

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**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. SESSIONS to  
the amendment (No. 7) proposed by Mr. SESSIONS

Viz:

1       In lieu of the matter proposed to be inserted, insert  
2 the following:

3 **SEC. 3718. SANCTIONS FOR COUNTRIES THAT DENY OR**  
4 **DELAY ACCEPTING CERTAIN NATIONALS.**

5       (a) AMENDMENT.—Section 243 (8 U.S.C. 1253) is  
6 amended by striking subsection (d).

7       (b) SANCTIONS FOR COUNTRIES THAT DENY OR  
8 DELAY ACCEPTING CERTAIN NATIONALS.—Section  
9 241(b) (8 U.S.C. 1231(b)) is amended by adding at the  
10 end the following:

11               “(4) SANCTIONS FOR COUNTRIES THAT DENY  
12 OR DELAY ACCEPTING CERTAIN NATIONALS.—

1           “(A) IN GENERAL.—Except as provided  
2           under subparagraph (B), if a country is listed  
3           in the most recent quarterly report submitted to  
4           Congress by the Secretary of Homeland Secu-  
5           rity under subparagraph (D), the Secretary of  
6           State shall increase by 5 percent the visa fees  
7           for all applicants for each consecutive entry of  
8           the country in the quarterly report pursuant to  
9           subparagraph (D) to a citizen, subject, national,  
10          or resident of such country until—

11                 “(i) the Secretary of Homeland Secu-  
12                 rity advises the Secretary of State that the  
13                 country should no longer be so listed; or

14                 “(ii) each alien listed in the report  
15                 with respect to such country has—

16                         “(I) otherwise been removed from  
17                         the United States; or

18                         “(II) identified as released, not  
19                         removed, the date and type of lookout  
20                         posted for the alien, and the law en-  
21                         forcement action taken to locate the  
22                         alien.

23           “(B) EXCEPTION.—Subparagraph (A)  
24          does not apply to a visa—

1 “(i) issued pursuant to section  
2 101(a)(15)(A); or

3 “(ii) if the Secretary of State deter-  
4 mines that the life or freedom of the visa  
5 applicant or individual seeking admission  
6 would be threatened in the country listed  
7 under subparagraph (D).

8 “(C) EFFECT OF UNAUTHORIZED  
9 ISSUANCE.—Any visa issued in violation of this  
10 paragraph shall be null and void.

11 “(D) QUARTERLY REPORTS.—Not later  
12 than 90 days after the date of the enactment of  
13 the Border Security, Economic Opportunity,  
14 and Immigration Modernization Act, and every  
15 3 months thereafter, the Secretary of Homeland  
16 Security shall submit to Congress a report  
17 that—

18 “(i) lists all the countries that deny or  
19 unreasonably delay the acceptance of 10  
20 percent or more of the total number of  
21 aliens who—

22 “(I) are physically present in the  
23 United States;

1                   “(II) are a citizen, subject, na-  
2                   tional, or resident of such country;  
3                   and

4                   “(III) have received a final order  
5                   of removal;

6                   “(ii) lists all the countries that deny  
7                   the acceptance of 10 percent or more of  
8                   the total number of aliens who are directed  
9                   to return to their port of embarkation  
10                  under an officially issued letter issued im-  
11                  mediately after the alien is found to be in-  
12                  admissible at a United States port of entry  
13                  because the alien presented fraudulent or  
14                  no travel documents; and

15                  “(iii) includes the total number of  
16                  aliens described under clause (i), organized  
17                  by—

18                         “(I) name;

19                         “(II) country;

20                         “(III) detention status; and

21                         “(IV) criminal status.

22                   “(E) COMPLIANCE WITH REPATRIATION.—

23                   If the Secretary of Homeland Security deter-  
24                   mines that a country listed in the quarterly re-  
25                   port under subparagraph (D) has accepted each

1 alien listed with respect to that country under  
2 subparagraph (D)(ii), the country shall be re-  
3 moved from the list in the next quarterly report  
4 submitted under subparagraph (D) and shall  
5 not be subject to the sanctions described in this  
6 paragraph, unless subparagraph (D) applies to  
7 such country with respect to another alien.

8 “(F) DENIES OR UNREASONABLY  
9 DELAYS.—

10 “(i) IN GENERAL.—Except as pro-  
11 vided under clause (ii), in this paragraph,  
12 a country ‘denies or unreasonably delays’  
13 the acceptance of an alien who is a citizen,  
14 subject, national, or resident of the country  
15 if the country does not accept the alien  
16 within the removal period.

17 “(ii) ALIEN THAT MAY NOT BE RE-  
18 MOVED.—For purposes of clause (i), a  
19 country does not deny or unreasonably  
20 delay the acceptance of an alien who is a  
21 citizen, subject, national, or resident of the  
22 country if such alien may not be removed  
23 pursuant to this section.”.

24 (c) AVAILABILITY OF INFORMATION.—

1           (1) IN GENERAL.—As soon as practicable, the  
2       Secretary shall assure that the information described  
3       in paragraph (3) related to an alien described in  
4       paragraph (2) is available through databases that  
5       support programs carried out pursuant to—

6           (A) section 287(g) of the Immigration and  
7       Nationality Act (8 U.S.C. 1357(g));

8           (B) the Secure Communities program of  
9       the Department of Homeland Security;

10          (C) the TECS System of the Department  
11       of Homeland Security; or

12          (D) an appropriate information-sharing  
13       database or communications system used in the  
14       course of regular law enforcement activity be-  
15       tween Federal immigration law enforcement au-  
16       thorities and State and local law enforcement  
17       officers.

18          (2) ALIEN DESCRIBED.—An alien is described  
19       in this paragraph if the alien—

20          (A) is listed in the most recent quarterly  
21       report submitted by the Secretary to Congress  
22       under paragraph (4)(D) of section 241(b) of  
23       the Immigration and Nationality Act (8 U.S.C.  
24       1231(b)), as added by subsection (b); or

1           (B) has received a final order of removal  
2           under chapter 4 of title II of the Immigration  
3           and Nationality Act (8 U.S.C. 1221 et seq.)  
4           and has not been removed from the United  
5           States.

6           (3) INFORMATION.—The information described  
7           in this paragraph shall include, if available, for each  
8           alien the following information:

9           (A) Name.

10          (B) Location where the alien is or will be  
11          released.

12          (C) Date of release or expected release.

13          (D) Country of nationality.

14          (E) Detention status.

15          (F) Criminal history, including probation  
16          and parole information.