AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. HARRIS OF MARYLAND

Page 2, line 15, reduce the first dollar amount by $6,000,000.

At the appropriate place in the bill, insert the following:

1  Sec. ____. (a) Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended by striking “who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2013, 2014, or 2015 shall not again be counted toward such limitation during fiscal year 2016.” and inserting “shall not be counted toward the numerical limitation of paragraph (1)(B) for a fiscal year if that alien already has been counted toward such limitation during one or both of the 2 fiscal years immediately preceding that fiscal year.”.

12  (b) Section 214(g)(10) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(10)) is amended to read as follows:
“(10)(A) Subject to subparagraphs (B) through (D), the numerical limitation of paragraph (1)(B) shall be allocated for a fiscal year so that the total number of aliens subject to such numerical limitation who enter the United States pursuant to a visa, or otherwise are accorded non-immigrant status, under section 101(a)(15)(H)(ii)(b) during—

“(i) the first quarter of such fiscal year is not more than 9,900;

“(ii) the second quarter of such fiscal year is not more than 26,400, plus any number not used under clause (i);

“(iii) the third quarter of such fiscal year is not more than 26,400, plus any number not used under clauses (i) and (ii); and

“(iv) the fourth quarter of such fiscal year is not more than 3,300, plus any number not used under clauses (i) through (iii).

“(B) Notwithstanding subparagraph (A), the Secretary of Homeland Security, after making a determination based on demand from previous fiscal years that a change in the allocations under such subparagraph is necessary and appropriate, may modify such allocations.

“(C) With respect to each quarter of a fiscal year, the Secretary of Labor shall accept applications for tem-
porary labor certification in support of petitions for non-
immigrants described in section 101(a)(15)(H)(ii)(b) only
during a one-week period to be selected by such Secretary,
and shall not finally approve any of such applications dur-
ing any such week.

“(D) With respect to each quarter of a fiscal year,
the Secretary of Labor shall approve temporary labor cer-
tifications in support of petitions for nonimmigrants de-
scribed in section 101(a)(15)(H)(ii)(b) in a manner that
will result in all employers that have timely submitted an
approvable application being able to fill an equal (or ap-
proximately equal) percentage of the number of requested
positions.”.

(e) Section 214(e)(14)(C) of the Immigration and
Nationality Act (8 U.S.C. 1184(c)(14)(C)) is amended to
read as follows:

“(C) In determining the level of penalties to be as-
sessed under subparagraph (A), the highest penalties shall
be reserved for—

“(i) willful failures to meet any of the condi-
tions of the petition that involve harm to United
States workers; and

“(ii) willful misrepresentations of the number of
necessary nonimmigrants in an application for tem-
porary labor certification in support of a petition for
nonimmigrants described in section 101(a)(15)(H)(ii)(b).”.