

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the completion of the 350 miles of reinforced, double-layered fencing described in section 102(b)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 before registered provisional immigrant status may be granted and to require the completion of 700 miles of such fencing before the status of registered provisional immigrants may be adjusted to permanent resident status.

IN THE SENATE

	AMENDMENT N^o 1197
By _____	Thune
To provide _____	S. 744
Referred _____	4
	Page(s)
O _____	<small>GPO: 2012 77-320 (mac)</small>

AMENDMENTS intended to be proposed by Mr. THUNE

Viz:

- 1 Beginning on page 855, strike line 23 and all that
- 2 follows through page 858, line 10, and insert the following:
- 3 (c) TRIGGERS.—
- 4 (1) PROCESSING APPLICATIONS FOR REG-
- 5 ISTERED PROVISIONAL IMMIGRANT STATUS.—The
- 6 Secretary may not commence processing applications
- 7 for registered provisional immigrant status pursuant
- 8 to section 245B of the Immigration and Nationality

1 Act, as added by section 2101 of this Act, until after
2 the date on which—

3 (A) the Secretary has submitted to Con-
4 gress the notice of commencement of the imple-
5 mentation of the Comprehensive Southern Bor-
6 der Security Strategy pursuant to section
7 5(a)(4)(B); and

8 (B) 350 miles of Southern border fencing
9 has been completed in accordance with section
10 102(b)(1)(A) of the Illegal Immigration Reform
11 and Immigrant Responsibility Act of 1996 (8
12 U.S.C. 1103 note), as amended by section 1122
13 of this Act.

14 (2) ADJUSTMENT OF STATUS OF REGISTERED
15 PROVISIONAL IMMIGRANTS.—The Secretary may not
16 adjust the status of aliens who have been granted
17 registered provisional status, except for aliens grant-
18 ed blue card status under section 2201 of this Act
19 or described in section 245D(b) of the Immigration
20 and Nationality Act, until the Secretary, after con-
21 sultation with the Comptroller General of the United
22 States, submits to the President and Congress a
23 written certification that—

24 (A) the Comprehensive Southern Border
25 Security Strategy, which was submitted to Con-

1 gress, has been substantially deployed and is
2 substantially operational;

3 (B) the Southern Border Fencing Strategy
4 has been submitted to Congress, implemented,
5 and is substantially completed;

6 (C) 700 miles of Southern border fencing
7 has been completed in accordance with section
8 102(b)(1)(A) of the Illegal Immigration Reform
9 and Immigrant Responsibility Act of 1996 (8
10 U.S.C. 1103 note), as amended by section 1122
11 of this Act;

12 (D) the Secretary has implemented the
13 mandatory employment verification system re-
14 quired under section 274A of the Immigration
15 and Nationality Act, as amended by section
16 3101 of this Act, for use by all employers to
17 prevent unauthorized workers from obtaining
18 employment in the United States; and

19 (E) the Secretary is using an electronic
20 exit system at air and sea ports of entry that
21 operates by collecting machine-readable visa or
22 passport information from air and vessel car-
23 riers.

1 On page 942, between lines 17 and 18, insert the fol-
2 lowing:

3 **SEC. 1122. EXTENSION OF REINFORCED FENCING ALONG**
4 **THE SOUTHWEST BORDER.**

5 Section 102(b)(1)(A) of the Illegal Immigration Re-
6 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
7 1103 note) is amended by adding at the end the following:
8 “Only fencing that is double-layered and constructed in
9 a way to effectively restrain pedestrian traffic may be used
10 to satisfy the 700-mile requirement under this subpara-
11 graph. Fencing that does not effectively restrain pedes-
12 trian traffic (such as vehicle barriers and virtual fencing)
13 does not satisfy the requirement under this subpara-
14 graph.”.