

Republicans ready 'STEM Jobs Act'

House vote next week; Senate will likely take action in lame duck session

By [Patrick Thibodeau](#)

September 14, 2012 06:00 AM ET

Computerworld - WASHINGTON -- The U.S. House is moving closer to acting on legislation that would make green cards available to as many as 55,000 foreign nationals who have earned advanced degrees in science, technology, engineering or math -- the so-called STEM fields.

Rep. Lamar Smith (R-Texas), who, as head of the House Judiciary Committee, is the lead lawmaker on immigration matters, is preparing to introduce legislation as early as Friday to create a STEM visa, say sources familiar with the situation.

The STEM Jobs Act of 2012 would eliminate the lottery diversity program, which now awards 55,000 permanent residency visas to random lottery winners. This legislative proposal takes those visas and repurposes them as STEM visas.

Here are the bill's main provisions, according to a copy of the legislation obtained by *Computerworld*:

An individual must have earned a doctorate or a master's degree from a U.S. university in order to be eligible for the visa. Those who took courses online also qualify, but they must be physically present in the U.S.

Employers must petition for the visas on behalf of job candidates. A U.S. employer that wants to hire a foreign national and secure a green card for that individual must go through a labor certification process, similar to what is now used in employment-based green cards, to show that there are no qualified U.S. citizens who are available for the job.

The visa candidate must agree to work for at least five years for the petitioning employer, or in a STEM field.

Some degree holders won't be eligible. The visas will be limited to foreign nationals who earned degrees at Ph.D.-granting universities with high levels of research activity. The intent is likely to keep diploma mills from capitalizing on the STEM visa program.

First preference goes to people who hold doctorates. Any unused visas are then made available to people with master's degrees.

The bill also requires the Department of Homeland Security to post a list of STEM visa employers on its website and update that list monthly. The DHS website would also have to reveal the number of aliens who hold STEM visas and list their occupations.

Congress is expected to recess at the end of next week in advance of the election. The STEM bill is expected to appear on the suspension calendar, requiring a two-thirds vote for approval, which means it will need Democratic support, say sources familiar with the negotiations.

[Senate action](#) will still be needed. If the House acts, the earliest the Senate will be able to consider the measure will be after the election, during the lame duck session.

There is bipartisan support for a STEM visa bill. But action on any high-tech-related immigration issue is inevitably entangled in the broader debate over immigration reform. The fear among some reform advocates is that piecemeal immigration legislation will weaken support for other initiatives, such as the Dream Act.

Democrats and Republicans in both chambers have pitched legislation to create a STEM visa. In the House, the leading proponents are Raul Labrador (R-Idaho) and Zoe Lofgren (D-Calif.).

It's not clear whether the legislation will have bipartisan support.

Republican leadership could force the issue and dare the Democrats to vote against a plan that has much support from the tech and academic sectors. On Thursday, one lobbying group released a letter signed by the heads of 165 U.S. universities, including Stanford and MIT, in support of a STEM bill.

STEM legislation proponents argue that these advanced degree holders are in demand worldwide and the U.S. is competing for them. But the proposal will also draw criticism from those who argue that the labor certification process, now used with employment green cards, offers little protection to U.S. citizens.

The H-1B program now sets aside 20,000 visas specifically for people who earned advanced degrees at U.S. universities. This STEM legislation doesn't change that program. In total, the U.S. offers 85,000 H-1B temporary work visas, about half of which go to people in computer occupations.

Both parties, in their 2012 platforms, broadly support the idea of green cards for STEM grads. The platform positions on this issue could have been written by the same person.

Here's the Democratic platform's language on skilled immigration: "We will work to make it possible for foreign students earning advanced degrees in science, technology, engineering and mathematics to stay and help create jobs here at home."

And here's the Republican platform's statement on that subject: "We can accelerate the process of restoring our domestic economy -- and reclaiming this country's traditional position of dominance in international trade -- by a policy of strategic immigration, granting more work

visas to holders of advanced degrees in science, technology, engineering, and math from other nations."

http://www.computerworld.com/s/article/9231276/Republicans_ready_STEM_Jobs_Act