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

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

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

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

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

“(2) SPECIAL RULE FOR BACKLOG.—Subject to subsection (b), an alien who is the beneficiary of a petition filed to accord status under subsection (a) or (b) of this section as in effect on the day before the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act and who was not issued an immigrant visa within 5 years after the date on which such petition was filed is eligible to receive an immigrant visa in
a number allocated for such aliens under section 203(a)(2).”.

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

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

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

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

“(a) ALLOCATION OF IMMIGRANT VISAS.—

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

“(A) CHILDREN AND SPOUSES.—The first priority shall be aliens described in paragraph (1) of section 201(a), in a number not to exceed the number of such aliens admitted during the previous fiscal year.
“(B) ASYLUM AND REFUGEE SEEKERS.—

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

“(C) MERIT-BASED IMMIGRANTS.—The third priority shall be aliens described in paragraph (2) of section 201(a), allocated as described in subsection (b).

“(2) SPECIAL ALLOCATION TO ADDRESS BACKLOG.—Until the date that all aliens described in section 201(a)(2) have received immigrant visas under such section, the worldwide level of immigrant visas described in section 201(b) shall be allocated as follows:

“(A) MERIT-BASED IMMIGRANTS.—The first priority shall be aliens described in paragraph (2) of section 201(a), allocated as described in subsection (b), in a number not to exceed 140,000.

“(B) CHILDREN AND SPOUSES.—The second priority shall be aliens described in paragraph (1) of section 201(a), in a number not to exceed the number of such aliens admitted during the previous fiscal year.
“(C) Asylum and Refugee Seekers.—
The third priority shall be aliens described in paragraphs (3) and (4) of section 201(a), in a number not to exceed the number of such aliens admitted during the previous fiscal year.

“(D) Visa Backlog.—The fourth priority shall be aliens described in section 201(a)(2).

“(b) Merit-Based Immigrants.—

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

“(2) Points.—The Secretary shall allocate points to each alien seeking to be a merit-based immigrant as follows:

“(A) Occupation.—

“(i) Speciality Occupation.—An alien who will be employed in the United States in a speciality occupation, as defined by the Secretary of Labor, shall be allocated 20 points.

“(ii) High Demand Occupations.—An alien who will be employed in the United States in 1 of the 30 occupations that have experienced the most growth in
the preceding 10-year period, as determined by the Bureau of Labor Statistics, shall be allocated 16 points.

“(iii) STEM or HEALTH OCCUPATIONS.—An alien who has been employed in the United States in a occupation related to science, technology, engineering, or mathematics, or health care for at least 1 year shall be allocated 8 points.

“(B) EMPLOYER ENDORSEMENT.—An alien with an employer in the United States that will pay at least 50 percent of the application fees for the alien’s merit-based visa and that has offered the alien a job or currently employs the alien shall be allocated 6 points.

“(C) EMPLOYMENT EXPERIENCE.—

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

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

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

"(i) In general.—An alien may receive points under only 1 of the following categories:

"(I) An alien who has received a doctorate degree, master’s degree, or other graduate degree from an institution of higher education in the United States or the foreign equivalent shall be allocated 20 points.

"(II) An alien who has received a bachelor’s degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) shall be allocated 16 points.

"(III) An alien who has received an associate’s degree shall be allocated 10 points.

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

"(V) An alien who has completed a certified Perkins Vocational Edu-
cation Program shall be allocated 5 points.

“(VI) An alien who has completed a Department of Labor registered apprenticeship shall be allocated 8 points.

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

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

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

“(ii) An alien who receives a score between 60 and 74 on the Test of English as a Foreign Language, or an equivalent score on a similar test, as determined by the Secretary, shall be allocated 10 points.
“(iii) An alien who passes the U.S. Citizenship and Immigration Services citizenship tests in English and Civics shall be allocated 6 points.

“(G) EXTENDED FAMILY.—

“(i) IN GENERAL.—An alien may receive points under only 1 of the following categories:

“(I) SONS AND DAUGHTERS OF CITIZENS.—An alien who is the son or daughter (but not the child) of a citizen of the United States shall be allocated 8 points.

“(II) SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT.—An alien who is the son or daughter (but not the child) of an alien lawfully admitted for permanent residence shall be allocated 6 points.

“(III) SIBLINGS.—An alien who is the sibling of a citizen of the United States or an alien lawfully admitted for permanent residence shall be allocated 4 points.
“(ii) IMMIGRANT VISA APPLICATION.—An alien who applied for an immigrant visa under this Act on the basis of a family relationship described in subclause (I), (II), or (III) of clause (i) shall be allocated 2 points.

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

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

“(5) INELIGIBILITY OF ALIENS WITH PENDING OR APPROVED PETITIONS.—An alien who has a petition pending or approved in another immigrant category under this section or section 201 may not apply for a merit-based immigrant visa.
“(6) PROCEDURES.—The Secretary of Homeland Security—

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

“(B) may establish a time period in a fiscal year in which such petitions must be submitted.

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

“(8) DENIAL OF A PETITION.—Any petition filed pursuant to this subsection that has not been found by the Secretary of Homeland Security to have qualified in the merit-based evaluation system shall be deemed denied on the first day of the third fiscal year following the date on which such petition was filed. Such denial shall not preclude the petitioner from filing a successive petition pursuant to this paragraph. Notwithstanding this paragraph, the
Secretary may deny a petition when denial is appropriate under other provisions of law.”.

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

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

SEC. 4409. WORK AUTHORIZED STATUS FOR NON-IMMIGRANTS.

(a) Requirement for Documentation.—Starting on the date of the enactment of this Act, all nonimmigrant aliens who are admitted or present in the United States and who are authorized to be employed in the United States shall be issued an employment authorization document by the Secretary. Aliens who do not have such work authorization are ineligible for employment. Non-immigrants present with work authorization prior to the date of the enactment of this Act shall be authorized to continue to work without such documents until their visa is renewed or expires.

(b) Numerical Limitation.—Subject to subsection (c), notwithstanding any other provision of law and subject to subsection (b), the Secretary may not issue an employment authorization document to more than 1,000,000 aliens authorized to be employed in the United States for
each fiscal year after the date of the enactment of this Act.

(c) ALLOCATION FOR CERTAIN NONIMMIGRANTS.—

For each fiscal year, of the 1,000,000 grants of employment authorized status permitted under subsection (b), 169,000 shall be available only for nonimmigrants admitted under subparagraph (A), (E), (G), (H)(i)(b1), (I), or (N) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or section 214(e)(2) of such Act (8 U.S.C. 1184(e)(2)).