

AMENDMENT NO.III

Calendar No.III

Purpose: To amend the provisions in the Immigration and Nationality Act relating to the numerical limitations for H-1B nonimmigrants.

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 IIIIIIIII and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CRUZ

Viz:

1 Beginning on page 672, strike line 17 and all that
2 follows through page 727, line 16, and insert the following:

3 **SEC. 4101. MARKET-BASED H-1B VISA LIMITS.**

4 (a) IN GENERAL.—Section 214(g)(1) (8 U.S.C.

5 1184(g)(1)) is amended—

6 (1) in the matter preceding subparagraph (A),

7 by striking “(beginning with fiscal year 1992)”; and

8 (2) by amending subparagraph (A) to read as

9 follows:

10 “(A) under section 101(a)(15)(H)(i)(b)

11 may not exceed—

1 “(i) 65,000 in fiscal year 2013; and

2 “(ii) 325,000 in each subsequent fis-

3 cal year; and”;

4 **SEC. 4102. WORK AUTHORIZATION FOR DEPENDENT**
5 **SPOUSES OF H-1B NONIMMIGRANTS.**

6 Section 214(n) (8 U.S.C. 1184(n)) is amended—

7 (1) by amending the subsection heading to read
8 as follows “EMPLOYMENT AUTHORIZATION FOR H-
9 1B NONIMMIGRANTS AND THEIR SPOUSES”; and

10 (2) by adding at the end the following:

11 “(3) The spouse of an alien provided nonimmigrant
12 status under section 101(a)(15)(H)(i)(b) is authorized to
13 accept employment in the United States while his or her
14 principal alien spouse lawfully maintains such status while
15 in the United States.”.

16 **SEC. 4103. AUTHORIZATION OF DUAL INTENT.**

17 (a) DEFINITION.—Section 101(a)(15)(F)(i) (8
18 U.S.C. 1101(a)(15)(F)(i)) is amended by striking “which
19 he has no intention of abandoning” and inserting “which,
20 if the alien is not pursuing a course of study at an accred-
21 ited institution of higher education (as defined in section
22 101 of the Higher Education Act of 1965 (20 U.S.C.
23 1001)), the alien has no intention of abandoning”.

1 (b) PRESUMPTION OF STATUS; INTENTION TO ABAN-
2 DON FOREIGN RESIDENCE.—Section 214 (8 U.S.C. 1184)
3 is amended—

4 (1) in subsection (b), by striking “(L) or (V)”
5 and inserting “(F), (L), or (V)”; and

6 (2) in subsection (h), by striking “(H)(i)(b) or
7 (c)” and inserting “(F), (H)(i)(b), (H)(i)(c)”.

8 **SEC. 4104. H-1B FEE INCREASE.**

9 (a) IN GENERAL.—Section 214(c)(9) (8 U.S.C.
10 1184(c)(9)) is amended by striking subparagraphs (B)
11 and (C) and inserting the following:

12 “(B) The amount of the fee imposed under subpara-
13 graph (A) shall be—

14 “(i) \$2,500 for each such petition by an em-
15 ployer with more than 25 full-time equivalent em-
16 ployees who are employed in the United States, in-
17 cluding any affiliate or subsidiary of such employer;
18 or

19 “(ii) \$1,250 for each such petition by any em-
20 ployer with not more than 25 full-time equivalent
21 employees who are employed in the United States ,
22 including any affiliate or subsidiary of such em-
23 ployer.

24 “(C) Of the amounts collected under this para-
25 graph—

1 “(i) 60 percent shall be deposited in the H-1B
2 Nonimmigrant Petitioner Account in accordance
3 with section 286(s); and

4 “(ii) 40 percent shall be deposited in the STEM
5 Education and Training Account established under
6 section 286(w).”.

7 (b) STEM EDUCATION AND TRAINING ACCOUNT.—

8 Section 286 (8 U.S.C. 1356) is amended by adding at the
9 end the following:

10 “(w) STEM EDUCATION AND TRAINING ACCOUNT.—

11 “(1) IN GENERAL.—There is established in the
12 general fund of the Treasury a separate account,
13 which shall be known as the ‘STEM Education and
14 Training Account’ (referred to in this subsection as
15 the ‘Account’).

16 “(2) DEPOSITS.—There shall be deposited as
17 offsetting receipts into the Account 40 percent of the
18 fees collected under section 214(c)(9)(B).

19 “(3) USE OF FUNDS.—Amounts deposited in
20 the Account may be used to enhance the economic
21 competitiveness of the United States by—

22 “(A) establishing a block grant program
23 for States to promote STEM education; and

1 “(B) carrying out programs to bridge
2 STEM education with employment, such as
3 work-study program.”.