

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require employers to certify that they have not and will not lay off a large number of employees before they are allowed to employ foreign workers 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

AMENDMENT intended to be proposed by Mr. SANDERS

Viz:

1 On page 1448, between lines 5 and 6, insert the fol-
2 lowing:

3 **SEC. 3204. EMPLOY AMERICA.**

4 (a) SHORT TITLE.—This section may be cited as the
5 “Employ America Act”.

6 (b) CERTIFICATION REQUIREMENT.—

7 (1) IN GENERAL.—The Secretary may not ap-
8 prove a petition by an employer for any visa author-
9 izing employment in the United States unless the
10 employer has provided written certification, under
11 penalty of perjury, to the Secretary of Labor that—

1 (A) the employer has not provided a notice
2 of a mass layoff pursuant to the Worker Ad-
3 justment and Retraining Notification Act (29
4 U.S.C. 2101 et seq.) during the 12-month pe-
5 riod immediately preceding the date on which
6 the alien is scheduled to be hired; and

7 (B) the employer does not intend to pro-
8 vide a notice of a mass layoff pursuant to such
9 Act.

10 (2) EFFECT OF MASS LAYOFF.—If an employer
11 provides a notice of a mass layoff pursuant to the
12 Worker Adjustment and Retraining Notification Act
13 after the approval of a visa described in paragraph
14 (1), any visas approved during the most recent 12-
15 month period for such employer shall expire on the
16 date that is 60 days after the date on which such
17 notice is provided. The expiration of a visa under
18 this paragraph shall not be subject to judicial re-
19 view.

20 (3) NOTICE REQUIREMENT.—Upon receiving
21 notification of a mass layoff from an employer, the
22 Secretary shall inform each employee whose visa is
23 scheduled to expire under paragraph (2)—

1 (A) the date on which such individual will
2 no longer be authorized to work in the United
3 States; and

4 (B) the date on which such individual will
5 be required to leave the United States unless
6 the individual is otherwise authorized to remain
7 in the United States.

8 (4) EXEMPTION.—An employer shall be exempt
9 from the requirements under this subsection if the
10 employer provides written certification, under pen-
11 alty of perjury, to the Secretary of Labor that the
12 total number of the employer’s workers who are
13 United States citizens and are working in the United
14 States have not been, and will not be, reduced as a
15 result of a mass layoff described in paragraph (2).

16 (c) RULEMAKING.—Not later than 90 days after the
17 date of the enactment of this Act, the Secretary and the
18 Secretary of Labor shall promulgate regulations to carry
19 out this section, including a requirement that employers
20 provide notice to the Secretary of a mass layoff (as defined
21 in section 2 of the Worker Adjustment and Retraining No-
22 tification Act (29 U.S.C. 2101)).