

AMENDMENT NO. _____ Calendar No. _____

Purpose: To propose a substitute for section 4403, relating to E–visa reform.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GRASSLEY

Viz:

1 Strike section 4403 and insert the following:

2 **SEC. 4403. E-VISA REFORM.**

3 (a) E–3(2) VISAS.—Section 101(a)(15)(E)(iii) (8

4 U.S.C. 1101(a)(15)(E)(iii) is amended—

5 (1) by inserting “(I)” after “(iii)”; and

6 (2) by adding at the end “or (II) until Sep-

7 tember 30, 2015 (except for extensions for visa hold-

8 ers), solely to perform services as an employee who

9 meets the requirements under section 214(g)(12) if

10 the alien is a national of the Republic of Ireland and

11 with respect to whom the Secretary of Labor deter-

12 mines and certifies to the Secretary of Homeland

1 Security and the Secretary of State that the intend-
2 ing employer has filed with the Secretary of Labor
3 an attestation under section 212(t);”

4 (b) NUMERICAL LIMITATION.—Section 214(g) (8
5 U.S.C. 1184(g)) is amended by adding at the end the fol-
6 lowing:

7 “(12)(A) The Secretary of State may not approve a
8 number of initial applications submitted for aliens de-
9 scribed in section 101(a)(15)(E)(iii)(II) that is more than
10 the applicable numerical limitation set out in this para-
11 graph.

12 “(B) The applicable numerical limitation referred to
13 in subparagraph (A) is 10,500 for each fiscal year which
14 shall be allocated as follows:

15 “(i) 3,500 for aliens in specialty occupations (as
16 defined in subsection (i)).

17 “(ii) 3,500 for aliens who have at least a high
18 school education or its equivalent, which shall in-
19 clude passage of a high school equivalency examina-
20 tion.

21 “(iii) 3,500 for aliens who, within 5 years of the
22 date of application for a visa under this subsection,
23 have at least 3 years of work experience in the occu-
24 pation for which the alien is applying.

1 “(C) The applicable numerical limitation referred to
2 in subparagraph (A) shall only apply to principal aliens
3 and not to the spouses or children of such aliens.

4 “(D) A visa issued pursuant to section
5 101(a)(15)(E)(iii)(II)—

6 “(i) shall be valid for a period of 2 years; and

7 “(ii) may be renewed, only after the Secretary
8 of Labor approves the labor attestation filed by the
9 employer as required under section 212(t), for an
10 unlimited number of 2 year periods.

11 “(E) In addition to any other fees authorized by law,
12 the Secretary of State shall impose a fee of \$300 on an
13 alien filing an application for a visa authorizing admission
14 to the United States as a nonimmigrant described in sec-
15 tion 101(a)(15)(E)(iii)(II). The Secretary shall impose a
16 fee of \$300 for spouses and children who are accom-
17 panying or following to join such principal aliens. The Sec-
18 retary shall deposit such funds in the general fund of the
19 Treasury.

20 “(F) No new visas may be issued pursuant to section
21 101(a)(15)(E)(iii)(II) after September 30, 2015, except
22 for extensions for visa holders.”.

23 (c) OTHER REQUIREMENTS.—

24 (1) INELIGIBILITY FOR UNLAWFUL PRES-
25 ENCE.—An alien may not enter the United States

1 pursuant to section 101(a)(15)(E)(iii)(II) of the Im-
2 migration and Nationality Act, as added by sub-
3 section (a), if the alien entered the United States
4 after the date of the enactment of this Act and has
5 been unlawfully present in the United States for 365
6 or more days after the date of the enactment of this
7 Act.

8 (2) PROHIBITION ON BENEFITS.—An alien
9 present in the United States pursuant to section
10 101(a)(15)(E)(iii)(II) of the Immigration and Na-
11 tionality Act, as added by subsection (a), is not eligi-
12 ble for any means-tested public benefit, including
13 Supplemental Security Income benefits, benefits pro-
14 vided under the Food and Nutrition Act of 2008 (7
15 U.S.C. 2011 et seq.), medical assistance under title
16 XIX of the Social Security Act, including for care
17 and services that are necessary for the treatment of
18 an emergency medical condition (as defined in sec-
19 tion 1903(v)(3) of such Act), and premium assist-
20 ance for the purchase of a qualified health plan
21 under section 36B of the Internal Revenue Code of
22 1986 and, if applicable, reduced cost sharing for
23 under section 1402 of the Patient Protection and
24 Affordable Care Act (Public Law 111–148; 124
25 Stat. 119).

1 (d) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall take effect on the date
3 that the Secretary of State certifies that the Government
4 of Ireland provides immigration benefits to nationals of
5 the United States that are similar, considering the relative
6 population size of the two countries, to the benefits pro-
7 vided to nationals of Ireland under this section and the
8 amendments made by this section.