

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 Immigra-
2 tion and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is
3 amended by striking “who has already been counted to-
4 ward the numerical limitation of paragraph (1)(B) during
5 fiscal year 2013, 2014, or 2015 shall not again be counted
6 toward such limitation during fiscal year 2016.” and in-
7 serting “shall not be counted toward the numerical limita-
8 tion of paragraph (1)(B) for a fiscal year if that alien al-
9 ready has been counted toward such limitation during one
10 or both of the 2 fiscal years immediately preceding that
11 fiscal year.”.

12 (b) Section 214(g)(10) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1184(g)(10)) is amended to read
14 as follows:

1 “(10)(A) Subject to subparagraphs (B) through (D),
2 the numerical limitation of paragraph (1)(B) shall be allo-
3 cated for a fiscal year so that the total number of aliens
4 subject to such numerical limitation who enter the United
5 States pursuant to a visa, or otherwise are accorded non-
6 immigrant status, under section 101(a)(15)(H)(ii)(b) dur-
7 ing—

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

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

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

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

19 “(B) Notwithstanding subparagraph (A), the Sec-
20 retary of Homeland Security, after making a determina-
21 tion based on demand from previous fiscal years that a
22 change in the allocations under such subparagraph is nec-
23 essary and appropriate, may modify such allocations.

24 “(C) With respect to each quarter of a fiscal year,
25 the Secretary of Labor shall accept applications for tem-

1 porary labor certification in support of petitions for non-
2 immigrants described in section 101(a)(15)(H)(ii)(b) only
3 during a one-week period to be selected by such Secretary,
4 and shall not finally approve any of such applications dur-
5 ing any such week.

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

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

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

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

23 “(ii) willful misrepresentations of the number of
24 necessary nonimmigrants in an application for tem-
25 porary labor certification in support of a petition for

1 nonimmigrants described in section
2 101(a)(15)(H)(ii)(b).”.

