

6-12-13  
10:40am

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To prohibit the temporary grant of legal status to, or adjustment to citizenship status of, any individual who is unlawfully present in the United States until the Secretary of Homeland Security certifies that the US-VISIT System (a biometric border check-in and check-out system first required by Congress in 1996) has been fully implemented at every land, sea, and air port of entry and Congress passes a joint resolution, under fast track procedures, stating that such integrated entry and exit data system has been sufficiently implemented.

IN THE S

**AMENDMENT N<sup>o</sup> 1228<sup>is</sup>.**

By Vitter

To pro

To: S. 744

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11  
**Page(s)**

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Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. VITTER

Viz:

- 1 On page 858, between lines 10 and 11, insert the fol-
- 2 lowing:
- 3 (3) US-VISIT SYSTEM.—Notwithstanding any
- 4 other provision of this Act, any program that au-
- 5 thorizes granting temporary legal status to individ-
- 6 uals who are unlawfully present in the United States
- 7 or adjusting the status of such individuals to that of

1       aliens lawfully admitted for permanent residence  
2       may not be implemented until—

3               (A) the Secretary submits written certifi-  
4       cation to the President and Congress that the  
5       integrated entry and exit data system required  
6       under section 110 of the Illegal Immigration  
7       Reform and Immigrant Responsibility Act of  
8       1996 (8 U.S.C. 1365a), which was required to  
9       be implemented by December 21, 2005, has  
10      been fully implemented and is functioning at  
11      every land, sea, and air port of entry; and

12              (B) a joint resolution of approval is en-  
13      acted into law pursuant to paragraph (4).

14      (4) JOINT RESOLUTION OF APPROVAL.—

15              (A) IN GENERAL.—Notwithstanding any  
16      other provision of this Act, the Secretary may  
17      not exercise any authority to grant temporary  
18      legal status to individuals who are unlawfully  
19      present in the United States or adjust the sta-  
20      tus of such individuals to that of aliens lawfully  
21      admitted for permanent residence if, not later  
22      than 15 calendar days after the date on which  
23      Congress receives written certification from the  
24      Secretary pursuant to paragraph (3), there is

1 enacted into law a joint resolution approving  
2 the certification of the Secretary.

3 (B) CONTENTS OF JOINT RESOLUTION.—  
4 In this paragraph, the term “joint resolution”  
5 means a joint resolution—

6 (i) that is introduced not later than 3  
7 calendar days after the date on which the  
8 written certification of the Secretary under  
9 paragraph (3) is received by Congress;

10 (ii) that does not have a preamble;

11 (iii) the title of which is as follows:  
12 “Joint resolution relating to the approval  
13 of the certification of the Secretary of  
14 Homeland Security obligations under the  
15 Border Security, Economic Opportunity,  
16 and Immigration Modernization Act”; and

17 (iv) the matter after the resolving  
18 clause of which is as follows: “That Con-  
19 gress approves the certification of the im-  
20 plementation of the integrated entry and  
21 exit data system required under section  
22 110 of the Illegal Immigration Reform and  
23 Immigrant Responsibility Act of 1996 (8  
24 U.S.C. 1365a) at every land, sea, and air  
25 port of entry”.

1 (5) FAST TRACK CONSIDERATION IN HOUSE OF  
2 REPRESENTATIVES.—

3 (A) RECONVENING.—Upon the receipt of a  
4 written certification from the Secretary under  
5 paragraph (3), the Speaker, if the House would  
6 otherwise be adjourned, shall notify the Mem-  
7 bers of the House that, pursuant to this para-  
8 graph, the House shall convene not later than  
9 the second calendar day after receipt of such  
10 certification;

11 (B) REPORTING AND DISCHARGE.—Any  
12 committee of the House of Representatives to  
13 which a joint resolution is referred shall report  
14 it to the House not later than 5 calendar days  
15 after the date of receipt of the certification de-  
16 scribed in paragraph (3). If a committee fails to  
17 report the joint resolution within that period,  
18 the committee shall be discharged from further  
19 consideration of the joint resolution and the  
20 joint resolution shall be referred to the appro-  
21 priate calendar.

22 (C) PROCEEDING TO CONSIDERATION.—  
23 After each committee authorized to consider a  
24 joint resolution reports it to the House or has  
25 been discharged from its consideration, it shall

1 be in order, not later than the sixth day after  
2 Congress receives the certification described in  
3 paragraph (3), to move to proceed to consider  
4 the joint resolution in the House. All points of  
5 order against the motion are waived. Such a  
6 motion shall not be in order after the House  
7 has disposed of a motion to proceed on the joint  
8 resolution. The previous question shall be con-  
9 sidered as ordered on the motion to its adoption  
10 without intervening motion. The motion shall  
11 not be debatable. A motion to reconsider the  
12 vote by which the motion is disposed of shall  
13 not be in order.

14 (D) CONSIDERATION.—The joint resolu-  
15 tion shall be considered as read. All points of  
16 order against the joint resolution and against  
17 its consideration are waived. The previous ques-  
18 tion shall be considered as ordered on the joint  
19 resolution to its passage without intervening  
20 motion except 2 hours of debate equally divided  
21 and controlled by the proponent and an oppo-  
22 nent. A motion to reconsider the vote on pas-  
23 sage of the joint resolution shall not be in  
24 order.

25 (6) FAST TRACK CONSIDERATION IN SENATE.—

1           (A) RECONVENING.—Upon receipt of a  
2           certification under paragraph (3), if the Senate  
3           has adjourned or recessed for more than 2  
4           days, the Majority Leader of the Senate, after  
5           consultation with the Minority Leader of the  
6           Senate, shall notify the Members of the Senate  
7           that, pursuant to this paragraph, the Senate  
8           shall convene not later than the second calendar  
9           day after receipt of such message.

10          (B) PLACEMENT ON CALENDAR.—Upon in-  
11          troduction in the Senate, the joint resolution  
12          shall be placed immediately on the calendar.

13          (C) FLOOR CONSIDERATION.—

14           (i) IN GENERAL.—Notwithstanding  
15          Rule XXII of the Standing Rules of the  
16          Senate, it is in order at any time during  
17          the period beginning on the 4th day after  
18          the date on which Congress receives a cer-  
19          tification described in paragraph (3) and  
20          ending on the 6th day after the date on  
21          which Congress receives such certification  
22          (even though a previous motion to the  
23          same effect has been disagreed to) to move  
24          to proceed to the consideration of the joint  
25          resolution, and all points of order against

1 the joint resolution (and against consider-  
2 ation of the joint resolution) are waived.  
3 The motion to proceed is not debatable.  
4 The motion is not subject to a motion to  
5 postpone. A motion to reconsider the vote  
6 by which the motion is agreed to or dis-  
7 agreed to shall not be in order. If a motion  
8 to proceed to the consideration of the reso-  
9 lution is agreed to, the joint resolution  
10 shall remain the unfinished business until  
11 disposed of.

12 (ii) DEBATE.—Debate on the joint  
13 resolution, and on all debatable motions  
14 and appeals in connection therewith, shall  
15 be limited to not more than 10 hours,  
16 which shall be divided equally between the  
17 Majority Leader and Minority Leaders or  
18 their designees. A motion further to limit  
19 debate is in order and not debatable. An  
20 amendment to, or a motion to postpone, or  
21 a motion to proceed to the consideration of  
22 other business, or a motion to recommit  
23 the joint resolution is not in order.

24 (iii) VOTE ON PASSAGE.—The vote on  
25 passage shall occur immediately following

1 the conclusion of the debate on a joint res-  
2 olution, and a single quorum call at the  
3 conclusion of the debate if requested in ac-  
4 cordance with the rules of the Senate.

5 (iv) RULINGS OF THE CHAIR ON PRO-  
6 CEDURE.—Appeals from the decisions of  
7 the Chair relating to the application of the  
8 rules of the Senate, as the case may be, to  
9 the procedure relating to a joint resolution  
10 shall be decided without debate.

11 (7) RULES RELATING TO SENATE AND HOUSE  
12 OF REPRESENTATIVES.—

13 (A) COORDINATION WITH ACTION BY  
14 OTHER HOUSE.—If, before the passage by 1  
15 House of a joint resolution of that House, that  
16 House receives from the other House a joint  
17 resolution, then the following procedures shall  
18 apply:

19 (i) The joint resolution of the other  
20 House shall not be referred to a com-  
21 mittee.

22 (ii) With respect to a joint resolution  
23 of the House receiving the resolution—

24 (I) the procedure in that House  
25 shall be the same as if no joint resolu-



1                   tion had been received from the other  
2                   House; but

3                   (II) the vote on passage shall be  
4                   on the joint resolution of the other  
5                   House.

6                   (B) TREATMENT OF JOINT RESOLUTION  
7                   OF OTHER HOUSE.—

8                   (C) If one House fails to introduce or con-  
9                   sider a joint resolution under this section, the  
10                  joint resolution of the other House shall be en-  
11                  titled to expedited floor procedures under this  
12                  section.

13                  (D) TREATMENT OF COMPANION MEAS-  
14                  URES.—If, following passage of the joint resolu-  
15                  tion in the Senate, the Senate receives the com-  
16                  panion measure from the House of Representa-  
17                  tives, the companion measure shall not be de-  
18                  batable.

19                  (E) CONSIDERATION AFTER PASSAGE.—

20                  (i) IN GENERAL.—If Congress passes  
21                  a joint resolution, the period beginning on  
22                  the date the President is presented with  
23                  the joint resolution and ending on the date  
24                  the President takes action with respect to  
25                  the joint resolution shall be disregarded in

1 computing the 15-calendar day period de-  
2 scribed in paragraph (4)(A).

3 (ii) VETOES.—If the President vetoes  
4 the joint resolution—

5 (I) the period beginning on the  
6 date the President vetoes the joint  
7 resolution and ending on the date the  
8 Congress receives the veto message  
9 with respect to the joint resolution  
10 shall be disregarded in computing the  
11 15-calendar day period described in  
12 paragraph (4)(A); and

13 (II) debate on a veto message in  
14 the Senate under this section shall be  
15 1 hour equally divided between the  
16 majority and minority leaders or their  
17 designees.

18 (F) RULES OF HOUSE OF REPRESENTA-  
19 TIVES AND SENATE.—This paragraph and para-  
20 graphs (4), (5), and (6) are enacted by Con-  
21 gress—

22 (i) as an exercise of the rulemaking  
23 power of the Senate and House of Rep-  
24 resentatives, respectively;

- 1 (ii) as such it is deemed a part of the  
2 rules of each House, respectively, but ap-  
3 plicable only with respect to the procedure  
4 to be followed in that House in the case of  
5 a joint resolution, and it supersedes other  
6 rules only to the extent that it is incon-  
7 sistent with such rules; and
- 8 (iii) with full recognition of the con-  
9 stitutional right of either House to change  
10 the rules (so far as relating to the proce-  
11 dure of that House) at any time, in the  
12 same manner, and to the same extent as in  
13 the case of any other rule of that House.