

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

Purpose: To make the admittance of W nonimmigrant workers contingent on the effective date triggers.

**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. FRANKEN

Viz:

1        On page 13, between lines 5 and 6, insert the following:  
2

3            (3) ADMITTING W NONIMMIGRANT WORKERS.—

4            (A) IN GENERAL.—Except as provided in  
5            subparagraph (B), the Secretary may not admit  
6            any alien under section 101(a)(15)(W) (i) and  
7            (ii) of the Immigration and Nationality Act, as  
8            added by section 4702 of this Act, until the  
9            Secretary, after consultation with the Comptroller General of the United States, submits to  
10           the President and Congress a written certification as follows:  
11  
12

1           (i) That the Comprehensive Southern  
2           Border Security Strategy required by sec-  
3           tion 5(a) of this Act has been submitted to  
4           Congress and is substantially deployed and  
5           substantially operational.

6           (ii) That the Southern Border Fenc-  
7           ing Strategy required by section 5(b) of  
8           this Act has been submitted to Congress  
9           and is implemented and substantially com-  
10          pleted.

11          (iii) That the Secretary has imple-  
12          mented the mandatory employment  
13          verification system required by section  
14          274A of the Immigration and Nationality  
15          Act (8 U.S.C. 1324a), as amended by sec-  
16          tion 3101 of this Act, for use by all em-  
17          ployers to prevent unauthorized workers  
18          from obtaining employment in the United  
19          States.

20          (iv) That the Secretary is using an  
21          electronic exit system at air and sea ports  
22          of entry that operates by collecting ma-  
23          chine-readable visa or passport information  
24          from air and vessel carriers.

1           (B) EXCEPTION.—The Secretary shall  
2 admit aliens under section 101(a)(15)(W)  
3 (i)and (ii) of the Immigration and Nationality  
4 Act, as so added, if—

5           (i)(I) litigation or a force majeure has  
6 prevented 1 or more of the conditions de-  
7 scribed in clauses (i) through (iv) of sub-  
8 paragraph (A) from being implemented; or

9           (II) the implementation of subpara-  
10 graph (A) has been held unconstitutional  
11 by the Supreme Court of the United States  
12 or the Supreme Court has granted certio-  
13 rari to the litigation on the constitu-  
14 tionality of implementation of subpara-  
15 graph (A); and

16           (ii) 10 years have elapsed since the  
17 date of the enactment of this Act.