

H.R. 6412, Attracting the Best and Brightest Act of 2012

Section-by-Section Summary

Sec. 1: Short Title. “Attracting the Best and Brightest Act of 2012.”

Sec. 2: Immigrant Visas for Certain Advanced STEM Graduates.

- **Advanced STEM Graduates.** H.R. 6412 allows businesses to attract and retain critical talent by creating a new “EB-6” green card category for persons with advanced degrees in science, technology, engineering, and mathematics (STEM) from U.S. research universities.
 - The bill provides the same number of STEM visas (50,000) as the Republican proposal.
 - But it does so without eliminating other visa programs. The Republican proposal would kill the Diversity Visa, a long-standing immigration program that ensures diversity among new immigrants and provides one of the few legal pathways to enter the United States. Supporters of legal immigration should not have to kill other immigration programs to increase STEM visas.
- **Unused Visas.** Considering the decades-long backlogs that now plague our employment-based immigration system, H.R. 6412 ensures that STEM visas are not wasted by making unused visas available to other employment-based immigrants waiting in the green card backlogs.
 - The Republican bill ensures that unused visas are wasted, thus effectively reducing overall legal immigration levels. Their bill would have unused STEM visas roll-over until FY 2014, but unused visas after FY 2014 would disappear forever.
- **The Best and the Brightest.** H.R. 6412 requires an advanced degree from an accredited public or nonprofit university classified by the National Science Foundation as a research institution or as otherwise excelling in STEM instruction. For-profit schools are excluded from participation. The Republican bill expressly allows degrees from for-profit schools, including degrees earned by mail or over the internet.
- **Wage Protections for U.S. Workers.** H.R. 6412 requires that the offered wages to STEM graduate do not undercut the actual wages paid to U.S. workers with similar levels of experience. The Republican proposal does not include this provision and does not adequately ensure that American workers are protected.
- **Two-Year Sunset.** The increased visas expire after two years to allow an opportunity for Congress to review the effects of the increase and consider possible improvements to the program.

Sec. 3: Student Visa Reform. Fixes a technicality in the law that prevents companies from obtaining green cards for foreign students without first sending them home or putting them on temporary visas.

Section 4: Age-Out Protections for Children. Ensures that children are not separated from their families due to processing delays.

Section 5: Permanent Priority Dates. Allows individuals whose family relationships change—for example, when an adult son or daughter gets married—to receive credit for the time they have already waited in visa lines, and are not penalized by having to go to the end of the line and start over again.

Original Cosponsors: *Gutierrez, Gonzalez, Conyers, George Miller, Roybal-Allard, Napolitano, Hinojosa, Honda, Eshoo, Matsui, and Sablan.*