



FEDERATION FOR AMERICAN IMMIGRATION REFORM

S. 744 Title IV—Senate Judiciary Committee Markup

May 14, 2013 and May 16, 2013

1. Strikes all of S. 744 and replaces with S. 169, the I-Squared Act. Among other things, the I-Squared Act: increases H-1B visas from 65,000 to up to 300,000 annually; makes student visas dual-intent; removes the per-country employment-based cap and increases the per-country cap on family-based visas; and recaptures all unused employment-based visas since 1992.
 - a. Sponsor: Sen. Mike Lee (R-UT) ([Amdt. #3](#))
 - b. Withdrawn
2. Revises the immigrant visa system and caps the number of green cards per year at 1.2 million. Caps the number of nonimmigrant visas at 1 million per year with 169,000 guaranteed to go to certain nonimmigrant categories.
 - a. Sponsor: Sen. Jeff Sessions (R-AL) ([Amdt. #1](#))
 - b. Denied 1-17
3. Requires the Secretary of DHS to establish a toll-free number and a publicly available website to file complaints against H-1B employers. Requires H-1B employers, other than nonprofits, to inform their employees of the number and website.
 - a. Sponsor: Sen. Sheldon Whitehouse (D-RI) ([Amdt. #6](#)) ([Whitehouse 2nd Degree](#))
 - b. Adopted via voice vote
4. Increases the amount of information required on the internet job posting to comply with H-1B hiring to include: (1) the title and description of the position, including the location of the work; and (2) the employer's name, city, and zip code.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #58](#))
 - b. Adopted via voice vote
5. Strikes and replaces Sec. 4104 (STEM Education and Training). Increases labor certification fee for H-1Bs from \$500 to \$1,000 and uses fees to improve STEM education and training with a focus on women and minorities. Funds allocated: (1) 70 percent proportionately to the states and territories; (2) 20 percent for grants to improve STEM education at minority serving institutions; (3) 5 percent for statewide workforce investment programs; (4) 3 percent for American Dream Account grants; and (5) 2 percent for administrative expenses.
 - a. Sponsor: Sen. Orrin Hatch (R-UT) ([Amdt. #9](#)) ([Schumer 2nd Degree](#))
 - b. Adopted via voice vote
6. Requires annual audits of one percent of employers employing H-1B and L-nonimmigrant workers.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #67](#))
 - b. Denied 2-16

7. Strikes the provisions increasing the current H-1B annual cap to up 180,000 and replaces it with a 325,000 per year H-1B cap. Imposes new fees on H-1B employers (\$2,500 per petition if employer has more than 25 full-time employees and \$1,250 per petition if employer has 25 or fewer full-time employees) and allocates 40 percent of the fees to a fund to promote STEM education. Grants work authorization to spouses of H-1B workers.
 - a. Sponsor: Sen. Ted Cruz (R-TX) ([Amdt. #5](#))
 - b. Denied 4-14
8. Requires all employers using H-1Bs (instead of only H-1B-dependent employers) to attest that they made good faith efforts to recruit U.S. workers first.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #60](#))
 - b. Denied 2-15 (1 abstain)
9. Strikes the intending immigrant exemption from the employer cap of H-1B workers in the workforce.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #62](#))
 - b. Denied 2-15 (1 abstain)
10. Strikes the provision waiving for “low-risk” applicants the requirement under current law that all individuals (with the exception of those below age 14 and above age 79) seeking a visa be subject to an in-person interview.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #56](#))
 - b. Denied 9-9
11. Creates new E-6 nonimmigrant work visa for aliens from certain African and Caribbean countries providing the alien: 1) has a high school diploma (or its equivalent); or 2) has two years of work experience in an occupation that requires 2 years of training or experience. Annual allocation is 10,500 visas.
 - a. Sponsor: Sen. Chuck Schumer (D-NY) ([Amdt. #3](#))
 - b. Adopted via voice vote
12. States that the E-5 nonimmigrant work visa program created under the bill for South Korean nationals shall not take effect until South Korea removes an age-based import restriction on beef from the United States.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #70](#))
 - b. Failed via voice vote
13. Creates new section requiring the Secretary of State to develop and conduct a pilot program to conduct interviews of individuals seeking B nonimmigrant (tourist) visas remotely using secure remote videoconference technology to replace in-person interview requirement.
 - a. Sponsor: Sen. Amy Klobuchar (D-MN) ([Amdt. #3](#))
 - b. Adopted via voice vote
14. Grants consular officers conducting visa applicant interviews access to terrorist watch-list databases.
 - a. Sponsor: Sen. Jeff Sessions ([Amdt. #13](#)) ([Schumer 2nd Degree](#))

- b. Adopted 10-8
15. Increases certain protections for H-2B nonimmigrant workers.
- a. Sponsor: Sen. Richard Blumenthal (D-CT) ([Amdt. #17](#))
 - b. Withdrawn
16. Considers as qualified aliens eligible for Medicaid benefits individuals who are lawfully residing in the U.S. in accordance with the Compacts of Free Association between U.S., Micronesia, the Marshall Islands, and Palau.
- a. Sponsor: Sen. Mazie Hirono (D-HI) ([Amdt. #15](#))
 - b. Adopted via voice vote
17. Strengthens the Student Exchange and Visitor Information System (SEVIS) and the Student Exchange Visitor Program (SEVP) in several ways: 1) sets accreditation requirements for schools accepting foreign students and would impose an unspecified fine and suspend ability to accept foreign students for institutions failing to meet SEVIS reporting requirements; 2) owners or designated school officials convicted of fraud relating to the program are permanently barred from future participation in the program; 3) requires background checks of designated school officials administering SEVP; 4) prohibits flight schools not accredited by the Federal Aviation Administration from accepting foreign students; 5) prevents non-accredited schools from participating in SEVP/SEVIS; 6) requires the Secretary of DHS to conduct a risk assessment of the student visa program w/in six months of enactment; and 7) requires the Secretary of DHS to implement SEVIS II within two years of enactment.
- a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #69](#)) ([Schumer 2nd Degree](#))
 - b. Adopted via voice vote
18. Expands scope of J visa program to include those coming to the U.S. to perform full or part-time work involving “specialized knowledge or skill.” The “specialized knowledge or skill” must require proficiency of languages spoken as a native language in countries of which fewer than 5,000 nationals were admitted as LPRs the previous year. The Secretary of State must publish an annual list of such countries.
- a. Sponsor: Sen. Chuck Schumer (D-NY) ([Amdt. #4](#)) ([Schumer 2nd Degree](#))
 - b. Adopted via voice vote
19. States changes made to the Visa Waiver Program (use of visa overstay rate to determine Visa Waiver Program eligibility) under bill would not take effect until the biometric entry-exit system is fully implemented.
- a. Sponsor: Sen. Jeff Sessions (R-AL) ([Amdt. #6](#))
 - b. Denied 6-12
20. Permits the Secretary of DHS to grant or extend visas to derivative aliens (spouses and children) of nonimmigrant visa holders or illegal aliens granted an ag amnesty blue card if the alien “has been subjected to battery or extreme cruelty” by the principal alien.
- a. Sponsor: Sen. Amy Klobuchar (D-MN) ([Amdt. #1](#))

- b. Adopted via voice vote
- 21. Requires the Secretary of DHS to implement real-time transmission of data from the Student and Exchange Visitor Information System (SEVIS) to Customs and Border Protection databases. This must be completed and certified as such to Congress within 120 days of enactment of S. 744, or the F and M student visa programs will be suspended until certification occurs.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #77](#))
 - b. Adopted via voice vote
- 22. Amends the D nonimmigrant visa program to allow alien crewmen to land temporarily in Hawaii.
 - a. Sponsor: Sen. Mazie Hirono ([Amdt. #2](#)) ([Hirono 2nd Degree](#))
 - b. Adopted via voice vote
- 23. Requires SEVIS II be fully implemented before the new dual-intent provisions of the F student visa can take effect.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #68](#))
 - b. Denied 9-9
- 24. Makes Hong Kong eligible for Visa Waiver Program.
 - a. Sponsor: Sen. Mazie Hirono (D-HI) ([Amdt. #4](#))
 - b. Adopted 14-4
- 25. Revises provisions in the bill creating a new E-3 work visa program for Irish nationals. The bill allocates 10,500 visas for the new program. The amendment would have divided the visas as follows: 3,500 for aliens in a “specialty occupation,” 3,500 for aliens with at least a high school education or its equivalent, and 3,500 for aliens who within 5 years of the date of application have at least 3 years of experience in the occupation for which the alien is applying. The amendment also would have prohibited E-3s from obtaining means-tested benefits.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #71](#))
 - b. Withdrawn
- 26. Permanently reauthorizes and makes other changes to the EB-5 Regional Center Program.
 - a. Sponsor: Sen. Pat Leahy (D-VT) ([Amdt. #2](#))
 - b. Adopted via voice vote
- 27. Requires the electronic system to monitor presence and employment of W nonimmigrants (low-skilled guest workers) be fully implemented prior to their admission.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Amdt. #76](#))
 - b. Withdrawn
- 28. Amends the W nonimmigrant visa program to require registered employers to hire an available certified alien already issued a W visa before bringing in a new guest worker.
 - a. Sponsor: Sen. Chuck Schumer (D-NY) ([Amdt. #5](#)) ([Schumer 2nd Degree](#))
 - b. Adopted via voice vote

29. Strikes provisions in the bill limiting the number of W visa guest workers admitted to perform work in a “construction occupation” to 15,000 annually and 7,500 per six-month period. Also strikes a provision prohibiting the hiring of guest workers for construction occupations if the unemployment rate in the particular geographic area (referred to as a “Metropolitan Statistical Area” or “MSA”) is above 8.5 percent.
 - a. Sponsor: Sen. John Cornyn (R-TX) (Amdt. #9)
 - b. Withdrawn
30. Amends the definition of the newly-created X nonimmigrant Invest visa to provide for the inclusion of “qualified startup accelerators.”
 - a. Sponsor: Sen. Sheldon Whitehouse (D-RI) (Amdt. #1) (Whitehouse 2nd Degree)
 - b. Adopted via voice vote
31. Increases the annual allocation of W nonimmigrant guest worker visas from a range of 20,000 – 200,000, to 200,000 – 400,000.
 - a. Sponsor: Sen. Mike Lee (R-UT) (Amdt. #18)
 - b. Withdrawn
32. Limits grievances regarding the failure of a registered W nonimmigrant employer to meet a condition of the program to those only made by W nonimmigrants.
 - a. Sponsor: Sen. Mike Lee (R-UT) (Amdt. #19)
 - b. Withdrawn
33. Changes the minimum H-1B ceiling from 110,000 to 115,000 and maintains the ultimate cap of 180,000 per year. Strikes the “market-based” H-1B formula for determining the yearly increase to the cap and replaces it with a formula that increases the cap based on how quickly the cap is reached during the year unless the BLS “management” category has a 4.5 percent unemployment rate or higher. Grants work authorization to all H-1B spouses, not just those from countries who offer similar authorization to U.S. spouses. Eliminates the requirement placed on all H-1B employers in S.744 that they attest that they have not and will not displace U.S. workers beginning 90 days before to 90 days after the visa petition is filed, requiring attestations by only H-1B skilled worker dependent employers. Strikes the requirement placed on all H-1B employers in S.744 that they attest they have offered the job to any U.S. worker who applies and is equally or better qualified; limiting the attestation to only H-1B high skilled dependent employers. Exempts nonprofit institutions of higher education, nonprofit research organizations, and employers in the health care business petitioning for a physician, nurse, or physical therapist from the H-1B dependent employer definition. Eliminates the prohibition on outplacing L-1 nonimmigrants contained in S. 744 and applies the prohibition only to L-1 dependent employers while allowing other employers to outplace L-1 workers for a \$500 fee.
 - a. Sponsor: Sen. Orrin Hatch (Amdt. #10) (Hatch-Schumer 2nd Degree)
 - b. Hatch-Schumer 2nd Degree adopted 16-2
 - c. As amended, adopted via voice vote

34. Requires all employers to make a good faith effort to recruit U.S. workers and offer jobs to equally or better qualified U.S. applicants.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Grassley 2nd Degree #1](#))
 - b. Denied 2-15 (1 abstain)
35. Prevents employers from displacing U.S. workers, especially women, beginning 180 days before and ending 180 days after the date of filing for an H-1B petition.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Grassley 2nd Degree #2](#))
 - b. Denied 2-16
36. Eliminates the provision authorizing unlimited green cards for STEM advanced degree holders on December 31, 2018 if there are fewer American students graduating in STEM fields than were graduating on the date of enactment.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Grassley 2nd Degree #3](#))
 - b. Denied 3-15
37. Requires all employers to pay H-1B workers Level 2 (mean) wages.
 - a. Sponsor: Sen. Chuck Grassley (R-IA) ([Grassley 2nd Degree #4](#))
 - b. Denied 3-15