

111TH CONGRESS
2D SESSION

H. R. 5836

To provide for improved border security and to ensure that employers that participate in the E-Verify Program are not subject to unjustified penalties.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2010

Mr. GRAVES of Missouri introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for improved border security and to ensure that employers that participate in the E-Verify Program are not subject to unjustified penalties.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Border Security and
5 Employee Verification Improvement Act of 2010”.

6 **SEC. 2. INCREASE IN BORDER PATROL AGENTS.**

7 (a) ANNUAL INCREASES.—The Secretary of Home-
8 land Security shall, subject to the availability of appropria-

1 tions for such purpose, increase the number of positions
2 for full-time active-duty Border Patrol agents within the
3 Department of Homeland Security (above the number of
4 positions for which funds were appropriated for the pre-
5 ceding fiscal year), by—

6 (1) 2,000 in fiscal year 2011;

7 (2) 2,000 in fiscal year 2012; and

8 (3) 2,000 in fiscal year 2013.

9 (b) ALLOCATIONS.—Of the Border Patrol agents
10 specified in subsection (a), 100 percent shall be deployed
11 along the southern border of the United States.

12 **SEC. 3. INFRASTRUCTURE IMPROVEMENTS.**

13 The Secretary of Homeland Security shall, as the
14 case may be and subject to the availability of appropria-
15 tions for such purposes, construct or purchase—

16 (1) office facilities to accommodate additional
17 Border Patrol agents;

18 (2) sport utility vehicles or all terrain vehicles
19 for such agents;

20 (3) additional fencing in urban areas of the
21 southern border of the United States; and

22 (4) vehicle barriers to support, not replace,
23 manpower in rural and remote areas of the southern
24 border of the United States to achieve operational
25 control of such border.

1 **SEC. 4. TWO-LAYERED REINFORCED FENCING ALONG THE**
2 **SOUTHERN BORDER OF THE UNITED STATES.**

3 (a) IN GENERAL.—Section 102(b)(1)(A) of the Ille-
4 gal Immigration Reform and Immigrant Responsibility
5 Act of 1996 (8 U.S.C. 1103 note) is amended to read as
6 follows:

7 “(A) TWO-LAYERED REINFORCED FENC-
8 ING.—

9 “(i) IN GENERAL.—In carrying out
10 subsection (a), the Secretary of Homeland
11 Security shall construct two layers of rein-
12 forced physical fencing along not fewer
13 than 150 miles of the southern border of
14 the United States where such fencing
15 would be most practical and effective to
16 deter and prevent unlawful border cross-
17 ings.

18 “(ii) BORDER PATROL ACCESS
19 ROAD.—The two-layered reinforced phys-
20 ical fencing required under clause (i) shall
21 be separated by a Border Patrol access
22 road.

23 “(iii) CONSTRUCTION DEADLINE.—

24 “(I) IN GENERAL.—Not later
25 than three years after the date of the
26 enactment of this subparagraph, the

1 Secretary of Homeland Security shall
2 ensure the completion of the construc-
3 tion of the two-layered reinforced
4 fencing required under clause (i) and
5 the construction of the Border Patrol
6 access road required under clause (ii).

7 “(II) REPORT.—If the Secretary
8 of Homeland Security is unable to
9 complete the construction of such
10 fencing and access road by the date
11 specified in subclause (I), the Sec-
12 retary shall submit to Congress a re-
13 port describing why such construction
14 was not so completed.

15 “(iv) PROHIBITION ON PREEXISTING
16 FENCING TO SATISFY MILEAGE REQUIRE-
17 MENT.—In carrying out clause (i), the Sec-
18 retary of Homeland Security may not con-
19 sider fencing along the southern border of
20 the United States in existence on the date
21 of the enactment of this subparagraph for
22 purposes of satisfying the mileage require-
23 ment specified in such clause.”.

24 (b) REPORT.—Not later than 180 days after the date
25 of the enactment of this Act, the Secretary of Homeland

1 Security shall submit to the Committee on Homeland Se-
2 curity of the House of Representatives and the Committee
3 on Homeland Security and Governmental Affairs of the
4 Senate a report containing a plan for construction of a
5 physical fence along the entire southern border of the
6 United States and including the following information:

7 (1) The amount of fencing (measured in miles)
8 necessary to complete such plan.

9 (2) A timeline for completion of such plan.

10 (3) An identification of high-traffic areas that
11 are prioritized for such construction.

12 (4) Additional resources needed from Congress
13 relating to such construction.

14 **SEC. 5. STUDY ON E-VERIFY PROGRAM.**

15 Not later than 180 days after the date of enactment
16 of this Act, the Secretary of Homeland Security shall con-
17 duct a study on the E-Verify Program established under
18 title IV of the Illegal Immigration Reform and Immigrant
19 Responsibility Act of 1996 (8 U.S.C. 1324a note). The
20 study shall include the following:

21 (1) The number of employers that voluntarily
22 participate in the E-Verify Program.

23 (2) The number of employers required by law to
24 participate in the E-Verify Program.

1 (3) The number of employers that, while fully
2 participating in the E-Verify program, employed un-
3 authorized aliens (as such term is defined in section
4 274A(h)(3) of the Immigration and Nationality Act
5 (8 U.S.C. 1324a(h)(3))).

6 (4) A determination by the Secretary as to the
7 feasibility of improving the E-Verify Program by in-
8 corporating additional sources of information, in-
9 cluding—

10 (A) the databases and resources used by
11 United States Immigration and Customs En-
12 forcement in an I–9 audit;

13 (B) State-owned databases and informa-
14 tion from State documents; and

15 (C) information about reported lost or sto-
16 len identities.

17 (5) A determination by the Secretary as to
18 whether existing legal protections for employers who
19 properly participate in the E-Verify program are
20 sufficient to fully protect them from civil or criminal
21 liability for the employment of unauthorized aliens
22 (as such term is defined in section 274A(h)(3) of the
23 Immigration and Nationality Act (8 U.S.C.
24 1324a(h)(3))).

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