt, or not to adopt,
12 academic standards or assessments for the State's
13 elementary and secondary schools.

14 (c) DEEMED APPROVAL.—A plan submitted under
15 subsection (a) shall be deemed to be approved by the Sec-
16 retary of Education unless the Secretary makes a written
17 determination, prior to the expiration of the 60-day period
18 beginning on the date on which the Secretary received the
19 plan, that the plan is not in compliance with this section.

20 **SEC. 304. AUTHORIZED ACTIVITIES.**

21 A State or other entity that receives funding from
22 the Promoting American Ingenuity Account may use such
23 funds for one or more of the following activities:

1 (1) To strengthen the State’s academic stand-
2 ards in science, technology, engineering, and mathe-
3 matics (STEM);

4 (2) To implement strategies for the recruit-
5 ment, training, placement, and retention of teachers
6 in STEM fields, including computer science;

7 (3) To carry out initiatives designed to assist
8 students in succeeding and graduating from postsec-
9 ondary STEM programs;

10 (4) To improve the availability and access to
11 STEM-related worker training programs, including
12 community college courses and programs; and

13 (5) For other activities to improve STEM edu-
14 cation.

15 **SEC. 305. NATIONAL EVALUATIONS.**

16 (a) ANNUAL REPORT.—The Secretary of Education
17 shall submit a report describing the results of each evalua-
18 tion conducted under section 286(x)(3)(A)(ii)(II) of the
19 Immigration and Nationality Act (as added by section 302
20 of this Act) to—

21 (1) the President;

22 (2) the Committee on the Judiciary of the Sen-
23 ate;

24 (3) the Committee on the Judiciary of the
25 House of Representatives;

1 (4) the Committee on Health, Education,
2 Labor, and Pensions of the Senate; and

3 (5) the Committee on Education and the Work-
4 force of the House of Representatives.

5 (b) DISSEMINATION.—The Secretary of Education
6 shall make the findings of such evaluations widely avail-
7 able to educators, the business community, and the public.

8 **SEC. 306. RULE OF CONSTRUCTION.**

9 Nothing in this subtitle may be construed to permit
10 the Secretary of Education or any other Federal official
11 to approve the content or academic achievement stand-
12 ards, academic assessments, or curriculum of a State.

13 **Subtitle B—Other Reforms**

14 **SEC. 311. PREVAILING WAGES.**

15 (a) IN GENERAL.—Section 212(p) of the Immigra-
16 tion and Nationality Act (8 U.S.C. 1182(p)) is amended—

17 (1) in paragraph (1), by striking “subsections
18 (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II)” and
19 inserting “subsections (a)(5)(A), (n)(1)(A)(i)(II),
20 and (t)(1)(A)(i)(II) of this section, and subsections
21 (c)(2)(G), (e), and (s) of section 214,”;

22 (2) by redesignating paragraphs (2) through
23 (4) as paragraphs (3) through (5), respectively;

24 (3) by inserting after paragraph (1) the fol-
25 lowing:

1 “(2) In computing the prevailing wage level for
2 an occupational classification in an area of employ-
3 ment for purposes of subsections (a)(5)(A),
4 (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II) of this section,
5 and subsections (c)(2)(G), (e), and (s) of section
6 214, in the case of an alien who begins work with
7 their employer under such section within one year of
8 graduation from an institution that is described in
9 section 101(a) of the Higher Education Act of 1965
10 (20 U.S.C. 1001(a)) or is a proprietary institution
11 of higher education (as defined in section 102(b) of
12 such Act (20 U.S.C. 1002(b))), the wage level shall
13 be the wage level specified in subparagraph (A), (B),
14 or (C) of paragraph (5) depending on the alien’s ex-
15 perience, education, and level of supervision. In com-
16 puting the prevailing wage level for an occupational
17 classification in an area of employment for purposes
18 of subsections (a)(5)(A), (n)(1)(A)(i)(II), and
19 (t)(1)(A)(i)(II) of this section, and subsections
20 (c)(2)(G), (e), and (s) of section 214, in the case of
21 an alien who does not begin work with their em-
22 ployer under such section within one year of gradua-
23 tion from an institution that is described in section
24 101(a) of the Higher Education Act of 1965 (20
25 U.S.C. 1001(a)) or is a proprietary institution of

1 higher education (as defined in section 102(b) of
2 such Act (20 U.S.C. 1002(b))), the wage level shall
3 be the wage level specified in subparagraph (B) or
4 (C) of paragraph (5), depending on the alien's expe-
5 rience, education, and level of supervision.”;

6 (4) in paragraph 4 (as redesignated), by strik-
7 ing “subsections (a)(5)(A), (n)(1)(A)(i)(II), and
8 (t)(1)(A)(i)(II)” and inserting “subsections
9 (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II) of
10 this section, and subsections (c)(2)(G), (e), and (s)
11 of section 214,”; and

12 (5) by amending paragraph (5) (as redesi-
13 gnated) to read as follows:

14 “(5) Subject to paragraph (2), the Secretary of Labor
15 shall make available to employers a governmental survey
16 to determine the prevailing wage for each occupational
17 classification by metropolitan statistical area in the United
18 States. Such survey, or other survey approved by the Sec-
19 retary of Labor, shall provide 3 levels of wages commensu-
20 rate with experience, education, and level of supervision.
21 Such wage levels shall be determined as follows:

22 “(A) The first level shall be the mean of the
23 lowest two-thirds of wages surveyed, but in no case
24 less than 80 percent of the mean of the wages sur-
25 veyed.

1 “(B) The second level shall be the mean of
2 wages surveyed.

3 “(C) The third level shall be the mean of the
4 highest two-thirds of wages surveyed.”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 subsection (a) shall take effect on the date of the enact-
7 ment of this Act, and shall apply to employers with regard
8 to labor certifications under sections 212(a)(5)(A) of the
9 Immigration and Nationality Act (8 U.S.C.
10 1182(a)(5)(A)), labor condition applications under section
11 212(n)(1) of such Act (8 U.S.C. 1182(n)(1)), and attesta-
12 tions under section 212(t)(1) of such Act (8 U.S.C.
13 1182(t)(1)), filed on or after such date, to employers with
14 regard to aliens issued visas or otherwise provided non-
15 immigrant status under section 101(a)(15)(L) of such Act
16 (8 U.S.C. 1101(a)(15)(L)) on or after such date, and to
17 employers with regard to aliens they provide post-course
18 of study optional practical training that begins on or after
19 such date.

20 **SEC. 312. STREAMLINING PETITIONS FOR ESTABLISHED**
21 **EMPLOYERS.**

22 (a) **IN GENERAL.**—Section 214(c) of the Immigration
23 and Nationality Act (8 U.S.C. 1184(c)) is amended by
24 adding at the end the following:

1 “(15) The Secretary of Homeland Security shall es-
2 tablish a pre-certification procedure for employers who file
3 multiple petitions described in this subsection or section
4 204(a)(1)(F). Such precertification procedure shall enable
5 an employer to avoid repeatedly submitting documentation
6 that is common to multiple petitions and establish,
7 through a single filing, criteria relating to the employer
8 and the offered employment opportunity.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall take effect on the date of the enact-
11 ment of this Act, and shall apply to petitions filed under
12 section 204(a)(1)(F) or 214(c) of the Immigration and
13 Nationality Act (8 U.S.C. 1154(a)(1)(F) or 1184(c)) be-
14 ginning 180 days after such date.