

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for future immigration and limit the number of nonimmigrant aliens who may be authorized for employment in the United States.

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

AMENDMENTS intended to be proposed by Mr. SESSIONS

Viz:

1 Strike sections 2301, 2302, 2304, 2305, and 2307.

2 At the beginning of subtitle C of title II, insert the
3 following:

4 **SEC. 2301. FUTURE IMMIGRATION.**

5 (a) ALIENS ELIGIBLE FOR IMMIGRANT VISAS.—

6 (1) WORLDWIDE LEVEL OF IMMIGRATION.—

7 Section 201(a) is amended to read as follows:

8 “(a) IN GENERAL.—

9 “(1) IN GENERAL.—Except as provided in sec-
10 tions 245C, 245D, and 245F and subject to sub-

1 section (b), paragraph (2), and the allocations set
2 out in section 203(a), aliens born in a foreign state
3 or dependent area who may be issued an immigrant
4 visa or who may otherwise acquire the status of an
5 alien lawfully admitted for permanent residence are
6 limited to—

7 “(A) the children and spouses of citizens of
8 the United States or of aliens lawfully admitted
9 for permanent residence;

10 “(B) merit-based immigrants described in
11 section 203(b);

12 “(C) aliens eligible for an adjustment of
13 status under section 209; and

14 “(D) aliens admitted to the United States
15 under section 208.

16 “(2) SPECIAL RULE FOR BACKLOG.—Subject to
17 subsection (b), an alien who is the beneficiary of a
18 petition filed to accord status under subsection (a)
19 or (b) of this section as in effect on the day before
20 the date of the enactment of the Border Security,
21 Economic Opportunity, and Immigration Moderniza-
22 tion Act and who was not issued an immigrant visa
23 within 5 years after the date on which such petition
24 was filed is eligible to receive an immigrant visa in

1 a number allocated for such aliens under section
2 203(a)(2).”.

3 (2) TERMINATION OF IMMEDIATE RELATIVE
4 CATEGORY AND NUMERICAL LIMITATIONS.—Section
5 201(b) (8 U.S.C. 1151(b)) is amended to read as
6 follows:

7 “(b) NUMERICAL LIMITATION.—The worldwide level
8 of aliens who may be issued an immigrant visa or who
9 may otherwise acquire the status of an alien lawfully ad-
10 mitted to the United States for permanent residence may
11 not exceed 1,200,000.”.

12 (3) CONFORMING AMENDMENTS.—Section 201
13 (8 U.S.C. 1151) is amended by striking subsections
14 (c), (d), and (f).

15 (b) ALLOCATION OF IMMIGRANT VISAS.—Section 203
16 (8 U.S.C. 1153) is amended to read as follows:

17 “(a) ALLOCATION OF IMMIGRANT VISAS.—

18 “(1) IN GENERAL.—Subject to paragraph (2),
19 the worldwide level of immigrant visas described in
20 section 201(b) shall be allocated as follows:

21 “(A) CHILDREN AND SPOUSES.—The first
22 priority shall be aliens described in paragraph
23 (1) of section 201(a), in a number not to exceed
24 the number of such aliens admitted during the
25 previous fiscal year.

1 “(B) ASYLUM AND REFUGEE SEEKERS.—

2 The second priority shall be aliens described in
3 paragraphs (3) and (4) of section 201(a), in a
4 number not to exceed the number of such aliens
5 admitted during the previous fiscal year.

6 “(C) MERIT-BASED IMMIGRANTS.—The
7 third priority shall be aliens described in para-
8 graph (2) of section 201(a), allocated as de-
9 scribed in subsection (b).

10 “(2) SPECIAL ALLOCATION TO ADDRESS BACK-
11 LOG.—Until the date that all aliens described in sec-
12 tion 201(a)(2) have received immigrant visas under
13 such section, the worldwide level of immigrant visas
14 described in section 201(b) shall be allocated as fol-
15 lows:

16 “(A) MERIT-BASED IMMIGRANTS.—The
17 first priority shall be aliens described in para-
18 graph (2) of section 201(a), allocated as de-
19 scribed in subsection (b), in a number not to
20 exceed 140,000.

21 “(B) CHILDREN AND SPOUSES.—The sec-
22 ond priority shall be aliens described in para-
23 graph (1) of section 201(a), in a number not to
24 exceed the number of such aliens admitted dur-
25 ing the previous fiscal year.

1 “(C) ASYLUM AND REFUGEE SEEKERS.—

2 The third priority shall be aliens described in
3 paragraphs (3) and (4) of section 201(a), in a
4 number not to exceed the number of such aliens
5 admitted during the previous fiscal year.

6 “(D) VISA BACKLOG.—The fourth priority
7 shall be aliens described in section 201(a)(2).

8 “(b) MERIT-BASED IMMIGRANTS.—

9 “(1) ALLOCATION.—Aliens shall be allocated
10 merit-based immigrant visas based on the aliens
11 with the highest number of points allocated under
12 this subsection for a fiscal year.

13 “(2) POINTS.—The Secretary shall allocate
14 points to each alien seeking to be a merit-based im-
15 migrant as follows:

16 “(A) OCCUPATION.—

17 “(i) SPECIALITY OCCUPATION.—An
18 alien who will be employed in the United
19 States in a speciality occupation, as de-
20 fined by the Secretary of Labor, shall be
21 allocated 20 points.

22 “(ii) HIGH DEMAND OCCUPATIONS.—
23 An alien who will be employed in the
24 United States in 1 of the 30 occupations
25 that have experienced the most growth in

1 the preceding 10-year period, as deter-
2 mined by the Bureau of Labor Statistics,
3 shall be allocated 16 points.

4 “(iii) STEM OR HEALTH OCCUPA-
5 TIONS.—An alien who has been employed
6 in the United States in a occupation re-
7 lated to science, technology, engineering, or
8 mathematics, or health care for at least 1
9 year shall be allocated 8 points.

10 “(B) EMPLOYER ENDORSEMENT.—An
11 alien with an employer in the United States
12 that will pay at least 50 percent of the applica-
13 tion fees for the alien’s merit-based visa and
14 that has offered the alien a job or currently em-
15 ploys the alien shall be allocated 6 points.

16 “(C) EMPLOYMENT EXPERIENCE.—

17 “(i) IN GENERAL.—An alien who has
18 been lawfully employed in the United
19 States shall be allocated 2 points for each
20 year of such employment.

21 “(ii) MAXIMUM ALLOCATION.—An
22 alien may not be allocated more than 10
23 points under this subparagraph.

24 “(D) AGE.—An alien who is between 25
25 and 39 years of age shall be allocated 3 points.

1 “(E) EDUCATION.—

2 “(i) IN GENERAL.—An alien may re-
3 ceive points under only 1 of the following
4 categories:

5 “(I) An alien who has received a
6 doctorate degree, master’s degree, or
7 other graduate degree from an institu-
8 tion of higher education in the United
9 States or the foreign equivalent shall
10 be allocated 20 points.

11 “(II) An alien who has received a
12 bachelor’s degree from an institution
13 of higher education (as defined in sec-
14 tion 101(a) of the Higher Education
15 Act of 1965 (20 U.S.C. 1001(a)) shall
16 be allocated 16 points.

17 “(III) An alien who has received
18 an associate’s degree shall be allo-
19 cated 10 points.

20 “(IV) An alien who has received
21 a high school diploma or its equivalent
22 shall be allocated 6 points.

23 “(V) An alien who has completed
24 a certified Perkins Vocational Edu-

1 cation Program shall be allocated 5
2 points.

3 “(VI) An alien who has com-
4 pleted a Department of Labor reg-
5 istered apprenticeship shall be allo-
6 cated 8 points.

7 “(ii) STEM EDUCATION.—An alien
8 who has received an associate’s or higher
9 degree in a field related to science, tech-
10 nology, engineering, or mathematics shall
11 be allocated 8 points.

12 “(F) ENGLISH LANGUAGE AND CIVICS.—
13 An alien may receive points under only 1 of the
14 following categories:

15 “(i) An alien who is a native speaker
16 of English or receives a score of 75 or
17 more on the Test of English as a Foreign
18 Language, or an equivalent score on a
19 similar test, as determined by the Sec-
20 retary, shall be allocated 15 points.

21 “(ii) An alien who receives a score be-
22 tween 60 and 74 on the Test of English as
23 a Foreign Language, or an equivalent
24 score on a similar test, as determined by
25 the Secretary, shall be allocated 10 points.

1 “(iii) An alien who passes the U.S.
2 Citizenship and Immigration Services citi-
3 zenship tests in English and Civics shall be
4 allocated 6 points.

5 “(G) EXTENDED FAMILY.—

6 “(i) IN GENERAL.—An alien may re-
7 ceive points under only 1 of the following
8 categories:

9 “(I) SONS AND DAUGHTERS OF
10 CITIZENS.—An alien who is the son or
11 daughter (but not the child) of a cit-
12 izen of the United States shall be allo-
13 cated 8 points.

14 “(II) SONS AND DAUGHTERS OF
15 LAWFUL PERMANENT RESIDENT.—An
16 alien who is the son or daughter (but
17 not the child) of an alien lawfully ad-
18 mitted for permanent residence shall
19 be allocated 6 points.

20 “(III) SIBLINGS.—An alien who
21 is the sibling of a citizen of the
22 United States or an alien lawfully ad-
23 mitted for permanent residence shall
24 be allocated 4 points.

1 “(ii) IMMIGRANT VISA APPLICA-
2 TION.—An alien who applied for an immi-
3 grant visa under this Act on the basis of
4 a family relationship described in subclause
5 (I), (II), or (III) of clause (i) shall be allo-
6 cated 2 points.

7 “(3) FEE.—An alien who is allocated a visa
8 under this section shall pay fees assessed to cover
9 the costs to process an application under this sub-
10 section. Fees collected under this paragraph shall be
11 deposited by the Secretary into the Comprehensive
12 Immigration Reform Trust Fund established under
13 section 6(a)(1) of the Border Security, Economic
14 Opportunity, and Immigration Modernization Act.

15 “(4) ELIGIBILITY OF ALIENS IN REGISTERED
16 PROVISIONAL IMMIGRANT STATUS.—An alien who
17 was granted registered provisional immigrant status
18 under section 245B is not eligible to receive a merit-
19 based immigrant visa under section 201(e).

20 “(5) INELIGIBILITY OF ALIENS WITH PENDING
21 OR APPROVED PETITIONS.—An alien who has a peti-
22 tion pending or approved in another immigrant cat-
23 egory under this section or section 201 may not
24 apply for a merit-based immigrant visa.

1 “(6) PROCEDURES.—The Secretary of Home-
2 land Security—

3 “(A) after consultation with the Secretary
4 of Commerce and the Secretary of Labor, shall
5 establish procedures to adjudicate petitions filed
6 pursuant to the merit-based evaluation system
7 under this subsection; and

8 “(B) may establish a time period in a fis-
9 cal year in which such petitions must be sub-
10 mitted.

11 “(7) PROHIBITION ON REVIEW.—The applica-
12 tion of the selection criteria to any particular visa
13 petition or application pursuant to the merit-based
14 evaluation system under this subsection shall be
15 within the sole and unreviewable discretion of the
16 Secretary of Homeland Security.

17 “(8) DENIAL OF A PETITION.—Any petition
18 filed pursuant to this subsection that has not been
19 found by the Secretary of Homeland Security to
20 have qualified in the merit-based evaluation system
21 shall be deemed denied on the first day of the third
22 fiscal year following the date on which such petition
23 was filed. Such denial shall not preclude the peti-
24 tioner from filing a successive petition pursuant to
25 this paragraph. Notwithstanding this paragraph, the

1 Secretary may deny a petition when denial is appro-
2 priate under other provisions of law.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act.

6 At the end of subtitle D of title IV, add the following:

7 **SEC. 4409. WORK AUTHORIZED STATUS FOR NON-**
8 **IMMIGRANTS.**

9 (a) REQUIREMENT FOR DOCUMENTATION.—Starting
10 on the date of the enactment of this Act, all nonimmigrant
11 aliens who are admitted or present in the United States
12 and who are authorized to be employed in the United
13 States shall be issued an employment authorization docu-
14 ment by the Secretary. Aliens who do not have such work
15 authorization are ineligible for employment. Non-
16 immigrants present with work authorization prior to the
17 date of the enactment of this Act shall be authorized to
18 continue to work without such documents until their visa
19 is renewed or expires.

20 (b) NUMERICAL LIMITATION.—Subject to subsection
21 (c), notwithstanding any other provision of law and sub-
22 ject to subsection (b), the Secretary may not issue an em-
23 ployment authorization document to more than 1,000,000
24 aliens authorized to be employed in the United States for

1 each fiscal year after the date of the enactment of this
2 Act.

3 (c) ALLOCATION FOR CERTAIN NONIMMIGRANTS.—

4 For each fiscal year, of the 1,000,000 grants of employ-
5 ment authorized status permitted under subsection (b),
6 169,000 shall be available only for nonimmigrants admit-
7 ted under subparagraph (A), (E), (G), (H)(i)(b1), (I), or
8 (N) of section 101(a)(15) of the Immigration and Nation-
9 ality Act (8 U.S.C. 1101(a)(15)) or section 214(e)(2) of
10 such Act (8 U.S.C. 1184(e)(2)).