



FEDERATION FOR AMERICAN IMMIGRATION REFORM

---

## S. 744 Title III—Senate Judiciary Committee Markup

May 16, 2013 and May 20, 2013 | NoAmnesty.org

1. Requires DHS Inspector General to submit to the Secretary of DHS, the Speaker of the House, and the President of the Senate, an annual report on the employment verification system error rate. It also modifies from 0.26 to 0.3 percent the error rate at which reduced penalties for employers apply.
  - a. Sponsor: Sen. Al Franken (D-MN) ([Amdt. #2](#)) ([Franken 2<sup>nd</sup> Degree](#))
  - b. Adopted via voice vote
2. Requires the USCIS Director to submit a weekly report to ICE that includes for each individual receiving a final nonconfirmation through the electronic employment verification system the individual's name, SSN or alien file #, the name and contact info for his/her current employer, and any other "critical" information.
  - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #31](#))
  - b. Adopted via voice vote
3. Requires Secretary of DHS to notify individuals when a query for him or her has been processed through the electronic employment verification system.
  - a. Sponsor: Sen. Chris Coons (D-DE) ([Amdt. #1](#))
  - b. Adopted via voice vote
4. Establishes a program allowing parents to limit the use of their children's SSNs to prevent identity theft.
  - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #38](#))
  - b. Adopted via voice vote
5. Requires all businesses – regardless of size or industry – to use the electronic employment verification system created under the bill within 18 months of enactment. As introduced the bill provides for a five-year phase-in.
  - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #29](#))
  - b. Denied 5-13
6. Requires DHS Secretary to establish and maintain within USCIS an Office of the Small Business and Employee Advocate whose sole job is to help small businesses comply with the new electronic employment verification requirement.
  - a. Sponsor: Sen. Al Franken (D-MN) ([Amdt. #4](#)) ([Franken 2<sup>nd</sup> Degree](#))
  - b. Adopted via voice vote
7. Allows state and local employment verification laws to stay in place until the electronic employment verification system under the bill is fully implemented and used by all employers.
  - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #35](#))
  - b. Denied 5-13

8. Makes it an unfair immigration-related employment practice for an employer who is required under Federal, State, or local law to maintain employment records to fail to provide such records to any employee upon request.
  - a. Sponsor: Sen. Richard Blumenthal (D-CT) ([Amdt. #18](#))
  - b. Adopted via voice vote
9. Requires intent (by employers) in certain prohibitions on discrimination based on national origin or citizenship status.
  - a. Sponsor: Sen. Mike Lee (R-UT) ([Amdt. #15](#))
  - b. Denied 6-12
10. Prohibits the use of the electronic employment verification to reverify employment authorization of an employee from another employer's workforce if there is substantial continuity in the business of operations of the predecessor and successor employers.
  - a. Sponsor: Sen. Sheldon Whitehouse (D-RI) ([Amdt. #3](#))
  - b. Withdrawn
11. Amends Federal criminal code to clarify definition of "identity theft" to mean the use of an identity by an individual "that is not his or her own".
  - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #34](#)) ([Grassley 2<sup>nd</sup> Degree](#))
  - b. Denied 8-10
12. Requires that an attestation as to an individual's identity for purposes of work authorization be made by the individual's parent or legal guardian.
  - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #36](#))
  - b. Adopted via voice vote
13. Requires the Secretary of DHS to grant VAWA self-petitioners, and T and U visa applicants, work authorization within 180 days of applying, regardless of whether the application has been approved.
  - a. Sponsor: Pat Leahy (D-VT) ([Amdt. #3](#))
  - b. Adopted via voice vote
14. Terminates certain preferential treatment in immigration of Amerasians.
  - a. Sponsor: Sen. Orrin Hatch (R-UT) ([Amdt. #7](#))
  - b. Adopted via voice vote
15. Allocates 5,000 green cards (excluding derivative visas for spouses and children) for displaced Tibetans living in India or Nepal.
  - a. Sponsor: Sen. Dianne Feinstein (D-CA) ([Amdt. #3](#))
  - b. Adopted via voice vote
16. Requires Secretary of DHS to share information obtained from the new exit system by requiring him/her to report to appropriate law enforcement, intelligence, and national security agencies when aliens have overstayed their visas. Also states the DHS Secretary must only use "reasonably available enforcement resources" to locate the alien and commence removal proceedings.
  - a. Sponsor: Sen. Lindsey Graham (R-SC) ([Amdt. #2](#)) ([Graham 2<sup>nd</sup> Degree](#))
  - b. Adopted via voice vote
17. Adds crime of "elder abuse" to list of U visa qualifying crimes.
  - a. Sponsor: Amy Klobuchar (D-MN) ([Amdt. #2](#))

- b. Adopted via voice vote
- 18. Amends the Internal Revenue Code to limit the Earned Income Tax Credit to U.S. citizens and LPRs.
  - a. Sponsor: Sen. Jeff Sessions (R-AL) ([Amdt. #31](#))
  - b. Denied 8-10
- 19. Transfers responsibility for the programs relating to child counsel and advocacy for unaccompanied minors from the Department of Health and Human Services to the Department of Justice.
  - a. Sponsor: Sen. Al Franken (D-MN) ([Amdt. #8](#)) ([Franken 2<sup>nd</sup> Degree](#))
  - b. Adopted via voice vote
- 20. Requires the DHS Secretary to terminate the asylum status of any alien returning to their country of nationality or where the alien last resided if they traveled back to that country without “good cause as determined by the Secretary.” The Secretary can waive this if he/she later determines the departure was for “good cause.”
  - a. Sponsor: Sen. Lindsey Graham (R-SC) ([Amdt. #1](#)) ([Graham 2<sup>nd</sup> Degree](#))
  - b. Adopted via voice vote
- 21. Requires that aliens in removal proceedings automatically receive, at the beginning of such proceedings or a reasonable time thereafter, a complete copy of “all relevant documents” in the possession of DHS related to the alien except for those that are privileged.
  - a. Sponsor: Sen. Chris Coons (D-DE) ([Amdt. #5](#))
  - b. Adopted via voice vote
- 22. Requires by Dec. 31, 2015 the Secretary of DHS establish a mandatory exit data system (no biometric requirement) that collects data from machine-readable visas, passports, and other travel and entry documents for all aliens exiting from *air and sea* (not land) ports of entry. Two years after enactment, the Secretary of DHS must establish a biometric exit system at the *10 busiest airports that support the highest volume of international travel*. Six years after enactment, the Secretary of DHS must establish a mandatory biometric exit system at all the *CORE 30 international airports as designated by the Federal Aviation Administration*, and must submit a plan to Congress from the expansion of the biometric exit system to major sea and land ports of entry.
  - a. Sponsor: Sen. Orrin Hatch (R-UT) ([Amdt. #6](#)) ([Schumer 2<sup>nd</sup> Degree](#))
  - b. Adopted 13-5
- 23. Requires a refugee or asylee’s biographic and biometric data be checked against DHS and other federal databases before being granted such status.
  - a. Sponsor: Sen. Dianne Feinstein (D-CA) ([Amdt. #4](#))
  - b. Adopted via voice vote
- 24. Grants work authorization to all asylum applicants within 180 days of applying for such status.
  - a. Sponsor: Sen. Chris Coons (D-DE) ([Amdt. #8](#))
  - b. Adopted via voice vote
- 25. Prevents certain changes to the asylum program from taking effect until the Director of National Intelligence submits to Congress a report on the U.S. Government’s handling of the Boston Marathon bombings, including the intelligence and immigration failures leading

- up to the attack. The changes put on hold include the provision eliminating the requirement that those seeking asylum declare their intent to file w/in 1-yr of arriving the United States.
- a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #52](#))
  - b. Denied via voice vote
26. States profiling by country of origin is not prohibited by law enforcement when investigating criminal or other activity impacting national security.
- a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #49](#))
  - b. Denied via voice vote
27. Makes mandatory live training for Customs and Border Protection agents on how to deal with unaccompanied minors.
- a. Sponsor: Sen. Dianne Feinstein (D-CA) ([Amdt. #5](#)) ([Substitute](#))
  - b. Adopted via voice vote
28. Makes it more difficult for criminal street gang members to gain amnesty. Also strips DHS Secretary of the authority granted to her to waive gang members into the amnesty program.
- a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #43](#))
  - b. Denied 8-10
29. Permits Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.
- a. Sponsor: Sen. Sheldon Whitehouse (D-RI) ([Amdt. #5](#))
  - b. Withdrawn
30. Provides sanctions for countries that delay or prevent repatriation of their citizens and nationals.
- a. Sponsor: Sen. Jeff Sessions (R-AL) ([Amdt. #7](#)) ([Sessions 2<sup>nd</sup> Degree](#))
  - b. Withdrawn
31. Permits, in cases where aliens with children are detained, the ability of the alien to make regular phone calls and visits with their children; the issuance of contact info for child welfare agencies and family courts; the ability to participate in all family court proceedings that may impact their right to custody; and the granting of free and confidential phone calls to child welfare agencies and family courts as often as necessary, among other things.
- a. Sponsor: Sen. Al Franken (D-MN) ([Amdt. #7](#))
  - b. Adopted 18-0
32. Reinstates the criminal offense of knowingly using fraudulent immigration documents (which the bill strikes from Federal criminal code).
- a. Sponsor: Sen. Mike Lee (R-UT) ([Amdt. #16](#)) ([Lee 2<sup>nd</sup> Degree](#))
  - b. Adopted via voice vote
33. Requires DHS and the Executive Office of Immigration Review (EOIR) to maintain information on detained aliens.
- a. Sponsor: Sen. Chris Coons (D-DE) ([Amdt. #6](#)) ([Coons 2<sup>nd</sup> Degree](#))
  - b. Adopted via voice vote
34. Improves provisions relating to illegally entry, reentry, and passport fraud.
- a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #45](#))
  - b. Denied 8-10
35. Protects alien detainees from unnecessary or inhumane solitary confinement.
- a. Sponsor: Sen. Richard Blumenthal (D-CT) ([Amdt. #2](#))
  - b. Adopted via voice vote

36. Requires an alien be considered a “public charge” for purposes of inadmissibility if the alien would be eligible for benefits under the Medicaid program under Title XIX of the Social Security Act or the supplemental nutrition assistance program (SNAP).
  - a. Sponsor: Sen. Jeff Sessions (R-AL) ([Amdt. 10](#)) ([Sessions 2<sup>nd</sup> Degree](#))
  - b. Denied via voice vote
37. Adds war crimes, widespread or systematic attack on civilians, and genocide to the Torture Victims Protection Act to deny safe haven to those committing such crimes.
  - a. Sponsor: Sen. Chris Coons (D-DE) ([Amdt. #12](#))
  - b. Adopted via voice vote
38. Makes attempted misuse of a passport a felony.
  - a. Sponsor: Sen. Mike Lee (R-UT) ([Amdt. #17](#))
  - b. Adopted via voice vote
39. Sets forth grievance/judicial review process for workers believing they have suffered a violation of Subtitle F of Title III of the bill relating to the prevention of trafficking in persons and abuses of foreign workers.
  - a. Sponsor: Sen. Richard Blumenthal (D-CT) ([Amdt. #3](#)) ([Substitute](#))
  - b. Adopted via voice vote
40. Strikes provision from bill making it more difficult to detain criminal aliens.
  - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #47](#))
  - b. Denied via voice vote
41. Requires the Secretary of DHS consult with the Secretary of Labor when prescribing regulations to Subtitle F of Title III of the bill relating to the prevention of trafficking in persons and abuses of foreign workers.
  - a. Sponsor: Sen. Richard Blumenthal (D-CT) ([Amdt. #4](#))
  - b. Adopted via voice vote
42. Provides for the conditions for release on bond of aliens from noncontiguous countries apprehended within 100 miles of the border.
  - a. Sponsor: Sen. Jeff Sessions (R-AL) ([Amdt. #12](#))
  - b. Denied 9-9
43. Sets contract guidelines for recruiting foreign workers.
  - a. Sponsor: Sen. Richard Blumenthal (D-CT) ([Amdt. #5](#)) ([Blumenthal 2<sup>nd</sup> Degree](#))
  - b. Adopted via voice vote
44. Provides for penalty enhancements (increase of two offense levels) under the Federal Sentencing Guidelines for certain drug crimes taking place on Federal property. Includes those crimes involving the use of hazardous substances, destroying or otherwise polluting bodies of water, and possessing a firearm while cultivating or manufacturing controlled substances on Federal lands.
  - a. Sponsor: Sen. Orrin Hatch (R-UT) ([Amdt. #2](#))
  - b. Adopted via voice vote
45. Amends 18 U.S.C. 922 relating to the prohibition of the sale of firearms to, or the possession of firearms by, aliens not lawfully admitted for permanent residence.
  - a. Sponsor: Sen. Richard Blumenthal (D-CT) ([Amdt. #6](#))
  - b. Withdrawn

46. Among other things, affirms in Federal law that state and local law enforcement have inherent authority to assist in the enforcement of Fed immigration law.
  - a. Sponsor: Sen. Jeff Sessions (R-AL) ([Amdt. #32](#)) ([Sessions 2<sup>nd</sup> Degree](#))
  - b. Denied via voice vote
47. Provides certain protections for unaccompanied minors and females in detention. This includes: requiring the Secretary of Health and Human Services to mandate training for all personnel who come into contact with unaccompanied minors; hiring child welfare professionals to assist Customs and Border Protection (CBP); requiring that unaccompanied alien minors in the custody of CBP receive emergency medical care; requiring that unaccompanied minors receive climate appropriate clothing and blankets; granting access to unaccompanied minors to daily recreational programs and activities; and ensuring unaccompanied minors have access to legal services and consular officials, among other things. Also requires that all procedures and decisions concerning unaccompanied alien minors that are made by Federal agencies or their private contractors, or Federal courts and regulations, are made in the “best interests of the child”.
  - a. Sponsor: Sen. Mazie Hirono (D-HI) ([Amdt. #22](#)) ([Hirono 2<sup>nd</sup> Degree](#))
  - b. Adopted via voice vote
48. Adds three drunk driving convictions to the list of aggravated felonies under the Immigration and Nationality Act.
  - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #44](#)) ([Schumer 2<sup>nd</sup> Degree](#))
  - b. Adopted 17-1
49. Prohibits enforcement actions, including arrests, surveillance, searches, or interviews, by U.S. Immigration and Customs Enforcement (ICE) agents or Customs and Border Protection (CBP) officers in “sensitive locations,” except under exigent circumstances or if prior approval for specific targeted enforcement is obtained from certain ICE or CBP officials. Sensitive locations include hospitals and health clinics; public and private schools of all educational levels including vocational and trade schools; organizations assisting children, pregnant women, victims of crime or abuse, or individuals with mental or physical disabilities; churches, synagogues, mosques, and other places of worship; and such other locations as the DHS Secretary determines.
  - a. Sponsor: Sen. Richard Blumenthal (D-CT) ([Amdt. #8](#)) ([Blumenthal 2<sup>nd</sup> Degree](#))
  - b. Adopted via voice vote
50. Strikes provisions in the bill pertaining to asylum. The stricken provisions would have: eliminated the requirement under current law that aliens file their asylum application w/in 1-year of arrival to the United States; undermined asylum application decisions by creating a process by which an alien can file a motion to reopen an asylum claim within 2 years of enactment; and bypassed the requirement that asylum officers issue a Notice to Appear before an immigration judge, instead, allowing the final decision as to whether an alien is subject to removal based on an asylum claim be left up to the interviewing officer and his supervisor.
  - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #27A](#))
  - b. Denied 6-12
51. Strikes provision of bill stating that Sections 208(d)(6) and 240B(d) of the Immigration and Nationality Act pertaining to aliens who have filed frivolous asylum applications, and civil

penalties for failure to depart, respectively, shall not apply to aliens applying for amnesty (RPI status).

- a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #27B](#))
- b. Denied 9-9