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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable WILLIAM M. COWAN, a Senator from the Commonwealth of Massachusetts.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Strong Deliverer, You are our strength and shield. Use Your powerful arms to help those in need and to prepare us to be instruments of Your purposes. Lord, listen to our longings and hear our cries as we intercede for this land we love. Bring to America the righteousness that exalts nations as You lead us away from those sins that bring reproach to any people. Use our lawmakers in this endeavor so that they will plant seeds that will produce a moral and ethical harvest. May their lives provide exemplary models of moral excellence so that people can see their ethical congruence. Teach them to hate pride and deceit as they strive to treat others as they want others to treat them.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 12, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM M. COWAN, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. COWAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business for 1 hour. The majority will control the first half and the Republicans the final half.

Following morning business the Senate will resume consideration of S. 744, which is the immigration bill. Today we will work through amendments on the bill. Senators will be notified when votes are scheduled.

IMMIGRATION REFORM

Mr. REID. Mr. President, last night the Senate advanced a bipartisan immigration reform bill that will be good for national security and very good for our economy. It will be good for American citizens as well as those who aspire to one day become citizens.

It is truly gratifying to see the momentum behind this commonsense reform proposal. Eighty-four Senators voted to adopt the motion to proceed to this legislation—a very strong vote. By comparison, the Senate failed to advance an immigration reform bill just 6 years ago when only 46 Senators voted to end debate on that measure.

It is a sign of progress that the legislation now before the Senate has not been stopped procedurally. I hope we are allowed to proceed on this legislation without being blocked by some arcane Senate rule and that we can finish this legislation and send it to the House of Representatives.

I applaud the Gang of 8 for their bipartisan proposal. That is how the Senate used to work. They worked hard. They have worked through hundreds of different proposals. After the Gang of 8 finished their work, they took it before the Judiciary Committee. There were over 100 amendments—many more than 100 amendments. They adopted 46, and some 40 amendments were Republican amendments that were adopted. Chairman LEAHY conducted a fair markup, and no one disputes that. So I commend the Gang of 8 for allowing the bill to get to the Judiciary Committee, and I thank the Judiciary Committee for now giving us this proposal and bringing it to the floor, and now Democrats allowing us to proceed on this legislation, as well as Republicans.

Our goal now is to pass the strongest legislation possible, with as many votes as possible, while staying true to our principles, then await what the House is going to do. The Speaker has said he wants a bill that will allow the Democrats to vote. That is good news because in the House, for the last two Congresses, there have been very few opportunities for the Democrats to vote on substantive legislation.

The Speaker has said he will only allow legislation to pass over there that has a majority of the majority. That means only Republicans. If they don't have enough Republican votes, they are not going to bring up a bill for a vote. So I am very pleased the Speaker would say that. It is important we understand the procedure we have used for 230-plus years in this body: We pass something here, they pass something in the House, we go to conference and work out our differences.

So I understand we have a long road before us and more work will be necessary to get this bill across the finish line. I truly understand that. I know some of my Republican colleagues will

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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support this bill if they feel confident what is in the bill adequately addresses the need to secure our borders. I agree the legislation focused on border security a lot. I think that is important, and I am glad it did.

Reform that takes significant steps to stop illegal crossings is important, and reform that does not take significant steps to stop illegal crossings will fail. That is why I so admire what was done by the Gang of 8 and the Judiciary Committee in regard to that issue. They have done a terrific job on border security.

We should all also acknowledge the progress the Obama administration has already made to secure our borders. Illegal border crossings are down 80 percent. That is no small accomplishment. Yesterday I received a letter from my colleagues, the chairman of the Judiciary Committee PAT LEAHY, and the chairman of the Homeland Security Committee TOM CARPER, detailing the tremendous strides we have made toward a more secure border.

As described by the Wall Street Journal, illegal entries nationwide are at a four-decade low. We have less crossings now than we had at any time during the last 4 years, and the number of illegal entrants who sneak into the country through the southern border and successfully elude law enforcement—so-called ''got aways'' is what they are called—is down 86 percent. Smarter technology, physical barriers, and double the number of agents on the border have made this achievement possible.

We must ensure those who come to America seeking a better life do so in compliance with our laws. The measure before the Senate builds on the progress we have made by allocating even more resources for border security infrastructure, and that includes patrol bases, unmanned vehicles—yes, drones—helicopters, fixed-wing aircraft, sensors, x-rays, cameras, and more. This legislation also includes additional funding for the prosecution of those who are caught crossing illegally.

The legislation also establishes two strict but attainable statutory border security goals: to prevent 90 percent of illegal entries and to monitor the entire southern border, not just high-risk sectors of the border. Chairman LEAHY and Chairman CARPER agreed in their letter that this legislation will reduce illegal entries by reforming our legal immigration system.

This legislation will make it virtually impossible for undocumented people to work, so they will no longer have an incentive to enter illegally.

This is what my two colleagues said in their letter:

> We need to stop focusing our attention on the symptoms and start leading with the underlying root causes of illegal immigration in a way that is tough, practical, and fair.

That says it all. This bill does that.

There is one thing this bill does not do and should not do: It does not and should not make the path to citizenship contingent on attaining border security goals that are impossible to measure. That would leave millions who aspire to become citizens in indefinite limbo. We have to move past this.

Six years ago we tried to do something about it and the situation only got worse. This legislation is critical. If we made those goals impossible, the legislation would be a failure. This would give opponents of citizenship in the Senate an opportunity to prevent our border security goals from being met in order to block the path to citizenship. I am concerned that some who oppose the very idea of reform see these triggers as a backdoor way to undermine the legislation, and we must be very careful in recognizing that people are trying to do that with this legislation now before this body. I believe some Republicans with no intention of voting for the final bill—no intention, regardless of how it is amended—seek to offer amendments with the sole purpose of derailing this vital reform.

I commend Senators—Democrats and Republicans—who sincerely want to make this proposal stronger by enhancing its border security provisions. So I look forward to hearing ideas over the next few days on amendments—ideas to make our country safer and more secure. If that is the intent, we will certainly look at it, and I hope we can move forward as expeditiously as possible.

I am glad colleagues, both Democrats and Republicans, are engaged in this debate and are interested in offering amendments, but I hope those amendments will be constructive in nature. We have come too far and the country needs this legislation too badly to lose sight of our purpose now.

As Martin Luther said, ''Everything that is done in the world is done by hope.'' There is no better example of that than this legislation because hope is what it is all about. As Martin Luther said, ''Everything that is done in the world is done by hope,'' and I certainly believe that regarding this legislation.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

KENTUCKY BUS ACCIDENT

Mr. MCCONNELL. Mr. President, I wish to send my sympathies to the many families in Kentucky affected by a terrible bus accident that occurred yesterday afternoon. A group of Waggener High School students were returning to Louisville after a visit to Eastern Kentucky University when their bus crashed on Interstate 64. Of the 42 people onboard, 34 were taken to area hospitals. Thankfully, news sources report no loss of life. I am going to continue to closely follow the details of this accident.

The people of Kentucky, always generous of spirit, have already responded to this accident with an outpouring of support for the crash victims. I am grateful for that and I am grateful also that this situation was not much worse.

NOMINATIONS

Mr. MCCONNELL. Mr. President, Senate Democrats are not content with the additional powers they have—powers greater than those enjoyed by any previous majority—so they intend to manufacture a crisis over nominations as a pretext for a further power grab. Yet the Senate is treating President Obama's nominees very fairly. For example, let's just look at how the Senate has treated his judicial nominees.

Overall, the Senate has confirmed 193 lower court judges and defeated only 2—defeated only 2. That is a .990 batting average—a .990 batting average. After this week, the Senate will have approved 24 of the President's lifetime appointments compared to just 9—9—for President Bush at a comparable point in his second term.

I will mention my party actually controlled the Senate then, so we could have arguably confirmed a lot more. President Bush got 9 at this point in his second term; President Obama 24.

Last Congress Obama had more district court confirmations than in any of the previous eight Congresses—previous eight Congresses. He also had almost 50 percent more confirmations—171—than President Bush—119—under similar circumstances.

To support an unprecedented power grab, the administration and its allies in the Senate have resorted to truly outlandish claims about how the President's judicial nominees are being treated—sort of making this stuff up.

Washington Post Fact Checker gave the President two Pinocchios for extreme claims about Republican delays of his judicial nominees, noting that in some ways the President's nominees are actually being moved along ''better'' than Bush's.

The Washington Post cited CRS's conclusion that from nomination to confirmation—one of the most relevant indicators, according to a Brookings scholar—Obama's circuit court nominations are being processed about 100 days quicker—100 days quicker—than President Bush's: 350.6 days for Bush to 256.9 for Obama.

Factcheck.org:

> . . . during Obama's first term, his nominees to federal appeals courts actually were confirmed more quickly on average than Bush's first-term nominees, measured from the day of nomination to the day of the confirmation vote.

Politifact:

> . . . the average wait for George W. Bush's circuit court nominees was actually longer from nomination to confirmation.

So, as you can see, Mr. President, this is a manufactured crisis—one that does not, in fact, exist—in order to try

to justify a power grab to fundamentally change the Senate.

At the beginning of each of last two Congresses, we have had this discussion at length. At the beginning of the previous Congress, here is what the majority leader said back in January of 2011. He said:

> I agree that the proper way to change Senate rules is through the procedures established in those rules, and I will oppose—

''I will oppose,'' he said. This is January of 2011—

> any effort in this Congress or the next to change the Senate's rules other than through the regular order.

''I will oppose any effort in this Congress or the next''—the one we are in now—to change the rules of the Senate in any other way than through the regular order. The regular order is it takes 67 votes—not even 60 but 67 votes—to change the rules of the Senate.

Not being willing to keep the commitment he made in January of 2011, we went around and around again at the beginning of 2013—this year—and the Senate this year, after considerable discussion, joined by a number of Members of the Senate on both sides of the aisle, passed two new rules and two new standing orders. In the wake of that action, an additional commitment was made, and here was the exchange on the floor on January 24 of this year.

I said:

> I would confirm with the majority leader that the Senate would not consider other resolutions relating to any standing order or rules this Congress unless they went through the regular order process?

We had just done that. We followed the regular order, and we passed two rules changes and two standing orders.

The majority leader said:

> That is correct. Any other resolutions related to Senate procedure would be subject to a regular order process, including consideration by the Rules Committee.

Now, that was not a promise made based on the majority leader's view of good behavior. But, of course, by any objective standard, there has not been any bad behavior anyway, even if that would justify breaking a commitment that was not contingent.

Now my friend the majority leader has taken to kind of leaving the floor in the hopes that somehow this would go away if only he were not here. What will not go away is the unequivocal commitment made at the beginning of this Congress so we would know what the rules were for the duration of this Congress.

I think colleagues on both sides of the aisle have a right to know whether the commitment made by the leader of this body—the leader of the majority and this body—is going to be kept. That is the only way we can function. Our word is the currency of the realm in the Senate.

As you can see from the facts, this is a manufactured crisis. There is no crisis over the way the Senate has functioned. In fact, except for these periodic threats by the majority leader to break the rules of the Senate in order to change the rules of the Senate, we have been operating much better this Congress than in recent previous Congresses. Bills have been open for amendment. We have been able to get them to passage. They have been bipartisan in large measure.

The Senate these days is not broken. It does not need to be fixed, particularly if your judgment to fixing the Senate is to not keep a commitment you made at the beginning of the year.

So I would conclude by saying that I am going to bring this up every morning, and the majority leader not being here or not responding does not make it go away. What my colleagues in the minority have on their minds is whether the commitment will be kept, and at some point the majority leader is going to have to answer that question because it is not going away.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The Senator from Maryland.

ASIAN POLICY

Mr. CARDIN. Mr. President, this past weekend President Obama met with President Xi of China in California for a summit meeting between the two leaders. It was an opportunity for a personal relationship between the leader of China and the leader of the United States in order to improve the trust between the two countries.

China is important to the United States. China, as we know, is a permanent member of the Security Council of the United Nations—a key player in developing international policies that are important to the United States and global security. China is very influential in the policies concerning North Korea and Iran. China is a key trading partner of the United States. We know the amount of products that go back and forth between China and the United States.

President Obama has correctly identified Asia as a region of particular interest. He has rebalanced Asian policy because of the importance of Asia to the United States. We are a Pacific power, and Asia is critically important for regional security as well as for global security.

I have the opportunity of chairing the Subcommittee on East Asian and Pacific Affairs of the Senate Foreign Relations Committee. In that capacity, 2 weeks ago I visited China, the Republic of Korea, and Japan.

In China, I was able to observe firsthand the progress that is being made in that country and to meet with key leaders of the Chinese Government. I did see much progress. I saw economic change in China as to how they are becoming a more open society from the point of view of entrepreneurship. I saw rights that have been advanced. People do have more freedom than they had several decades ago.

I saw an opportunity where the United States and China could build a stronger relationship between our two countries. It starts with building trust. There is a lot of mistrust out there. That is why I was particularly pleased about the summit meeting this past weekend. We have common interests. China is critically important to the United States on making sure the Korean Peninsula remains a nonnuclear peninsula. China has tremendous impact over North Korea and does not want to see North Korea continue its ambition to become a nuclear weapon power. They can help us in resolving that issue, hopefully in a way that will help us in a peaceful manner.

I could not help but observe when I was in Beijing that China has a huge environmental challenge. The entire time I was there, I never saw the Sun, and that was not because of clouds, it was because of pollution, which is common in Beijing. It is not only a problem that China needs to deal with, it is a political necessity. The people of China know that their air is dirty. Here is an opportunity for the United States, working with China—the two large emitters of greenhouse gases—for them to come together and show international leadership by what we can do in our own countries to encourage progress but also international progress on this issue.

While I was in China, I had a chance to advance areas of concern. I want to talk about that. Our security interests with China go toward their military, yes, but also go toward their economic conditions and their respect for human rights. I raised throughout my visit to China my concern, and I think America's concern—the international concern—about China recognizing universally accepted human rights. The right to dissent is not there in China.

On June 4 we celebrated another anniversary of Tiananmen Square, where the student protest turned very deadly. It is still dangerous to dissent in China. Civil rights lawyers can lose their right to practice law and can be physically intimidated if they are too aggressive in representing those who disagree with government policies.

China has a policy to this day of detaining people, putting them in prison for their ''reeducation.'' That could be for up to 4 years without trial and without being questioned as to why they are being detained, solely because

they disagree with the government's policy.

If you are born in a community, you are registered in that community. There may not be economic opportunity there for you. You might want to move to a big city in order to explore additional economic opportunities for yourself and your family. In China that is not possible for the great majority of the people. They are registered in their community, they are expected to live in their community, and they are expected to work in that community. So you have the haves and the have nots. There are many people in China who are doing very well. The vast majority are not.

Then there is the issue of religious freedom. I think we all know about Tibet and the Buddhists in Tibet and how they have been harassed. We know about the Uighers and the Muslim community. What really shocked me was talking to the Protestants who have their house churches. They explained to me that if their churches get too big—maybe over 25 or 30 members—they lose their right to meet. The government is worried about too many people getting together to celebrate their religion. Well, that certainly is unacceptable. It violates internationally recognized human rights standards.

And then they block access, full access, to the Internet. Sites such as the New York Times or Bloomberg are considered to be too difficult for the Chinese people to accept, and the government blocks those sources.

Perhaps one of the most difficult challenges China has today is that it does not trust its own people to innovate and create. Instead, they use cyber to try to steal our rights, our innovation, not just in America but throughout the world. We are very concerned about the proper use of protecting intellectual property, and I raised that during my visit to China.

We are also concerned about the cyber security issues, and I know that was on the agenda of President Obama and President Xi. We would urge progress to be made on acceptable standards on the use of cyber.

Then there is the issue of corruption. Because so much is determined by where you live and your local government, corruption is widespread. That needs to be changed.

So these are important subjects that we raised in a country that is critically important to the United States, but these issues must be debated.

When President Park was here, the President of the Republic of Korea, she mentioned on the House floor to a joint session of Congress that she wants a security dialog in Northeast Asia. When I met with her when I was in Seoul, we had a chance to talk more about it. The more she talked about the security dialog, the more it reminded me of the Helsinki Commission, the Organization for Security and Cooperation in Europe, which was established in 1975 as a security dialog between all the countries of Europe, now Central Asia, the United States, and Canada.

That security dialog deals with all three baskets of concern. Yes, we are concerned about military actions. We have serious military issues that we need to take up in the northeast. Maritime security issues are very much of concern to all the countries of Northeast Asia. But we also need to deal with economic freedom and opportunity, and we need to deal with human rights.

This type of a dialog would allow us in the north to participate with the major countries in Northeast Asia to work out and know the concerns of each of the countries. It would include not just China and the Republic of Korea but Japan, North Korea, the United States, and Russia.

I would urge the region to either adopt a security dialog similar to the Helsinki process or look at becoming a part of the Helsinki process. We do have regional forums. There is a regional forum for Asia. So it is a possibility that they could actually work under the Helsinki framework.

In my visits to Japan and the Republic of Korea, I know we have two close allies. Japan, of course, is a treaty ally. We have U.S. troops both in Korea and Japan. We are working out ways to make our troop presence more effective, consistent with the political realities of both of those countries.

Both Japan and the Republic of Korea strongly support our policies in Iran and Afghanistan and the Korean Peninsula. The relationship between these two countries must improve. There are serious issues. Of course the comfort woman issue during World War II is a matter of major concern to the Korean population. I certainly support and understand that. But it is important for those two allies of the United States to become closer allies and to move forward in areas of mutual interest. I urge them to do that.

In Japan, I had meetings on the economic issues, on the Trans-Pacific Partnership, TPP, which clearly are areas where we can make advancements. I saw an opportunity to advance U.S. interests in the rebalance to Asia. It is not a pivot to Asia. We used that term originally. It is not. We have been active in Asia for centuries. It is a rebalance because we recognize the importance of Asia. I think we can do that by enhancing our relationship with all the countries in Asia. It is an opportunity to advance U.S. security interests through military cooperation.

I did talk about the military in China. I also talked, particularly in Japan, about more of their students coming here to the United States to advance good governance and economic relationships, and to have a responsible environmental program.

The subcommittee I chair has already held two hearings on the rebalance to Asia, including good governance and military issues. We are going to hold future hearings dealing with the environmental issues and economic issues.

Clearly, working with the President, I see a major opportunity to advance U.S. interests through our rebalance to Asia policies.

REMEMBERING FRANK R. LAUTENBERG

Mr. CARDIN. Mr. President, we all lost a dear friend when Frank Lautenberg passed away a little over a week ago. He was a friend, he was a colleague, he was a mentor. In the last Congress I had the opportunity to sit next to him on the floor of the Senate. Our desks were back there in the last row. I had a chance to sit next to him. I tell you—you have heard this many times—but when we had those vote-aramas Frank kept me very much engaged. His sense of humor, his ability to use contemporary activities with a sense of humor kept us all going. We are certainly going to miss that humor.

I also sat next to him on the Environment and Public Works Committee. He was a fierce defender of public health and the environment. I am going to certainly miss his advocacy. He was there to protect clean air. He chaired that subcommittee and took on every special interest in order to protect our children and to protect our communities.

He was a fierce defender of the environment, recognizing we all have a responsibility to pass on the environment in a better condition to future generations.

His story is a story about the success of America. Here we have a child of an immigrant family that came to this country and started anew with virtually no resources. It is very appropriate that I am talking about Frank Lautenberg on a day in which the immigration reform bill is on the floor of the Senate.

I know if Frank were here, he would be talking about his own family and his own experiences and why the passage of this immigration bill is so important for America's future. Yes, we are going to do the right thing for the values of America, but we are also going to help America's economic future and our security in the future. He grew up in a family of poverty. His father died when he was very young. He had no choice after high school but to enter the military. But he wanted to enter the military because he wanted to serve his country. So he went and served our country in World War II. As we know, he was the last surviving Member of the Senate who served in World War II. He did an incredible service to our country under extremely difficult circumstances. He came back to the United States and this country offered him the GI bill opportunity for education. But for that GI bill Frank Lautenberg never would have had those educational opportunities. He took advantage of it and went to business

school. He used that to develop a business that was innovative and creative. There was a need out there to deal with personnel costs by businesses. Frank Lautenberg developed, with his partners, a way in which that service could be provided in the most cost-effective way.

What did that do? That made this country more efficient, more effective. What that did was create a lot of jobs for this country. It also made Frank Lautenberg a fairly wealthy person. That is the American way: innovation to grow our economy, to create jobs, and to benefit by your own innovation. Frank Lautenberg took advantage of that and succeeded in a great way.

But he was not satisfied with that. He wanted to give back to his community. So he served his community. He served his community in many ways. There is a whole host of community organizations to which he provided leadership, his own personal time, in order to help people. He did that. Jewish Federation—he became a national leader there to help communities all over the world. Frank Lautenberg did that as a private citizen because he thought it was the right thing to do.

But then he decided he wanted to serve his community in a different way, so he ran for the Senate, got elected to the Senate, served two different terms in the Senate. He is the only Senator who was both the junior and senior Senator twice from the same State. But he never forgot his roots. He never forgot where he came from. He has a long list of accomplishments, from helping refugees come here to America, to helping keep the air we breathe on airlines safe for our children. The list is voluminous. We have already talked about it. He will be missed by all.

Our thoughts and prayers are with Bonnie, who we all know so well, and his entire family. To the people of New Jersey and the people of this Nation, Frank Lautenberg was an extraordinary person who made a lasting mark. He will be missed by all. We all know we are better because of having served with him.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. CASEY. Mr. President, I rise to address two issues this morning, but starting with the issue that is confronting us here on the Senate floor. It is a great challenge, but it is also a great opportunity; that is, immigration. The opportunity we have to come together in the Senate, Democrats and Republicans, is to fix a broken system and to help our economy.

Along the way, as we are working through the immigration bill over the next days and weeks, I think we can not only get this issue on the right track substantively but we can also send a very strong message to the American people that on major consequential issues for the American people we can come together, work together, and get a good result for them. I think that in and of itself is worthy of a lot of attention.

SYRIA

But even as we are working on immigration, of course we have to concern ourselves with a whole range of other issues. One I will speak to briefly this morning is the issue of our policies as they relate to Syria. We are confronted this morning with a headline in the Washington Post. I will hold it up. It reads: ''Iran On Ascent As Syria Churns.'' The first page of the Post. I will read the first paragraph of this story:

> As fighters with Lebanon's Hezbollah movement wage the battles that are helping Syria's regime survive, their chief sponsor, Iran, is emerging as the biggest victor in the wider regional struggle for influence that the Syrian conflict has become.

There is one of the reasons why I and others, for not just weeks but months now, have been urging the administration and the Congress to come together on a more focused and more effective strategy as it relates to Syria. We had a good bipartisan effort in the Foreign Relations Committee. We were able to pass out of the committee legislation that dealt with Syria that would provide a whole range of supports and efforts that will lead to a better result in Syria.

I know the White House has spent the last couple of weeks and will be spending even more time today to come up with a policy that makes sense. But I do not think we can any longer pretend this issue is not an issue that concerns our national security, because every day the Iranian regime and Hezbollah plot against us. Anything that results in the regime in Iran being strengthened, as the Washington Post points to today in this story, is bad for our national security.

We have a lot of work to do. Again, this should be bipartisan. But the administration needs to focus on Syria and come to a conclusion about the way forward that will be in the best interests of our national security and also in the best interests of the people of Syria who are fighting valiantly against the Asad regime.

We all agree the Asad regime should not be in power, but we can't just wish that. We will have to take the steps that will lead to that result in a concerted fashion with allies in the region.

I ask unanimous consent the story entitled ''Iran on ascent as Syria churns'' from the Washington Post this morning be made part of the RECORD.

There being no objection, the material was ordered to be printed, in the RECORD, as follows:

[From the Washington Post, June 12, 2013]

IRAN EMERGING AS VICTOR IN SYRIAN CONFLICT

(By Liz Sly)

BEIRUT.—As fighters with Lebanon's Hezbollah movement wage the battles that are helping Syria's regime survive, their chief sponsor, Iran, is emerging as the biggest victor in the wider regional struggle for influence that the Syrian conflict has become.

With top national security aides set to meet at the White House on Wednesday to reassess options in light of recent setbacks for the rebels seeking Syrian President Bashar al-Assad's ouster, the long-term outcome of the war remains far from assured, analysts and military experts say.

But after the Assad regime's capture of the small but strategic town of Qusair last week—a battle in which the Iranian-backed Shiite militia played a pivotal role—Iran's supporters and foes alike are mulling a new reality: that the regional balance of power appears to be tilting in favor of Tehran, with potentially profound implications for a Middle East still grappling with the upheaval wrought by the Arab Spring revolts.

''This is an Iranian fight. It is no longer a Syrian one,'' said Mustafa Alani, director of security and defense at the Dubai-based Gulf Research Council. ''The issue is hegemony in the region.''

The ramifications extend far beyond the borders of Syria, whose location at the heart of the Middle East puts it astride most of the region's fault lines, from the Israeli-Palestinian conflict to the disputes left over from the U.S. occupation of Iraq, from the perennial sectarian tensions in Lebanon to Turkey's aspirations to restore its Ottoman-era reach into the Arab world.

An Iran emboldened by the unchecked exertion of its influence in Syria would also be emboldened in other arenas, Alani said, including the negotiations over its nuclear program, as well as its ambitions in Iraq, Lebanon and beyond.

''If Iran wins this conflict and the Syrian regime survives, Iran's interventionist policy will become wider and its credibility will be enhanced,'' he added.

From Iran's point of view, sustaining Assad's regime also affirms Iran's control over a corridor of influence stretching from Tehran through Baghdad, Damascus and Beirut to Maroun al-Ras, a hilltop town on Lebanon's southern border that offers a commanding view of northern Israel, according to Mohammad Obaid, a Lebanese political analyst with close ties to Hezbollah.

Iran has sought to minimize its visible involvement in Syria so as not to exacerbate sectarian tensions that have been inflamed by a conflict pitting an overwhelmingly Sunni opposition against a regime dominated by Assad's minority Shiite-affiliated sect, Obaid said.

Iran has provided advice, money and arms to Assad's regime, but the manpower needed to bolster his forces, flagging after two years of trying to contain the revolt, has come from Hezbollah, which was founded in the 1980s with help from Iran's Revolutionary Guard Corps and has become Lebanon's leading military and political force.

''Hezbollah is part of the Iranian strategy,'' Obaid said. ''This counts as a victory for the group of Iran, Syria, Iraq and Hezbollah against the group backed by the United States.''

'IRAN WALKED THE WALK'

Supporters of the Syrian opposition contrast the hesitancy of the U.S. administration in offering arms to the outgunned, poorly trained and deeply divided rebels with the commitment that Iran has shown to its Damascus ally.

The U.S. goal was to pressure Assad into making concessions at the negotiating table, without delivering a resounding military victory to the rebels that might have brought Islamists to power in Damascus, said Amr al-Azm, a history professor at Shawnee State University in Ohio who is Syrian and is active in the opposition. Instead, a proposed peace conference in Geneva seems likely to be held on Assad's terms, should it go ahead.

''Politically we're screwed, and militarily we're taking a pounding,'' Azm said. ''America talked the talk while Iran walked the walk.''

This would not be the first time that Iran has outmaneuvered the United States since the Iranian revolution brought Shiite clerics to power in Tehran in 1979. But the assertion of Shiite power in Syria rankles Sunnis across the region, compounding the dangers that the Syrian conflict could provoke a wider and even bloodier war than the one currently underway, which is estimated to have killed at least 80,000 people.

Escalating violence in Iraq and growing tensions in Lebanon, whose conflicts are inextricably intertwined with the increasingly sectarian nature of the war in Syria, underscore the risk that centuries-old religious rivalries between Sunnis and Shiites will be aggravated by Iran's role. The leading religious authority in Saudi Arabia and al-Qaeda chief Ayman al-Zawahiri have in the past week called on Sunnis to volunteer to fight in Syria, marking a potentially dangerous convergence that could herald an intensified influx of Sunni jihadis.

SAUDI ARABIA'S ROLE

Saudi Arabia, the leading Sunni power in the region and Washington's closest Arab ally, is unlikely to tolerate an ascendant Iran even if the United States chooses to remain aloof, said Jamal Khashoggi, director of the al-Arab television channel.

''It is a serious blow in the face of Saudi Arabia, and I don't think the Saudis will accept it. They will do something, whether on their own or with America,'' he said. ''Syria is the heart of the Arab world, and for it to be officially conquered by the Iranians is unacceptable.''

One way in which Saudi Arabia could influence the outcome is by facilitating unchecked supplies of arms to the rebels, analysts say. Although the umbrella Free Syrian Army has received small quantities of weaponry from Turkey, Saudi Arabia and Qatar over the past year, the United States has sought to control the flow, vetting the recipients and restricting the caliber of the weapons provided.

After videos surfaced in March of Islamist groups wielding antitank weapons funneled across the Jordanian border by Saudi Arabia, the United States imposed a freeze on all further deliveries, putting the rebels at a disadvantage just as Iran, through Hezbollah, was gearing up to rejuvenate the Assad regime's army with reinforcements, according to rebel leaders.

A SYMBOLIC BATTLE

Military analysts caution against overestimating the impact of the rebel defeat in Qusair on what is likely to be a long and unpredictable war. The obscure western town abutting Hezbollah-controlled territory in Lebanon almost certainly offered an easier conquest than other rebel strongholds, such as the city of Aleppo, where the regime is touting an imminent offensive.

The rebels are continuing to press attacks in the northern, eastern and southern peripheries of the country even as the government appears to be tightening its grip on the central provinces of Damascus and Homs, raising the specter that the country will be partitioned into enclaves backed by rival Sunni and Shiite regional powers. A suicide bombing in Damascus on Tuesday highlighted the likelihood that the rebels will sustain an insurgency similar to the one that persists in Iraq even if they are defeated militarily.

The chief significance of the battle for Qusair lay in the powerful symbolism of the role played by Hezbollah, which eliminated any doubt that the Syrian conflict has turned into a proxy war for regional influence, said Charles Lister, an analyst with IHS Jane's defense consultancy in London.

''External actors are becoming increasingly decisive and pivotal in terms of where the conflict is going,'' he said. And if the United States increased its support for the rebels, Assad's allies would be likely to boost theirs, he added.

''The conflict has regionalized, and, unfortunately, that gives it the potential to drag on longer,'' he said. ''As long as one side increases its assistance, the other will see the need to do so, too.''

NOMINATIONS

Mr. CASEY. I move to the second part of my remarks, which is to talk about two of our judicial nominees who will be coming before the Senate today. Both of these nominees will be voted on today to be members of the United States District Court for the Eastern District of Pennsylvania. I wish to give Senators the benefit of a little biographical background on both of them.

I will begin with Nitza Quinones Alejandro. Judge Quinones is recognized by her colleagues as being very well prepared as a judge and a conscientious judicial official who exhibits an outstanding judicial temperament and fairness.

Since 1991, Nitza Quinones Alejandro has served as a trial judge for the First Judicial District of the Pennsylvania Court of Common Pleas in Philadelphia, working on criminal and civil trials with all of the diversity, difficulty, and challenge that comes with that. She runs a good courtroom, treats lawyers and litigants fairly, and renders thoughtful decisions. She was first nominated for judicial appointment back in May of 1990 by Gov. Robert P. Casey, my father, when he was serving in office in Pennsylvania.

At the time—not quite then a judge—Judge Quinones became the first Latina State court judge in the Commonwealth of Pennsylvania back in the early 1990s.

Prior to her judicial appointment, Judge Quinones served as an arbitrator for the Philadelphia Court of Common Pleas from 1980 to 1991. She also worked as a staff attorney with the Department of Veterans Affairs and as an attorney-advisor for the Office of Hearings and Appeals at the Department of Health and Human Services. She was also a staff attorney with Community Legal Services in Philadelphia.

Judge Quinones is a founding member and has been active within the Hispanic Bar Association of Pennsylvania for the past 20 years. She has actively recruited students from local law schools and hired numerous Hispanic attorneys as full-time law clerks and serves as a mentor to countless students and professionals.

A native of Puerto Rico, she graduated from the University of Puerto Rico School of Business Administration cum laude in 1972 and acquired her juris doctor degree from the University of Puerto Rico's School of Law in 1975.

Her commitment to public service and substantial judicial experience will make her an outstanding Federal judge. It is also, I should note, a remarkable American story that Judge Quinones brings to us today.

We look forward to the vote today on her confirmation. We appreciate the work that has been done to bring her nomination to the floor.

I have enjoyed working with Senator TOOMEY on both Judge Quinones' nomination as well as the second nomination.

Judge Jeffrey L. Schmehl, the second nominee, as well will bring an extraordinary record of knowledge, experience, and public service to the Federal bench. He is well regarded by lawyers and litigants who appear before him, as well as the people of Reading in Berks County, PA.

Since 2007 he has served as the president judge for the Berks County Court of Common Pleas, where he has served as a judge since 1998.

Prior to joining the bench, Judge Schmehl was a partner at Rhoda Stoudt & Bradley from 1988 to 1997, where he also worked as an associate since 1986.

He has served as the county solicitor at the Berks County Services Center from 1989 to 1997, and he owned his own law firm from 1981 to 1986. He also served as an assistant district attorney in Berks County, as a prosecutor, and as an assistant public defender for the Berks County Public Defender's Office—a rare combination, both a public defender and a prosecutor.

He received his bachelor of arts degree from Dickinson College in 1977 and a juris doctor from the University of Toledo School of Law in 1980. We look forward to Judge Schmehl's confirmation as well.

Both of these are individuals about whom we can be very proud, vote for, and support with enthusiasm. It always helps when you have two judges who are the result of the working together of a Democratic Senator and a Republican Senator—in this case, Senator TOOMEY and myself—working together to bring their nominations to this point and to get them confirmed on the floor of the Senate.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADVICE AND CONSENT

Mr. BARRASSO. Mr. President, I come to the floor today to talk about the advice and consent duties of the Senate. Our Constitution gives the Senate the responsibility to advise the President on high-level executive positions and judgeships. The Senate is also asked to consent on those appointments to ensure that only those who are worthy of the public's trust hold positions of such great power. The confirmation process is a way to protect the American people from nominees who simply aren't up to the job or to the times we are in as a country.

It is also an important opportunity for the Senate to exercise oversight over the agencies and the policies of an administration and to do this on behalf of the American people. Let me repeat that. It is about exercising oversight on behalf of the American people.

This is one of the most important roles we play as Senators. This is one of the reasons our Nation's Founding Fathers intentionally made the pace of the Senate deliberate. They wanted to make sure there was free debate on important subjects so we could give appropriate consideration to policies, to laws, and to nominations.

The Father of our Constitution, James Madison, explained the Senate's role was ''first to protect the people against their rulers.''

''First to protect the people against their rulers'' was the point of this body. That is why, over its long history, the Senate has adopted rules that provide strong protections for political minorities.

Lately some in the majority have decided the American people shouldn't ask so many questions and the minority shouldn't have so many rights. Here is a little perspective on the conversation we are having today. Over the last 6 years Majority Leader REID has taken an unprecedented stand against the rights of the minority in this body. He has done it through procedural tactics such as filling the amendment tree on bills and bypassing committees using something called rule XIV of the Senate rules. Those techniques may make it easier for the majority leader to get what he wants, but they shut many Senators out of legislating, and they shut out the Americans we represent, Democrats as well as Republicans.

At the beginning of the last Congress and again at the start of this Congress, there was an attempt to use the so-called nuclear option and to use it to radically change the rules of the Senate and to strip the rights of the minority. Back in 2011, Majority Leader REID made a commitment not to use the nuclear option.

On the floor he said:

> I agree that the proper way to change Senate rules is through the procedures established in those rules, and I will oppose any effort in this Congress or the next to change the Senate rules other than through the regular order.

He said this Congress or the next Congress, so that includes the Congress we are in right now today.

It didn't stop some of the members of his caucus from trying to force the nuclear option again earlier this year. I was one of a bipartisan group of Senators—eight of us—who worked together and negotiated, I thought, responsible changes to Senate procedures. Our goal was to avoid the rush that would take drastic steps that would damage this body and our country forever. It was a fair agreement.

It was also an agreement that we were told would rule out the use of the nuclear option. So Republicans agreed to support two new standing orders and two new standing rules of the Senate. Those changes were overwhelmingly supported by Republicans as well as Democrats in this body.

In return, the majority leader again gave his word he would not try to break the rules in order to change the rules. Here is what he said a few months ago on the Senate floor: ''Any other resolutions related to Senate procedure would be subject to a regular order process.''

He even added this included considerations by the Rules Committee. There was no equivocating in the statement by the Democratic leader. There were no ifs, ands, or buts. This was January 24 of this year. Here we are again, less than 5 months later, and we are having this same argument.

Some Senate Democrats want to use the nuclear option to break the rules, to change the rules, and do away with the right to extended debate on nominations. This would be an unprecedented power grab by the majority. It would gut the advice and consent function of the Senate. It would trample the rights of the minority. It would deprive millions of Americans of their right to have their voices heard through their representatives here in Washington. The nuclear option would irreparably change this institution.

Republicans have raised principled objections to a select few of the President's nominees. In other cases, such as the DC Circuit Court, we simply want to apply the standard the Democrats had set, that the court's workload doesn't justify the addition of three more judges.

The President claims his nominees have been treated unfairly. Even the Washington Post's Fact Checker said the President's comments were untrue. The other day the Post Fact Checker gave the President not just one but two Pinocchios for his claims about Republican delays on his judicial nominees.

The White House and the majority leader don't want to hear it. They want the Senate to rubberstamp the President's nominees. The Democrats aren't happy with the rulings by the DC Circuit Court, and they want to avoid any more inconvenient questions about the Obama administration. Democrats claim they want to change the rules to make things move more quickly, but that is no excuse. Remember when the majority leader threatened the same drastic step a couple of years ago? One of the Democrats who stood up to oppose the current majority leader at the time was former Senator Chris Dodd. In his farewell speech in this body in late 2010, this is what Senator Dodd had to say:

> I can understand the temptation to change the rules that make the Senate so unique—and, simultaneously, so frustrating. But whether such a temptation is motivated by a noble desire to speed up the legislative process, or by pure political expedience, I believe such changes would be unwise.

This was a Democratic Senator with 30 years of service in the Senate.

The reality is the pace of the Senate can be deliberate. Extended debate and questioning of nominees is a vital tool to help ensure the men and women who run our government are up to the job and are held accountable.

Under the system some in the majority want to impose, there will be less opportunity for political minorities to question nominees. There will be less government transparency. The faith of the American people in their government will get smaller and smaller.

I believe it would be a terrible mistake for Democrats to pursue the nuclear option and an irresponsible abuse of power. From the beginning the American political system has functioned on majority rule but with strong minority rights. Democracy is not winner-take-all. Senator REID gave his word. We negotiated in good faith earlier this year. We reached a bipartisan agreement to avoid the nuclear option. Using the nuclear option on nominations now would unfairly disregard that agreement. If Democrats break the rules to change the rules, political minorities and all Americans will lose.

I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Iowa.

Mr. GRASSLEY. I listened to my colleague from Wyoming. He states it very well. I have come to the floor for roughly the same reason, but I don't know how many times you have to say it, because I think basically what the Senator from Wyoming was saying, and what I want to say is it is very difficult to reach agreements in the Senate. But when you reach an agreement, particularly only if it involves two Senators but particularly if they are leaders of the Senate, a person's word is his bond. That bond ought to be kept—as far as I know, always kept. At least that has been my relationship with fellow Senators. You say you are going to do

something and you continue that until it is successful. So here we are, no Senator has not kept their word yet, but we hear this threat. So I come to the floor to give my comments on it.

At the beginning of this Congress, the majority and minority leaders reached an agreement as to how to proceed with rules changes. An agreement was reached. We agreed to two rule changes: One change to the standing rules and one to the standing order. Senate Republicans gave up certain rights and protections in those rules changes. That was the first part of the agreement. In exchange for these rules changes, the majority leader gave his word to Republican Senators he would not utilize what is called around here and around this town the ''nuclear option'' and not use it during this Congress.

Let me review the exact wording of that agreement as it is recorded for history in the CONGRESSIONAL RECORD. This year, on January 24, 2013, the following exchange took place in the Senate. Senator MCCONNELL stated:

> Finally, I would confirm with the majority leader that the Senate would not consider other resolutions relating to any standing order or rules in this Congress unless they went through the regular order process?

The majority leader replied:

> This is correct. Any other resolution related to Senate procedure would be subject to a regular order process, including consideration by the rules committee.

In fact, the majority leader gave his word at the beginning of the last Congress as well. He stated:

> The minority leader and I have discussed this issue on numerous occasions. I know that there is a strong interest in rules changes among many in my caucus. In fact, I would support many of these changes through regular order. But I agree that the proper way to change Senate rules is through the procedures established in those rules and I will oppose any effort in this Congress or the next to change the Senate rules other than through regular order.

Let me just say when a Senator reaches an agreement and gives his word that he will stick to that agreement, that should mean something around here. As far as I am concerned, it means something all the time. I don't think I have been subject to entering an agreement with a colleague that hasn't been kept.

Let me emphasize something further. There was no contingency on that agreement. Republicans agreed to a change in the rules, and the majority leader gave his word he would not invoke the so-called nuclear option. That was the extent of the agreement, period. I trust the majority leader will keep his word and his commitment. If he pulls back on that commitment, it will irreparably damage the Senate.

Moreover, the notion there is now a crisis that demands another rules change is completely manufactured. The minority leader has spoken about the culture of intimidation. I am troubled it is finding its way into the Senate. For the record, in regard to why there is some talk around this institution of changing the rules—something to do with nominations and particularly judicial nominations not moving fast enough—I am in the middle of that as ranking member of the Judiciary Committee. So far this year, we have confirmed 22 lower court nominees, with two more scheduled for this week. That is more than double the number of judges who were confirmed at this point during the previous President's second term—President Bush.

With the nominations this week, we have confirmed 195 of President Obama's nominees as lower court judges. We have defeated only two. That is a batting average of 99-plus percent. I don't know how much better we can get unless it is expected the Senate will not raise any questions about anybody appointed by any President to the judgeships of our country.

The claim we are obstructing nominees is plainly without foundation. I have cooperated with the chairman of the Judiciary Committee in moving forward on consensus nominees, and on the Senate floor there has been a consistent and steady progress on judicial nominations. Yet it seems as if the majority is intent on creating a false crisis in order to effect changes in longstanding Senate practices. They are now even threatening—can you believe this—to break the rules to change the rules. Again, I hope the majority leader keeps his word. We have certainly upheld our end of the bargain.

May I inquire of the Chair how many minutes are remaining for the minority in morning business?

The PRESIDING OFFICER. The Republicans control 15 minutes.

Mr. GRASSLEY. Fifteen minutes more?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. In regard to this whole issue about the Senate as an institution and where I said if this nuclear option holds it is going to destroy the Senate, I think it is very appropriate for us to remember the Senate is the only institution in our political branch of government where minority views are protected. In the House of Representatives, whether it is a Republican majority or a Democratic majority, as long as they stick together, they can do anything they want to and they can ignore the minority. But in the Senate, where it takes a supermajority of 60 to get something done, whether there is a Republican or Democratic minority, that minority is protected.

Today, where we have 54 Democrats and 46 Republicans, nothing is going to get done unless it is done in a bipartisan consensus way, and that is why it is so very important we do not destroy that aspect of the uniqueness of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. I thank the Chair for the opportunity to speak, and I wish to continue discussing what my good friend from Iowa was talking about.

There is a reason for the Senate. There are times when it is hard to figure out exactly what that reason is, with the lack of activity we have seen in the last couple of years, but that has very little to do with the rules of the Senate. It has a lot to do with the Senate not following its regular order, its regular procedures. In fact, when we have done that, whether it was the highway bill or the Federal Aviation Act or the farm bill, we have always produced a successful piece of legislation.

The Senate works when we let the Senate work. The Senate works when people are allowed to bring differing points of view to the Senate floor. Frankly, one of the reasons to be in the Senate is to have the ability to not only bring those ideas to the floor but to have a vote on those ideas; to let the American people know where we stand and to let the people in the States we represent know where we stand. The idea the Senate is now afraid of the amendment process is a great obstacle to the Senate getting its work done.

Another obstacle is constantly talking about changing the Senate rules. The Senate rules have served the Senate well for a long time and served the country well. The Senate rules are what define the Senate in giving individual Senators abilities they wouldn't otherwise have. This is the only body like it in the world where a bare majority can't do whatever it wants to do. If that is the way we want to govern the country, we have one of those bodies already. It is called the House of Representatives, where the majority absolutely rules, where the Rules Committee has nine members representing the majority and four members representing the minority.

I was the whip in the House for a long time—the chief vote counter in the House—and I can tell you that nine always beats four. It is not just 2 to 1, it is 2 to 1, plus 1. That is a body where the majority has incredible capacity to do whatever the majority wants to do. That is not the way the Senate is supposed to work.

We started off this year trying to agree on how to move the Senate forward in an agreeable and effective way, and now we are right back, every day now, hearing: We are going to have to think about changing the rules. When we hear the majority leader talking about changing the rules, it usually is not a good indication we will be prepared to get anything done.

The two leaders, when we started this year, agreed on a plan to make sure the Senate wouldn't unilaterally change the rules; that we would break the rules to change the rules. The thing we would have to do to change the rules is to break the rules, because the rules, once the Senate is constituted, can't be changed by just a majority of Senators. It takes more than that.

We created two new ways for the majority leader—not the minority leader but for the majority leader—to expedite Senate action. We gave new powers to the leader. One of these rules changes passed 78 to 16. The other one passed 86 to 9. These changes gave the majority ways to consider nominations and legislation and going to conference. The minority agreed, under certain circumstances, the ability to engage in debate could and would be limited.

But now we are back again having the same discussion. The only way the majority leader would be able to get what he apparently wants would be to break the rules. There are enough rules being broken, in my view, in Washington right now. One of the problems we face is that the country, frankly, does not trust their government. When we look across the board, from the IRS to what happened in Benghazi, to what the NSA has said in answering about the retaining of records, we don't need to do yet another thing to convince people there is a reason they should not believe what people in the government say.

Let's look at a few things the majority leader said on the Senate floor over the last couple of years. On January of 2011—January 27, to be exact—Mr. REID said:

> I agree that the proper way to change the Senate rules is through the procedures established in those rules, and I will oppose any effort in this Congress or the next to change the Senate rules other than through the regular order.

That was January of 2011. Mr. MCCONNELL, in January of this year, said on the Senate floor—January 24:

> I would confirm with the majority leader that the Senate would not consider other resolutions relating to any standing order or rules in this Congress unless they went through the regular order process?

That was Senator MCCONNELL's question. In response, Senator REID said:

> That is correct. Any other resolutions related to Senate procedure would be subject to a regular order process, including consideration by the Rules Committee.

I am on the Rules Committee, and we are not talking about any rules changes in the Rules Committee, which Senator REID said in January of this year would have to be part of looking at that.

Of course, a lot of the discussion is: The nominations are taking too long. But these are important jobs, and there is a reason they take so long. In particular, judicial nominees serve for the rest of their lives. They are going to serve well beyond, in most cases, the President who nominates them. So they have taken a long time for quite a while.

I would think the facts are clear the Senate is treating President Obama's judicial nominees fairly and, in some ways, even better than they treated President Bush's nominees.

Already in this Congress, the Senate—in this Congress, the one that began in January—the Senate has approved 22 of the President's lifetime appointments. Twenty-two people on the Federal bench for the rest of their lives, that is already happening this year. At a comparable point in President Bush's second term the Senate had approved only five of his judicial nominees.

In the last Congress, President Obama had 50 percent more confirmations than President Bush; 171 of his nominees were confirmed. His predecessor had 119 under similar circumstances, a time when the Senate was also dealing with 2 Supreme Court nominees who, by the way, also serve for life.

I think in the first term of President Obama the Senate made the kind of progress one would expect the Senate to make on these important jobs. In fact, President Obama has had more district court confirmations than any President in the previous eight Congresses. One would think that would be a pretty good record on the part of the Senate doing its job.

The Constitution says the President nominates but, it says, the Senate confirms. In my view, those are equally important jobs. In fact, one could argue that the last job, the one that actually puts the judge on the bench, is even more important than the first job.

Overall, the Senate has confirmed 193 lower court judges under President Obama and defeated only 2. The Washington Post cited the Congressional Research Service conclusion that from nomination to confirmation, which is the most relevant indicator, President Obama's circuit court nominees were being processed about 100 days quicker than those of President Bush. President Bush's nominees took about a year, 350 days. President Obama's take about 100 days less than that.

Let's look at the other side of nominations. There is a difference in the executive nominations, I believe, because they are only likely to serve during the term of the President and not exceed that. I think that creates a slightly different standard. The process on these nominations has been pretty extraordinary in any view. If anything, the Obama administration has had more nominations considered quicker than the Bush administration.

The Secretary of Energy was recently confirmed 97 to 0. The Secretary of the Interior was confirmed 87 to 11; the Secretary of the Treasury, 71 to 26. Those are substantial votes done in a substantial time. The commerce committee that I am on just this week voted out three nominations the President had made with no dissenting votes to report that nomination to the floor.

The Director of the Office of Management and Budget was confirmed 96 to 0. The Secretary of State was confirmed 94 to 3, only 7 days after the Secretary of State was nominated. Members of the Senate knew the Secretary of State pretty well. It was easy to look at that in a quick way, but it is pretty hard to imagine a Secretary of State who can be confirmed quicker than 7 days after that person was nominated.

The Administrator for the Centers of Medicare & Medicaid Services was confirmed 91 to 7. The Chair of the Securities and Exchange Commission was confirmed by a voice vote. Yet in spite of all of that, we are being told by the White House and by others that somehow the Senate's record on these nominations is worthy of an unprecedented rules change, and that rules change would shut out the rights of the minority to fully review and debate, particularly, lifetime judicial nominations.

The very essence of the constitutional obligation of the Senate is to look at these nominations and decide whether these people should go onto the Federal bench for the rest of their lives.

I am hopeful that the majority leader will keep his word to the Senate and to the American people and ensure that we move onto this debate that should happen—didn't happen in January—and instead of changing the rules, we do what we are supposed to do and do it in a way that meets our obligations as a Senate and our obligations to the Constitution. Let's not break the rules to change the rules. Let's get on with the important business that is before us rather than going back to the business we have dealt with months ago.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 744, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 744) to provide for comprehensive immigration reform and for other purposes.
>
> Pending:
>
> Leahy/Hatch amendment No. 1183, to encourage and facilitate international participation in the performing arts.
>
> Grassley/Blunt amendment No. 1195, to prohibit the granting of registered provisional immigrant status until the Secretary has maintained effective control of the borders for 6 months.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is on S. 744.

Mr. LEAHY. Is there a division of time?

The PRESIDING OFFICER. There is no such division of time.

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I want to visit with my colleagues about border security. It refers to an amendment that I have pending to enhance the bill's provisions on border security. I would like to take a few minutes to discuss why I think my amendment is a good first step to restore the faith of the American people in government. That faith has to be restored on the issue of immigration because we promised so much in the 1986 bill on border security and stopping undocumented workers from coming to this country, so, consequently, for the institution of Congress and the executive branch both, because we are not enforcing existing law, the credibility on immigration is at stake. On this issue the American people have lost faith that, at least from the immigration point of view, we are really a nation based on the rule of law.

It is no secret that we in Washington, particularly in the congressional branch, have low approval ratings. A lot of people, especially in recent weeks, wonder about the trust of government—you know, Benghazi, IRS, AP investigations. They have also lost confidence, then, in the leaders. They question our ability to protect their privacy. They question our capacity to protect their security.

This is especially true when we talk about border security with average Americans. They do not think we are doing enough. They say we do not need to pass another law. They just do not understand why we cannot stop the flow and simply enforce the laws on the books. To them it is that simple.

It comes up in my town meetings in Iowa, but the bill before us complicates things. It takes a step backwards on an issue about which Americans care deeply. It says we will legalize millions now—that means millions of undocumented workers—and we will worry about border security down the road, in 5 or 10 years.

The authors of this document before us, the Group of 8, say they are open to improving the bill. My amendment now before the Senate does just that. My amendment improves the trigger that jump-starts the legalization program. It ensures that the border is secure before one person gets legal status under this act.

The American people have shown they are very compassionate, not just willing to deal with this issue of 12 million undocumented workers here but in a lot of other ways so numerous and well-known we do not even need to mention them. Many can come to terms with a legalization program.

But many would say that a legalization program should be tied to border security or enforcement. That is what is very simple for the American people: secure the borders. Let me give some examples.

Bloomberg recently released a poll in which they asked the following question:

> Congress is debating changing immigration laws. Do you support or oppose a revision of immigration policy that would provide a path to citizenship for 11 million undocumented immigrants in the United States?

Madam President, 46 percent said they would support it.

The poll then went on to ask the same respondents about elements in the immigration bill, and 85 percent said they favored ''strengthening border security and creating a system to track foreigners entering and leaving the country.'' So we have 46 percent saying they support immigration, but 85 percent of the same group say it is very necessary to strengthen border security.

In Iowa, a poll by the Des Moines Register found that 58 percent of the respondents were OK with a path to citizenship for undocumented immigrants after—and I emphasize the word ''after''—the border is secure. Almost every poll shows the same results.

Sure, people would consider a legalization program, but it is almost always tied to the condition of border security. The American people do not think we are doing enough to secure the border. In a poll conducted by Anderson Robbins Research and Shaw & Company, 60 percent of those polled said the current level of security at the country's border is not strict enough. Also, 69 percent of the respondents said they favor requiring completion of a new border security measure first before making other changes in immigration policies.

Unfortunately, too many people have been led to believe this bill will force the Secretary of Homeland Security to secure the border. In fact, it does not guarantee that before legalization. That is why we need to pass my amendment on file now. It is a good first step to ensuring that we stop the flow of undocumented workers coming to this country. We need to prove to the American people that we can do our job. We need to show them we are committed to security.

Bottom line: Nobody says the existing immigration system is as it should be. People support reform, but they support reform if we have border security first.

I yield the floor.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, it is good that the Nation is having this debate on immigration, but I think we ought to talk about what is truly involved. For the last several months—even before our bill was drafted, people were saying we cannot proceed with immigration reform until we do more to secure our borders. Now that we have a bill—a bill that takes extraordinary steps to further secure an already strong border—we continue to hear we must wait. We are told that the immigration bill reported from the Senate Judiciary Committee last month, the Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744, does not do enough.

It is so easy to wait. Oh, let's wait until next year or the year after or the year after that, because then the 100 Members of the Senate don't have to vote. We can be on everybody's side. That is not why we were elected. We were elected to vote yes or to vote no. Let's start moving forward and stand up to vote, because when they say we have to wait for more security it ignores the facts.

We have been pouring billions of dollars into border security for years—billions. Keep this in mind: Sometimes we argue over $15, $20, $30 million to help educate our children and that becomes a big issue. We have put billions of dollars into border security. Since the Senate last considered immigration reform in 2006 and 2007, we have made enormous strides on border security. This bill takes even more steps to prevent and deter illegal immigration.

We can talk about philosophy and we can talk about things people have heard. I would like to talk about facts. It may be inconvenient to some of those who don't want to have immigration reform, but the facts speak for themselves. The Border Patrol has doubled in the past 10 years. It now has more than 21,000 agents. That is more than at any time in its history. The Obama administration has more than 21,000 Border Patrol agents, which is more than they have ever had under either Democratic or Republican administrations.

The Department of Homeland Security has deployed additional technology in aircraft and hundreds of miles of fencing along the southern border. The Department has built more than 650 miles of fencing along the southern border, including more than 350 miles of pedestrian fencing.

There has been talk about illegal crossing. Here is a fact: Illegal border crossing is at a near 40-year low under this administration because fewer people are trying to cross. In 2005, Border Patrol apprehended more than 1.1 million individuals who unlawfully crossed the border. In 2012, that number went down to one-third—roughly 365,000. At the same time, deportation, as we all know, is at a record high level.

Here is one of the things we should talk about: People ignore the fact that we spend more money on enforcing immigration and customs laws—$18 billion each year—than we do on all of

our other Federal law enforcement agencies put together. For those who care about law enforcement, that is kind of a striking number. So we have done ''enforcement first.''

This legislation goes even further to build on what has been a successful record. Chairman CARPER of the Homeland Security and Governmental Affairs Committee and I wrote a letter to our colleagues yesterday.

In fact, I ask unanimous consent that our letter be printed in the RECORD at the end of my statement.

In the letter, we point out that the bill appropriates up to another $6.5 billion to secure the border. It authorizes another 3,500 Customs and Border Protection officers. It allows Governors to deploy the National Guard to the southwest border region. It expands border security and use of technology at the border. I mean, this is not a bill that ignores enforcement; it expands it.

It increases the already strict criminal penalties against those unlawfully crossing the border and provides additional resources for their criminal prosecution. It sets clear statutory goals: The prevention of 90 percent of illegal entries and persistent surveillance of the entire southern border. If DHS doesn't meet these goals within 5 years, the bill establishes a bipartisan commission to develop further concrete plans and provides an additional $2 billion to carry out those plans.

Some say: I have a better plan. Come on. The needs at the border change all the time, so we built in flexibility to meet those needs.

The bill sets tough border security triggers. In fact, before DHS can register any undocumented individuals for provisional status, it has to provide Congress with two detailed plans laying out exactly how it is going to meet statutory goals: a comprehensive strategy and another specific to fencing. This is one of the toughest pieces of legislation on the security of our borders that has ever been before the Senate.

The Department of Homeland Security cannot issue green cards to these individuals for 10 years—and even then only after four triggers are satisfied: Comprehensive border security strategy is substantially deployed; the fencing strategy is substantially completed; a mandatory electronic employment verification system is established for all employers; and an electronic exit system based on machine-readable travel documents is in place at airports and seaports. Even then we added more during the Judiciary Committee's markup of this bill. We adopted an amendment offered by Senator GRASSLEY that expands the bill's 90 percent effectiveness rate to the entire southern border, not just high-risk sectors.

So those who say they want more security than what we have here—it is virtually impossible to have more security. I think we might ask: Are you saying you don't want any immigration bill? This is similar to debates we have had—and I use the example of the work we did to bring about peace in Northern Ireland during the Clinton administration.

The former majority leader of this body, Senator George Mitchell, did a heroic effort, along with others, on both the Protestant and Catholic side in Northern Ireland. There were some who said we cannot have a peace agreement until we do not have a single act of violence. I said, OK. Senator Mitchell and President Clinton said, so in other words, you are going to let one disgruntled person on either side veto any peace agreement?

Let us not say we will have no immigration bill until not one person crosses our border illegally. That is making the perfect the enemy of the good, and that means we will never have it.

I was pleased the committee also looked at two border-related amendments I offered with Senator CORNYN—the Leahy-Cornyn amendments. I mention this because there are a number of amendments offered which are bipartisan from Democrats and Republicans alike. One helps protect cross-border travel and tourism by prohibiting land border crossing fees. The other ensures that DHS has flexibility to spend the bill's fencing fund on the most effective infrastructure and technology available, while still requiring that $1 billion be allocated to fencing. It also requires consultation with relevant stake holders and respect for State and local laws when DHS implements fencing projects. Again, knowing that what we do or want today may be different from what we want a few years from now.

I might say, parenthetically, the amendment I offered with Senator CORNYN to stop border crossing fees on either the southern border or northern border—some say we are going to turn our customs agents into toll collectors. I live an hour's drive from the Canadian border. We go back and forth like it is another State.

The distinguished Presiding Officer lives in a State that borders Canada. She knows what it is like going back and forth, and she also knows how important that is to the economy of her State and my State, just as it is to Canada. We ought to luxuriate in the fact that Canada is such a friendly neighbor and the relationship we have with them is so good. Some of us are even related to people who have Canadian ancestry. I have been married to a woman whose parents came from Canada. She was born in the United States. We have been married for almost 51 years. I am delighted Canadians come across our border and settle in Vermont.

I am also working on another amendment for Senate consideration regarding the use of vehicle checkpoints in the 100-mile border zone.

I simply do not understand how some can argue that this bill does not do enough to secure the border. We do that in this bill. We massively increase the money, the agents, the technology used on the border, and this is in addition to the billions—yes, billions—of dollars we already spend each year to physically stop people from crossing.

Some of the same people who want more security are the same people who say we are spending too much money in the Federal government. Well, short of putting up a steel wall, it is hard to imagine what more we can physically do from stopping people from crossing. As Chairman CARPER said, if we build a 25-foot wall, I will show you somebody with a 26-foot ladder. We know people will still come. Because—and let's be serious for a moment—a fence does not address the root causes of illegal immigration. People come here looking for jobs, and American businesses hire them because they will do the jobs nobody else will. Yes, some come here to join their families, as the current backlogs for family-sponsored green cards would otherwise force them to wait years.

If we are serious about stopping illegal immigration, we have to do more than build a bigger, longer, and higher fence. That won't work. We have to create legal ways for people to enter the country—people who want to come here for work and to join family members. Then we have to make it harder for people to find work if they do not use legal avenues, by requiring a nationwide employment verification system known as E-Verify—some have called this a virtual fence—and by increasing penalties on employers who hire undocumented workers. This bill does exactly that.

The distinguished senior Senator from New York, Senator SCHUMER, talks about riding his bicycle around Brooklyn and seeing people who are probably undocumented and contractors coming up to them and saying, I will hire you for $15 a day, and they have to take the job. If we have real teeth, as our bill does, real penalties on employers who hire undocumented workers, they would instead have to hire those who are legal and have to pay at least minimum wage and have to put money into Social Security and so on. It makes a big difference.

As Grover Norquist said in his testimony, our bill, if adopted, would improve the finances of our Nation. But more than that, this legislation provides workable, flexible, affordable, humane solutions. It is tough, it is fair, and it is practical. Yet, just as in 2006 and 2007, we are still hearing from some Senators who oppose comprehensive immigration reform that we must do more to secure the border and enforce our laws.

I welcome additional ideas on how to enhance border security and public safety. I want people to bring forth their amendments to be voted on up or down. Our goal must be to secure the border, not seal it.

As chairman of the Senate Judiciary Committee, I will oppose efforts that

impose unrealistic, excessively costly, overly rigid, inhumane, or ineffective border security measures, and I will oppose efforts to modify the triggers in ways that could unduly delay or prevent the earned legalization path—such as efforts to require Congress to ratify the trigger certifications. We have waited too long already. That includes the amendment offered by my friend from Iowa, Senator GRASSLEY, which would significantly delay even the initial registration process for the 11 million undocumented individuals in this country.

The bottom line is this: The pathway to citizenship must be earned, but it also must be attainable.

Let's not forget that bringing 11 million people out of the shadows is not only the moral thing to do, it helps keep this country safe so we know who is here and we can focus our resources on those who actually pose a threat.

I don't often quote the Wall Street Journal editorial board, but I will quote them here. They said:

> [Those] who claim we must ''secure the border first'' ignore the progress already made, because their real goal isn't border security, it is to use border security as an excuse to kill immigration reform.

We need immigration reform. It is a moral issue. It speaks to the greatness of our country. But it is also a national security issue and a public safety issue. Attempts to undermine immigration reform may come in the guise of promoting border security, but let us not be fooled. As 76 former State attorneys general recently wrote: ''Put simply, practical, comprehensive reform to our Federal immigration laws will make us all safer.''

We must fix our broken immigration system once and for all. As I have said many times on this floor, I think of my maternal grandparents coming to Vermont from Italy and making Vermont a better State with the jobs they created, and their grandson became a Senator. I think of my wife's parents, coming from Quebec, bringing their French language but also bringing English, and my wife was born in Vermont as a result of that. But I think of her extended family—her father, uncle, and others—creating many jobs in Vermont and making Vermont better. Every one of us can tell stories such as that. Let's not forget those people.

Let's not say that what worked for our ancestors is no longer available. Let's speak as the conscience of the Nation. One hundred Senators can be the conscience of the Nation and sometimes are, as we were on the Violence Against Women Act. It can now be so now, on the immigration bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 11, 2013.

DEAR COLLEAGUE, As the Senate prepares to take up 5.744, the Border Security, Economic Opportunity, and Immigration Modernization Act, as amended, we write to draw your attention to the strong border security provisions in the bill. As chairmen of the Judiciary Committee and the Homeland Security and Governmental Affairs Committee, we have conducted extensive oversight of the Department of Homeland Security and its enforcement record. The United States has made significant progress on border security and immigration enforcement in recent years, and this bill reinforces and advances that progress in many ways.

The Wall Street Journal editorial board recently explained just how far we have come since the last time that the Senate considered comprehensive immigration reform:

> The number of border patrol agents has grown to a small army of 21,370, or triple the personnel employed as recently as the Clinton Presidency. There are an additional 21,000 Customs and Border Protection officers.
>
> The feds have built some 300 radar and camera towers as well as 650 miles of single, double and in some places triple fencing. Immigration and Customs Enforcement (ICE) now has the ability to detain 34,000 criminals and aliens at one time. The Border Patrol deploys military-style vehicles, 276 aircraft, nearly 300 marine vessels, along with state-of-the-art surveillance.
>
> Meanwhile, illegal entries nationwide are at four-decade lows. Apprehensions of illegal entrants exceeded 1.1 million in 2005 but by 2012 had fallen by two-thirds to 365,000, the lowest level since 1971 with the exception of 2011, the previous 40-year low.
>
> Last year the Government Accountability Office (GAO) examined federal data on ''estimated known illegal entries'' across the Mexican border. The numbers were way down nearly everywhere. In San Diego, illegal entries fell to about 55,000 in 2011 from more than 265,000 in 2006. In Tucson—the gateway to Arizona—illegal entries fell to about 200,000 from 600,000 over those years. And in El Paso illegal crossings tumbled to 30,000 a year from more than 350,000.
>
> Even more dramatic is GAO's analysis of illegals who escape through the enforcement net, a statistic called ''got aways.'' In nine major Southern border crossing areas, including the main gateways of Tucson, San Diego and the Rio Grande, got aways fell to an estimated 86,000 in 2011 from 615,000 in 2006. That's an 86% decline in foreigners who successfully snuck into the country from Mexico.
>
> Border Security Reality Check, Wall Street Journal (May 2, 2013).

Let there be no mistake: We have poured billions of dollars into border security over the past decade. In fact, according to a recent Migration Policy Institute report, we spend more money on enforcing our immigration and customs laws—$18 billion each year—than we do on all other federal law enforcement agencies combined. The result of this unprecedented investment of taxpayer money is that, as Secretary Napolitano has told us, our borders are more secure than they have ever been.

The bill, as amended, builds on these successes by allocating substantial additional resources to border security. As outlined in the Senate Judiciary Committee's report on the bill, S. 744, as amended, appropriates up to $6.5 billion to secure the border beyond current spending levels; authorizes 3,500 additional Customs and Border Protection officers for our ports of entry; permits the deployment of the National Guard to the Southwest border region; significantly expands border security infrastructure, such as Border Patrol stations and forward operating bases; calls for the further use of technology at the border, including additional unarmed unmanned aerial vehicles; provides additional resources for criminal prosecutions of those unlawfully crossing the border; and authorizes reimbursements to State, local and tribal governments for their costs related to illegal immigration.

In addition to providing these new resources and authorities to enhance our border security operations, the bill also enhances the accountability of our border officials. The bill, as amended, establishes a statutory goal, known as the ''effectiveness rate,'' of preventing 90 percent of illegal entries at the border, and requires DHS to report to Congress whether it is achieving this rate. It also instructs DHS to achieve persistent surveillance over the border, so that the American public and Congress can know exactly how many people are trying to cross the border illegally each year. If these statutory goals are not met within 5 years, the bill establishes a bipartisan Southern Border Security Commission, with members appointed by the President, both Houses of Congress, and the Governors of our border states. This Commission will be charged with developing further concrete plans to meet the statutory goals in the bill, and is provided with an additional $2 billion to carry out its plan. During the Senate Judiciary Committee's markup of the bill, the Committee adopted additional provisions to strengthen border security, such as an amendment offered by Senator Grassley to expand the bill's 90% effectiveness rate and persistent surveillance goals to cover the. entire Southern border, not just its high-risk sectors.

The bill, as amended, also establishes tough triggers that will ensure additional border security steps are taken before the earned path to legalization can begin. Specifically, DHS must provide to Congress a Comprehensive Southern Border Security Strategy and a Southern Border Fencing Strategy that lay out exactly how it will meet the statutory goals outlined above before it can begin to register undocumented individuals for provisional status. These Registered Provisional Immigrants, in turn, will be allowed to apply for green cards after 10 years—but only after:

1. the Secretary certifies that the Comprehensive Southern Border Security Strategy is substantially deployed and substantially operational;
2. the Secretary certifies that the Southern Border Fencing Strategy is implemented and substantially completed;
3. DHS has implemented a mandatory employment verification system to be used by all employers; and
4. DHS is using an electronic exit system at air and seaports based on machine-readable travel documents to better identify individuals who overstay their visas by tracking the departures of non-citizens.

The bill's comprehensive approach to immigration reform will also enhance border security, by reducing the incentives that lead people to come here illegally. We need to stop focusing our attention on the symptoms, and start dealing with the underlying root causes in a way that is tough, practical, and fair. The Border Security, Economic Opportunity, and Immigration Modernization Act, as amended, accomplishes that goal. First, undocumented individuals will find it much more difficult to work, because the bill requires a nationwide electronic employment verification system and enhances penalties for employers who hire undocumented workers. Second, the bill, as amended, creates a more rational immigration system that provides legal avenues for eligible individuals to enter the country for work or to join their family members. As former Homeland Security Secretary Michael Chertoff wrote, ''without expanded legal immigration

to address the needs of the labor market, border security will be harder and more expensive to achieve'' (Obama 's Immigration Agenda, The Washington Post, Feb. 14, 2013). By making it more difficult for employers to hire undocumented workers, creating legal ways to enter the country for immigrants coming for legitimate reasons, and allowing eligible undocumented individuals to earn a path to citizenship, this bill will allow the Department of Homeland Security to focus its efforts on addressing threats to our national security and public safety.

In sum, S. 744, as amended, will dramatically reduce illegal immigration and improve national security. We look forward to considering additional ideas to improve border security further during Senate floor consideration, especially those that present solutions that are effective, workable, affordable, and flexible enough to allow the Department of Homeland Security to deploy the right resources where they are needed, without creating undue delays to prevent undocumented individuals from earning a path to citizenship. As we continue to build on the unprecedented investments that have been made to secure our borders, we must ensure that extreme or unworkable proposals do not become a barrier to moving forward on comprehensive reforms that are also critical to securing our borders. These reforms include a path to citizenship for the undocumented in the United States who work, pay taxes, learn English, pass criminal background checks, pay substantial fines, and get in line behind those who applied to come here legally and have been waiting for years.

The Border Security, Economic Opportunity, and Immigration Modernization Act, as amended, makes important improvements to our immigration system that will strengthen national security and benefit our nation as a whole. We look forward to working with you as the Senate considers this legislation and, hopefully, improves it.

Sincerely,

PATRICK LEAHY,
Chairman, Senate Judiciary Committee.

TOM CARPER,
Chairman, Senate Homeland Security and Governmental Affairs Committee.

Mr. LEAHY. Madam President, I see my good friend, and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I thank the Senator from Vermont. I appreciate what he has said about this issue. This is a debate we need to undertake, and we are doing so. We are doing it in a way that the Senate in my previous experience has essentially dealt with legislation. We have brought it to the floor and it has come through the regular process. The committee has held extensive hearings on the issue. There is a national debate going on. We are hearing from our constituents back at home. I am not on the committee that has jurisdiction here, but I have been following it carefully in terms of what has been presented, the bill that has been drafted, the amendments that have been offered, which ones have succeeded, and which ones haven't. This is a major issue which deserves and is getting—unlike most of what has happened here in the last couple of years—a thorough debate, with opportunities to offer amendments, with opportunities to work to find ways to address concerns about the current legislation before us. That is why I voted for the motion to proceed. This is an issue that needs to be discussed so that, hopefully, a system we know is broken—I think there is pretty much unanimous agreement on the fact our current immigration system is full of flaws and has not achieved what was promised when the initial legislation was passed. It needs to be fixed because the status quo simply perpetuates and adds to the problem we have with illegal immigration and all the impacts on our country, including the distrust of the American people. So, hopefully, we are going to come forward with credible legislation this time to address the real problems. So I am pleased we are having this debate.

We are a Nation of immigrants. It is part of our rich history. While all of those who have come to our shores over the decades may have different stories and a different journey, most share a common goal. They want the opportunity to live in a free society. They want to advance economically. They want to pursue the American dream. They want to provide for their children and their children's children the freedoms and the opportunities that exist in America.

The American dream is a reality that is available for people to achieve if given the opportunity to work hard. I am the son of an immigrant. My mother's family came here to the United States legally in search of a better life and better opportunities not just for themselves but for their children and generations to follow.

What my mother learned and passed down to her children is that with these freedoms granted to us as American citizens come responsibilities. We have the responsibility to cherish and defend our Constitution. We have the responsibility to be engaged citizens in our communities. We have the responsibility to vote and take part in the electoral process and, we have a responsibility to come to the aid of our neighbors in need. We have been, and hopefully will continue to be, a compassionate country—a country that believes all human beings are created equal and that our rights are endowed not by a king, not by a President, not by a government, but by God.

In America, it doesn't matter where one comes from or what one's last name may be. If given the opportunity and the chance, a person can succeed, and that is what sets us apart from so many other countries. That is what makes us a shining light, a beacon to the rest of the world, and it is that light that attracts so many to our shores with hopes and dreams of a better future.

During my time as Ambassador to Germany, Colin Powell, then Secretary of State, made many visits. One of those visits included a stop on the way back from a trip to India. As we were riding from the airport to his first appointment, he shared with me something that I think pretty much says it all about the world's view of America. He was talking to me about how we sometimes see people holding demonstrations and protests against America. He said, but, you know, as I was traveling in the motorcade down the main street, there was an Indian citizen there with a huge sign in big, bold letters that said ''Yankee, go home.'' And in parentheses, right underneath those bold letters, it said, ''and please take me with you.'' I think that little story illustrates how much of the world views America: a place they would like to get to.

So as we address this issue, I think it is important to understand that this country is a magnet. It is a magnet for people to come and fulfill their dreams, to make their lives better and their children's lives better.

But if we are a country that cannot have an orderly and effective process of legal immigration, we are going to lose the support of the American people. If individuals continue to learn that those who come the right way, the legal way, have to stand in line for 10, 12, 15, 20 years, hoping to win the lottery, hoping to be one of those select people who are chosen, we will continue to see more and more illegal immigration. That is why it is important to address this issue and to make the necessary reforms.

As I said earlier, it is an indisputable fact that our current immigration system has failed. It has failed the citizens of this country and it has failed those who have been standing in line for years trying to become eligible for immigration through the legal process. Today we have 11 million undocumented individuals living in our country. Approximately 40 percent of those who are here illegally arrive legally, on a legal basis for a temporary time. But once having come to our shores, they have overstayed their visas, absorbed themselves into our country and have not returned to their country. That is an issue. That is a problem, and we need to address that. We need to have a certified system in place that works—not promises, not words on pieces of paper—but a system that has the credibility to work, that when we grant people temporary status to come here to study, come here to visit, come here to see relatives, come here for whatever reason on a temporary basis, we know who comes in and we know who goes out and we know those who stay and we take appropriate action. That is simply a logical, legal way of having a system the American people can trust and believe in.

One of the major issues here is our southern border and securing that border. I had the opportunity to spend a few days on the border from the Pacific Ocean in southern California and all the way across the Arizona border. So I had a pretty good look at this.

As ranking member on the Senate Appropriations Subcommittee on

Homeland Security, I wanted to find out how we were spending our money, what kind of success we were having, what problems we faced, and how we should better address our resources. It was instructive, and I urge my colleagues to take the opportunity to do the same.

As a result of that, despite efforts to make that border secure, ''secure'' is not the right word to define where we are now. So one of the issues before us is: What do we do to make our borders more secure in a way that can convince the American people and the people we represent that this time—this time—we have in place a process which will result in a secured border?

We went through this in 1986. Ronald Reagan proposed immigration reform. I voted for it. At the time, we had 3 million illegal immigrants. The promise in that legislation was that we would secure the border, and we would solve the problem of illegal immigration. Obviously, we did not. Today we have 11 million and perhaps counting.

It is appropriate to say that the border is more secure than it was then. We have, over the years, and particularly in later years with a surge of illegal immigrants coming into our country, taken significant steps: increased border patrol agents, introduced sophisticated technology—a whole range of things that we have invested—money, resources, and manpower to make that border more secure.

But we cannot truthfully come down here today and say the border is secure. We can say: We are going to make it secure and here is how we are going to do it. But I think we need something that is credible because the American people will simply say: How do we know you are not going to be here 5 years from now, 10 years from now, saying: I know we told you it was going to be secure and I know we still have a significant problem, but we will get it better next time. We do not want to repeat that mistake. If that happens again, I think it will be a long time before we are able to come down with a sensible reform proposal.

Clearly, there is more work to do there, and it is going to be difficult for me to support a bill that does not put in place something that is credible relative to our ability to strengthen our border security.

We cannot ignore this problem. We cannot ignore the fact that people continue to stay in our country illegally or cross our borders illegally. The status quo is not working. It encourages illegal immigrants to come across the border, which is why we need this debate, why we need reforms to our current broken system, and why we need to assure the American people we are going to work to repair this broken system.

It is critical for our economic growth, it is critical for securing our borders, and it is critical for strengthening our national security. That is why I supported the motion to proceed to this debate on this important issue. Immigration reform needs to take place in an open, fair, and thorough debate, with the input of the American people, and I am certainly hearing from many of them in my State.

I do have to say, I have serious concerns with the current text of the legislation that has come out of the Judiciary Committee, and I believe this bill needs to be improved before I could support it. I am particularly concerned and focused on improving the border security measures, making sure, as I said, we do not make the same mistakes we made in 1986. We must take steps now to secure it before we consider granting legal status to illegal immigrants.

Additionally, I wish to work with my colleagues to improve the employer verification program, which I think is essential to dealing with the problem, and also our exit system measures, which I just discussed before about the people who come legally for a temporary stay but then we do not know if they go back home.

I hope over the days ahead that we can live up to our reputation of being the most deliberative body in the world. People say: Why don't you get more things done? There is either one of two answers to that. One is, we do not bring bills to the floor and offer the opportunity to debate in an open way. But the second is that this is exactly what we need to do. On an issue of this importance, we clearly need this, and I am pleased that process is going to go forward.

But let's not rush to a decision. Let's do it right. Let's not stand and declare that every amendment, if it does not fit with what the current bill before us addresses, then it is a poison pill that is simply being offered because Members do not want anything to pass. I do not fall in that category. I do not think we should have poison pills either. But a lot of these amendments I think go to addressing the problem we face as well as the inadequacies of the bill before us. There are a lot of sections in the bill that need fixing and a lot of amendments that will be offered are genuine and aim to make the bill better. A lot of those are offered by people who would like to get credible, workable, necessary immigration reform legislation passed.

But if the sponsors of the bill or the supporters of the current text of the bill are simply going to declare that every amendment is a poison pill and that the only intent of the Members offering the amendment is to kill the bill, that is not constructive and that is not how we should go forward.

So let's make sure what we do delivers on the promises we are making to secure our borders first, to deal with employer verification, improve the existing exit system, and to provide important provisions to ensure we have a legal immigration system that can benefit our country and continue the great story of America.

I am looking forward to working with my colleagues to improve this legislation. I would like to see legitimate, real, effective border control, and a number of other features, but I would like to get our system reformed because the current system is not working.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I appreciate the opportunity for all Members of this body to participate in a debate and amendments and discussion of the bill that was reported out through the Judiciary Committee in the regular order. If my colleagues have any doubt about this so-called Group of 8, I wish to assure them we are continuing to look for ways to improve the legislation. In fact, I have a couple amendments myself that I believe would help improve the legislation and make it better and stronger.

But the fact is this legislation is absolutely needed. It is needed for a variety of reasons, most of which I will not go into at this time. But right now I hope my colleagues and the American people understand—and I think they do because recent polling overwhelmingly supports this legislation—I hope they understand that the status quo is totally unacceptable. The status quo is de facto amnesty. The status quo is 11 million people living in the shadows, and they are not going home. Anybody who thinks we are going to round up 11 million people and send them back to the country they came from—most of them from south of our border—obviously is unaware of the logistics that would be required.

So if the status quo is unacceptable, don't we all share the same goal of a secure border, of addressing the issue of these 11 million people who are in this country living in the shadows and, by the way, being exploited in incredible fashion because they do not have the rights of citizens. They did break our laws by coming here, and we are making them pay a heavy price for doing so, including a fine, including learning English, including paying back taxes, including waiting 10 years before they would be eligible for a green card. Most important to many Americans, they get in line behind everybody who waited—who waited legally either inside this country or outside it. They have to get in line behind them and they have to be working for those 10 years and they have to pay fees of $500, another $500 after 5 years, another $1,000 as they apply for a green card. They have to undergo a background check. Anyone who has committed crimes in this country is going to be deported. Most important, this legislation dries up the magnet that pulls people into this country where they believe they can find work.

Over 40 percent of the people who are in this country illegally never crossed a single border. They came to this country on a visa and it is expired. So

that is why E-Verify, which we do not hear a lot about in this debate, is so important. Because under the E-Verify system—which means a document that is verifiable which identifies the individual—that employer who hires someone who does not have that documentation can be subject to prosecution and heavy fines and even more if they are repeat offenders.

Once the word gets out all over the world—and especially south of our border, where living conditions are far worse than in the United States of America—then they are going to say: I am not going to come because I can't get a job once I am here.

Today, in the streets of Sonora, Mexico, you can buy a birth certificate for about $40. So that person comes and shows it to the employer and they are hired. The E-Verify system will make that impossible. That is one of the key elements of this legislation.

I have been on the border in Arizona for the last 30 years. I have seen the Border Patrol grow from 4,000 to 21,000. I have seen the National Guard deployed to the border. I have seen drones flying along the border. I have seen fences built. We have to do more. We have to do a lot more, and those are provisions in this bill. But to somehow say there has not been significant advancements in border security defies the facts on the ground.

The border is still not secure, despite what we might hear the Secretary of Homeland Security say. It is not secure. But the provisions in this bill, I am confident—I can tell my colleagues from 30 years of experience—I am confident it will make this border secure, as much as is humanly possible, remembering that there is an aspect of this issue we do not talk about; that is, the flow of drugs. Because, my friends, as long as there is a demand in this country for drugs, drugs are going to find a way into this country. It is just a fundamental of economics. We have not had nearly the discussion nationally, much less in this body, about the issue of the drugs that flow across our border. Believe me, if there is a demand, they will find a way, whether it is an ultralight, whether it is a tunnel or whether it is a submarine.

But the fact is that we can get this border secured. The answer, my friends, as is proposed in the Cornyn amendment—that we hire 10,000 more Border Patrol—is not a recognition of what we truly need. What we need is technology. We need to use the VADER radar that was developed in Iraq, where we can track people back to where they came from. We need to have more drones. We need to have more sensors on the ground, and I have gotten from the Border Patrol—not from the Department of Homeland Security but from the Border Patrol—a detailed list of every single piece of equipment that they believe is necessary in all nine sectors of our border in order to make our border secure, and it is detailed. It talks about, for example, at the Yuma and Tucson sectors: 50 fixed towers, 73 fixed camera systems, 28 mobile surveillance systems, 685 unattended ground sensors, 22 hand-held equipment devices.

The list goes on and on. It is detailed. I will be proposing this as an amendment on this bill to let my colleagues know that this is the recommendation of the men and women who are on our border, who are taking this issue on every single day they are at work—in fact, under very difficult conditions. I note that the temperature in southern Arizona is over 110 degrees today. It is very tough on individuals as they are patrolling our border. But we need helicopters. We need VADER radar. We need a whole lot of things. That will be paid for with approximately $6 billion that we provide in this bill—over $6 billion. We can purchase a lot of equipment that way. We are going to use the Army. We are going to use the Army to tell us how we can best surveil and enforce this border because of the experience they have had overseas in Iraq and Afghanistan.

I say to my colleagues, I am not apologizing for this legislation we have proposed and as sent through the Judiciary Committee, I am proud of it. I am confident we will secure this border by taking the measures that will be required in this legislation.

I also have to say in all candor, my friends, there are amendments that will be proposed that will assist and make this bill better and improve it. There are also amendments that will be designed to kill it. I intend to do everything I can to reflect the will of the American people. I will be entering into the RECORD poll after poll after poll that shows that over 70 percent of the American people, if they are confident that we are going to secure our borders and if they are confident that these people will be brought out of the shadows, they will have to pay a fine, back taxes, learn English, and get in line behind everybody else, they support this path to citizenship after a 10-year period of having legal status in this country.

Why is it important for them to have a legal status if they have not committed crimes and they qualify? My friends, today on street corners all over America, particularly in the Southwest, there are men and women who are standing on a street corner waiting to be picked up by someone and taken to repair their roof or to cut their grass or to do menial labor. Do you know what they are getting out of that? They are getting below minimum wage because they have no recourse. They have no recourse as to any mistreatment they might suffer. So we want to bring these people out of the shadows.

Yes, they broke our laws. That is why they have to pay such a big penalty. I doubt if there is a Member of this body who at one time or another has not broken a law, but we paid a penalty for it, hopefully, and we moved on with our lives. These people have broken our laws, and they have to pay a heavy penalty.

There has been pushback, frankly, from our friends in the Hispanic community that this is too tough, this is too hard, this is too demanding. I understand that. I pushed back against them. But to somehow base this opposition on the fact that we cannot get our borders secure—it frankly is in defiance in a belief in what the United States of America can do. There have been significant failures on the border. There was a $787 million failure called SBI Net—I believe that was the name of it. That was supposed to secure our border. But I am confident that we have the technology and we have the ability and we can get this legislation through with confidence.

I see the Senator from Louisiana is waiting. I am not going to take too much longer.

The other key to this is workers. Frankly, I was not happy—nor were my friends—that we did not raise the cap higher than we did for guest workers to come into this country. But I would remind my colleagues that anybody who graduates from a U.S. college with a science, technology, engineering, or math degree and has an offer of employment will be eligible to have a green card to stay in this country.

Today, in postgraduate schools in STEM—science, technology, engineering and math—the majority of the students are from foreign countries. If they want to stay here and work in this country and they have that degree, which we all know there is a shortage of, we will let them.

High-tech companies will be able to bring in and keep more highly skilled workers through H–1B. The bill would raise the cap to 110,000 a year.

All I am saying is that one of the keys to this is if we secure our borders and we dry up the magnet, then we have to have a way of attracting the workers we need to keep our economy going. Let's be honest. It is pretty tough picking lettuce down in Yuma. There are not a lot of American workers who want to do that. That has been the history of this country. Immigrants have come to this country, they have grabbed the bottom rung, and they have moved up. The bottom rung is pretty tough. We are going to have those people as guest workers. If they want to become citizens, then they apply for a green card, et cetera.

Finally, I just want to say that the Grassley amendment would ''prevent anyone currently illegally in the country from earning RPI status until effective control.'' Sounds good. Let me give my colleagues the testimony from Michael Fisher, who is the Chief of the U.S. Border Patrol, who testified in February about this very issue.

First of all, 90 percent really would not make sense everywhere. We put 90 percent as a goal, because there are sections along the border where we have not only achieved, we have been able to sustain 90 percent effectiveness.

By the way, that is the case in the Yuma sector on our Arizona border.

So it is a realistic goal, but I wouldn't necessarily and just arbitrarily say 90 percent is across the board, because there are other locations where there is a lot less activity and there won't be a lot of activity simply because of terrain features, for instance.

So where it makes sense, we want to go ahead and start parsing that out within these corridors and within these specific sectors. That is exactly one of the things my amendment does. It has specific provisions of hardware and capabilities that need to be installed in each section.

I thank my friend from Louisiana for her patience. I would like to again say to my colleagues that I have seen this movie before. I have been through it before. We failed in the past. We failed for a variety of reasons. This is our opportunity. If we enact this comprehensive bill now, we will remove a very huge stain on the conscience of the United States of America.

We need to bring these people out of the shadows, but we must also assure all our citizens, especially in the southern part of my State, that they will live in a secure environment. We can do that. We can send a message to employers that they cannot hire someone who is in this country illegally without paying a very heavy price for doing so. That is what this legislation is all about.

I thank the distinguished chairman of the Judiciary Committee for the way he took this bill through his committee and brought it to the floor of the Senate. I am in favor of vigorous debate and discussion. We will have plenty of time for amendments and votes on those amendments. This is not a perfect bill that I am proud of. There are many ways we can improve it. But fundamentally we have the basics of a package that I believe is vitally needed for the good of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. While the distinguished senior Senator from Arizona is still on the floor, I would like to note that during the process of putting this bill together in the committee and having the votes, we had a number of quiet meetings, bipartisan meetings in the President pro tem office. It was extraordinarily helpful to have the senior Senator from Arizona, Mr. MCCAIN, there because I feel very knowledgeable about the northern border, living an hour's drive from it, and we needed the Senator's expertise on the southern border. But more importantly, he and I, Senator Kennedy, and President George W. Bush worked for hours and hours, days and days, weeks and weeks, months and months trying to get a comprehensive immigration reform bill through once before. We now have the possibility of one.

He said something every one of us can echo: It is not exactly the bill any one of us individually might have written. But by the time we get done, we can have legislation that will make America better and be true to our principles and be realistic.

I could use a lot of other adjectives, but I want to personally thank the distinguished senior Senator from Arizona.

The distinguished senior Senator from Louisiana is about to speak. Before she does, I would add that she is going to talk about an amendment I strongly support. I mention that support because we have a number of amendments that both Republicans and Democrats will support. I would hope that after the other party has their noon caucus, we can get to the point where we start voting on some of these.

There are a lot of amendments that Republicans and Democrats would vote for together. There are some that will be opposed on one side or the other. But either way, vote on them. Vote them up or vote them down.

Now, as manager of the bill, I can start calling up amendments and move to table. I do not want to do that. We have a lot of good amendments, a lot of good ideas from both Republicans and Democrats, but they cannot be in the bill until we vote on them. The distinguished Senator from Louisiana has one. I hope the other side will let her amendment come up soon.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN.) The Senator from Louisiana.

Ms. LANDRIEU. I thank the chairman and the manager of this bill for his support of this particular amendment, which I hope is going to be noncontroversial. It has to do with clarifying some technical parts of the law dealing with adoptees and how they are able to claim citizenship.

It does not have anything really to do with the larger pieces of this bill, but it is an opportunity to provide help and support to thousands of children, young people, and even adults who come to this country through the wonderful process of adoption, to clear up a couple of matters.

I will talk about that in just a minute, but I want to associate myself with the extraordinarily powerful comments of the Senator from Arizona JOHN MCCAIN. Without his leadership and without his strong knowledge of the issue we are dealing with, I do not think the bill would be on the floor of the Senate, and I do not think we would have a chance to be voting on this important piece of legislation.

He particularly—along with Senator RUBIO and Senator GRAHAM but particularly Senator MCCAIN—has spent his adult life on the border in Arizona and has been in public office and has served this country so admirably in so many ways and fashions and understands this issue just about as well if not better than anyone on the floor.

I have had the pleasure of working with him over many years to secure the border, as the chair of the Homeland Security Appropriations Subcommittee. I can attest that what he says is actually true and factual. The border is not as secure as it could be, but it is significantly stronger and more secure than it was just 5 years ago, let alone 10 years ago.

He is also correct that we can make improvements on border security. Hopefully we will as this bill moves through, but the underlying bill itself takes huge steps in that direction by applying new resources to the technologies that are going to help us secure the border.

Anyone who has been to the border—and I have traveled there to see with my own eyes, at the invitation of Senator MCCAIN, which was a greet eye-opener to me. As a Senator from Louisiana, the only borders I am aware of are water borders. We do not have land borders like Arizona and California and Texas and other States, so it was the first time I had seen such a thing. I was absolutely amazed and somewhat taken aback by how quickly a person could scale the fence, how quickly tunnels can be built under the fence.

I do not think some of my friends who are on the Republican side who are really concerned—and we all are, but they talk a lot about it. I am not sure they do as much as they talk about it, but that is my view. But they talk a lot about spending taxpayer money wisely. Putting more agents on the border and building a higher fence is not going to do it. Senator MCCAIN is absolutely correct. What is going to do it is smart technology leveraged with the resources he has written in his bill.

So if we want to secure the border more, which is my intention—and as chair of this committee, I intend to continue leading in that way, both our southern border and our northern border, as well as providing the Coast Guard with the resources they need to interdict drug smugglers who are coming into this country.

I learned the other day—I would like to share this with people who potentially could be listening—that the Coast Guard has intercepted more illegal drugs than the entire land operation last year. They intercept drugs at a wholesale level before they even get to the country. This is about creating a perimeter that secures us against things we don't want to come into this country—illegal workers, illegal drugs, or illegal human trafficking, which is also a concern to many people in Louisiana and around the country.

It is also important to have a border that allows for trade and commerce. We cannot lock ourselves away from the world. What Senator MCCAIN is saying is so true.

We have to be the smartest Nation on the Earth to protect our borders because we are the most open society and a model of what an open society should look like. We have to have that balance of security and trade. This is important for every American.

I say to my colleague how proud I am of the Senator, and I would hope my

colleagues on the other side of the aisle would follow his good and steady advice.

Yes, this bill could be improved on the floor of the Senate, but it should not be undermined with rhetoric that makes no sense. I am hearing that from some colleagues on the other side. I would hope they would have the good judgment to follow the very wise and mature leadership of the Senator from Arizona.

I want to call my colleagues' attention to an amendment Senator COATS and I have filed, and I am very grateful for his leadership. I know of no opposition to this amendment. I am hoping that after lunch the caucuses can meet and we can maybe take up a few noncontroversial amendments that seek to clarify some provisions in the law that could be helpful to a few hundred and potentially even a few thousand Americans who desperately need our help. It is one amendment, the Citizenship for Lawful Adoptees amendment, supported by Senator KLOBUCHAR, Senator COATS, and me. We hope there will be many more cosponsors.

It does three simple but important things. First, a couple of years ago I helped lead the fight—with many of my colleagues still serving here—to pass the intercountry adoption act or the Child Citizenship Act of 2000. That was a very significant breakthrough in the adoption community.

As my colleagues know, I am the chair of the adoption caucus. We have Democrats and Republicans who support the idea that every child in the world needs a family. We try to minimize and reduce barriers to children getting the family they need—either staying with the one to whom they were born, trying to help that family or, if they are abandoned, neglected, or grossly abused, by finding them another family.

Governments do a lot of things well, but raising children isn't one of them. Parents raise children, and a responsible, loving adult is necessary for a child's physical, emotional, and spiritual development. Both our faith and the new science tell us that. It is really nondebatable.

A group of us worked on this, and we are proud of the progress we are making. One part of this amendment would make it clear that if a person had been adopted and is now an adult but because of some circumstances never went through the process of citizenship before this law—because when we passed the law 10 years ago, any child now adopted overseas is automatically a citizen. It is as if the child was born to an American. That is what happens if you are overseas and you give birth to a child—the child is automatically American. You don't need to go through the immigration process to bring your child to the United States. We made it the same for adopted children because that truly is what adoption is like. It is like having your own biological child.

So we made a great step forward, and we said that at the time for anybody under 18. Well, what has happened is, before 2000, for people older than 18—and they might be adults now; they are clearly in their thirties, forties, or fifties. They were adopted as infants or young children, but their paperwork never went through. Some of these individuals are being deported.

It would be like deporting a child who came from Korea at 6 months. They have never spoken a word of Korean and have never been to Korea. If they were adopted from Korea, they shouldn't be deported to Korea. If they have committed some misdemeanor or even a felony, they should be penalized under the laws of the United States. They could be put in jail for life. For criminal activity, they should be treated like any other American. Deportation is not and should not be an option for this very small group. This amendment makes that clear.

It also clarifies a residency requirement. The Child Citizenship Act was passed with overwhelming support from Republicans and Democrats. Don Nickles, as I recall, the Senator from Oklahoma, was the lead sponsor on this bill. He was a very strong supporter of many of the things of which I was speaking. He is no longer here, but his work lives on.

The Child Citizenship Act also requires that Americans living abroad for military, diplomatic, and other reasons do not receive automatic citizenship upon entering the United States. When we wrote this bill, we intended for that to be the case, but because we put the word ''reside'' instead of ''permanently physically present,'' we have to clarify that. With that minor change, it will basically say that if you are a diplomat living overseas and you adopt a child through a lawful, legal adoption process, this act applies to you.

The third thing it will do is what we call the one-parent fix. There are many countries—and we hope Russia one day will again open. We hope Guatemala will one day get its 112 cases that we are still waiting for moved through very quickly.

Some of the countries are requiring—and rightly so—that parents come to the country to adopt the child physically and then bring the child to the United States. In the past things could be done through agents or through adoption agencies, et cetera. I am perfectly fine with that. Many adoption advocates are. Parents should travel to the country.

My sister did an intercountry adoption with Russia, so I am fairly familiar with our family's experience, which was quite a joy—an added expense but a joy to travel to the orphanage. And some Members of Congress have adopted children and gone through that process.

The problem is that our agencies are saying—which is not according to the law, I believe—that if both parents don't travel, that adoption is not automatic. That was never the intention of our law. We are simply saying that if one parent travels and it is a legal adoption, that law still applies. It doesn't have to be both.

There are three minor changes to this bill which have helped so many children come to the United States, and they have been such a joy to their parents. It is a help to the world in providing homes and loving support for kids who need it. It takes another barrier, another headache, and another heartache away from them for us to encourage adoption of all orphaned children and unparented children in the world who need families.

I see the leader of the bill on the other side, the Senator from Utah. I would hope he could also be a cosponsor, if he would, and take a look at this amendment and give his support. I know there are many people in Utah, Minnesota, Louisiana, and Indiana whom this could potentially help. It is not going to touch millions, but it will touch thousands of people who I think could benefit.

I will have several other amendments that I think can tighten the underlying bill, particularly for E-Verify, which Senator MCCAIN spoke about. I wanted to get this hopefully small, uncontroversial amendment out of the way to help this small group and then turn my attention to some other things that are very important in the other underlying parts of the bill.

I ask that whenever this amendment may be considered, the Senator from Utah would ask me personally, through the Chair, if he would consider putting this amendment on the short list to be reconciled potentially today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, this week we continue a very important discussion about how to fix our broken immigration system.

One of the most important concerns we have is that the border is simply not secure. Despite the fact that this assertion is almost universally held on both the left and on the right, the bill we are debating has very little, if anything, to make the border more secure or at least to guarantee that it will become more secure as a result of its passage. Instead, the bill offers more of what the American people are used to from Washington—plans, promises, commissions, studies, and spending lots and lots of money but requires almost no action on border security.

Many on my side of the aisle have placed heavy emphasis on strengthening the border security provisions to ensure that certain goals are met before granting permanent legal status to illegal immigrants. The reason for this is not merely academic; it is based in common sense. Failing to secure the border is the quickest way to repeat the mistakes we have made in the past. It means we will be back here in another 20 years dealing with a much

larger and far less manageable problem. That is what we are trying to prevent today and why we need to make sure this bill secures the border.

The problem with this bill isn't just the weak border security measures. Even if we can come to some satisfactory conclusion on the security issues, this bill still would fail to reform many of the challenges we face and it makes most of them worse. If all we do is fix the border security portion, this bill is still considerably weak in four major areas and would still be unworthy of support without major changes.

First, there is no congressional oversight of how the executive branch implements these reforms. By passing this bill, Congress would turn over almost all authority to the executive branch to secure or not secure the border, verify or not verify workplace enforcement, and certify or not certify visa reforms.

Of course, the administration will begin the legalization of 11 million illegal immigrants with no input from Congress as soon as possible regardless of how much progress has been made on border security, fencing provisions, and on the other priorities outlined in the bill.

Congress is the branch of government that is most accountable to the American people. If the people don't believe the border is secure or that our visa system actually works or that the country's economic needs are being met, it is Congress that should be held accountable. It is also Congress that can most readily be held accountable through regular elections that occur every 2 years in both Houses, with each Senator being held accountable every 6 years. Therefore, Congress must play a predominant role in approving, overseeing, and verifying these reforms, as well as ensuring that these reforms are being implemented correctly and achieving desired results. This bill, however, leaves Congress and the American people dangerously out of the loop.

Second, the bill surrenders control of immigration law to the Secretary of Homeland Security, as well as to a handful of other unelected, unaccountable bureaucrats in Washington. This is a problem that permeates the Federal Government in general. For example, last year Congress passed and the President signed into law 1,519 pages of legislation. Meanwhile, the Federal Government published 82,349 pages of new and updated rules and regulations in the Federal Register. That is more than 82,000 pages of rules that never came before Congress, never had a chance to be amended, and never received a vote in this body.

This bill will make that problem worse by granting similarly broad discretion to the Secretary of Homeland Security to create the rules and regulations that will determine how the bill is to be implemented as well as authorize the Secretary in hundreds and hundreds of instances to simply ignore immigration law as it is enacted by Congress. While I can certainly see why Members of Congress might not want to take responsibility for the consequences of this bill, that is not how our Republic is supposed to function.

Third, this bill is inherently unfair to the countless thousands of people who have tried to navigate our current broken immigration system. Let me cite just one example. I received a letter just a few months ago from a constituent in Utah, from a person who immigrated to this country lawfully, a person who was teaching school at American Fork, UT, and here on a nonimmigrant visa. As she explained, she spent years of her life and thousands of dollars making sure that she came to the country legally. But she understands that her visa will expire in a few years, in 2017. She anticipates that she will be unable to get a renewal on that same visa and that she will effectively be deported at that point—voluntarily, but her visa term will expire and she anticipates she will have to go back to her home country. She explained to me it is very difficult for her to accept the fact that she has been here a few years teaching lawfully, developing friendships, developing her career, and because she did it legally she will have to go home. Meanwhile, those who have broken the law by their illegal presence in the United States will not only be allowed to stay where they are, not only be allowed to live where they now live, not only be allowed to work where they now work, but they will be put on a path toward eventual citizenship at the same time she and many others like her will have to go back to their home country.

This policy seems to be rewarding those who have broken our laws while, in relative terms, punishing those who have attempted to abide by our laws in good faith. So this bill must be fair to those who have tried to come to the country the right way.

As my colleague from Iowa Senator GRASSLEY explained in painstaking detail yesterday, the claims of those who say there will be stiff penalties for those who have broken the law have proven to be almost entirely false. There is no requirement to learn English or to pay all back taxes. And it is quite possible many noncitizens will be eligible for our country's generous benefits, or at least a number of them.

That brings me to the final concern that must be addressed before anyone should support this bill: the cost. One study conducted by the Heritage Foundation says the Gang of 8 bill could cost the taxpayers more than $6 trillion. Some on the right and on the left have criticized that study, and I welcome the debate surrounding that criticism. But the proponents of this bill have so far refused to do their own corresponding cost analysis. If they believe the Heritage Foundation is wrong, that is fine, but they should tell us how much they think it is going to cost the taxpayers. So far we have heard nothing. So far we don't have a corresponding study replacing the Heritage Foundation study that responds to the same points.

There are reports some Democrats have asked the Congressional Budget Office to evaluate the bill, but the report won't be published until next week. That is unfortunate. If they are concerned about the cost, and if they want it to be part of the debate, this should have been done a long time ago. These are major portions of the bill that need to be addressed, major aspects of the bill I think we need the full opportunity to debate, discuss, and consider. Even if we are able to come to a deal that makes the security portions incrementally better, as long as it still lacks congressional oversight, grants excessive authority to the executive branch, unfairly penalizes those who are trying to follow the law, and costs taxpayers trillions of dollars, we should reject this reform unless major changes have been made.

Some have suggested by pointing out the flaws of the bill we are letting the perfect be the enemy of the good. That vastly understates the problems in this bill. Far from good, this bill repeats the mistakes of the past. It makes our immigration system worse than the one we have today and will only lead to bigger and less manageable problems in the future. I strongly urge my colleagues to oppose it.

There is one more point I wish to make as we continue this debate. I realize this issue is very personal to some. Moments ago, I recounted a story from a constituent who takes this issue to heart. It has affected her family, her employment, and almost every aspect of her life. I understand when Congress is taking on tough challenges sometimes emotions get heated. That is understandable. But let us not forget we are all on the side of immigration reform. I don't know a single Member of this body or the other body of Congress, anyone on the left or on the right, who is not on the side of immigration reform. Perhaps such a person exists, but if that is the case, I have not met him or her.

As I said last week, and as I have said on countless occasions—in interviews, op-ed pieces, newsletters, and online—I stand here today in support of real and comprehensive immigration reform. And I stand here today as someone who supports legal immigration into our country. I understand, as all of my colleagues do, that immigration is necessary to our country's prosperity and to its ultimate success.

There are those who unfairly suggest that I and my fellow Senators who oppose this bill are somehow ''anti-immigrant'' or ''anti-immigration.'' Unfortunately, those are the voices that are diminishing the prospects of getting real immigration reform done this year. I am well aware if this bill does not pass the Senate we will have an immigration problem that very next day. That is why I have been encouraging

Members of Congress to support a step-by-step approach to immigration reform. Let's not hold hostage the things we can't get done today because we are unable to iron out every contentious issue.

There are more than 40 individual pieces of immigration-related legislation that have been introduced in this Congress alone, half of which I have sponsored, cosponsored, or that I could support. Indeed, the only reason immigration reform is controversial, in my opinion, is because the Senate refuses to take it step by step.

First, let's secure the border. Let's set up a workable entry-exit system and create a reliable employment verification system that protects immigrants, citizens, and businesses. Then let's fix our legal immigration system to make sure we are letting in the immigrants our economy needs in numbers that make sense for our country.

We don't need another 1,000-page bill full of unintended consequences. We need, and the American people deserve, real reform.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, a few months ago I met two sisters from my home State. They are Mari and Adriana Barrera. These two sisters were brought here by their parents when Mari was 7 and Adriana was 3 years old. They were raised by a single mother who spoke no English after their father left the family behind.

Growing up, their mother, who worked at a local hotel, did whatever she could to support her family, but Mari and Adriana often had to depend on themselves. Unlike other children her age, Mari told me she grew up the moment her father left. She told me about how she scheduled all of her family's doctors' appointments and how she translated legal documents, and how, at the age of 13, she started working as a hostess at a local restaurant, and not for money, as most teenagers want for their own indulgences, but to support her family.

Mari also told me when she was about to enter high school Adriana had to have life-threatening surgery, and a dream was born within herself. As her sister's life hung in the balance, Mari realized she wanted to become a pediatric cardiothoracic surgeon. She wanted to help others the way she watched doctors help her sister that day, and she decided she would commit herself to getting the education and work toward that dream.

When I talked to Mari that day a few months ago it was just after she had been forced to drop out of the University of Washington because she could no longer afford it. Living in Seattle, she told me about how she had been unable to find a job to support her studies. Why? Because she lacks a Social Security number. Mari's dream, it turns out—the same as for many like her—has been put on hold. It has been put on hold because our immigration system remains broken. All those dreams have been put on hold because for far too long Congress has failed to act. They have been put on hold because, despite the fact that young women such as the Barrera sisters want to contribute to our Nation, our current system won't let them.

It is not only stories such as those of the Barrera sisters that point to a system badly in need of reform, I see it everywhere in my State. I see it in rural parts of my State, in cities such as Yakima and Moses Lake, where farmers can't get the seasonal agricultural workers they need to support one of our State's largest industries. I see it in big cities such as Seattle and Vancouver and Spokane, where high-tech businesses struggle to hire the world's best and brightest. I see it in neighborhoods throughout my State where families have been ripped apart by a system that forces them to choose between legal immigration and long-term separation from the people they love. I see it along our northern border in Washington State where the need to secure a long, porous border must be balanced with smart enforcement policies that don't use intimidation and fear as a weapon. And I see it in my State's LGBT community—a community that badly lacks fairness and equality under today's broken system.

But these aren't problems that cannot be fixed. Although previous reform efforts have fallen short, this Senate is not incapable of this task, especially now. And that is because today—due to the changing demographics of our Nation, because of the growing political voice of a new generation of Americans, and because of the energy, determination, and hard work of immigration advocates in my home State and across the Nation—we are at a historic moment of opportunity. For the first time in the history of this debate there is broad bipartisan agreement this system must be fixed and that a bipartisan solution is within reach.

No one in this country needs to be reminded it is a rarity here when Senators from different parties and from very different States come together to agree on common solutions to a big issue. So it is truly remarkable that over the course of the past year the bipartisan so-called Gang of 8 has worked to craft this bill that is now before the Senate. The bill we are considering is focused on four bipartisan pillars that have drawn consensus support from Members of Congress and the American people.

First of all, this bill includes a path to citizenship, so that with a lot of hard work many of the immigrants living in this country who are dreaming of citizenship can achieve that goal over time.

Second, the bill provides employers certainty in a system that has often left them without any answers.

Third, this bill will help continue the progress we have made in securing our borders by focusing on the most serious security threats and by utilizing new technology.

Finally, this bill helps to reform our legal immigration system so it meets the needs of our families and our Nation going forward.

These are all important steps. But this bill is only the beginning of a full, fair, and open public debate over reforming immigration in this country. And while it will be tempting to get caught up in the specifics of one amendment or policy in this debate, we can't forget about the larger questions this bill addresses, because at its heart this is a bill that touches nearly every aspect of American life, from our economy to our security, from our classrooms to our workplaces. It is about what type of country we want to be, what we stand for, and what type of future we all want to build.

These are the questions I have actually posed in meetings with advocates and businesses and leaders in meetings all over my State, both in recent weeks and going back many years. Those conversations have stirred a lot of passion, brought new facts to light, and helped me bring the voices of countless advocates to this debate today. They have also helped me to arrive at the core issues I believe are essential to repairing our broken immigration system—the issues I will fight for as we debate in the weeks to come.

Sitting and talking about the aspiring Americans this bill will affect has made clear that protecting families must be a central priority in comprehensive immigration reform. Immigration reform isn't just about a person's status, it is about sons and daughters and mothers and fathers and families who want to live full, productive lives together in this country. We know when workers have their families nearby they are more likely to be satisfied with their job, they are healthier, they work harder, and they contribute to our economy.

We know families are the building block of strong communities. Yet under today's broken system, family-based immigration has been pitted against employment-based immigration, and far too often immigrant families are being forced to choose between the country they love and the ones they love. I firmly believe it is in our long-term national interest to change this approach. For immigration reform to best meet our national ideals we have to keep our focus on keeping our families together, reducing these backlogs, giving women immigrants access to green cards, and reuniting immigrants with their families.

Immigration reform must also include a pathway to citizenship for the 11 million undocumented immigrants residing in this country. Many of our undocumented immigrants have lived in this country for more than a decade. They are our neighbors, our friends, our colleagues. They go to church with us, they pay their taxes, and they follow our laws.

But our current system creates a permanent underclass of people that are caught between the law and earning a living. While citizenship has to be earned, it is simply not feasible to deport this entire population or expect them to return to their nation of citizenship. We certainly can't make this pathway contingent on enforcement measures that are unachieveable or unrealistic. I believe the bill before us lays the foundation for a pathway to citizenship that will bring aspiring Americans out from the shadows.

Immigration reform must also meet the needs of our changing economy. This need is perhaps best on display in my home State where the diversity of our economy creates diverse immigration needs. Washington is home to some of our Nation's largest high-tech, aerospace, and composite manufacturing firms. These are businesses that demand a robust employment-based visa system that attracts the best and brightest from across the world. However, just across the Cascade mountains lie miles and miles of fertile farmlands and orchards that demand a flexible and pragmatic agricultural worker program. I plan to support changes that help meet both of those needs while also working to invest in job opportunities for American workers through the STEM investments that are provided in this bill.

We also need a smart and humane system of securing our Nation's borders, including my State's many land border crossings. But we must balance the necessity of securing our borders and enforcing our laws with the importance of treating everyone with dignity and respect, and that includes ensuring access to due process in our immigration hearings, restrictions on the use of unnecessary restraints on pregnant women, the use of less costly alternatives to detention whenever possible, and humane conditions and strict oversight and reporting requirements at our detention centers.

Our strategy for enforcement and border security should focus on keeping Americans safe, fighting violent crime, reducing smuggling, and stopping terrorists. We should always be doing it in a way that upholds our commitment to civil liberties and the rights of every American.

Finally, I strongly support efforts to craft a system that will unite families by extending immigration sponsorship privileges for married binational LGBT couples. I was very proud of my home State of Washington when it voted last year for marriage equality. However, my heart breaks because each time a binational LGBT married Washingtonian is split apart because their marriage is not recognized by the Federal Government, it is just not right.

The Defense of Marriage Act has long barred equal immigration sponsorship privileges for married binational LGBT couples. While I am hopeful the Supreme Court will strike down the Defense of Marriage Act, I believe we should also move decisively to include these provisions in this bill.

These are certainly not the only priorities I will be fighting for in the coming days. In fact, I am hoping to offer some amendments that will help open new doors to education for our DREAMers and that will expand investment in our STEM education. But I also know we will see amendments that will attempt to weaken and defeat this bill altogether, because as we saw in the exhaustive and inclusive committee process, there are those who are simply bent on standing in the way of a bill that Americans want and our economy needs—those who will say or do anything to defeat this bill.

But I am confident this is a new day for immigration reform. I am confident of that because more Americans than ever before see the benefits of a modern immigration system that is coupled with the investments that help our families succeed. They see we are stronger when immigrant workers are contributing to our economy, when employers have the resources they need to grow, and when a path to citizenship is available to those who are already here.

Too often in this debate it is difficult for some people to understand that the millions of undocumented families in our country are already an important part of our communities. Immigrants work hard. They send their children to schools throughout this country. They pay their taxes, and they help weave the fabric of our society. In all but name they are Americans.

When John F. Kennedy was serving in this Chamber, he wrote a book about the fact that America is a nation of immigrants. In it, he wrote:

> Immigration policy should be generous; it should be fair; it should be flexible. With such a policy we can turn to the world, and to our own past, with clean hands and a clear conscience.

Today, those words continue to ring true. It is not only the world we have to turn to. This effort is about living up to our own ideals. It is about, as then-Senator Kennedy said, living up to our own past.

Our history has long been that of a beacon of hope for people throughout the world, from those who arrived at Ellis Island to start a new life decades ago to the DREAMers who want to contribute to the country they love today.

As we once again take on this very difficult task of reforming our immigration policy, let's make sure our actions reflect our security, our economy, and our future. But let's also never forget the past and the fact that our Nation has long offered generations of immigrants the chance to achieve their dreams.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mr. KAINE. Madam President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 33, H. Con. Res. 25; that the amendment which is—and has been—at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate on March 23, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to; the motion to reconsider be considered made and laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees on the part of the Senate; that following the authorization, two motions to instruct conferees be in order from each side: a motion to instruct relative to the debt limit and a motion to instruct relative to taxes-revenue; that there be 2 hours of debate equally divided between the two leaders or their designees prior to the votes in relation to the motions; and, further, that no amendments be in order to either of the motions prior to the votes, all of the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection to the request?

The Senator from Utah.

Mr. LEE. Madam President, reserving the right to object, I would like to explain briefly the overall situation.

We are not objecting to budget. We are not objecting to conference. We just want the debt limit left out. It is a separate issue that warrants its own debate. It is a simple request: no backroom deals on the debt limit.

I would like to focus on one particular argument we have heard from the other side. Critics argue that conference committees are transparent and that they don't involve backroom deals. If this were ever the case, today it is not.

The purpose of conference committees is to reconcile differences in similar bills passed by the House and by the Senate. It is not the only way, but it is one way.

In theory, conference committees are an open, accountable, and trustworthy means of resolving bicameral differences. But in recent years, the conference process—such as so much else in this town and in this Chamber—has become corrupted.

Today, conference committees are just another mechanism to exclude the American people from the legislative process. Secret closed doors, they usually don't even begin until the deal is already completed, as a practical matter.

Speaker BOEHNER himself said recently: We don't typically go to conference until such time that they are well on their way.

A recent example was the conference last year on the highway bill. The Senate passed its bill in March. The House passed its version in April. On May 8, the conference committee met for about 2½ hours on C–SPAN, but no amendments, no substantive legislating. Members mostly gave just opening statements, but that was just the first meeting, after all—plenty of time to get to the real work.

But then at the end of it all, the Chair of the conference thanked everyone for coming and then said something peculiar: We will be back here, if necessary. Maybe we can do this out of this room, but we may be able to agree and get signatures on a conference report. But, if necessary, we will be back here in 20-some days.

A strange thing that the conference—which hadn't done anything yet—would only meet again, if necessary. How else could they do their work if they didn't meet again?

But then, without meeting again, the conference filed its 670-page report in the early morning hours of Thursday, June 28. As if by magic, without any debate or amendments or votes or public meetings, all the differences simply got ironed out. What is more, the highway bill suddenly included major provisions that had nothing to do with highways. Out of thin air the conference committee had added to the highway bill the flood insurance program and the student loan program. We might call it the miraculous deception.

So Thursday morning they presented to Congress their massive bill—intentionally waiting until only hours before the entire highway program was set to expire. It was a classic cliff deal: negotiated in secret, immune from amendment, including unrelated provisions air-dropped into the bill, presented as a take-it-or-leave-it proposition up against a manufactured deadline crisis.

Faced with this situation, the House and Senate passed the report without reading it and patted each other on the back for their bipartisanship.

This, unfortunately, is how Washington too often works, and it is why the American people hold Washington in such low esteem. People don't trust the government because they know the government doesn't trust them.

If my colleagues truly want a backroom deal on the budget, we will give them their chance to have it. We just ask that they leave the debt ceiling out of it.

But make no mistake, my colleagues and I are not objecting because we don't understand how Washington works, as some have suggested. We are objecting because we know exactly how Washington works in this regard, and we mean to change it.

So I ask unanimous consent that the Senator from Virginia modify his request so it not be in order for the Senate to consider a conference report that includes reconciliation instructions to raise the debt limit.

The PRESIDING OFFICER. Is there objection to the request as modified?

The Senator from Virginia.

Mr. KAINE. Madam President, given that no Member of this body made an amendment to request such a provision and offered it for vote either during the Budget Committee deliberation or on the floor of this body when we were debating the budget, I consider the request basically an effort to modify the budget after the vote is done.

Therefore, I reject the request, and I would ask an opportunity to comment additionally.

The PRESIDING OFFICER. Does the Senator object to the request as modified?

Mr. KAINE. I object to the request as modified.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. LEE. Madam President, in that case, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. KAINE. Madam President, I would like to comment on my colleague's characterization that Members of this body want a backroom deal. Because in that characterization, my colleague neglected to make clear to certainly people in this gallery what happens when there is a conference report.

Since March 23, we have been trying to take a budget passed by this body, in accord with the Budget Act of 1974, into a conference with the House budget that was passed the same week. That is the way, in a bicameral legislature, we resolve differences between the two Houses: to put the two different positions in a conference committee, and we ask people to sit down and debate and listen and dialog and hopefully find a compromise.

There is no guarantee in any conference that a compromise will be found. All we are asking is that Members of this body, instead of exercising a prerogative to block debate and compromise, allow a conference to go forward so we can talk and listen and see whether we can find compromise for the good of the Nation.

The Senator has indicated they are blocking that because they want to stop backroom deals. The Senator has neglected to explain what happens when there is a conference. When there is a conference, if there is a deal, if there is an agreement to find good for the common good of the Nation between a Republican House majority and a Democratic Senate majority, then the conference report gets submitted back to the bodies, we have debate in this Chamber where every Senator—just as they did during the budget—can stand and explain whether they are for it or against it, and then every Senator has the ability to vote yes or no to the conference report.

If the Senator would like to see a conference and see if it works and if he doesn't like it vote against the budget or the budget compromise, he is able to do it. If any Senator allows a conference committee to go forward and when it comes back believes it represents some kind of a backroom deal, at that point they can say that on the floor. But to restrict a budget from even going to conference so we can find compromise before you know whether compromise will be found, before you know what the compromise might be, and to call it a back-room deal when you are blocking anybody from even entering the room and trying to find compromise I think is an unfair characterization of the procedures of this body.

I have stated before on the floor as I have made the motion—this is the 13th motion we have made since March 23 to begin a budget conference so we can find compromise—when our Framers established a bicameral legislature they knew what they were doing, but they gave us a challenge and the challenge was this: In a bicameral legislature that requires passage in both Houses, if the governmental organism is to be alive, then compromise is the blood of the organism because passage in one House is not enough. There has to be passage in both Houses for the vast majority of items, including a budget.

Blocking a process of compromise from beginning is taking the blood out of the living organism of this Congress and of this government. Efforts to block compromise harm this institution. They are harming the institution every day in the minds of the American public, be they Democratic, Republican, Independent, wherever they live.

I have made the motion. The motion has been objected to. I can assure folks this motion will continue to be made because we passed a budget in this body under regular order. We need to get into a compromise—into a conference with the House so we can do what is expected of us: listen, dialog, exercise efforts to find compromise. Without compromise, there is no Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, to respond to my distinguished colleague and friend from Virginia, in the first place it is important for us to remember, yes, we are a bicameral Congress. Yes, in order to pass legislation you have to have something pass in the House and pass in the Senate and then be signed into law by the President. But the fact is there are a number of ways to accomplish this.

Yes, it is certainly true that one way we reconcile competing versions of legislation passed in the House and Senate respectively is through conference committee. It is not the only way, it is one way.

It is also true that under Article I, Section 5, Clause 2 of the Constitution, each body of Congress has the power to write its own rules for its own operation. The way the rules of the Senate are written it is such that in our current posture, in order to get to a conference committee it requires unanimous consent. That means all of us have to agree it is a good idea to take that particular route. But we don't have to take that route. There are

other ways that, under the rules of the Senate, would allow us to address differences in the House-passed budget and Senate-passed budget without going to conference.

We could, for example, take up the House-passed budget right now. We could debate that and discuss that. That is a way of addressing this that does not require us to go to conference. But going to conference right now under the rules of the Senate as they apply to this set of facts does require unanimous consent.

There are a handful of us who are not willing to grant that consent if in fact the possibility remains that they will use that as a back-room effort to raise the debt limit, a back-room effort that would not require utilization of the Senate's traditional rules, including the 60-vote threshold that often applies.

You are asking us to agree with something with which we fundamentally disagree. My friend from Virginia has also made the argument that it is somehow unreasonable of us to make this objection because of the fact that none of these amendments were brought up in connection with the budget. I actually think the argument goes exactly the opposite way. Because the debt limit was not part of the deliberations in this body on the budget, and because the debt limit was not part of the deliberations or the final text in the other body in connection with the budget, there is no need for the conference committee to address the debt limit. There certainly is no need to circumvent the otherwise applicable rules of the Senate that would govern this in this posture in this context.

Madam President, I ask unanimous consent to engage in a colloquy with my colleague, the junior Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. I ask my colleague from Texas—who has on occasion expressed similar concerns to those I have just expressed with this kind of posture—so I ask my friend from Texas, is it in fact his interest, his objective to be obstructionist? Is he trying to obstruct here and in fact being unreasonable in raising these objections?

Mr. CRUZ. I thank my friend and note that a number of Senators have raised this objection and we have focused on one thing and one thing only, which is whether the Senate can raise the debt ceiling with just 50 votes or instead whether the Senate can do so with 60 votes. That is the issue.

We are perfectly prepared to go to conference on the budget, right now, today. That is a red herring. That is not what this procedural fight is about. Every time this motion has been asked by the majority, the minority has risen to protect the rights of the minority because ordinarily to raise the debt ceiling it would take 60 votes, and if it takes 60 votes, what that means is that the 54 Democrats are not able to do so on a straight party-line vote, freezing out Republicans.

Right now the Democrats have stated they believe the debt ceiling should be raised with no preconditions, no negotiations, no structural changes to our out-of-control spending that is bankrupting our country.

What the minority Senators have said is that, at a minimum, if we are going to raise the debt ceiling it should be subject to a 60-vote threshold so that we have a conversation about fixing the deep fiscal and economic challenges in this country. It is indeed the majority that—I will give credit for candor—does not wish to say no, we will take the debt ceiling off the table. Because it is, I believe, the Democrats' intention if this budget process goes to conference committee to use reconciliation as a backdoor procedural trick to raise the debt ceiling on 50 votes. I think that would be a travesty. But I think much of this debate is clouded in smoke and mirrors. Much of this debate is clouded in obfuscation. This is a simple question: Should the debt ceiling be able to be raised with only 50 votes or should it require 60 votes, which will necessitate some compromise, some discussion?

On that question I am quite confident the American people are with my friend from Utah, are with the Members of the minority who believe that if the debt of this country is going to go higher and higher and higher, we need leadership in this body to fix the problem rather than simply putting more and more debt on our kids and grandkids.

Mr. LEE. If I might ask, Madam President, of my friend from Texas, why wouldn't one want the usual rules of the Senate to apply? That is, why would one want to block or prevent the 60-vote threshold from applying with a debt ceiling increase, just as the 60-vote threshold applies to much of the most important, contentious, closely watched legislation that moves through this body?

Mr. CRUZ. The 60-vote threshold, as my friend from Utah knows well, was designed to protect this institution that has been called the world's greatest deliberative body and to ensure that the minority has a role in the discussions. On this issue I think that is critically important. There are few if any issues we will address that are more important than the question of the unsustainable debt that is threatening the future of our kids and grandkids.

The natural reason why the majority would want to get around the 60-vote threshold is because without a 60-vote threshold the majority does not need to listen to this side of the house. President Obama has been very explicit. The President has said he wants the debt ceiling raised with no negotiations, no discussions, no conditions, ''no nothin' '' to fix the problem.

In the last 4½ years our national debt has gone from $10 trillion to nearly $17 trillion. What we are doing is fundamentally irresponsible and the majority wishes to be able to keep doing it without making any prudent decisions to stop the out-of-control spending, stop the out-of-control debt, fix the problem. The only way they can do it is to use a procedural trick to shut down the minority.

I do not believe that is consistent with our obligations to the constituents who elected us, and I don't believe it is consistent with the responsibility of all 100 Senators to take seriously the obligation of protecting the fiscal and economic strength of this Nation for the next generations.

Mr. LEE. The Senator from Texas is a seasoned constitutional scholar, a graduate of Princeton University and of Harvard Law School. He went on to clerk for Judge Michael Ludick on the U.S. Court of Appeals for the Fourth Circuit, now general counsel to Boeing. He later clerked for late Chief Justice William H. Rehnquist on the U.S. Supreme Court.

Having argued a total of nine cases before the U.S. Supreme Court, the Senator from Texas is a seasoned litigator in addition to being a scholar of the Constitution. So I ask my colleague a couple of questions related to that.

It has occurred to me sometimes as a lawyer myself that there are sometimes some similarities between being a Senator and being a lawyer. They are not perfect, but we are retained for a limited period of time, in 6-year increments generally, to represent a group of people. It is our job to do what we can to act in the absence of those people. In my case there are 3 million people from my State, the State of Utah. They cannot all fit inside this Chamber so I am one of the people who is elected to represent them in their absence.

I ask my colleague from Texas, No. 1, how do the people of Texas feel about the idea of raising the debt limit yet again? In particular, how do they feel about the idea of raising the debt limit yet again without any kind of permanent structural reform put in place as condition precedent to that action? And finally, how do the people of Texas feel as their elected representative, representing those people here in this body, you surrender one of your biggest bargaining chips, you abandon one of the tools that allows you to make sure we do not the raise the debt limit too casually, too cavalierly, without putting in place the adequate precautions?

Mr. CRUZ. I thank the junior Senator from Utah for his overly generous comments and kind characterizations. I think the analogy he drew is quite apt, that any lawyer, in representing a client, has an obligation to zealously represent that client; that he owes a fiduciary duty to that client.

I suggest all 100 of us owe that same fiduciary duty to the men and women in our States who entrusted us with the obligation of coming here and fighting for them. Because the 3 million citizens of Utah could not all be on

the floor of the Senate fighting, the junior Senator from Utah steps in their shoes to fight on their behalf. I feel confident that the citizens of Utah, like the citizens from Texas, would be horrified at the notion that this body would continue raising the debt ceiling over and over again without even trying to fix the underlying problem.

This Senate floor has a long and storied history. There have been great men and women, great leaders of this country who have walked on this floor. Yet each generation, going back for centuries, has managed to avoid saddling the next generation with crushing debts. I am reminded of the very distinguished late father of the Senator from Utah, Rex Lee, who was the Solicitor General of the United States, who was widely considered one of the finest Supreme Court advocates to have ever lived. He was an individual who took the obligation of zealously representing his client deeply and near and dear to his heart.

Your father's generation, my father's generation, did not leave us with crushing debts, did not leave us with debts from which we could never escape. What has happened in the last 4½ years is qualitatively different, qualitatively different from what has happened in the last 2½ centuries in this country. No other generation has said to their kids, their grandkids, and to their grandkids' grandkids, we are going to rack up so much debt that you are never going to be able to escape.

My wife and I are blessed. We have two little girls at home, 5 and 2. The idea that Caroline and Catherine are going to spend their adult days working to pay the taxes to pay off the debt we are spending recklessly right now I think is profoundly immoral, is profoundly irresponsible. I cannot tell you how many thousands of Texans, men and women across the State, have said the exact same thing: Stop bankrupting the country. Stop bankrupting our kids and grandkids. That is the fiduciary duty we have to fight for, to defend—to stand for the 300 million Americans for whom this body, Congress, has been racking up a massive credit card debt that threatens to imperil the security of this country and the future generations in America.

Mr. LEE. Is my colleague suggesting that we stop altogether the practice of issuing U.S. treasuries to finance the operations of government or is he suggesting that we go without a budget or that we simply halt the issuance of Treasury instruments altogether or is my colleague suggesting something more long term?

Mr. CRUZ. Of course we shouldn't halt the issuance of treasuries, and of course we shouldn't forswear any and all debt. The Constitution provides that the Federal Government can incur debt, and there has been a long history of incurring debt, particularly to meet extraordinary circumstances. In wartime we have had a history of incurring debt and then paying that down.

What is important to emphasize is that there is a qualitative difference in what has happened in the last 4½ years. We have always had some degree of debt in this country, but one of the challenges is that at times $1 million, $1 billion, and $1 trillion can seem like the same number. They all end in ''illions,'' they all sound big, and yet the difference of $10 trillion, where the national debt was 5 years ago, and just shy of $17 trillion, where we are now, is fundamental; it is structural. Our national debt exceeds the size of our entire economy.

The nations of Europe are collapsing because their elected officials were not able to be responsible. They spent money they did not have, and they built up so much debt they could not repay. Eventually, there comes a point where every decision to address the debt is an ugly one. There comes a point where the debt hole is so deep—as some of the nations in Europe are discovering—that the answers are either drastic cuts to spending or massive tax increases or massively inflating the currency. Every one of those outcomes is ugly, which is one of the reasons we have seen rioting in the streets of Europe.

Thankfully the United States is not yet in as deep a hole as some of the nations of Europe, and that is why we need leadership now to stop the out-of-control spending by addressing the deep structural problems. If we keep spending money we don't have—if any of us ran our families, our households, our businesses the way the Federal Government is run, we would be bankrupt. We would be sleeping under a bridge.

What it takes, I believe, is responsible leadership, and I hope bipartisan responsible leadership. We need Republicans and Democrats to come together to say: Let's live within our means. That is not a terribly conservative principle. That is a principle that has been common sense in this country for centuries, and it is one, sadly, we have gotten away from in the last 4½ years.

Mr. LEE. We are talking about a procedural strategy. We are not even talking about an outcome here. We are talking about the full utilization of the procedural rights of each and every Member of this body. We have been asked to give our consent and to effectively vote for a procedure that people on both sides of the Capitol have now admitted could and may well be utilized as a mechanism for raising the debt limit in a way that circumvents the 60-vote threshold of the Senate. It seems to me that is troubling, and if we analogize that yet again to other circumstances where we have to represent someone else, that can be troubling.

Let's suppose the Senator from Texas is representing a client in court—let's say in the U.S. Supreme Court. For example, when the Senator is in the position of the petitioner, he has the right, as the petitioner—meaning the person filing the petition for a writ of certiorari—to seek review by the Supreme Court of the United States, and let's say review is granted.

After review is granted, a briefing schedule kicks in and the petitioner has the opportunity to file the first brief. That is the Senator's prerogative as the petitioner. The other side then has about a month to file its brief, and then the Senator gets something the other side doesn't get to file—the Senator gets a reply brief.

Procedurally, under the rules of the Supreme Court of the United States, that is the Senator's client's right. Once the Senator has a case in front of the Supreme Court and in the middle of the briefing schedule, what would the Senator from Texas say to a client if you came to them and said: My opposing counsel has asked me to waive my right to file a reply brief even though it is my right to do that? The client has asked me to do it. What would the client think if the Senator actually said: I am not going to file a reply brief even though procedurally I have every right to do that?

Mr. CRUZ. My friend from Utah asks a terrific question. It is a question of procedural rules—whether in a courtroom or in the Senate—designed to protect substantive rights. Ultimately, the 60-vote threshold is designed to protect the substantive rights not of the Senators—we are not here in our own stead. We are instead representing the constituents who sent us here.

What the majority is asking us to do by asking for unanimous consent to allow this to go to conference and to set it up for them to raise the debt ceiling with 50 votes—the majority is asking for the 46 Republicans on this side of the aisle to give away our right to speak. They are asking us to say we will cede to the majority the ability to do whatever it wishes on the debt ceiling. In giving away our right to speak, what we are giving away is not anything that belongs to us, it is the right of 26 million Texans to have their voice heard.

For us to agree with the majority and say, yes, we will hand over the ability to make this decision on the debt ceiling without ever again consulting this side of the aisle would be very much like the situation the Senator from Utah asked about. I don't know how the Senator from Utah would answer a constituent in Utah who said: Senator LEE, why did you give away my voice? Why did you simply hand to the Democrats the ability to decide how much debt the United States should have, to raise it? And why did you essentially give away my seat at the table?

It is not the seat of the Senator from Utah; it is not my seat. It is the seat of the millions of constituents in Utah, Texas, and each of our home States that sent us here. The idea that we would willingly give up their right to speak is inconsistent with the obligation we owe the men and women of Utah and the men and women of Texas.

Mr. LEE. I would suspect that in most circumstances a lawyer giving up that procedural right would be committing malpractice. Perhaps a lawyer in that circumstance could say to the client: I am going to do this because opposing counsel has asked it of me, and I want to get along with her. I want to make sure I maximize our chances of settling this litigation perhaps before the litigation has been completely resolved. If that were the argument opposing counsel was making to me, I suspect I would tell the client: If that is the case and our objective is to try to settle the litigation rather than wait until the Court resolves it, then by doing that and giving up that procedural right to file the reply brief, I would be forfeiting a lot of bargaining power that I would otherwise have.

And so too here we would be forfeiting a tremendous amount of bargaining power relative to the budget discussions, relative to the debt limit discussion, a discussion that needs to take place in full sunlight and not under cover of darkness. It needs to take place in the two Chambers and not in some back-room deal. That is what we are talking about. That is why these procedural rights are so important.

People can disagree with the rules of the Senate, and a lot of people do. People can want to change the rules of the Senate, and there are some who do—some even in this body. But the fact is the rules are what they are. We have the power to make those rules under article 1, section 5 of the Constitution, and we have the power to change those rules under article 1, section 5 of the Constitution. But those rules being what they are, those rules being in place as they are today, and those rules having the application they do as of this very moment, people cannot ask someone such as me or my friend from Texas to give our consent to something we think is fundamentally wrong and that we think will substantially diminish the bargaining power we have in undertaking that policy approach we think is most necessary today.

One of the questions I have been asked by some of our friends on the other side of the aisle, and a few of our friends who are even on the same side of the aisle as myself and the Senator from Texas, is: You are a Republican, I am a Republican, so why can't you guys trust that the Republicans who control the House of Representatives will adequately secure your interests? Why don't you therefore feel comfortable effectively forfeiting your right to a 60-vote threshold on the debt ceiling debate?

Mr. CRUZ. I think that is a reasonable question to ask. There are a number of points that are relevant. No. 1, there is a considerable history of the debt ceiling being raised through reconciliation, and, indeed, it has been done in 1986, 1990, 1993, and in 1997. So the danger that we are acting to prevent is not a hypothetical danger, it is a danger that has proven accurate.

Those who say we will simply trust the House—the House Members were elected to represent their constituents, and each of the 435 Members of the House has an obligation to exercise their best judgment to represent their constituents. Whatever they choose to do—and I would note a number of Members of House leadership have publicly on the record suggested they might well be amenable to raising the debt ceiling through reconciliation. So given their public statements, the scenario we are raising is a possibility that the House leadership has suggested may well be on the table.

But more fundamentally, regardless of what the House chooses to do, the Senator from Utah has an obligation to the 3 million citizens of Utah to represent their views. I don't think it would be responsible for him to give up his very eloquent voice or for me to give up my voice or for any of us to give up the voice of the citizens we are representing.

I am reminded of meeting an individual at a gathering of Republican women back in Texas about a month ago, and this individual was a veteran who had fought in World War II. He was there, introduced to everyone, and received a standing ovation. A story was told about how he had been grievously injured in World War II. As a result of that injury, he was in a hospital and two doctors were debating about where to amputate his leg. They were debating whether to amputate the leg above the knee or below the knee.

This soldier was unconscious, and he awakened in the middle of this conversation between the two doctors about where to amputate his leg. This soldier began to participate in that debate. And, unsurprisingly, he had a very strong view that he would very much prefer they not amputate the leg. He expressed that view vociferously to the doctors who were having that debate. As he expressed his view, he ended up prevailing in that argument and they chose not to amputate his leg below or above the knee.

To this day he walks with a limp. He doesn't walk as well as he might if he had not been injured, but he was able to save that leg because he had a voice in that debate, because he spoke up and his interest concerning his leg was acutely different from the two doctors who were debating it without his voice. I think he had every right to participate in that debate because it affected him, it affected his future, and it affected his life. And just so, I think the 3 million citizens of Utah have every right to participate in this debate and not simply to be told to trust the other body of Congress. They have an independent obligation. My friend the Senator from Utah has an obligation to his constituents to make sure their voice is part of this debate.

Mr. LEE. Indeed, we each have an obligation to utilize our own voice and to make our own judgments with regard to the best course of action to take in any debate and in any discussion.

The problems in this country are significant. There is not one of us in this body who wishes to minimize them. There is not one of us in this body who is not concerned about these problems. Each of us might take, advocate, or firmly believe in a different course of action, but it is precisely because of the diversity of opinion in this Nation that this Nation is great. It is precisely because of the viewpoint and diversity we have in this body that this body has been called the world's greatest deliberative legislative body. We need to make sure that that remains.

In order for that to be the case, it is appropriate that Members of the Senate who have a good-faith, genuine disagreement with an issue as to which a unanimous consent has been made come forward and they object.

On that basis, I object. I will continue to object as long as it remains necessary to ensure that the debate we have surrounding the debt limit occurs under the regular order of the Senate.

I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. McCASKILL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. McCASKILL. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEXUAL ASSAULT IN THE MILITARY

Mrs. McCASKILL. Madam President, this afternoon the Senate Armed Services Committee—in fact, in less than an hour—will convene and we will begin working on historic changes, unprecedented changes to the Uniform Code of Military Justice in response to the serious and significant problem of sexual assault in our military.

I come to the floor before we convene to explain why I am supporting significant changes as to how we handle sexual assaults in the military but also why I am not supporting completely removing the role senior military commanders play in ordering these kinds of trials to go forward.

The discussion of this issue takes me back many years when I began prosecuting rape and sodomy cases as a young assistant DA in the prosecutor's office in Kansas City. For years, I handled dozens and dozens of these cases in the courtroom, both as an assistant prosecutor and as the elected prosecutor. I have had the opportunity, the blessing, the challenge, and the scarring that comes from holding victims' hands, crying with victims, feeling their pain, the permanency of the injuries they have suffered as a result of these unspeakable crimes. I would

challenge anyone in the Senate to come to this issue with more experience or more understanding of the unique challenges this crime represents in the never-ending quest for true justice.

In my years of experience and the time I have spent with military prosecutors, victims, and civilian prosecutors, I have become convinced that the approach the Armed Services Committee will take today is the right approach to get these predators put in prison.

I believe the provision that I expect will receive a bipartisan majority of the votes in the Armed Services Committee will better empower victims and lead to more reporting. The reason it will empower victims and lead to more reporting is because these changes will lead to more and effective prosecutions.

Ultimately, no woman wants to come forward and talk about this crime, and certainly no man who has been victimized in the military wants to come forward and talk about this crime. It is personal. It is private. It is painful. So it does not matter whether the perpetrator is a member of the military or a civilian; these are difficult cases to bring forward because of the intensely personal nature of the pain involved.

But I believe these reforms will hold the chain of command more accountable and force them to be part of the solution, and it will prevent the unintended consequences of dismantling a system of military justice that has long been a centerpiece of discipline in our military.

Make no mistake about it, the changes we are making are aggressive, historic, victim-oriented, and unforgiving to the predators.

Commanders under these reforms will not have the ability to dismiss a conviction of a jury. That is the first and most important reform that is occurring. Never again will a commander who has not heard the testimony be able to say ''never mind'' to that victim. Most importantly—and this is very important because the reporting on this issue has not been accurate—most importantly, under these reforms, if the lawyers, the prosecutors, say the case should go forward, and the commander disagrees and says no, that will go straight up, not to a man in uniform, but to the Secretary of the branch of the military where the crime occurred. So no longer will you have the uniforms making the ultimate decision.

I would argue we are taking in many ways the convening authority out of the equation because we are allowing that lawyer, if the commander disagrees with them, that prosecutor, if the commander disagrees with them, to go straight up to the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force for the ultimate decision by a civilian, not by a member of the military.

If the commander decides not to order the court-martial, not to order the trial, the final decision will go to the civilian Secretary. The ultimate authority is with the civilian.

This is even a greater level of scrutiny than in the reforms proposed by Senator GILLIBRAND because you have another level. We heard of cases where the prosecutors did not want to go forward and the command did. There are instances where prosecutors in the civilian world will not file these cases and the military prosecutors will. I am sure there will be cases where military prosecutors will not want to go forward.

So the good news is there is someone above the prosecutors who is a civilian who can, in fact, pass judgment also. We know that many cases are not filed in the civilian courts when they are ''he said, she said'' consent defenses in rape cases. I have painfully explained that decision to victims when the evidence simply was not going to meet the burden.

But in the military, we have to make sure that it is not just a line prosecutor who has the ultimate authority. We need that civilian Secretary at the top of this decisionmaking power. We need that ultimate authority, especially in the culture of our military.

The other thing our reform does that Senator GILLIBRAND's proposal does not do—and I think this is key—it creates a crime of retaliation. So if this victim comes back to the unit and retaliation occurs, the people who are committing the retaliation are now subject to the Uniform Code of Military Justice and they can be prosecuted for the crime of retaliation.

I think this is a very important, direct approach. Because, ultimately, that is what most victims who do not come forward say they are afraid of: their loss of privacy and retaliation and the impact on their career.

The bill also makes many other reforms, giving victims better access to legal counsel, improving the skill of personnel working with victims in the sexual assault response system, making sure victims have a voice in the clemency proceedings, and many others.

Ultimately, at the end of the day, if a victim is sexually assaulted, and they come back to their unit, is it more likely the unit will retaliate against them and make their life miserable if outside lawyers have said the case should go forward or if the commander has said the case should go forward? We do not have evidence that this is a problem right now, that commanders are refusing to file these cases. Just the opposite. We heard testimony in committee that they are demanding prosecutions in some instances where the lawyers have said no.

I believe these reforms will do a better job of getting predators behind bars and ultimately creating a more supportive environment for victims to come forward.

We are not done with this, even after we pass these reforms in committee today, and even after we pass this Defense authorization bill and it goes to the President. But I think we have the best chance of making real progress with a strong bipartisan reform that will get at the heart of the matter, which these reforms do.

I believe we will continue to monitor this, and as we go forward, if more changes are necessary, I will be the first in line to work for them. But do not let anyone say the reforms we are doing today are not what is right for the victims of sexual assault or for the proposition that anybody, any coward who besmirches our fine military by committing these crimes—that they should not belong in prison. They belong in prison, and that is what these reforms are intended to help happen.

I thank the Chair and I assume I should yield the floor for my colleague from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, I wish to say, through the Chair, thank you to the Senator from Missouri for her advocacy on behalf of our service men and women. And I think she should have made no assumption about yielding the floor to me, but I am happy to take it, if the Senator is done.

Madam President, I come to the floor today, as I did yesterday, to talk about this incredible opportunity we have before us with this bipartisan immigration bill that we are considering now in the Senate, in regular order in the Senate. I hope we have a process on the floor, now that we are here, that mirrors the one the Judiciary Committee had: an open process where people can offer amendments they care about, one that has a spirited debate on a variety of important issues, so the American people can have the benefit of a fully transparent and deliberative process over these important issues.

In the Judiciary Committee process alone, over 300 amendments were filed, and 200 were considered, and over 140 of them were actually adopted by the committee. That is the way this place ought to work. I think it will strengthen this bipartisan bill to continue to take other people's ideas.

What we did not do in the Judiciary Committee, and what I hope we will not do on the Senate floor, is accept amendments that will disrupt a very carefully negotiated balance in the so-called Gang of 8 or Group of 8—four Democrats and four Republicans—who worked hard together to try to get to a place that could actually work.

Today there has been a lot of talk, and over the past few days, about the border security issues, the border in particular, and preventing future waves of immigration. I did not come down here to negotiate any particular amendments or to litigate any particular amendments. I did want to get a little bit of context of where we arrived in the Group of 8 on this issue.

The bill, as written, makes very serious investments, takes major steps to

secure our borders. I have to say the work was informed most principally by two border Senators, JOHN MCCAIN and JEFF FLAKE, both Republicans representing the great State of Arizona. As they have pointed out and as we have pointed out, we actually, contrary to some of the rhetoric around this place, have made a lot of progress over the last decade. It is not perfect, but we have moved in the right direction.

As you can see from this chart, in 2012 alone our expenditure on border security and immigration enforcement—this is before this bill we are talking about now that makes more investments in border security—our investment exceeded $17.7 billion. That is what the American people spent on border security, which is 23 percent higher—just on border security. That is 23 percent higher than the $14 billion we spend on all of the other Federal law enforcement agencies combined.

I think it will surprise the American people to know that. This is what we spent on border security. Here is the Border Patrol. Here is ICE. Together that is $17 billion, a little more than that. That is more than we spent on the FBI, the DEA, the Secret Service, the U.S. Marshal's Service, the ATF—all of those law enforcement agencies. All of them combined in 2012, before we pass the law that is in front of us, that is what we spent protecting the border.

To hear some people around here talk about it, one would think none of that money made a difference. One would think none of the increased border agents have made a difference. Well, as of January 2013, the U.S. Border Patrol had 21,370 agents in total, 18,000 of whom are on the southwest border. From 1980 that represents a ninefold increase. It is nine times the number of agents we had. We had roughly 2,000 in 1980; today we have roughly 21,000. That might be a reason border crossings are down as much as they are.

In fact, we are at about net zero this year in terms of people coming across our southern border and leaving. Now, there are still areas on the borders where we need to do more, like in Arizona's Tucson sector. Senators MCCAIN and FLAKE were kind enough to take some of us down to the border to see what was really happening, to understand the topography down there, the difficulty of building a fence from one end of our border to the other. There are places where fences have been incredibly effective, like in San Diego. There are other places we are going to need other technology to be able to secure our borders in an efficient and thoughtful manner.

I hope others who have concerns in this area will meet with these border Senators and listen to what they have to stay about how we can improve the situation on the southern border. What our bill calls for, in addition to the increases in resources, is that within 6 months of the bill's passage, the Secretary of Homeland Security is required to develop and submit to Congress a comprehensive border strategy and fencing strategy.

We appropriate in this bill $4.5 billion in addition to this money you saw up here, $4.5 billion for these strategies. The goal of this plan is to achieve persistent surveillance and a 90-percent effectiveness rate at certain high-traffic border areas. These are places on the border where lots of people try to get into the United States. I can tell the Presiding Officer, I have seen it with my own eyes. When Senator MCCAIN took us down there, we actually saw someone come across the border. We saw somebody climb the fence while we were standing right there. I have a photograph of it on my cell phone. That person was apprehended within about 30 seconds of getting across the border.

It shows it is an issue we need to continue to manage, but it is good news that we have seen the improvement we have. I think these goals will be met. I am convinced by the conversations I have had with Homeland Security and with others that the objectives we have laid out to create this 90-percent effectiveness rate in the high-traffic areas is achievable; that it is achievable with the technologies we propose.

If there are changes that can be made during this discussion to improve that, I am all for them. But if the goals are not met, people will say: Well, you say it is going to happen. What if it does not happen?

Here is what happens: In 5 years, if it has not happened, a southern border security commission will be established to make further recommendations about how it is we can secure the border, with representation from the border States themselves. We appropriate another $2 billion in this bill for the commission's recommendations, if, in fact, we ever have to get to a commission, which I hope we will not, and I expect that we will not.

I have heard people say one of the big problems with this bill is it is just like 1986 all over. I was not here in 1986, so I cannot take the credit or the blame for what happened in 1986. But it is a serious critique and a reasonable critique of that bill; that it did not do anything to stop the future flow of immigrants and illegal immigration in this country. That is a very fair critique.

It is not a fair critique of our bill because our bill deals with the border security I talked about, as well as internal security measures in the United States of America that were completely absent in the 1986 effort. This bill includes a universal E-Verify system. We crack down on employers who hire undocumented workers. That alone will reduce dramatically the incentive of people to cross the border illegally. If they know all across America that small businesses can run a biometric card or other ID through a database that tells them whether people are here lawfully or not, and in an instant know whether they are here lawfully instead of engaging in this game that has been played for decades in-country where people with false security cards are able to come in and get a job and then a year or 18 months later, the employer finds out the Social Security is no longer available, that is going to dramatically disincentivize people from crossing the border.

The small business owners I know are very happy with this because they are tired of being the immigration police. They are tired of feeling like they went the extra mile to figure out whether someone was here lawfully, they relied on a Social Security card that looked perfectly valid, with a valid Social Security number, only to find out 18 months later they hired somebody who was undocumented. They are so weary, which is why they are expecting the Congress to finally do its job and fix this broken immigration system.

The comparison to 1986 is unfair in many ways. Mark Everson, who is a former Deputy Commissioner at the Immigration and Naturalization Service who oversaw the implementation of the 1986 law, wrote today in the Washington Post:

> In contrast, the legislation before the Senate today takes a comprehensive approach. . . . Demand for unauthorized workers can be dampened, but only through adequate attention to the workplace and interior enforcement. If anything, I would accelerate the rollout of the E-Verify system, while helping to secure our borders faster.

I hope we can accelerate the E-Verify system. The reason is I have heard from employers who say: You know what. We are playing by the rules. We are making sure we do not hire undocumented people for our construction business, but there are other people down the road who will pay lower wages to people who are here unlawfully. That is an unfair disadvantage for us.

I agree with that. I think the question about how fast we can implement E-Verify needs to be balanced against the inconvenience we pose to businesses as they get up to speed on the new system. But that is certainly something we can talk about.

Finally, we have among many other broken parts of this system a broken entry-exit visa system in the United States. I think it would shock the American people—it surprised me—to learn that of the 11 million people who are here, 40 percent of them are people who entered the country lawfully. They entered the country on a visa, but they overstayed their visa.

We have to have the ability in this great country of ours, in this 21st century, to somehow detect when people are coming in on a visa, but we have not bothered to figure out when people are leaving, which does not make a lot of sense given the fact that the technology is available.

This bill finally includes a mandatory and operational biographic entry-and-exit system to track those coming to the United States and those living in the United States of America, and,

miraculously, finally, we are going to actually know who is coming in and out of the country.

As we begin to phase in a biometric system, it will build upon the other efforts being taken to track visitors in a way that is cost effective. We are going to become more secure. We will finally know who is in this country and who should be asked to leave the United States of America.

So, in my view, border security is not a reason to obstruct this bill. As I said earlier, we are open to changes, but we already have very strong border measures in this bill. I do not want that to be overlooked. I think when people hear that we need to spend billions and billions and billions of dollars more, they should know that we are already spending billions of dollars down there. Some of it has been effective; some of it has not been effective. I would say let's do what is effective, let's not do what is ineffective, and let's not overspend at a time when we have the budget issues that we are facing.

In conclusion, as the USA Today editorial board has written:

> Unlike 1986's political sleight of hand—

There is not a lot of love lost for the 1986 bill, as you can tell.

> Unlike 1986's political sleight of hand, this year's legislation is a tough, credible plan for preventing a new surge of illegal immigration. A quest for unattainable perfection should not be allowed to undo the good that it would achieve.

I wish I could say this was a place that did not let the perfect be the enemy of the good. We seldom ever get to the good. But in this case, I think we have gotten to a place that is very good. We should move forward together as we have to this point in a bipartisan way to craft a thoughtful solution to a broken system that continues to be a drag on the economy of the State of Colorado and the economy of the United States of America.

This law, if we pass it, will once again reaffirm what makes the United States so special: One, that we subscribe to the rule of law. There are a lot of countries in the world where that is not true. It is one of the principal reasons that people want to come to the United States: because it is a place where you can live up to your talent, because nobody can take it from you, because we subscribe to the rule of law. People want to come from all over the world—it is a great compliment to our country—to build their businesses here and to help us grow our economy.

It will reaffirm as well the very important notion that we are a nation of immigrants, generation to generation going back to the founding of this great country of ours. That is who we are. If we get this bill passed, if we get this bill passed in the House, I think we will have done something very important for this generation of Americans and also for the people who are coming after.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HEINRICH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I come to the Senate floor to strongly urge consideration and passage of the first of several amendments I will be presenting on this so-called comprehensive immigration reform bill.

It is amendment No. 1228 and is about the US-Visit system, the entry-exit system that is supposed to be in place. It has been mandated by Congress many times to guard against visa overstays, which is a serious national security problem.

Why is this important? There is one simple way to underscore it to answer that question, and that is to remind us that the 9/11 terrorists, every single one of them, were visa overstays. They were dangerous people who came into our country on valid visas, overstayed their visas, plotted against us, and ultimately caused horrendous death and destruction on 9/11.

What do we do about that situation? We need a system of tracking visas of the people who come into the country, tracking when they should be leaving the country, and looking to see if they have exited the country. We need a system which has biometric data associated with it which can track those entrances and those exits.

This sort of system is technologically possible. It is definitely possible to fund and put in place. It is primarily a question of political will.

Unfortunately, even after Congress mandated this multiple times to no effect, even after 9/11 and other terrorist attacks, we haven't mustered the political will to demand to put this is in place. If 9/11 wasn't enough, the 9/11 Commission—which we appointed, we put into law and asked them to look at the horrible attack of 9/11 and give us recommendations—made this one of their top recommendations. Their specific recommendation was that ''the Department of Homeland Security, properly supported by Congress, should complete as quickly as possible a biometric entry-exit screening system.''

Again, Congress had talked about this years before, starting in 1996. Congress passed that mandate, and Congress repeated that mandate many different times over 17 years, with six additional votes. The 9/11 Commission said the tragedy of 9/11 was, in part, due to our not having that system and, Congress, the administration, you need to get this done. Still that important piece of border security is not in place.

This Vitter amendment No. 1228 is very simple. It will prohibit the implementation of any program granting temporary legal status in this bill or adjusting the legal status of anyone who is presently in our country unlawfully until this US–VISIT system has been fully implemented—full implementation. So no change in anybody's legal status happens until we finally, after decades, implement this US–VISIT system; until we finally, after years, heed the recommendation of the 9/11 Commission; until we finally, decades after 9/11, say this will never happen again.

Also, under my amendment, both Houses of Congress must pass a joint resolution of approval stating, yes, this is fully in place. Because, quite frankly, there isn't sufficient trust of just the administration saying so, some certification from any administration—not just this one but any administration. It has to happen and Congress has to say, yes, that is in place, and then that change in legal status can go forward.

We talk a lot about border security, and, of course, usually we focus on the southern border, for obvious reasons. That is where the numbers are. That is where the greatest flow is. But when it comes to national security, this is a vital component of enforcement. This is a vital component of border security, and so we need to get this right. We need to remember 9/11. We need to heed the recommendation of the 9/11 Commission. It has been since 1996 when Congress mandated this, and we need to make it stick. The only way to make it stick, in the context of this bill, is to demand it is done, it is completed, verified, including by Congress, before any change in legal status happens.

In closing, I also wish to express strong concern and opposition to Leahy amendment No. 1183, which is currently on the floor and up for consideration. That amendment would grant exceptional priority and exceptional favor to particular O and P visa applications, which are generally for renowned professors, researchers, doctors, Oscar winners, entertainers, and performers. It would specifically waive a fee associated with this visa.

I think that is problematic because we depend on all of these fees to fund this system and this enforcement system which we are trying to improve. I find it ironic we would waive this fee for that class of individuals, who are absolutely the most well-heeled and the most capable of paying it. We would give that class of individuals special status and a waiver of a relatively modest fee and, in the process, hurt the funding for the entire enforcement system.

I think that is misguided when we are trying to build up enforcement, when we are trying to get this done and pay for all that enforcement. I think it is misguided to waive this fee for exactly the sort of visa applicants who are most in a position to pay it.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, one of the things I have found intriguing, and was glad to hear, was the bill sponsors of S. 744—the comprehensive immigration bill—indicated they had a plan that would move us to a more merit-based system of immigration. They made that promise.

It is something I advocated in 2007. I had the opportunity to meet with the chairman of the Canadian system while in Canada and we talked about their merit-based system. It is a very significant system, a major change in how they handle immigration in Canada. He was very pleased with it. Fundamentally, they sought to admit people into Canada who would have the best chance of being successful in Canada. They can't admit everybody into Canada. No other country I know of has no limit on the number of people who enter. But they wanted to say who could be the most successful, who would do the best, and who should flourish in Canada, so they gave points for people with more education, people who already spoke English, people who had the job skills Canada needs, younger people, and matters such as that. It was designed to serve the Canadian national interest. It has been in place for a number of years now, it actually works, and they are very happy with it.

So when I heard this might be a part of the immigration reform bill, I was pleased. It is important to emphasize, first, that merit-based immigration is separate from the doubling of the guest workers who come in under the bill. Because guest workers come in under other categories. I am referring now to immigrants—people who come to the country with plans to stay permanently. The merit-based system, as I understood it, was to focus on that group and rightly so. The merit-based provisions don't include the temporary workers. They have their own category.

But when I actually review the bill, it is clear this promise of a merit-based system is not met. The promise is not met to any significant degree. It is another example of the promoters of the legislation overpromoting and selling something that is popular, but when one reads the bill, it is not there. So I wish to talk about the legislation and go through it on this particular subject.

The bill is 1,000 pages and deals with quite a lot of issues and each one of them are very important. The merit-based system has had almost no discussion in the process so far and it needs to be discussed. It is the reason, I believe, we would be better off to have brought up pieces of legislation that deal with the characteristics of the people we would like to have enter the country in the future, to deal with border security, to deal with the visa system, to deal with workplace enforcement, and to deal with internal enforcement, individually and separately.

But, no, we have this monumental 1,000-page bill, with all kinds of things in it. The sponsors say: We have taken care of this problem. We have taken care of border security. We have taken care of the visa system, and, by the way, we have a great plan. The system is going to be merit based now.

The proponents of the legislation have said the bill decreases annual family-based immigration by reducing the cap on family-based visa systems. These are immigrants who come to the country based on relationships with people here. They say: We will reduce that from 226,000 to 161,000. However, the bill actually increases overall family-based immigration by allowing an unlimited number of visas each year for children and spouses of green card holders. It grows the number further by allowing the visas that would have gone to them under the old system to be used by other family-based visa applicants.

The bill also does not change current law, which allows an unlimited number of family-based visas for parents of U.S. citizens each year. One of the largest and fastest growing chain migration categories is parents. According to the Department of Homeland Security yearbook statistics in 2012, 124,210 parents adjusted their status to legal permanent resident through this category.

Canada does the opposite. Canada says it benefits more if they have young people come. They have a full working life, they pay into the pension plans, and that is fine. That works well. But they give less points for older people for the very same reason.

This is a big increase we are seeing there. And the number of merit-based visas pales in comparison to the family-based visas under the bill. So the total number of merit-based visas in this category is much smaller than the family-based visas in this legislation.

For example, the new merits section allows for up to 250,000 a year. These are people who would apply and claim they have certain merit qualities that justify being ranked higher on the list. That is almost exactly the number of petitions that the U.S. Citizenship and Immigration Services currently receives every year in just sibling and married sons and daughters family-based visa category. So the 250,000—the maximum number under the merit system—is almost exactly the same as the number of brothers and sisters and married sons and daughters in the family-based category.

According to the liberal group the Center for American Progress, the annual flow of family-based immigrants will be over 800,000—three times higher than the number of merit-based visas offered each year.

The Migration Policy Institute notes this:

> The Senate bill would lift numerical limits and increase the number of permanent visas issued on the basis of nuclear family ties.

The Migration Policy Institute effectively and correctly notes this:

> The Senate bill would dramatically expand options for low- and middle-skilled foreign workers to fill year-round longer term jobs and ultimately qualify for permanent residence.

So this is a serious matter. Does the bill move to a merit-based system or does it dramatically expand immigration of low- and middle-skilled foreign workers to fill long-term jobs and move to qualify for permanent residence? I think there is no doubt about it. The Migration Policy Institute is correct in that analysis. It would be so good if we had moved a lot further in the merit-based system, but the bill just doesn't.

The bill's proponents also suggest that the bill reduces chain migration by eliminating siblings—brothers and sisters—and married children categories from the family-based visa system. However, the bill awards points in the new merit-based system to siblings and married children, allowing the same chain migrants to receive merit-based visas ahead of many highly skilled and educated merit-based visa applicants. So what I am saying is that the merit-based system gives points, but it also gives points if you have family here—a lot of points.

Proponents of the bill argue that the merit-based system will ensure that more highly skilled and educated aliens will receive visas because the point system favors education, employment, and English proficiency. However, points are also allocated for nonmerit-based factors, such as family ties, civic involvement, and by virtue of being an alien from a country from which few aliens have emigrated. That is sort of like the former diversity visa. The merit-based visa system favors chain migrants over highly skilled and educated applicants by allocating more points to nonmerit-based factors.

Let's look at it. For example, an alien who wants to apply to the United States who has a college degree, a 4-year bachelor's degree, is given 5 points because they have more education. However, an alien who wants to come to the United States can also receive 5 points for simply being a national of a country from which few aliens have been admitted. Also, an alien who is a sibling of a citizen of the United States would receive the same amount of points as an alien with a master's degree—10 points—and 5 more points than an alien with a college degree. So this brother or sister would also receive more points than an alien with 3 years of experience in an occupation requiring extensive preparation, such as a surgeon.

So what I am saying is that through a backdoor way they claim they have a merit system, but, again, vast advantages are given based on family connections. So we could have two people from Honduras apply to come to the

United States. One was valedictorian of his high school class, has a 4-year college degree, speaks English, and is anxious to come to America and go to work, and the other one dropped out of high school, doesn't speak English, and doesn't even have a high school degree. Well, if that one had a brother in the United States, he would be accepted before the more educated student graduate. I think that is wrong.

In tier 2, a brother or sister of a citizen would receive the same amount of points as an alien lawfully present and employed in the United States in an occupation that requires medium preparation, which can include air traffic controllers, commercial pilots, and registered nurses.

But this is only a fraction of the chain family-based migration that will occur over the next 10 years under this legislation because the 11 million illegal immigrants who are given green cards and even citizenship will be able to bring in their families as well over time, and they can be approved on an expedited basis.

For example, there are an estimated 2.5 million who would benefit under the DREAM Act provisions of the legislation. If they came here as children, they get accelerated process; they will be eligible for citizenship in 5 years. Again, that 2.5 million will be able to bring their parents also. DREAM Act beneficiaries will also be able to bring in an unlimited number—without any count—of parents, spouses, and children, and those spouses, children, and parents will get permanent legal status in an additional 5 years and will be eligible for citizenship in 10.

An estimated 800,000 illegal agricultural workers today would become legal permanent residents, green card holders, in 5 years and will then be eligible to bring in an unlimited number of spouses and children. An estimated 8 million additional illegal immigrants who are here today would be given legal status, including recent arrivals from as late as December of 2011. Millions of visa overstay persons will receive legal status and work authorizations.

These 8 million will be able to bring in their relatives as soon as 10 years from now, and those relatives, over time, will be able to bring in spouses, children, and parents. None of those will come in on a merit-based system. They are not depending on their education. They are not depending on their health. They will just be able to come under the rules that will be set forth in this bill.

There are an estimated 4.5 million aliens awaiting employment and family-based visas under current cap limitations. We have 4.5 million who have applied to come, but there are limits on how many people can come per year under the current law. But large parts of those caps and limits will be completely eliminated under the legislation. So an estimated 4.5 million who are waiting now outside of America for their time to come will be cleared over a period of years, not subject to the family-based annual cap, thus freeing room for more family-based migration that would be subject to an annual cap.

Over the next decade the bill would legalize well over 30 million applicants. Colleagues, we need to understand that. Under current law, our processes call for the legalization of 1 million people a year. We are the most generous Nation in the world, but you have to know that if this bill passes, we will be giving permanent legal status to 30 million people in the next 10 years. Over 2.5 million of those people would be through the new merit-based system. So out of 30 million, only 2.5 million would be admitted under the merit-based system, and even among those 2.5 million, many will be admitted because they get extra points for being family members.

But there is a larger issue as well. Median income has declined in America since Congress last considered immigration reform. Income in America for working Americans has been declining. I hate to say it, but it is true. I have seen recent statistics. From 1999 to today we have seen an 8-percent reduction in real take-home pay of working Americans. Some say that for the last 30 years we have had a basic erosion of the salary base of working Americans. That is very serious. Yet this bill roughly triples the annual flow of legal immigrants—largely low-skilled legal immigrants, not high-skilled college graduates—and doubles the flow of temporary guest workers, which is an entirely separate group from the one I have been talking about.

Do my colleagues have any concerns about how this will impact the falling incomes of our middle-class American citizens? Has any thought been given to that? Has anybody considered that if we bring in more people than the economy can absorb, this will create unemployment, place people on welfare and dependency, deny men and women the ability to produce an income sufficient to take care of their families, make them dependent on the State because we simply don't have enough jobs? Well, we don't have enough jobs now. That is an absolute fact. We had an increase in unemployment this last month. We had a decline of 8,000 jobs in manufacturing. The bulk of the increases in jobs was in service industries, such as restaurants and bars, and part-time workers.

We have a serious problem, and our colleagues need to be asking themselves, can I justify this kind of huge increase in immigration when we can't find jobs for current Americans? And what about the millions living in poverty today and chronically unemployed? What about the nearly one in two African American teenagers who are unemployed today? They need to get started in the workforce, but if they have to compete against somebody who came here under a work visa program who is 30 years of age who would be glad to work for minimum wage or lower, they don't have a chance to get started.

Can one of the sponsors explain to me the economic justification for adding four times more guest workers than proposed in the bill in 2007 at a time when more than 4.6 million more Americans are out of work today than in 2007? Can one of the sponsors answer this basic question: How will this legislation protect struggling American workers? How will it help them? Oh, it may help some meatpacker or some large agribusiness. They may get a gain from it. But will it help the millions of middle-class working Americans who need jobs, need pay raises, need to be able to have health care and retirement benefits? I am worried about that. We need to talk about that. Some people are talking about it on the outside, but it is almost not discussed within this Chamber.

Will the flowing of this many new workers raise wages or reduce wages? Will it make it harder for a husband or a wife, a son or a daughter, a grandchild or a granddaughter to get a job at a decent wage? Wages have been going down, unemployment is up—the lowest percentage of people in the workforce in America today since the 1970s. How can we justify this? Somebody needs to talk about it.

We have people who are optimistic. They think we will just bring in millions of people and somehow jobs will accrue, but it doesn't appear to be so.

To whom do we owe our loyalty? To some business that would like to have more labor? Or to the American people who fight our wars, obey our laws, raise their children and pay their taxes to this country—when they are working and can pay taxes? To whom is our loyalty owed? We need to ask those questions.

I appreciate the fact that the Gang of 8 has stated they believe in a merit-based kind of program that would bring in more people and convert our system from low-skilled immigration to a higher skilled immigration. Unfortunately, it makes far too little advancement in that regard. We cannot accept such a meager alteration in our system. Canada went much further toward a merit-based system than we did, and that is what we need to do.

There are a lot of statistics out there that show that an immigrant who comes to America with 2 years of college or more, speaking English, does very well in our country. They tend to flourish, tend to do well financially. They tend to pay more in taxes than they take out. But for those who are less skilled, the opposite is true. It is obvious the Nation should seek to advance its national interest by welcoming more people who have the ability to be successful and flourish in our great country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise to continue this debate on one of the great issues of our time, immigration, the bill that is before us. I thank the ranking member Mr. GRASSLEY for allowing me to jump ahead of him in the

schedule. I have a markup in the Armed Services Committee, and I need to get back.

Let me say that in the next few weeks the Senate will have an opportunity to discuss, clearly and resolutely, America's broken immigration system. Part of that means seeking policy solutions that will not only make our country stronger for decades to come but make our country safer going forward. Partisan politics should not derail the pursuit of an honest and good-faith approach to solving national problems, problems such as our broken immigration system. Americans are right to demand better from their elected representatives, and there is merit in allowing this legislation to proceed in an open and transparent manner.

In doing so, we rightfully recognize that there is widespread and bipartisan consensus for lasting immigration reform. That consensus exists in this Chamber and it exists across the country. For that reason yesterday I voted in favor of cloture on this bill and in favor of the motion to proceed. So here we are, about to consider, I hope, amendments that would improve the bill.

We cannot ignore the reality that there are 11 million undocumented immigrants in America today. We cannot dismiss the economic implications of a failed immigration system. Disagreements are part of the legislative process, and we will have disagreements over the next several weeks on this issue. I do not expect our work on this issue to be seamless, I do not expect it to be easy, but robust debate has always been central to the Senate's function and purpose. We would do well to uphold that proud tradition now. Lasting and effective immigration reform requires a willingness to work on issues collaboratively and constructively—and in a bipartisan manner. An issue of this magnitude that touches on so many aspects of our society and economy cannot be done on a solely partisan basis. We must have a wide, large, bipartisan majority for anything that moves out of this body and down to the House.

I am a long-time supporter of reinforcing our borders, of increasing the number of Border Patrol agents and using surveillance technology to prevent illegal immigrants from crossing into our country. I support policies that come with enforcement and accountability, where those who have broken the law face consequences for their wrongdoing. I believe measures to strengthen employment verification are important to making sure American jobs are held by American citizens and by those who live and work in our country legally.

In my view the immigration bill, prepared by a bipartisan Group of 8 and supported by the Judiciary Committee, is a start but it is lacking in many ways, and I cannot support it in its current form. More should be done to ensure, first and foremost, that our borders are secure. Without this fundamental first step, true reform remains elusive and the problem of illegal immigration will persist.

As we proceed with this bill, I look forward to amendments that would implement a stronger border security strategy, interior security protections, and processes for honest employers to assess employee work rights. A responsible way forward must recognize past failures, and we have certainly seen that—past failures, for example, to secure the border and unfulfilled promises for better enforcement. We need to recognize those failures of the past. A comprehensive plan must include mechanisms to track those who unlawfully overstay their visas just as it seeks to remedy gaps in border security.

Over the course of the past few weeks, Mississippians have contacted my office and spoken to me directly regarding their concerns about whether the bill will offer amnesty; whether it will offer Federal benefits to illegal immigrants. Let me be clear that I will oppose legislation if it grants legal status without penalties or if it issues welfare benefits to individuals who have broken the law to live and work in this country. These individuals should not go to the front of the line, ahead of those who have patiently waited to become Americans.

We are a country of immigrants. Throughout American history people of all nations have recognized the promise of opportunity and freedom in the United States. Legal immigration has sustained and advanced our communities in a positive way. Whether our immigration system is going forward in a way that benefits our society depends on how we act in the coming weeks. I hope we can do so thoughtfully and meaningfully as we seek solutions to a flawed system.

This bill in its current form does not contain the reforms we need. Efforts to amend it should be seen as an opportunity to get a bipartisan consensus of Senators to a ''yes'' vote. They should not be seen as poison pills or as efforts to hurt the process. This bill serves as a vehicle for continued discussion about the future of U.S. immigration policy. We should welcome this debate, and I do welcome this debate. We should confront the challenges of our day in a way that is deliberative and principled.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I suppose when some of us raise a lot of questions about this legislation and point out shortcomings in it that some question our sincerity. When we say we need a piece of legislation, we might be questioned by a lot of people who are listening. That may also sound like we question the sincerity of the Group of 8 when we raise questions about this bill that they worked hard to put together. I don't question their sincerity, and I do believe that legislation must pass the Senate.

There are those of us who have said for such a long time that the system we have is not satisfactory, we cannot maintain the status quo, and we have to be working for a product. All of us in the Senate are working toward a product. There is a difference of what that product should be in the final analysis.

I continue to come to the floor to raise some questions about, not the intent of the authors, but what I think is the practical effect of the legislation by these authors. I come to the floor today to respond to what my friend, the senior Senator from Arizona, said earlier today on this legislation. He is one of those hard-working Senators who have worked hard, hours I am sure I cannot comprehend, to put together this piece of legislation.

Today that Senator argued that poll after poll shows Americans support a legalization process if—and that is a very important ''if''—people pay back taxes, pay a fine, and get at the end of the line, and if we secure the border. I pointed out before that the problem with the legislation before us, as well intended, is that people do not really have to pay back taxes, or a fine, or go to the end of the line, and secure the border. So these polls are being misused if the practical effect of the language in the bill makes it possible that those things may never happen, even though it is well intended that they ought to happen. Nobody disagrees they ought to happen.

I will probably be somewhat repetitive, but I want to remind my colleagues, as I take a few minutes to discuss this, how the authors have tried to sell this particular immigration bill and what I see as false advertising. You see, the American people are being sold a product. In fact that is what politics is, it is a sale of ideas. A political party does not have any reason to exist if it does not have good ideas. Then the idea is to get in a position to put those ideas into effect.

This product is being sold, and I wish it comes out the way they say it does, but I have some questions about that. The American people are being asked to accept a legalization program. In exchange, they would be assured that the laws were going to be enforced. Normally, consumers are able to read the labels of things they are about to purchase. They have to read 1,175 pages to really know what is truly in this bill. Even a quick read of the bill would have many shaking their heads in confusion.

This bill is full of delegations of authority to the Secretary, possibilities for waivers, things of that nature—that really would be well down the road after the President signs legislation that you are really going to know how it is being carried out.

We have all heard the phrase ''the devil is in the details.'' At first the proposal the bipartisan group put forward

sounded reasonable, but we need to examine the fine print and take a closer look at what the bill really does. As I noted yesterday, I thought the framework held hope, but I realize the assurances the Group of 8 made did not really translate when the language of the bill emerged.

They professed that the border would be secured and that people would ''earn'' their legal status. However, the bill as drafted is legalization first and enforcement later, if at all. So I would like to dive into these details and give a little reality check to those who expect this bill to do exactly what the authors promise.

I have on this chart four points that I would like to make and statements that have been made about this legislation.

No. 1, they say ''people will have to pay a penalty'' to obtain legal status. The reality is the bill lays out the application procedures, and on page 972 a penalty is imposed on those who apply for registered provisional immigration status. Those are the words in the bill for legalization. We refer to that as RPI. It says those who apply must pay $1,000 to the Department of Homeland Security.

What is the certainty of getting that $1,000? For instance, it waives the penalty for anyone under the age of 21. Yet, on the next page, it allows the applicant to pay the penalty in installments. The bill says:

> The Secretary shall establish a process for collecting payments . . . that permit the penalty to be paid in periodic installments that shall be completed before the alien may be granted an extension of status.

In effect, this says the applicants have 6 years to pay the penalty. Six years is how long it takes to get RPI status, and at the end of 6 years, they have to extend it.

In addition to the penalty, applicants would pay a processing fee. That level is set by the Secretary. So here we have two instances of excessive delegation of authority to the Secretary. The bill says the Secretary has a discretion to waive the processing fee for any ''classes of individuals'' she chooses and may limit the maximum fee paid by a family.

The bill doesn't require everyone to pay a penalty. It doesn't require anyone to pay it when they apply for legal status. In fact, they may never have to pay a penalty.

No. 2, they say ''people have to pay back taxes.'' Who is going to argue with the fact that people have to pay back taxes to receive legal status? The reality: Members of the Group of 8 stated over and over again their bill would require undocumented individuals to pay back taxes prior to being granted legal status. However, the bill before us fails to make good on that promise. Proponents of the bill point to a provision of the bill that prohibits people from filing for legal status ''unless the applicant has satisfied any applicable federal tax liability.'' Doesn't that sound right? Absolutely it sounds right. As always, the devil is in the details.

There are two important weaknesses with how the bill defines ''applicable federal tax liability.'' The first one is: The bill limits the definition to exclude employment taxes, such as for Social Security and Medicare. For a lot of people, that may be the only taxes they pay, but they don't have to pay Social Security and Medicare taxes.

Second, the bill does not require the payment of all back taxes legally owed. What it requires is the payment of taxes previously assessed by the Internal Revenue Service. Well, there are a lot of problems with the IRS assessing somebody for taxes if they have been in the underground, as an example. In order to assess taxes, it is quite obvious the IRS must first have information on which to base its assessment.

Our tax system is largely a voluntary system, relying on everybody to self-report their income on their tax return. But it also relies on certain third-party reporting, such as wage reporting by employers. That is why we get a W–2 form at the end of every year, so we and the IRS know exactly what we owe and what we paid and so they can figure out what more we might owe or how much we might get back.

If someone has been working unlawfully in this country and working off the books, it is likely that neither an individual return nor a third-party return will even exist; thus, no assessment will exist and no taxes will be paid. Similarly, it is very unlikely any assessment will exist for those who have worked under a false Social Security number and have never filed a tax return. A legal obligation exists to pay taxes on all income from whatever source derived, and nothing in this bill provides a requirement or a mechanism to accomplish this prior to granting legal status.

One of the Group of 8 members in January said:

> Shouldn't citizens have to pay back taxes? We can trace their employment back. It doesn't take a genius.

While it may be a well-intended statement, it obviously meets the test of common sense, but I showed how difficult it is to make that happen. The other side of the aisle, for instance, is going to argue that establishing a requirement for back taxes owed rather than taxes assessed is unworkable and costly. They will also claim imposing additional tax barriers on this population could prevent undocumented workers and their families from coming forward in the first place.

But the sales pitch has been clear: To get legal status, one has to pay their back taxes. So let me provide a reality check. This bill doesn't make good on the promises made.

Let's go to the third item on the chart. ''People will have to learn English.'' The reality: The bill, as drafted, is supposed to ensure that new Americans speak a common language. Learning English is a way for new residents to assimilate. This is an issue that is very important to Americans. Immigrants before us made a concerted effort to learn English. The proponents are claiming their bill fulfills this wish.

However, the bill does not require people here unlawfully to learn English before receiving legal status or even a green card. Under section 2101, a person with RPI status who applies for a green card only has to pursue a course of study to achieve an understanding of English and knowledge and understanding of civics.

If the people who gain legal status ever apply for citizenship—and some doubt this will happen to a majority of the undocumented population—they would also have to pass an English proficiency exam, as required under current law. So, yes, after 13 years, one would have to pass an exam, but the bill does very little to ensure that those who come out of the shadows will cherish or use the English language. The reality is English is not as much of a priority for the proponents of this bill as they claim it is.

The fourth thing on the chart: They say ''people won't get public benefits'' if they choose to apply for legal status.

The reality: Americans are very compassionate and generous people. Many people can understand providing some legal status to people here illegally, but one major sticking point for those who question the legalization program is the fact that lawbreakers could become eligible for public benefits and taxpayer subsidies.

The authors of the bill understood this. In an attempt to show that those who receive RPI status would not receive taxpayer benefits, they included a provision that prohibited the population from receiving certain benefits. There are two major problems with this point in the bill.

First, those who receive RPI status will be immediately eligible for State and local welfare benefits. For instance, many States offer cash, medical, and food assistance through State-only programs to ''lawfully present'' individuals.

Second, the bill contains a welfare waiver loophole that could allow those with RPI status to receive Federal welfare dollars. The Obama administration has pushed the envelope by waiving the welfare laws. If this loophole is not closed, they could waive existing law and allow funds provided under the welfare block grant known as Temporary Assistance for Needy Families to be provided to noncitizens.

Senator HATCH had an amendment during committee markup that would prohibit the U.S. Department of HHS from waiving various requirements and the Temporary Assistance for Needy Families Program. His amendment would also prohibit any Federal agency from waiving restrictions on eligibility of immigrants for future public benefits. But the reality check for the

American people is there are loopholes and the potential for public benefits to go to those who are legalized under the bill.

Again, the devil is in the details, and I hope this reality check will encourage proponents of this bill to fix these problems before the bill is passed by the Senate. The American people deserve truth in advertising.

I want to speak about the provision that deals with the commission. Aside from the claims I just gave on the promises to pay taxes, et cetera, one of the authors of the immigration bill before us stated early on that if the Department of Homeland Security has not reached 100 percent awareness and 90 percent apprehension at the southern border within 5 years, the Secretary would lose control of the responsibility and it will be turned over to the border governors to get the job done.

The fact is the border governors and the commission they serve with are not going to have any power, and that is the point I am going to make. There was a lot of talk about how the Secretary would be pushed to fulfill the congressional mandate to secure the border. I pointed out yesterday how this Secretary said: We don't need to secure the border. It is already secured. But at the end of the day, as far as this bill is concerned, the legislative text doesn't match up with the rhetoric.

The border commission created is not made up primarily of border governors, doesn't have any real power, and the Secretary is not held accountable for not getting the job done. Again, it is false advertising.

The bill states that effective control—and those words ''effective control'' are the legal language in the bill—of the border is the ability to achieve and maintain ''persistent surveillance and an effectiveness rate of 90 percent or higher.'' It defines the effectiveness rate as ''the percentage calculated by dividing the number of apprehensions and turn backs in the sector during a fiscal year by the total number of illegal entries in the sector during such fiscal year.''

First, the bill only states that effective control requires ''persistent surveillance.'' It does not require 100 percent awareness.

Second, there is nothing in the bill that turns over the issue of border security to border governors if the Department here in Washington, DC, is unable to secure the border. The bill provides for a commission to be created if the Secretary of Homeland Security tells Congress she has not achieved effective control in all border sections during any fiscal year within 5 years. The southern border security commission is then created with the primary responsibility to make recommendations to the Secretary. There will be 10 members of the commission. While border States have a seat at the table, only 4 of the 10 members need to be southern border Governors or appointed by them. The members are allowed travel expenses and administrative support. They have to have some knowledge and experience in border security.

The commission is required to submit a report to the President, the Secretary, and the Congress with specific recommendations for achieving and maintaining the border security goals established in the bill. The members have 6 months to come up with a plan to achieve what the Secretary failed to do in 5 years.

The bill does not grant the commission any grand or impressive authorities. The bill simply states that the commission shall make recommendations. Nothing in the bill requires that the recommendations be acted upon or implemented by the administration.

The bill provides $2 billion to the Secretary to carry out the recommendations made by the commission. But, again, there is nothing in this bill requiring the Secretary to take any further action on those recommendations. Why not then give the commission actual authority to enforce border security? Then, if we don't do that, why create the commission at all?

In recent years, we in Congress have become accustomed to outsourcing our work. We have a responsibility to legislate. The executive branch has a responsibility to enact. These are basic tenets of government.

The commission called for in this bill is kind of irrelevant. This administration and any future administration must get the job done, no outsourcing the job to some commission, no excuses. This is so important because we quote these polls, and I refer to the polls the senior Senator from Arizona referenced before he made his remarks. They are all based upon certain propositions. They are well intended, but they do not provide the certainty they are going to be carried out, and legalization is based on that—the same for the polls that say people want the borders secure.

So this commission ought to have some power if the Secretary isn't going to act. But already the Secretary has the responsibility to see that the border is secure. She has testified it is secure, more secure than it has ever been, but I think the facts are that it has not been and we need to do better. For us to sell this bill to the American people, it must be based upon the proposition that the border be secured first and then legalization.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Nevada.

Mr. HELLER. Mr. President, there is very little disagreement about the fact that America's immigration system is broken and in need of reform. For far too long, our immigration system has punished those who come to this country to pursue the American dream and play by the rules while rewarding those who do not respect our laws. As a result, our Nation is suffering. That is why it is important for this body to have an open and transparent amendment process as we move forward on this immigration reform legislation and try to fix what is broken with our immigration system.

No State feels the impact of this broken immigration system more than my home State of Nevada. Nevada is a top destination for travelers all over the world, and it is an international hub through which tens of millions of people pass each year. Our State benefits from the cultural diversity of Filipino, Cuban, Chinese, and Armenian communities, just to name a few, and we are couched between two States that border the country of Mexico.

Las Vegas is known for McCarran International Airport, which sees tens of millions of international tourists each year and is merely a short drive away from Los Angeles, San Diego, and Phoenix. Nevada's unique location leaves it highly vulnerable to our flawed immigration system and open to the exact same problems faced by other southwestern border States such as Arizona, Texas, California, and New Mexico.

Despite the fact that Nevada is, in many respects, a border State that copes with the exact same immigration problems facing a State such as California, this bill in its current form excludes Nevada from the list of States that are eligible to join the southern border security commission. So my amendment No. 1227 would include Nevada with other southwestern border States whose Governors would comprise the southern border security commission.

This amendment ensures the commission created in the underlying bill is fully representative of issues affecting southern border and Southwestern States. Although Nevada does not touch the southern border, its current demographics and State issues are reflective of other southern border States, and Nevada should have a voice on this commission.

The problems of our immigration system are not simply geographic problems of latitude and longitude. They impact my home State in profound ways. I encourage my colleagues to support this commonsense amendment.

As I have said, this immigration reform legislation is important, and we have an opportunity to provide much needed solutions to the problems with our immigration system. But we must also ensure the bill does not make matters worse by creating more confusion and placing heavier burdens on the economy and on the American people.

My home State of Nevada continues to lead the Nation in high unemployment, bankruptcies, and foreclosures. It is absolutely critical that this immigration bill does not hinder Nevada's already struggling economy.

That is why I filed two amendments, amendment No. 1234 and amendment No. 1235, which will help to safeguard

Nevada's recovering tourism industry in a way that meets our Nation's border security needs.

The bill before us mandates the implementation of an entry-exit system that will include a biometric data system for all ports of entry, including the 10 highest volume airports. The implementation of such a system is long overdue in order to comply with current law, but we can take steps to make sure it does not negatively impact international travel.

While I firmly believe we need to process our visitors both in and out of this country safely and securely, it is also essential that this mandatory exit system not cause increased travel delays for international passengers at high-volume airports such as McCarran International Airport in Las Vegas. So I filed an amendment that will require DHS to submit a report to the Homeland Security and Government Reform Committee within 60 days of the enactment of the underlying bill detailing how DHS intends to implement this biometric exit system.

Requiring DHS to outline its implementation plan will provide the necessary guidance and clarity to airports that will first be required to comply with the system as well as ensuring they provide the necessary staffing at these airports in an effort to minimize the impact on the flow of travelers. Additionally, my amendment No. 1235 will require DHS to create a wait-time reduction goal and increase, as deemed necessary by the Department, the number of Customs and Border Protection officers so airports with high volumes of international travelers can process them in a timely manner.

Under this amendment, DHS will be required to develop a viable plan to reduce wait times by 50 percent at airports with the highest volumes of international travelers. Wait times for international visitors at McCarran International Airport in Las Vegas are already significantly high, largely due to a lack of Customs and Border Protection officers. This amendment will help to alleviate these wait times and to reduce the congestion that is discouraging travel and ultimately hurting our economy.

The underlying bill is far from perfect, but as GEN George Patton famously said, ''A good plan executed today is better than a perfect plan executed next week.'' The amendments I am filing today will increase government transparency and help to make sure this bill does not add more confusion to the immigration process, which would only make the problems with our immigration system worse.

I urge my colleagues to join me in that effort by supporting these amendments.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, let me start by complimenting the Senator from Nevada on his concerns with regard to staffing at our ports of entry, airports, and seaports. We have similar challenges, even at our land ports in Texas where legitimate commerce and tourism is taking place but which is being inhibited because of hardship or inconvenience on travelers because of a lack of staffing and infrastructure at those ports of entry.

I have come to the floor to talk about an amendment I intend to offer, which I have discussed over the last couple of days, which uses many of the same standards the underlying Gang of 8 bill does. Let me explain.

Of course, the Gang of 8 represents the Republicans and Democrats who came up with the original framework that then was adopted, by and large, by the Judiciary Committee, which is the base bill we are talking about today. But both the Gang of 8 bill and the results amendment which I will introduce call for the Department of Homeland Security to achieve 100 percent situational awareness of the southern border in 10 years. Both the Gang of 8 bill and the RESULTS amendment that I will offer call for the Department of Homeland Security to achieve full operational control of the border, which is defined as a 90-percent apprehension rate of illegal traffic. Both the Gang of 8 bill and the RESULTS amendment which I will offer call for a nationwide E-Verify system or a system of employer verification so we don't have our employers, small and large alike, having to be the police. We can give them a system that will be easily implemented—cards swiped and the like—which will allow them to determine and satisfy themselves that the worker who presents himself or herself for work is legally qualified to work in the United States.

Both the Gang of 8 bill—the underlying bill—and the RESULTS amendment which I will offer call for a biometric entry-exit system at America's largest airports. In other words, rather than a poison pill—if my amendment is a poison pill as some have suggested—then the Gang of 8 bill itself is a poison pill. But neither is true.

The most important difference between my amendment and the Gang of 8 bill is that my amendment has real border security triggers in place while the Gang of 8 bill has no effective trigger that will guarantee implementation of border security standards that reach the gang's own standards of 100 percent situational awareness and a 90-percent apprehension rate.

The Gang of 8 bill endorses many of the same border security standards that my amendment does, but it also authorizes a permanent legalization program for illegal immigrants regardless of whether the United States-Mexico border is ever secured. In other words, it is another promise Congress is making to the American people, but the American people have no way of knowing whether that promise will ever be kept.

As further indication that truly what I am trying to do in my amendment is consistent with what the Gang of 8 has proposed, here is a quote from the majority whip, Senator DURBIN from Illinois, in January of 2013. He said their bipartisan framework for comprehensive immigration reform—in that bill—a pathway to citizenship needs to be ''contingent upon securing the border.''

But yesterday, as reported in the National Journal on June 11, Senator DURBIN said the gang has ''de-linked the pathway to citizenship and border enforcement.''

What my amendment does is restore this contingency which, if the gang's own standards are met—and I believe they will be—will allow people to transition from RPI status—registered provisional immigrant status—to legal permanent residency if they comply with the other requirements of the law.

My amendment would delay permanent legal status until after we have that 100-percent situational awareness along the border and full operational control and nationwide E-Verify and a national biometric entry-exit system at all airports and seaports where Customs and Border Protection are currently deployed.

Some have said my amendment and the standards in my amendment are unattainable or some say it is just too expensive. Let me answer both of those criticisms. If the standards the Gang of 8 has set itself for situational awareness and operational security are unattainable, then why did they embrace those standards in their own bill? Again, the only difference between my amendment and their initial proposal is that my amendment creates a trigger or a contingency requiring that standard to be met before immigrants who qualify for registered provisional immigrant status can transition into a legal permanent residency status.

It has also been claimed by some of our colleagues, who interestingly were speaking without having actually seen language in the bill, that somehow the cost of my amendment is just too high. The fact is this bill appropriates $8.3 billion to pay into a trust fund that is created by the underlying legislation. On page 872 of the bill, it is called the comprehensive immigration reform trust fund. The initial funding is $8.3 billion.

If my colleagues will simply read the legislation in my proposal, my amendment, the funding for my amendment comes from that same trust fund and does not appropriate any other additional funds. So I am satisfied by merely reallocating those funds in a way that I believe will help the Department of Homeland Security, help Congress, help the U.S. Government make sure we keep our promises to the American people.

Well, you do not need to take my word for it. The Washington Post recently asked a number of immigration experts whether the goals set out in the Gang of 8 bill and in my amendment are, in fact, attainable. One of them, Asa Hutchinson—a name that is

familiar to many of us because he has served as a Member of Congress, a member of the Drug Enforcement Administration, and as Under Secretary for Border and Transportation Security at the Department of Homeland Security—told the Washington Post that the border security requirements in my amendment are both ''reasonable and attainable.'' In fact, Hutchinson said my amendment ''only requires security measures that are attainable in the near future.''

Another expert, Cato Institute scholar Alex Nowrasteh, who is a strong supporter of the underlying Gang of 8 bill, said my amendment is ''very much in the vein of the rest of the bill.'' He also affirmed that it would be, indeed, possible for the Federal Government to attain that 90 percent apprehension rate along the southern border.

As for the biometric entry-exit system and the E-Verify requirements, if a nationwide biometric entry-exit system at our airports and seaports is unrealistic, then somebody should have told President Clinton in 1996 when he signed such a requirement into law.

That is really the problem that my amendment is designed to solve. It has been the law of the land that Congress and the Federal Government implement a biometric entry-exit system for people entering our country and leaving our country since 1996, but do you know what. It has never been done.

After the tragedy of 9/11 where 3,000 Americans lost their lives on that terrible day, the 9/11 Commission itself undertook a comprehensive study of how to stop such a terrible tragedy from occurring again. What they recommended, again, is a biometric entry-exit system. But while the biometric entry system is in place—it is just fingerprints on a fingerprint reader; pretty quick, easy technology, relatively cheap—there has been no implementation at the airports and seaports of an exit system, which would tell us when people have entered legally but then have illegally overstayed their visa, which is 40 percent of illegal immigration.

I would just close on this: On the E-Verify component—this, of course, is the employment verification system—if that is unrealistic, than somebody should have told our friends on the Gang of 8 because the E-Verify language in their bill is identical with my amendment.

But here is the bottom line and the reality: Without a border security trigger, immigration reform will be dead on arrival in the House of Representatives. My amendment provides such a trigger. The Gang of 8 bill does not. That does not mean my amendment is a full-scale alternative to the Gang of 8 bill. But it does mean my amendment is essential to moving this legislation forward and to getting an outcome that ultimately will end up on the President's desk.

I believe we should try to do our best to improve this underlying bill. My amendment is in that spirit because I do believe that the status quo is simply unacceptable, as I believe almost virtually all of our colleagues do. If we do not guarantee results on border security, particularly at a time when skepticism about Washington is at an all-time high, we guarantee the failure of bipartisan immigration reform, and that would be a tragedy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, thank you, and I thank my colleague from Texas for his specifics there, and I know he is trying to make the bill a better bill. I have to say, as I understand it, this is the very same amendment that was defeated in committee. It was defeated by a bipartisan vote of 12 to 6. It was defeated for two reasons.

Let me take a step back. The two reasons are, one, its cost goes through the roof, and there is no way to pay for it in the Cornyn amendment. It is estimated it could be, in the original amendment, as much as $25 billion. Now, maybe the number of border agents was reduced. I do not know if my colleague has done that, but that is a huge expense, and an unnecessary expense because our bill, the proposal that is before us, does a huge amount on border security for much lower cost. Mr. President, $25 billion is a lot of money.

Second, we do have triggers in our bill, but they are achievable and specific because this bill is a careful compromise. We want to do two things. We want to have border security, absolutely. I have always said a watch word of this bill is that the American people will be fair and have a commonsense approach to both future legal immigration and the 11 million who are living here in the shadows provided, and only provided, we prevent future waves of illegal immigration.

We do that in three ways. One is the E-Verify system. We both agree that should be in place before there is a path to citizenship. One is fixing up exit-entry. The way my colleague has fixed up exit-entry, it could take 20 or 25 years before it is in place. We cannot, should not, and will not tell those who have waited in the shadows for so long that they should wait for 25 years. Those are the estimates. We can do this on the ports and in the air, but we need a better system, which we have worked on, for land entry.

Finally, at the border itself, we have put a large amount of money in there. We have been guided by Senators MCCAIN and FLAKE—because the Arizona border has more people passing through it than any other—as to what we should do.

We emphasized the ability to put in new technologies—drones that can track everybody who crosses the border and track them on land. We do it for a lot less money. But, unfortunately, one of the triggers that my colleague, my good friend from Texas, has put in place would make a path to citizenship—even if all the other metrics were put in place—iffy, possibly yes, possibly no. That is unacceptable. We need to do both.

Should there be a new person who comes into office, should there be a different Senate, a different House, under the proposal of my colleague from Texas, not one single person could achieve citizenship, even if we had improved the border in many different ways.

So I would say to my colleagues, we certainly want to improve the border, but we cannot improve that border and put in place triggers that are not specific and achievable. We can measure whether there are 20 drones at the border. We can measure whether we have X miles of fence. But if we say, then, that it has to be at this certain rate every year, we are taking away that path to citizenship, through no fault of those who have tried to implement tougher border security.

So I say to my colleague, we cannot accept his amendment, plain and simple. We welcome proposals on border security. I know there are many on the other side. I have spoken to four or five who are working on those proposals, but the very same amendment, the very same proposal that was defeated in committee by a bipartisan vote of 12 to 6 is not going to revitalize an immigration bill, which has plenty of life already. It is not going to strengthen a bill. It could indeed kill it.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. SCHUMER. So I would urge that we go back to the drawing boards. If the Senator from Texas has a different proposal, obviously, I would look at it. This one is, unfortunately, one that we have tried, rejected, and will not lead to either comprehensive immigration reform in the broader sense or a path to citizenship in the most immediate sense.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am happy to allow a colloquy between the two Senators—questions or otherwise—but I have a consent request that Senator GRASSLEY and I have been waiting to do for some time. So when we complete our work, I would hope the two Senators would engage in whatever conversation they want. I have also been told that perhaps Senator LEAHY, the manager of this bill, may want to say something.

So, Mr. President, I ask unanimous consent that the following amendments be in order to be called up before the Senate: Thune No. 1197, Vitter No. 1228, Landrieu No. 1222, and Tester No. 1198; that the time until 4:30 p.m. be equally divided between the two managers or their designees for debate on these amendments and the Grassley amendment No. 1195; that at 4:30 p.m.

the Senate proceed to vote in relation to the Grassley amendment; that upon disposition of the Grassley amendment, the Senate proceed to vote on the four amendments in this agreement in the order listed; that there be no second-degree amendments in order prior to the votes; that all five amendments be subject to a 60-affirmative vote threshold; that there be 2 minutes equally divided in between the votes, and all after the first vote be 10-minute votes.

The PRESIDING OFFICER. Is there objection to this request?

Mr. GRASSLEY. I object.

Mr. REID. It is my understanding——

Mr. GRASSLEY. Will the Senator yield?

Mr. REID. Yes. My friend has a consent request I understand he wants to propose.

Mr. GRASSLEY. I ask unanimous consent that the pending Grassley amendment be set aside and the following amendments be in order to be called up: Thune No. 1197, Vitter No. 1228, Landrieu No. 1222, and Tester No. 1198; that the time until 4 p.m. be equally divided between the managers or their designees for debate in relation to the pending Grassley amendment No. 1195 and the pending Leahy amendment No. 1183; further, I ask that at 4 p.m. the Senate proceed to vote in relation to the Grassley amendment; that upon disposition of the Grassley amendment, the Senate proceed to vote in relation to the Leahy amendment; that there be no second-degree amendments in order prior to the votes; that there be 2 minutes equally divided in between the votes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, reserving the right to object, I am somewhat surprised at this request. How many times have we heard the Republican leader say on this floor and publicly that the new reality in the Senate is 60? So I just thought I was following the direction of the Republican leader. This is what he said. That is why we are having 60 votes on virtually everything. And with this bill—with this bill—no one can in any way suggest this bill is not important and these amendments are not important.

So I care a great deal about my friend, the ranking member of this committee, but I object.

The PRESIDING OFFICER. Objection is heard to both requests.

Mr. LEAHY. Mr. President, will the Senator from Nevada yield to me?

Mr. GRASSLEY. Will the Senator yield to me?

Mr. REID. Yes.

Mr. GRASSLEY. Well, it is amazing to me that the majority has touted this immigration bill process as one that is open and regular order. But right out of the box, right now, just on the third day, they want to subject our amendments to a filibuster-like 60-vote threshold. So I have to ask, who is obstructing now?

There is no reason, particularly in this first week at the beginning of the process, to be blocking our amendments with a 60-vote margin as required when you suppose there is a filibuster.

Let's at least start out with regular order; otherwise, it really looks as if the fix is in and the bill is rigged to pass basically as it is.

Bottom line: You should have seen how the 18 members of the Judiciary Committee operated for 5 or 6 days over a 2-week period of time. Everything was open. Everything was transparent. There was complete cooperation between the majority and the minority. There is no reason we cannot do that out here in the Senate right now, particularly at the beginning. This is a very provocative act.

Mr. REID. Mr. President, a provocative act? If my friend is so interested in regular order, why have we waited 3 months to go to conference on the budget? On the budget. That is regular order. Now, suddenly, when it works to their advantage, I guess, they want to do away with the McConnell rule. What is the McConnell rule? Sixty votes on everything.

Mr. LEAHY. Mr. President, if the Senator would yield on that point, I was privileged in my capacity as President pro tempore to speak to the graduating class of pages, the group of pages who graduated just ahead of the distinguished group we have here now. There had been discussion about immigration coming up. Then the distinguished Republican leader spoke and went on at great length to the pages about how these important issues must have 60 votes on everything, must have 60 votes on amendments and so forth. I am sure the distinguished Senator from Kentucky would confirm that is what he said. There were 100-and-some-odd people in the room who heard him say it. And here we have offered—the distinguished majority leader has offered to have three Republican votes and two votes by Democratic Senators, all under exactly the same rule, the rule Senator MCCONNELL proposed.

We have talked and given great speeches that we have all given time and time again both in the committee and on the floor. I would like to have votes on something so we can finish this because, frankly, given my choice of spending the Fourth of July week in Washington—salubrious as the weather is—or being in Vermont for the Fourth of July, I would much rather be in Vermont.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I still have the floor. I am sorry we have had this disagreement, but I would say to everybody that there are other ways of having simple-majority votes. If there is an objection to this, we will have to go to that.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I would note that Senator GRASSLEY just offered in a few minutes to commence voting on two amendments in the normal way we proceed. I think that was a very reasonable request. We have to be careful. These amendments represent important changes to a historic piece of legislation. We cannot just throw up a bunch of amendments here at the beginning, when people have not had time to digest them. So I think that as we proceed, we are going to need to be sure that it is not some situation where people are bringing up an amendment and it has to be voted on an hour or so later. People have not had time to fully digest it. I think the offer by Senator GRASSLEY is very reasonable.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, while the Senator from New York is still here, I would like to respond briefly and in a nonconfrontational way. But I would hope that on something as important as this, we are all operating from the same facts and not based on erroneous information or erroneous assumptions.

First of all, my understanding is the Congressional Budget Office has not scored the underlying bill. As I said earlier, on page 872 of this bill, a comprehensive immigration reform trust fund is created, and $8.3 billion is transferred into that trust fund. My amendment uses the same money the underlying bill does to fund the requirements of my amendment.

This notion that somehow having a biometric entry-exit system costs $25 billion is completely detached from any factual information I am aware of. My staff informs me, based on our best estimate, that a biometric entry-exit system at airports and at seaports would cost roughly $80 million a year. We are more than happy to share that information with our colleagues and have them take a look at it.

Further, I know there has been an assumption that somehow there has been a figure of 10,000 new Border Patrol agents mandated in my amendment. That is an incorrect reading of it. The underlying bill calls for 3,500. We plus that up, we do, by not only Border Patrol but also customs and border agents to help facilitate the flow of legal commerce across Arizona, Texas borders, and elsewhere, which creates about 6 million jobs in America.

So I do not mind us having a disagreement about policy. We are used to that. That is fine. I think some of these claims about extravagant expenses are not borne out by the facts. We would actually rely upon the same money that the trust fund created by the underlying bill does.

I would yield to my friend from Arizona.

Mr. MCCAIN. I would ask my friend from Texas, if you are adding additional either Border Patrol or Customs agents in addition to what is already in the underlying bill, where does your money come from? We are talking about personnel costs that are incredibly expensive. So I would ask him

where the money comes from if there is not additional cost. He would have to take it from someplace else.

Mr. CORNYN. If I can respond to my friend, it comes from the same trust fund the underlying bill uses. It reallocates the money and does put some more money toward personnel. One of the problems is that there is so much that technology can do. I am exited about the prospects of technology when it comes to 100-percent situational awareness and allowing the Border Patrol to do a good job. But you have to have border patrol who show up and detain people when they come across illegally. My State has the longest border with Mexico—1,200 miles. Arizona has its own challenges. We have our challenges as well. So we do need more personnel.

But the part that I would think is sort of baked into the underlying bill is that we also need to separate the legal commerce and tourism that is beneficial to both sides of the border. That is part of why the Customs agents who are included in my amendment are also there as well, the theory being—I think it is a good one—if you identify legitimate commerce and beneficial tourism and separate that from the bad guys, then law enforcement can focus more on the bad guys. That is what my amendment attempts to do. It is no additional money.

Mr. McCAIN. You are adding personnel into your version of the bill. The money has to come from somewhere. Where is it coming from? You are saying it is ''reallocated.'' From where is it reallocated?

Mr. CORNYN. It comes in the same trust fund that is created on page 872 of the bill.

Mr. McCAIN. There is a finite amount of money that is authorized. If the Senator takes money from one and adds money one place, it has to come from someplace else. That is simply first grade mathematics. I think it is incredible that the Senator should stand there and say: Yeah, we are adding these thousands of personnel, but there is no additional cost. That is not possible.

Mr. CORNYN. If I can explain to the Senator from Arizona, this is the trust fund created by the underlying bill on page 872.

Mr. McCAIN. With a finite amount of money in it.

Mr. CORNYN. It is $8.3 billion. They allocate some of that money for the purposes set out in the underlying bill. My amendment reallocates some of that same trust fund for other purposes, including additional personnel. There is no additional money. This is an appropriation made in the underlying bill. So I think it is a misunderstanding of what my amendment is.

Mr. SCHUMER. How many extra personnel does he ask for in his amendment?

Mr. CORNYN. The underlying bill calls for 3,500. We ask for a plus-up of another 6,500.

Mr. SCHUMER. Mr. President, it is quite arguable that the entire trust fund is used up by those 6,500. That would mean no drones. That would mean no helicopters. That would mean none of the other things. It may mean no fencing that we add to the border. So my colleague from Arizona is exactly correct.

The cost here—my good friend from his side of the aisle, Senator GRAHAM, estimated this morning that the total cost would be $18 billion. I think if you add a type of land-based exit-entry, it goes up another $7, $8 billion. We do not have that kind of money.

So I would suggest to my colleague that if he wants to add 10,000 Border Patrol—which most experts have told us will not do close to as good a job as the drones and the helicopters and the more mobile assets. And the reason is very simple. He knows as well as I do. He knows the border better than I do. We do not have roads on most of the border. What is Border Patrol going to do? There are no roads. They are impassable. A drone flying 10,000 feet above can see every person who crosses the border, track them inland, and if they go to a gathering point 25 miles inland, they pick them up there.

So the bottom line is that not only is the cost of this amendment probably exceeding the trust fund by itself, but it will take a highly efficient way of preventing people from crossing the border and replace it with an inefficient way that no experts I have talked to—again, maybe my colleague has—no expert I have talked to says the best way to control people from crossing the border illegally—which I desperately want to do—works better with a huge amount of personnel, unallocated. We do not even know—if I ask my colleague where they are going to be assigned, which sector, where they are going to work, I bet there is no answer to that.

The bottom line is very simple. We have carefully thought this through. We think we have maximized the effectiveness for about one-third of the money our colleague is talking about. It is only one of many reasons this amendment was defeated by a bipartisan group, a majority in committee.

So let's move on. Let's move on. Let's look at how we can make the border more secure. I am open to that. But this amendment, as I said, for a variety of reasons is a nonstarter.

Mr. CORNYN. Mr. President, what is this—the third day this bill has been on the floor? There has been no scoring of the bill by the Congressional Budget Office, so no one knows what the official scorekeeper of the Congress has to say about this bill. But I would say that my amendment does not appropriate any additional money other than the money in the bill. Indeed, this leaves it up to the Department of Homeland Security within 120 days to render a plan, and then under the underlying bill, you can transition after 10 years from RPI status—registered provisional immigrant—to legal permanent resident by substantial completion of a plan we do not know anything about.

I mean, I do not think we are the experts in how exactly this should be done. I would hope that technology, which I think is fantastic—what answers that may provide to us 10 years hence in terms of how to accomplish the goals. But to suggest that somehow this legislation, which I have complimented on numerous occasions that it represents a substantial step in the right direction—to say that we cannot touch it, we cannot change it because eight Senators got together and decided what it should be, is preposterous. That is exactly what we are supposed to do. We ought to have a regular process to debate it and vote on it. But we should not be sort of suggesting ''been there, done that; you had your shot in committee'' and then not allow this process to move forward.

I do not think we are all that far apart if we will stick to the facts and stick to the text of the bill. But we should not make things up, particularly on the order of $25 billion. I do not know where that came from. I know there was a suggestion that my amendment called for 10,000 new Border Patrol agents. That is not in the bill. So let's stick to the facts.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I would just say this: No, 1, this amendment—we are only on the third day of the bill. I have said over and over that I welcome suggestions on how to improve the bill. No one says the bill by the Gang of 8 is exactly right. In fact, as Senator LEAHY well knows—our chairman of the Judiciary Committee—we accepted a large number of amendments, many of which came from the other side, in committee. We will do the same thing here. But this particular amendment is not 3 days old.

Mr. McCAIN. Will the Senator yield? Is it not true that whether or not it has been scored by CBO, the legislation calls for the expenditure of certain amounts of money—in other words, about $6.2 billion, I believe? So if it calls for the expenditure of a certain amount of money and it designates what that money is for, and if you are going to add thousands of Border Patrol agents onto it, then it seems logical that is going to cost more money.

Mr. SCHUMER. It is hard to refute the logic of my friend from Arizona.

Mr. McCAIN. May I finish my question? Is it not true that we have said: Look, we welcome any suggestion to improve the bill.

I would say respectfully to my friend from Texas it is not true that this is written in golden tablets. In fact, the Senator from Ohio, who is coming here, is going to have some suggestions for improvements on the exit-entry visa, which I think will make the bill much better.

Isn't it true that somehow to allege that we said there could be no changes is patently false?

Third, isn't it true this amendment would break the agreement that was a hard-fought agreement? We are willing to compromise and make agreements in certain areas but not to a bill that billions and billions of dollars are added to, especially in the area of personnel, when we have gone from 4,000 members of the Border Patrol several years ago to 21,000. We are adding National Guard to the border.

Personnel is not the challenge, whether it be the Texas border or the Arizona border, what the challenge is, is to use the technology that is existing so we can surveil and intercept. That is what this bill is all about; is that true?

Mr. SCHUMER. I thank my colleague for those questions, and they are all pretty obvious.

No. 1, we have costed this out. CBO will judge whether we are correct. We have made the bill revenue neutral. In fact, we have a slight surplus. The huge cost of 6,500 border agents without any allocation where they would go—do you know what. If this were another bill, my colleague from Texas and all of his colleagues would say we are wasting billions of dollars with no plan. He is exactly right on that point.

On the second point, I have said, until I am blue in the face, sometimes from some criticism from some of the people who are my allies out there, that I am willing to look at changes in this bill. It is so unfair and patently false to say any one of the Group of 8 said we can't change the bill. We welcome changes to improve it. What happened in committee proves that.

The third point, I would say to my colleague, the way the Senator from Texas constructs the trigger, there will be no one who will ever achieve a path to citizenship because he leaves out turnbacks. If we don't have turnbacks—the 90 percent causes us trouble even with the way it was done in other areas, with other suggestions. If we leave out turnbacks, people who are turned back or caught, and we say go home, we will never get to 90 percent.

To say the proposal of the Senator from Texas allows a path to citizenship—it makes it virtually impossible. Therefore, again, I would say I wish to improve border security. I am open to suggestions. I wish to improve this bill in every area. I know my colleague from Arizona, my colleague from Colorado, my colleague from Illinois, the rest of us welcome that, and we have shown it time and time again.

This amendment, I don't think, advances moving the bill forward. It doesn't work on border security because of its expense, its lack of specificity, and it is taking away the very technology we need. It doesn't create a path to citizenship in any way. It doesn't allow one.

Finally, its cost is through the roof. Whatever CBO says, 6,500 new border agents is a multibillion-dollar proposition, unpaid for. I know my colleagues on the other side rue the day when we vote for unpaid-for obligations.

Mr. LEAHY. Will the Senator yield for a question?

Mr. SCHUMER. I yield to the Senator from Vermont.

Mr. LEAHY. There has been some discussion about whether this might be a closed thing, and the eight Senators came together on this and did a tremendous job. There were four Democrats and four Republicans putting it together. They were saying it was closed. Isn't it true that when the bill came to the Judiciary Committee, isn't it true there were 301 amendments filed in the committee?

Mr. SCHUMER. That is exactly the right number, as I recall.

Mr. LEAHY. Isn't it true that 136 of those amendments were then adopted?

Mr. SCHUMER. My count is exactly the same.

Mr. LEAHY. Forty-nine of those amendments were proposed by Republicans; is that not correct?

Mr. SCHUMER. We are so proud of that fact, Mr. Chairman.

Mr. LEAHY. Isn't it possible to say that of the eight Senators we have talked about, four of them, two Democrats and two Republicans, serve on the Judiciary Committee? They were helpful in voting for most of these changes that were changes to the original; is that not correct?

Mr. SCHUMER. I agree. That is the right count. There were four of us there, and we did just as the chairman said.

Mr. SESSIONS. Would the Senator yield for a question?

The PRESIDING OFFICER. The Senator from New York controls the floor.

Mr. LEAHY. To finish putting my question to the Senator from New York, I wish to make sure, because I thought I heard some comment that this was a closed process, and I appreciate that the Senator from New York agreed it was anything but.

Mr. McCAIN. May I be recognized.

Mr. SCHUMER. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. The Senator from Ohio is working on E-Verify. I think he has come up with some very good ideas on how we can improve a vital part of the bill; that is, verification of someone who applies for a job. That is the magnet that draws people across the border.

Again, we look forward to those kinds of improvements and many other suggestions that have been made.

How you can manufacture 3,500 new personnel and say it doesn't add to the cost and it will be reallocated, I want to know where it has been reallocated from.

Mr. SCHUMER. I thank my colleague, and I agree with the sentiments.

I reiterate one final point. The Cornyn amendment, as proposed, asks for a 90-percent success rate in terms of effectiveness on the border, but it eliminates the turnback part of it.

That would mean now that it would be virtually impossible to get to that 90 percent 1 year from now, 5 years from now, 10 years from now, because one of the most effective things we do on the border is turn people back. We don't catch them after they cross the border. They get up to the border, we find them when they get to the border and say go home.

It fails on both counts. It has been debated. It has been studied.

I would plead with my colleagues who want more border security: Let's move on.

The Senator from Utah has amendments on taxes and on benefits. The Senator from Ohio has amendments on E-Verify. Many of my colleagues have amendments on many other issues. We are open to debate and discussion on the core principles that the eight of us agreed to. That is an agreement among the eight of us, and the rest of you can disagree with that—we think most of you will agree with those core principles. So be it. Aside from the basic core of the bill, we welcome changes, suggestions, and improvements. We look forward to a healthy debate.

To bring up an amendment that has been rejected and basically turns things on its head, because there will be no path to citizenship for anybody, and because you are just sort of, if you will, with all due respect, throwing money at a problem without specificity as to where the money goes, that doesn't move the debate forward.

Mr. McCAIN. Will the Senator yield for one more question?

Mr. SCHUMER. I yield to my colleague.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. I hope the Senator from New York understands what the Chief of the Border Patrol said on this issue of 90 percent effectiveness. We are going to hear this over and over.

In a hearing on February 26, 2013, at a House Homeland Security Committee hearing, the Chief of the Border Patrol—not the Secretary of Homeland Security—said:

> First of all, 90 percent wouldn't really make sense everywhere. . . . We put 90 percent as a goal because there are sections along the border where we have not only achieved, we've been able to sustain 90 percent effectiveness. So it's a realistic goal but I wouldn't necessarily and just arbitrarily say 90 percent is across the board because there are other locations where there is a lot less activity and there won't be a lot of activity because of terrain features, for instance.
>
> So where it makes sense we want to go ahead and start parsing that out within those corridors and within those specific sectors.

That is why we think that what we came up with in this legislation is effective control, 100 percent surveillance, and the use of technology, which

I am confident will give us a border that all Americans can be happy with. No border is ever going to be sealed. Anybody who stands in this body and says if you want to hire 10,000, 20,000 or 50,000 more Border Patrol agents, you still aren't going to secure the border completely.

We can have effective control of that border, we can have 100 percent surveillance, and we can get the border to the point where American people can have confidence in it while we move forward with the rest of the legislation.

I thank my colleague.

Mr. SCHUMER. I thank my colleague.

Reclaiming the floor for a brief minute, I know my colleague from Utah has been offered time to speak on his proposal, so I don't want to take too much more time.

I wish to say once again that we welcome suggestions. The Senator from Arizona is right. We carefully looked at the border. This wasn't fly-by-night. Every one of us, certainly not only myself, wants to see that border as secure as possible.

It so happens that 6,500 more Border Patrol agents, if you asked the experts, they wouldn't know what to do with them. Large sections of the border have no roads, have no way to station Border Patrol agents there; whereas, helicopters, drones, and mobile forces work.

It was my colleague from Arizona who actually taught me that on a trip to the border. He used his military expertise to help us figure out the most effective way to seal the border effectively.

When I hear of the amendment from my colleague from Texas, I don't get what the logic is behind it, frankly. I certainly don't get the logic on his trigger.

It is fair if we want to make sure the border is secure, but if we use triggers—as some might, and I am not saying that my colleague from Texas intended that—but if triggers become a way to avoid a path to citizenship—without saying directly I want to avoid a path to citizenship because I don't want to vote for it—that is not going to work and we will not move forward.

This Nation desperately needs us to move forward as Democrats and Republicans together. Let's continue the bipartisan spirit we have had. Let us move forward together to make this bill better, make our country proud of us, and keep America the leading power economically and every other way.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Utah is recognized.

Mr. HATCH. May I ask unanimous consent to ask that the Senator from Ohio, without losing my right to the floor, if he has something he wanted to do—I didn't mean to jump in front of him, but I was told I could appear here at 4 o'clock.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. The ranking member of the Finance Committee, member of the Judiciary Committee, I was told I could speak even before that, but then the majority leader came out to the floor to do some important business, and I was put back. I have about 5 or 10 minutes in which I would like to talk about E-Verify, as indicated earlier, and border security.

I would defer to my colleague as long as my other colleagues would allow me to speak after that.

Mr. HATCH. I thank my friend from Ohio. I am happy to proceed. I appreciate that.

I would ask unanimous consent that the Senator from Ohio may speak and give his remarks immediately following mine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I wish to take some time today to talk about immigration before us, its flaws, and what needs to be done to fix it.

I first wish to note that I voted in favor of reporting this legislation out of the Senate Judiciary Committee. I worked in good faith with my colleagues to secure the inclusion of provisions addressing things such as high-skilled immigration and a new agricultural visa program. Indeed, throughout the Judiciary Committee process, I was a willing negotiator on many important issues surrounding this bill. In general, I am in favor of immigration reform, and I wish to see this bill succeed.

I also wish to commend my colleagues for their work on this legislation so far. Up to now, I think that process has been fair. It has been transparent, and, I believe, bipartisan. I hope that will continue now that the bill is on the floor.

It is important we continue to work on a bipartisan basis because the bill is far from perfect. One can't look at it without knowing that. In my view, there are a number of issues that need to be addressed before this legislation is ready for final passage.

During the Judiciary Committee's consideration of S. 744, I introduced four amendments on issues that fall under the jurisdiction of the Senate Finance Committee. At that time I stated that my continued support for the bill is contingent on whether those issues were addressed before final passage. Today I will file similar amendments here on the floor, with the hope I can work with my colleagues to address these concerns.

I want to say upfront that, despite what will likely be several claims to the contrary, these are not poison pill amendments. I have no desire to weaken the bill or to threaten its prospects for final passage. Indeed, I think my four amendments will make it easier to pass the bill with strong bipartisan support, not only here but in the House.

Senator RUBIO, a member of the Gang of 8, is a cosponsor on these amendments. I appreciate his willingness to work with me on these important issues. He has been the one singular person, in my opinion, who has had an open mind and has been willing to work on these issues with both sides. He deserves a lot of credit for this bill, but he knows it is not perfect, he knows it is not there yet. I know he wants to do the right thing. I can only hope other proponents of this legislation will be willing to do the same.

Each of my amendments is designed to ensure illegal immigrants applying for a change in status are not awarded special privileges and benefits under the law. I don't want to punish these immigrants, I simply want to make sure they are treated no better or worse than U.S. citizens and resident aliens with respect to Federal benefits and taxes.

Let me take a few minutes to describe each of my amendments.

My first amendment is designed to ensure compliance with Federal welfare and public benefits law. As we all know, last July, during the height of the Presidential campaign, the Department of Health and Human Services issued an information memo to States allowing them to waive Federal welfare work requirements. We now know that HHS attorneys have concluded the HHS Secretary has the authority to waive almost any prohibitions on Federal welfare spending that exist under current law—certainly a false interpretation.

Under a longstanding provision of Federal welfare law, noncitizens are banned from receiving cash welfare assistance for their first 5 years in this country. Under S. 744, that 5-year ban is extended to registered provisional immigrants, or RPIs, and blue card holders. However, under current interpretations of the law by HHS, the Department could choose at any time to ignore this restriction and offer welfare benefits to these groups of noncitizens. My amendment would simply clarify the law to make clear the Obama administration does not have the authority to allow States to waive these longstanding restrictions and ensures welfare benefits are not offered to noncitizens as a result of this bill.

As I stated, this is not punitive. This is not designed to punish any illegal immigrant seeking a change in status. It is, instead, designed to preserve the balance that exists under current welfare law.

Some critics of the underlying bill have claimed it will allow illegal immigrants to receive welfare benefits, and when you couple the bill with HHS's recently claimed waiver authority, these critics actually have a point. My amendment would protect the bill from this type of criticism. That is a step in the right direction. I think it will bring people onto the bill.

Let me make one thing clear: No one who is currently eligible to receive welfare benefits will be denied them as a result of this amendment. Instead,

this amendment does something we should have done long ago, which is to assert the prerogatives of the Congress in the face of executive overreach. There is no question that with its information memo permitting States to waive Federal welfare work requirements the Obama administration overstepped its statutory authority. We now know officials in the administration were working through ways to circumvent key features of welfare reform for years, including how and on whom Federal welfare dollars can be spent. So we know they believe they can allow States to spend Federal welfare dollars on noncitizens, and I don't think it is far-fetched to conclude that at some point they will allow States to spend Federal welfare dollars on noncitizens.

Congress needs to act to prevent this and future administrations from engaging in this type of overreach. That is the purpose of my amendment.

My second amendment would apply a 5-year waiting period for immigrants to become eligible for tax credits and cost-sharing subsidies under the Affordable Care Act—or the so-called Affordable Care Act. Under current Federal law, most lawful permanent residents or green card holders must wait 5 years before they are eligible for most means-tested benefits, including Medicaid and TANF—the Temporary Assistance for Needy Families. However, the bill does not apply this 5-year waiting period to the premium credits and subsidies offered under the Affordable Care Act.

True enough, the bill does not allow RPIs and blue card holders to access these benefits. But once they become lawful permanent residents, they can access them immediately. This is a serious oversight that essentially creates a carve-out for the Affordable Care Act and a huge expense to this government. My amendment would correct this oversight and put the Affordable Care Act subsidies in the same class as other Federal benefits.

This is only fair. After all, even those who were U.S. citizens at the time the health law was passed have had to wait nearly 5 years for the law to go into effect so they could access these credits and subsidies. Those who would, under this bill, be placed on a path to citizenship should be required to do the same.

The amendment also prevents nonimmigrants who are not on any path to citizenship from accessing these benefits. My gosh, anybody in this body should want that. Under the bill, a ban on Affordable Care Act benefits is applied only to RPIs and blue card holders but not to nonimmigrants. My amendment would extend the ban to nonimmigrants.

Let me repeat that. Under the bill, a ban on Affordable Care Act benefits is applied to only RPIs and blue card holders but not to nonimmigrants. My amendment would extend the ban to nonimmigrants.

Once again, my goal with this amendment is not to punish any immigrant applicants or deny them benefits they might be entitled to under the law. I simply want to ensure we are not creating a new class of people with special access to Federal benefits. We can prevent that by imposing the same waiting period on Affordable Care Act subsidies we place on other federally means-tested benefits.

My third amendment would help to preserve the Social Security system. Under current law, for a worker to be eligible for Social Security benefits they must be classified as ''fully insured'' or ''permanently insured.'' To be become insured, a worker accrues quarters of coverage during the years they work in the United States. S. 744 is unclear as to whether it would allow an illegal immigrant who obtains a change in status to claim years of unauthorized employment to determine their eligibility for Social Security benefits.

Indeed, this bill is entirely silent on this matter. Once again, this is a glaring oversight in the legislation that needs to be rectified in order to preserve the integrity of the Social Security system. My amendment makes it clear no periods of unauthorized employment can be counted in an employee's quarters of coverage and, thus, they cannot be used to determine eligibility for Social Security.

This is not a matter that can be simply overlooked. If someone was not authorized to work in this country but made the calculated decision to work anyway, using a made-up or stolen Social Security number or if someone overstayed their visa and worked anyway, they should not have been working and paying into the Social Security system. Consequently, they are ineligible for benefits until they become citizens.

Once again, there is nothing punitive involved with this amendment. It only ensures we do not reward past unlawful activities. Once they are lawful, under this bill, they can participate but not for past unlawful activities. That is like rewarding people for doing wrong and disobeying our laws and ignoring the obligations that come with living in the United States of America. And it is a punch in the face to every law-abiding citizen who has been making these payments. The amendment provides the fairest and most workable path forward.

My fourth and final amendment is the one that has garnered the most attention, as it should, in some ways. I think all three of these amendments have been very important and will be very important in this debate, and I am certainly hoping my colleagues on the other side will recognize that and help to pass them. But this fourth amendment would modify provisions in the bill relating to back taxes to include all income and employment taxes owed by immigrant applicants.

For the past few months, proponents of this legislation, including members of the so-called Gang of 8, have been claiming that, as a condition of being put on a path to citizenship, illegal immigrants will be required to pay back taxes. This claim was repeated in the Halls of Congress, on Sunday morning talk shows, and in casual conversation. This was a promise made as a chief response to arguments the bill would provide amnesty for illegal immigrants. However, under the current draft of the legislation, this promise goes largely unfulfilled.

The bill currently states illegal immigrants cannot apply for a change in status unless they have ''satisfied any applicable Federal tax liability.'' While that is all well and good, under this standard immigrant applicants will not be required to pay any portion of their back taxes owed to any part of their U.S. residency unless the IRS has already made a tax assessment. This will only occur in the very rare case where the IRS has already audited an immigrant applicant and found a tax deficiency. Put simply, very few people will be required to pay back taxes under this provision.

My amendment would require RPI applicants to demonstrate they either have no obligation to pay back taxes or to actually pay the back taxes they lawfully owe. It also requires them to remain current on their tax obligations once they obtain the change in status.

Once again, this is only fair. Some may claim it is punitive, but that is absurd. Is it punitive to ask immigrant applicants to live up to the same standards and requirements imposed on citizens and legal residents? No.

When a citizen decides to leave the United States and renounce their citizenship, they often face taxes on income earned in the United States and on any gains from appreciated assets. Is it punitive to apply a similar standard for those seeking U.S. citizenship? Think about that: When a U.S. citizen decides to leave the United States and renounce their citizenship, they often face taxes on income earned in the United States and on any gains from appreciated assets. That is not punitive. The answer, of course, is that it is not punitive.

My amendment would not punish any immigrant applicants. It would simply ensure they pay no more and no less than U.S. citizens and resident aliens in the same economic position.

In addition to claims that requiring the payment of back taxes is punitive, some have already claimed it would be impossible to enforce because the applicants won't be able to determine what they owe in back taxes. This too is extremely misguided. The IRS is well experienced at estimating the tax liabilities for people who, for whatever reason, lack the records that normally support a tax return. They do it for U.S. citizens. Why can't we do it for people who now want to be on a path for citizenship but who haven't played by the rules? It just makes sense. Using bank records, credit card statements, housing records, and other evidence of an individual's lifestyle, the

IRS is able to construct returns and estimate tax liabilities for nonfilers who are U.S. citizens and resident aliens. The same process can be used for immigrants looking to certify they no longer owe any Federal taxes. That is not a tough thing to do. It is something they do every day at the IRS.

It may very well be that a number of these people didn't make enough money to pay any taxes anyway. But they should at least have to be honest about where they stand, and they should at least have to do what regular citizens in this country have to do. We are not asking anything more or less than that.

In the end, the only way proponents of this bill can escape the label of amnesty is to ensure immigrant applicants fulfill all their legal obligations and they are not accorded any special treatment. We are talking about amnesty here. This is the way to get rid of amnesty and to pass this bill. You simply cannot do that without requiring they pay any taxes they still owe for income they earned during their U.S. residency.

I think the authors of the bill know this because, once again, they have been claiming the bill requires the payment of back taxes for months now. My amendment would simply fulfill the promise they have already been making. Let's get it right. Let's not play games.

What is more, if we put this amendment into effect, we would be reducing the tax gap. As you know, the tax gap is the difference between what is actually paid to the IRS and what taxpayers owe under the law. The most recent tax gap estimate we have is from 2006, when the tax gap was approximately $385 billion for a single year. A number of my colleagues on both sides of the floor talk a lot about closing the tax gap. My amendment would take significant steps toward doing just that.

As I said at the outset, my amendments are not designed to punish immigrants who come forward out of the shadows, and they are not designed to poison the well for immigration reform. My aim throughout this process has been to improve the bill.

I believe we are engaged in an important effort, but we have to do things the right way. I made that effort during the markup of this bill. I didn't bring these four amendments up because they were Finance Committee amendments and probably would have been ruled out of order in the Judiciary Committee, and I agreed with my colleagues on the other side of the aisle to defer until the floor. Now, all of a sudden, I am finding there are roadblocks being put up on these very simple amendments.

Too often over the past few years the Senate majority has opted to ignore opportunities for bipartisan cooperation on issues of great importance. When the Senate first took up immigration reform, proponents of the bill said they were hoping to get at least 70 votes in the Senate. I said at the time that was an important goal, that we needed to get at least that many votes to send the right message to the House of Representatives. However, this week there are indications from the Democratic leadership that they are willing to set these goals aside if they just get 60 votes. Well, guess where that is going to go with the House. If we get 70 votes, that puts pressure on everybody involved in this matter. And I think we can get 70 votes.

According to news reports out just today, two members of the majority leadership have indicated that they don't want to make too many concessions to conservatives in order to get Republicans on board. Instead, they just want to focus on getting to 60 votes. Needless to say, I think that would be a serious mistake. I think there are a lot of people on this side who would like to vote for a final bill, but they are going to need amendments like these that are basically simple, nonpunitive amendments that make sense, that basically show we are not for amnesty.

Immigration reform is too big to be done by just one party, and it can't be done with the support of just a small handful of Republicans. As courageous as those Republicans have been, as far as I am concerned, it is going to take Members of both parties to put together something that can not only pass but also something that will work once it becomes law.

We do have an opportunity to come together here on something that will make a real difference for a lot of people; something that, if done correctly, can do a lot of good. I hope we don't waste this opportunity in favor of yet another political exercise.

Once again, I want to support this legislation, but I am not going to if we don't do commonsense things like this, and I am laying down the gauntlet. I want immigration reform to succeed. These amendments will help it to succeed not only here but in the House of Representatives as well. But unless we address these four issues I have outlined today—and there are others, but these are the ones I have decided to bend my plow over—unless we address these four issues, I believe the bill is designed to fail, if not here in the Senate then in the House of Representatives. And it will deserve to fail, as far as I am concerned.

Most importantly, if we don't address these issues, the bill will not be able to be implemented in a fair and equitable way, and I think the American people would be justly outraged.

I know there are some who don't really care about these important issues. I just urge my colleagues on both sides of the aisle to support my amendments—I think it is critical that these amendments pass—or work with me to find ways that I can please both sides. But I believe they are pretty straightforward amendments.

I was promised by leaders in the Gang of 8 that they would work with me, that they would help me get these things done. I consider those promises to be very important. Yet I have had some indication over the last few days that maybe they are not going to work with me. I don't think anybody has acted in better good faith than I have. As I have said, I would like to support the bill.

And make no mistake about it, I don't want people stiffing me on things that I consider to be important without even talking, without even working with me to resolve any problems they may have. I am not the kind of guy who takes that lightly. I think there is too much partisanship around here anyway.

Frankly, if you could pass this bill with these amendments, I think it would go a long way to showing not just four Republicans on our side who are courageous, as I think are the four Democrats in the Gang of 8. But they are not the only ones who should support this bill if it is done right.

If this is going to be a political exercise, count me out. If this is an exercise to really try to resolve the amnesty issues, if it is an exercise to really try to resolve these critical issues, I can be counted in. Maybe I don't mean that much in this debate, but if you look at some of the major sections in this bill, I have worked them out, and I will help work out this bill not only with colleagues on this side but with colleagues on the other side of Capitol Hill. But I don't want to be stiffed at this time, and I am not the kind of guy who takes stiffing lightly.

I see some real politics at work here rather than the kind of fair working together that we have to have and that we have to start working toward if we want to really accomplish things that need to be accomplished during these next 3½ years.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Ohio is recognized.

Mr. PORTMAN. Mr. President, I would like to join in the debate on immigration reform, and I think my colleague from Utah who just spoke makes a couple good points—one on the substance of the legislation and the need for us to be concerned about what the eligibility is, particularly as it relates to Federal benefits, to go to a legal status, but second about the process. I do hope the process can be an open one.

Not all of us are in the Gang of 8. Not all of us are on the Judiciary Committee. A number of us have what we think are improvements to this legislation to make sure that it does work and hope that there will be an openness to that over the next couple of weeks as we take up this legislation. It is my hope that, working constructively in a bipartisan fashion, we can address some of what I see as shortcomings in this legislation.

I do believe our current immigration system is broken. I think it is far too easy for people to cross our borders illegally and too easy for folks to find work without authorization. I think it is also too difficult for those who seek to come here in accordance with the law. So both the legal and the illegal part of our immigration system need fixing. It can't keep up with the demand for legal immigration or stem the tide of illegal immigration. So I think reform is essential.

As it stands now, however, I am concerned that the legislation will not provide the country with a lasting workable solution. Like a lot of my colleagues we just heard from today—Senator CORNYN talked about this, Senator HATCH talked about it, and others have talked about it today on the floor—I remain concerned about a few things. One is the eligibility for Federal benefits. Senator HATCH talked about that. But for me, a lot of it comes down to meaningful enforcement of our laws, including on the border, which is very important, also entry-exit, as Senator MCCAIN talked about, but significantly workplace enforcement. This is one area in particular that I believe must be addressed in order for us to have a successful implementation of the bill. Particularly, I would like to focus my comments today on what is called employment verification, or the E-Verify system.

When we talk about strong enforcement measures, we hear a lot of talk about the border, and we heard a lot of discussion about it earlier today, and that is important. It is important to have a secure border for a lot of reasons, including the movement of guns, drugs, certainly terrorism, as well as immigration. But I don't believe that border security alone will address the problem. Why? Because so many people enter here legally but then overstay their visas. It is estimated that 40 percent of those who are here illegally are here because they overstayed their visas. So we are not going to solve that problem at the border.

Second, I believe that no matter how many miles of fence we build or how many Border Patrol agents we put side by side along the border, as long as there are people wanting to come here for economic reasons—and I believe economic incentives are the primary reason people come to this great country—I think it is going to be very difficult to stop illegal immigration just at the border. We have to deal with the jobs magnet, which is why people are coming here.

This, by the way, has been a discussion over the years going back to the 1980s. The 1986 act talked about the jobs magnet and the need for us to have an effective—at that point it was called the employer sanctions system. It was never put in place. That is one reason the 1986 act did not work. It has been in the debate for decades, and yet we haven't fixed it yet.

My belief is that the underlying bill still needs to be improved in this regard. Our current employer verification system has simply failed to address some of the very fundamental problems of having unauthorized workers. So effective employment verification is essential to the successful completion of this legislative process and to having a successful comprehensive immigration reform bill that prevents future illegal immigration.

Simply put, whatever reform we may adopt in this Congress will fail in the long run, in my view, if we don't eliminate the enticement to come to our country to work. I believe we must have a strong and workable E-Verify system that can help solve this basic problem.

Ideally, E-Verify would enable all employers to be able to, first, verify accurately and efficiently the identity of new employees and, second, ensure their work eligibility. By ensuring that only authorized job seekers get hired, we can begin to remove the jobs magnet that, frankly, as I said earlier, undermined the 1986 reform effort and left us in the situation we face today where we have over 10 million people working and living in the shadows here in this country.

Ultimately, I believe the E-Verify system contemplated by this legislation falls short but could be improved. While no verification system is perfect, the bill we are now considering mandates nationwide E-Verify implementation while doing little to address the fundamental flaws we have seen in E-Verify. There is a recent study that estimates that E-Verify has an error rate for unauthorized workers of 54 percent. That means half of the folks who are not authorized to work who go through E-Verify are able to be qualified anyway. In other words, the E-Verify system is not working to detect more than half of the unauthorized workers.

In implementing the mandatory E-Verify system, we have to do more to strengthen the protections against the fraudulent use of identifiers—particularly the Social Security cards and Social Security numbers in the employment authorization process—and we need to improve individuals' data privacy protections in that process. The proposal before us attempts to address some of these problems through what is called a photo-matching tool. This tool is designed to allow employers to compare a digital photograph from the E-Verify system with the photo on a new hire's passport, immigration document, or driver's license.

Unfortunately, the verification system doesn't have access to photos for more than 60 percent of U.S. residents who do not have a U.S. passport or an immigration document, making the photo-matching ineffective. The current legislation therefore relies on the States to give the Department of Homeland Security access to driver's license records on a voluntary basis. There is no assurance that all or even most States will choose to participate in this. Past experience with what is called the REAL ID Act would indicate that fewer than half of the States would comply. Some say only 13 States would comply, some say 18 States would comply. The fact is, fewer than half of the States are complying with REAL ID, which would mean that on a voluntary basis it is unlikely we are going get those driver's licenses or get those photos to be able to have photo-match work effectively for the 60 percent or fewer residents who don't have a passport or immigration document.

So I think more can be done to make this bill work better, and I am committed to trying to do that through legislation, amendments, and working with my colleagues on both sides of the aisle.

American citizenship is precious, and there are millions around the world who dream of attaining it. Our Nation deserves an immigration system that works. We can get there but only if we demand reform that recognizes the mistakes of the past—including the lack of promised enforcement from the 1986 law—and take steps to remedy those mistakes.

I am committed to addressing the deficiencies in the present legislation, and I will work on the Senate floor to help strengthen border security, deal with the eligibility issues Senator HATCH talked about, and eliminate this magnet of illegal employment. In particular, I am committed to helping ensure that E-Verify is implemented in a manner that does curtail the employment of unauthorized workers, protects privacy, and minimizes the burdens on employers, particularly small businesses. I sincerely hope we can get there.

I am confident that if this process is indeed open, as was discussed earlier, if it is an open process where amendments are able to be accepted, where people of good faith on both sides of the aisle are trying to get to a solution for a broken immigration system—broken both in terms of legal immigration and illegal immigration—we can in the end pass good legislation out of the Senate.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I have come to the floor several times to discuss border security. Border security is so essential to people approving the legislation that we pass because most every poll shows when people want an immigration bill, it is premised on the assumption that we are going to have a secured border.

I talked yesterday about my amendment, and that amendment tends to be pending. I tried to improve upon the

Group of 8 legislation on border security. I will take a few minutes right now—not very long—to discuss why I think my amendment is a good first step at restoring the faith of the American people—in this legislation, but in turn in our government.

I would like to mention why it is so important, not just for public confidence—because that is what I have spoken about in the past—but for national security and the defense of the homeland. Being a U.S. Border Patrol agent is a very dangerous job. A former agent said in an interview in the El Paso Times:

> I was attacked one time by a group of seven men with rocks and I was pretty severely injured. Being assaulted is not really that uncommon. Whether it is rocks being thrown at you or a hand-to-hand combat situation or being shot at, it is not particularly uncommon.

We need a bill that will protect our Border Patrol agents who put their lives on the line every day and do their job of patrolling the border. They face threats and violence, and many, such as Brian Terry, have been killed because of gang violence or drug cartels. Not only do our Border Patrol agents face danger, but ranchers face daily encounters of drug smugglers and illegal border crossers.

Robert Krentz from Arizona, a rancher, was killed in 2010. His family expressed frustration with the Federal Government, stating:

> The disregard of our repeated pleas and warnings of impending violence towards our community fell on deaf ears, shrouded in political correctness. As a result, we have paid the ultimate price for their negligence in credibly securing our borderlands.

No one can fault someone for wanting to improve their lot in life. Husbands and wives trek across the border to make a better life for them and for their families. People yearn to be free and to make life full of liberty and happiness. But people who cross the border illegally risk their own lives. They spend days walking through desert. They fall prey to smugglers and become victims of rape and abuse. Securing the border is one of the most humane things we can do to protect the lives of those who will venture into the United States, not caring about our laws but for the sole purpose of improving their lives. That is the goal of America, a better life for all of us who were born here as well as those who immigrate here.

It is dangerous crossing the border illegally for those people. We can give them legal avenues to enter this country to live, work, and raise a family. If we do not deter illegal border crossings, people's lives will remain at risk as they are at this very hour.

Nonetheless, proponents of legalization hold to the belief that the vast majority of people who cross our border are people seeking employment. Most times that is true; however, not everyone who crosses the southern border is a resident of Mexico who seeks to be reunited with family and do the jobs Americans will not do. The number of individuals from noncontiguous countries, otherwise known as ''other than Mexicans,'' should be a concern.

As of April 2, 2013, the ''other than Mexican'' numbers on the southwest border were up 67 percent from fiscal year 2012 to fiscal year 2013. We know some of the ''other than Mexicans'' include terrorists who enter the United States via the southern border. Secretary Napolitano has testified before Congress to that very fact.

We also know a majority of ''other than Mexicans'' fails to appear for their immigration proceedings and simply disappears, lost here in this great country, the United States. Increasing bonds for these nationals would deter absconders, assist ICE and custom border police in covering detention and removal costs or, at a minimum, provide a disincentive to cross. Unfortunately, an amendment during the Judiciary Committee markup to raise the bonds for ''other than Mexicans'' failed.

Many commonsense amendments were defeated during the committee process and many amendments to beef up the border will be considered in the days ahead.

As I have said before, the bill before us only requires the Secretary of Homeland Security submit a plan to Congress before millions of people are legalized. There is little regard for the need to better secure our border. In other words, when a plan is presented, make sure the plan works. Some of them say we have done enough. The Secretary says the border is more secure than ever before. They say border security shouldn't stand in the way of legalization.

My amendment is a good first step to stopping the flow of illegal immigration. It sends a clear signal that we are serious about getting the job done. For the Secretary to simply submit a plan to Congress is only worth the paper upon which it is printed. We need to take action and we need to make it a priority.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as if in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I rise today for the 35th time to again bring the message to my colleagues that it is time to wake up to the threat of climate change. There is simply too much credible evidence that climate change is occurring, and there is too much at risk for us to continue sleepwalking.

Our oceans face unprecedented challenges from climate change and carbon pollution. Oceans have absorbed more than 550 billion tons of our carbon pollution. As a result, they have become 30 percent more acidic. That is a measurement, not a theory.

Ocean temperatures are also changing dramatically, again driven by carbon pollution. Sea surface temperatures in 2012, from the Gulf of Maine down to Cape Hatteras, were the highest recorded in 150 years. That is another measurement. Fish stocks are shifting northward with some disappearing from U.S. waters as they move farther offshore. Fishermen who have come here to talk to Senator REED and myself have noted anomalies, and ''things are not making sense out there'' is the way they have described it.

In my home State of Rhode Island, the Ocean State, we put our lives and hearts into our relationship with the ocean. The day-to-day life on the coast is a proud and rewarding tradition, but it is one that is now threatened by climate change.

The waters of Narragansett Bay are getting warmer—4 degrees Fahrenheit warmer in the winter since the 1960s. Long-term data from the tide gauges in Newport, RI, show an increase in the average sea level of nearly 10 inches since 1930, and the rate of increase is accelerating. Sea level rise is contributing to erosion and allows storm surges and waves to wash farther and farther inland. Last year Hurricane Sandy really sped up that erosion, driving down beaches and dunes and tearing up coastal homes and roads.

The ecosystem damage, erosion, and storms are just part of the price Rhode Islanders pay for unchecked greenhouse gas pollution. We are not alone. Every region of the United States is facing similar costs.

Economists are working to calculate the costs of carbon pollution by adding up those damages of climate change. It is called ''the social cost of carbon'' because it is the cost of pollution the big polluters offload onto the rest of society. When consumers and taxpayers are forced to shoulder those costs, that is a market failure, and it is flat out unfair.

The Obama administration recently revised its estimates of the social cost of carbon. The new calculation does a better job at capturing the most recent projections for sea level rise and agricultural productivity. This is a good step toward recognizing the magnitude of the harms of climate change, and I hope it is an indication that the President is going to do more to address this problem.

Economists and administration officials are not the only ones looking at the cost of carbon pollution. Among those weighing the evidence that our climate is changing are the cold-eyed professionals of the property casualty insurance industry—insurers and the reinsurers. Their industry depends on getting this right. Politics has no place in their calculations. This is how they make their living.

The insurance sector has created a complete data set for natural catastrophes worldwide from 1980 up to 2011, and here is what they see: The annual number of natural disasters is going steadily up. The top three colors of each of these bars show the number of events that are related to weather. On the bottom, this set in red shows the events that are not related to weather. Volcanoes, earthquakes, and so forth, are not climate related.

While the overall number of catastrophes is increasing, we can see the number of these nonclimate catastrophes is constant. It is the climate-driven catastrophes that are increasing.

Here is the chart without those nonclimate catastrophes. These are the catastrophes that are related to climate-driven weather. Insurers and reinsurers are looking more closely at the increase in weather-related catastrophes and are now starting to include climate-change costs in their risk models.

Pricing carbon properly is necessary. Representative HENRY WAXMAN, Representative EARL BLUMENAUER, Senator BRIAN SCHATZ, and I have released a discussion draft of legislation to make the big carbon polluters pay a fee to cover the costs of dumping their waste carbon into our atmosphere and oceans—a cost they now push off onto the rest of us—and return all of that revenue to the American people.

At present the political conditions in Congress are stacked against us. The big polluters and their allies hold sway and Congress refuses to wake up. While Congress sleepwalks through history, States such as my home State of Rhode Island are acting to mitigate and adapt for climate change.

This week I welcomed dozens of Rhode Islanders to Washington for our annual Rhode Island Energy and Environmental Leaders Day. This event brings together Rhode Island renewable energy and sustainable development businesses, community development nonprofits, State and local officials, environmentalists, experts, and academics, to share ideas with national leaders and Federal agencies on promoting green energy, improving resiliency, and combating climate change.

We were joined by my terrific Rhode Island delegation, JACK REED, JIM LANGEVIN, and DAVID CICILLINE. The highlight of the event was hearing from Vice President Al Gore, who is a world leader on environmental protection and alternative energy. Vice President Gore declared that ''We are on the cusp of a fantastic revolution'' in green energy. ''But there is still ferocious resistance,'' he warned, from ''legacy industries that have built up wealth and power in a previous age''—that is what stops Congress. That is what keeps us sleepwalking, and that is why we don't wake up.

We were also joined by Energy Secretary Ernest Moniz, who asserted the Obama administration's dedication to doubling renewable generation by the end of this decade.

Congressman HENRY WAXMAN, the ranking member on the House Energy and Commerce Committee and my fellow cochair of our Bicameral Task Force on Climate Change, also came to address the group, as did our colleague Senator ELIZABETH WARREN of Massachusetts. New Englanders, of course, know Senator WARREN as a tireless advocate for everyday Americans, who is unafraid to challenge powerful special interests, and my friend HENRY WAXMAN has carved out a unique role for himself as one of the leading legislators in the House of Representatives on this and a great number of other public health issues. I am so proud to be working with Representative WAXMAN.

The innovation that is taking place in my Ocean State was on full display at the Rhode Island Energy and Environmental Leaders Day. We are a leader in the development of offshore wind energy. This month the Federal Bureau of Ocean Energy Management announced the first-ever auction for renewable energy leases off the coast of Rhode Island and Massachusetts.

Our State's Special Area Management Plan, or SAMP, has balanced environmental, commercial, and military marine interests through a first-of-its-kind marine spatial planning process. This cooperation has protected rich fishing grounds and sped up wind energy development.

Rhode Island is part of the Regional Greenhouse Gas Initiative, nicknamed ''Reggie,'' along with eight other northeastern States, including the State of the Presiding Officer, I believe. Our region caps carbon emissions and sells permits to powerplants to emit greenhouse gases, creating economic incentives for both States and utilities to invest in energy efficiency and renewable energy development.

Rhode Island's Climate Change Commission identifies risks to important State infrastructure and reports on the effects of catastrophic events such as Hurricane Sandy and the 2010 flood.

In places such as North Kingstown, RI, the city planners have taken the best elevation data available, and they have modeled various levels of sea level rise and storm surge. By combining these models with maps showing roads, emergency routes, water treatment plants, and estuaries, the town can better plan its infrastructure and its conservation projects.

The Rhode Island Department of Health is using a $250,000 grant from the Centers for Disease Control and Prevention to help the State prepare for and address health effects associated with climate change.

Most of all, Rhode Islanders are calling for action, especially young Rhode Islanders. When I spoke at a climate change rally on the National Mall earlier this year, busloads of Rhode Islanders had driven down to show support for action on climate change. Right now students at Brown University and the Rhode Island School of Design are pushing their great universities to divest their endowments of coal holdings.

I am proud of the effort we are making in Rhode Island, and I know a lot of States are working just as hard. But I say to my colleagues: Our home States are hampered in these efforts by inaction in Congress. Even the Government Accountability Office, known as Congress's watchdog, has pointed out repeatedly that the Federal Government should be a better partner to States that are trying to adapt to and plan for climate change.

Sadly, Congress seems determined to be the last holdout against good sense. Some in this body choose to ignore the science and put special interests before national interests. They stifle policies that would be economically inconvenient to their special interests. The obstruction may be well funded by the polluters and their allies, but the majority of the American people understand that climate change is a problem, and they want their leaders to take action.

Many in Washington do recognize the need for climate action and ocean stewardship. President Obama declared this June to be National Oceans Month, saying:

> All of us have a stake in keeping the oceans, coasts, and Great Lakes clean and productive—which is why we must manage them wisely not just in our time, but for generations to come. Rising to meet that test means addressing threats like overfishing, pollution, and climate change.

Last week, the National Marine Sanctuary Foundation hosted the 12th Capitol Hill Ocean Week, bringing marine professionals, government officials, and ocean advocates to Washington to discuss strategies for keeping our oceans and coasts healthy.

Also, last week, Secretary of State John Kerry hosted a roundtable discussion about the challenges of and opportunities for ocean sustainability under climate change.

Responsible people are calling for action, such as Rhode Island's energy and environmental leaders, the insurance and reinsurance sector, and virtually every major reputable scientific organization, such as NASA, whose scientists sent a buggy the size of an SUV to Mars and are driving it around right now on the surface of Mars. They may know something when they can do that. Major U.S. corporations are calling for action, including Apple and Ford and Nike and Coca-Cola and organizations such as the U.S. Conference of Catholic Bishops. Heather Zichal, President Obama's Deputy Assistant for Energy and Climate Change, made it clear to the crowd at Rhode Island Energy and Environmental Leaders Day:

> Congress has not yet delivered a commonsense, market-based solution. . . . [I]f Congress will not act, then [the President] will.

It is time to wake up and to meet the challenge of our time. There is a lot at stake for every State and there is a lot at stake for every generation. It is time to wake up and to take action.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I come to the floor because I have been listening to some of the discussions of my colleagues about the immigration reform bill that is before the Senate.

As I have said before, everyone is entitled to their own opinion, but they are not entitled to their own facts. I have heard references, time and time again, to 1986, the last time immigration reform legislation was passed. This is not 1986. Selective memory loss seems to be at work in the Senate today, so I wish to respond to some of these claims made by my colleagues.

On one hand, critics of the immigration bill keep harking back to the Immigration Control Act of 1986, commonly known as IRCA, arguing we haven't learned the lessons of 1986. On the other hand, they insist on their slogan of securing the border first, before a legalization process can begin. But if there are lessons to be learned from 1986, there are just as many to be learned from the last 10 years in which ''enforcement first'' has been the mantra of Congress's immigration policy, with disastrous results.

First, with respect to 1986, the overriding lesson learned from that bill was that if we don't deal with the reasons people come to the United States, we don't solve the problem. A promise to end illegal immigration ultimately could not be fulfilled because the 1986 law did not address the question of future immigration flows.

The Migration Policy Institute and the Immigration Policy Center have identified one cause of future illegal immigration after IRCA to be not legalization—not legalization—but the failure of legislation to address future flows of immigration. S. 744, the bill we are debating, however, does not follow in the failed footsteps of the 1986 act and addresses future flow in real and meaningful ways.

But we have learned other lessons in the intervening years, most notably that the enforcement-first policy does not serve our country well. Despite an extraordinary allocation of resources and personnel, the flow of illegal immigrants has steadfastly been affected more by the economy than by enforcement efforts. As deportations have gone up, the tragic impact on families and children has been well documented and the impact on the economy continues to grow.

So if one of the pull factors is the opportunity to earn money to send back to families, S. 744 undermines that opportunity by mandating a universal—a universal—employment verification system and provides for a reasonable implementation schedule. What that basically means is that virtually every employer in America is going to have to make sure that regardless of who a person is, when they come forth and seek to be employed by an employer that has a job available, they are going to go through the system and verify whether the person has the legal status to be able to work in the United States. That undermines that factor of drawing people to this country for employment opportunities much more than anything else about interdiction.

If anything, the growing outrage over a broken immigration system helped to change the political dynamic last year. It was a rejection of both the enforcement-only strategy and the idea that we must secure the border first.

Finally, the Migration Policy Institute explained that the 1986 limited legalization program left many people in the shadows, which led to substantial backlogs in family-based immigration categories. Illegal immigration did not decrease dramatically until after the passage of enforcement-only bills starting in 1996 that trapped many in an undocumented status despite their family or employment ties. So our legislation learns from the mistakes of the past and creates a balanced 21st century immigration system.

Despite what many have said, our legislation, in moving forward with legalization, does not abandon border security but, rather, addresses it in tandem with the significant problems that face our immigration system. We can, for example, reap enormous benefits from legalizing the undocumented, both in terms of their economic and social contributions—making sure they fully pay taxes and are law abiding in every other respect—and in terms of creating a more secure and accountable system, as we will know who is in the United States and who can lawfully work here, but we can't do it if we have to wait years—years—under some of the amendments our colleagues are offering to begin the process of transitioning undocumented people into a legal status.

I have heard a lot about national security. I would prefer to know who is in the United States. Let them come forth, register with the government, go through a criminal background check, and those who can't pass that background check—maybe they don't think their background is going to come up—get deported. Then I know who is here to do harm to America versus who is here to pursue the American dream. But my colleagues would continue through their amendments to keep these people in the shadows—millions—and, therefore, I don't know how we promote national security if we don't know who is here and for what purposes. So we reap enormous benefits, both in terms of economic benefits as well as security, by bringing those people out of the shadows and into the light—registering with the government, going through a criminal background check, paying taxes, learning English, and earning their way to make their situation right in the United States.

Certain impossible border security standards must be seen for what they are, which, in my view, is a cynical attempt to deny a pathway to legalization. My colleagues can flower it all they want, they can cover it up all they want, they can put all the lipstick on it they want, but it is still what it is. It is a cynical attempt to ultimately undermine a pathway to legalization. The standards some of my colleagues are trying to propose have not been met by the Federal Government in virtually any other responsibility the government has. Pretty amazing. Tying the two together, as so many have tried to do, is simply institutionalizing the status quo.

What does the status quo do? The status quo allows millions to be in this country without knowing what their purpose is here. The status quo allows families to be divided. The status quo allows U.S. citizens and permanent residents—legal permanent residents of the United States—to be unlawfully detained in immigration raids, treated as second-class citizens of this country because of the happenstance of where they live, who they are, what they look like. Who among us is willing to be a second-class citizen in America?

The status quo permits an underclass to be exploited and creates downward pressures on the wages of all Americans, and that exploitation takes place. The status quo doesn't allow for the challenges, even in a tough job economy, to be fulfilled so our economy can grow. I listen to all different sectors of our economy, including the agricultural sector. I listen to the seafood industry. I listen to the hospitality industry. I listen to the restaurant industry. I listen to the high-tech industry. They all clamor for individuals to do these critical jobs that very often support the high-paying jobs above them but are essential in order to be able to produce that product or deliver that service. Yet we would have the status quo be preserved because that is, in essence, what the amendments being offered include, which are unattainable standards that my colleagues know simply cannot be met. They are not about border security but about undermining the pathway to legalization.

So let's look at what this bill does do, however, about border security, among many other provisions. It includes $6.5 billion in addition to the greatest amount of resources, including money, border patrol, customs enforcement, physical impediments on the border, aerial surveillance that already exists. It adds $6.5 billion to bolster our border security efforts, and that is in addition to the annual appropriations for border security.

Effective border controls? Yes. As a matter of fact, these provisions of the Gang of 8 were largely drafted by the Senators who came from border States and who had a real sense and a real conversation with those who secure the border every day about what is needed.

It requires all employers to verify their workers are authorized to work in this country, which cuts off the job magnet—another effective control, perhaps the most effective control. It has

a whole entry-exit system that is far more advanced than that which exists today, and before any legalization can begin—before any legalization can begin—the Secretary of Homeland Security is designated to come up with a plan for how to deploy $4.5 billion of those resources on infrastructure, technology, fencing, and personnel such as the Border Patrol, so it will be able to catch 9 out of every 10 undocumented immigrants who might attempt to cross the border. So there is more border control.

Only after this plan has been presented to the Congress and the E-Verify system—which is that employment check—is ready for nationwide implementation and the deployment of the resources has commenced, may the legalization program begin to adjust undocumented individuals to that provisional status. Before anyone in that provisional status can ever be granted a green card, which basically means permanent residency, all of the resources in the plan must be deployed on the ground and be working.

That is not enough for some of my colleagues because they create standards for which we, in essence, could never, ever have even a provisional status in the country.

Some Senators have also claimed our bill allows immigrants to receive welfare and other public benefits. That is just simply not true. S. 744, the bill before us, bars individuals granted even provisional status and blue card status—which are agriculture workers and V nonimmigrant visas—they will not be eligible for the following Federal means-tested public benefit programs for the duration of their provisional status: nonemergency Medicaid, Supplemental Nutrition Assistance Program, otherwise known as SNAP or food stamps, Temporary Assistance for Needy Families, TANF, and Supplementary Security Income.

In fact, when most of these individuals adjust to LPR/green card status, they will be forced to wait at least 5 additional years before becoming eligible for these programs, and all the while they are paying taxes, which is a prerequisite. As a result, an individual with RPI status, who is otherwise eligible for public benefits, would not be able to enroll in programs such as Medicaid and SNAP for 15 years.

Now, during the duration of their provisional status, individuals will not be eligible for the Affordable Care Act's premium tax credits and cost-sharing reductions that help make health insurance affordable for low- and middle-income working families. They will not be eligible for that. Individuals granted RPI—the provisional status—blue card or V nonimmigrant visa status will be able to purchase private health insurance at full cost—at full cost—without subsidies, without tax credits through the insurance marketplaces created under the Affordable Care Act.

We want to give them the opportunity out of their own pocket and with full cost to be able to do so if they can because that means we lessen the burden on our health care system, particularly in an emergency room setting, which is what happens right now.

This does not give tax credits, it does not give subsidies, but it does say to the individual: If you have the wherewithal, go buy insurance and protect yourself.

This bill denies benefits to legalized immigrants. It is a tough bill and, frankly, for many of us, some of these provisions, because we say to someone: Come forth, register, pay fines, pay fees, pay your taxes, and, by the way, for a decade or more, even though you are paying taxes like anybody else, you have absolutely no right to anything—that is virtually what we are saying. So I wanted to clarify the record so the American people understand the truth about this bill. It is a tough and fair compromise that respects the American taxpayer.

Finally, I would like to clarify the record about taxes and the economic benefits of this bill. This bill increases the gross domestic product of the United States by a cumulative $832 billion over 10 years—$832 billion over 10 years—and that is only by virtue of looking at the legalization aspect. If we look at the totality of all the elements of the bill, it exceeds $1 trillion. It increases the wages of all Americans by $470 billion, and it creates an average of 121,000 new jobs each year for the next 10 years. That is an additional 1.2 million jobs over the next decade.

The Senate bill says individuals who do not pay their taxes cannot—cannot—renew their legal status or obtain green cards. Legalizing immigrants can be required to pay assessed taxes going back as for as 10 years before legalization.

This requirement is tougher than the back tax requirements in the 2006 and 2007 bipartisan Senate immigration bills, which only required legalizing workers to pay back taxes when they obtained their green cards. Under this bill, workers are held responsible for back taxes at three points: when first transitioning to legal status, when renewing their status, and when obtaining a green card. On top of the back tax requirement, legalizing workers will have to pay significant penalties and fees at registration and renewal and when obtaining their green cards.

Everyone who works, regardless of their immigration status, is liable for the payment of taxes. ''Assessed liability'' simply means legalizing workers will be held responsible for all of the back taxes the IRS says they owe—all the back taxes the IRS says they owe—going back as far as 10 years before legalization.

The back tax requirement is written in the way that is most straightforward for the IRS to implement and enforce, saving resources and making sure that individuals with past-due liability can actually be blocked from adjusting their status.

It provides an efficient way for the Department of Homeland Security to confirm that individuals have satisfied their tax liabilities. It is much easier for the Department of Homeland Security to work with IRS to confirm that individuals have paid all their assessed liabilities instead of sifting through tens of millions of tax returns, which would not reflect taxes that may have been assessed by the IRS.

I look at the Congressional Budget Office. We will await their score, but they and other experts in the past have found that undocumented workers will pay billions of dollars more in taxes—more in taxes—once they come out of the shadows and work legally.

I had thought, with poll after poll after poll where Democrats and Republicans and Independents said they wanted to see this broken immigration system fixed, where, in fact, we had a national election last November for the Presidency, for the Congress, in which this debate raged on quite a bit—and ultimately a new demographic in the country showed, in those election results, as they marched to the polls, that they were looking at how this Congress would deal with the question of reforming our broken immigration system—that, in fact, we would have a different day in the Senate, that instead of voices that are seeking to undermine the very essence of reform—that includes border security, that includes a pathway to legalization, that includes provisions in our economy that are incredibly important both to grow and not suppress the wages of Americans, that improves the protections to make sure American workers have the first shot at getting any job that exists in America first and foremost, that looks at the future in terms of flows and says: This is how we are going to deal with this to ensure that our economic vitality grows by virtue of who we allow in this country but that still preserves a very core value, an American value, a value I often hear my colleagues talk about, which is about family values and the family unit—well, that still preserves the very essence of that value, even as it reduces it somewhat, and at the same time preserves our history as a nation of immigrants, the greatest experiment in the history of mankind, which has made us the greatest country on the face of the Earth—that we would hear a different approach by some of our colleagues.

But I have heard the same tired refrain, and it may sound good, but when you read what the amendments are all about, you understand what they are really trying to do. I believe those efforts will be rejected. Legitimate efforts to improve this bill, as it was improved in the Senate Judiciary Committee, in which 136 amendments were offered and passed—many of them were Republican amendments, many of them were bipartisan amendments that were

passed, and they, in fact, refined, improved, and made more specific elements of the bill that were great additions—those opportunities exist here as well.

But what we cannot allow is to nullify the hopes and dreams and aspirations of millions of people in our country who are waiting for this moment. We cannot nullify the opportunity to really move toward securing our country in a way far beyond the status quo. We cannot lose the opportunity to grow our economy, get more taxpayers into our system, and strengthen our overall revenue sources. That is what this bill is all about. That is why I believe at the end of the day it will prevail and receive the votes necessary to move forward and be sent to the House so we can finally get this broken immigration system fixed.

Mr. LEAHY. Mr. President, I understand Senator VITTER, the Senator from Louisiana was on the floor earlier discussing the amendment Senator HATCH and I have proposed, Amendment No. 1183. I have read the remarks the Senator from Louisiana made, and I wish he had read our amendment more carefully. His remarks seem to be describing a different amendment than the one Senator HATCH and I have proposed.

Our amendment is very simple. Under current law, foreign performing artists who come to the United States must get either an ''O'' or ''P'' visa. The Immigration Statute requires that U.S. Citizenship and Immigration Services, USCIS process these visas in 14 days. This statutory requirement is a reflection of the time sensitivity involved with scheduling these artists for engagements in the United States, and permitting them to meet their obligations, which of course benefit the American organizations that hire them. Our amendment, which is limited to non-profit organizations, provides that if the 14-day statutory requirement for processing is not met, then the foreign artist's petition would automatically be given expedited processing, and the associated additional fee is waived. But let me be clear, the visiting artist is already paying a fee of several hundred dollars for the petition. All our amendment would do is provide the petitioner with free expedited processing if the deadline were not met by the agency.

Senator VITTER expressed concern that providing expedited processing in a case where the immigration agency does not adhere to its statutory deadline would take funding away from the enforcement of immigration law. Surely Senator VITTER knows that U.S. Citizenship and Immigrations Services is a fully fee-funded agency, and has no enforcement responsibilities. When Congress reorganized the former Immigration and Naturalization Service and created the Department of Homeland Security, the visa adjudication and immigration enforcement functions were separated. So let me be clear—the waiver of an expedited processing fee has absolutely no effect on the funding that goes to immigration enforcement. Moreover, as I discussed this morning, the bill we debate provides $6.5 billion to border security and enforcement. Our amendment is not some giveaway to, as Senator VITTER described, ''well-heeled'' individuals. Rather, it is an incentive for USCIS to process these petitions in a timely way as they are required under the law.

But the most important distinction that the Senator from Louisiana failed to explain to the Senate was that our amendment applies only to non-profit organizations. Organizations like the Greater New Orleans Youth Orchestra, the Louisiana Philharmonic Orchestra, Louisiana State University Opera, and the New Orleans Ballet Association. I suspect that these are not the ''well-heeled'' individuals the Senator from Louisiana is describing. In fact, I would ask unanimous consent to have printed in the RECORD a list of 83 Louisiana Arts Organizations and supporters of the amendment Senator HATCH and I have offered.

The Senator from Louisiana called our amendment misguided. Again, I wish he had read the amendment more carefully. I suspect the dozens of non-profit performing arts organizations across Louisiana that are enriching their communities with performances from international musicians and dancers would not think it is misguided to help them continue their important work. With such an incredibly rich musical history and tradition, I suspect the people of Louisiana, like Americans across the country, place a very high value on the performing arts.

So with that clarification, I hope I have addressed the concern of the Senator from Louisiana and that he will reconsider his opposition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PERFORMIKNG ARTS ALLIANCE

MEMBERS AND SUPPORTERS IN LOUISIANA

ORGANIZATION AND CITY

Acadiana Center for the Arts, Lafayette; Acadiana Symphony Orchestra, Lafayette; Alligator Mike Promotions LLC, New Orleans; Ark-La-Tex Youth Symphony Orchestra, Shreveport; ArteFuturo Productions, New Orleans; Arts Council of Greater Baton Rouge, Baton Rouge; ArtSpot Productions, New Orleans; Ashé Cultural Center/Efforts of Grace, Inc., New Orleans; Atlantic Brass Quintet, Baton Rouge; Backbeat Foundation Inc., New Orleans; Baton Rouge Symphony, Baton Rouge; BREC Independence Park Theatre, Baton Rouge; Cindy Scott, New Orleans; Columbia Theatre for the Performing Arts, Hammond; Contemporary Arts Center, New Orleans; Coughlin-Saunders Performing Arts Center, Alexandria; Cripple Creek Theatre Company, NEW ORLEANS; CubaNOLA Arts Collective, New Orleans; Dillard, New Orleans; Downsville High School, Downsville; DUKES of Dixieland, The, New Orleans.

Festival International de Louisiane, Lafayete; FMBC—Liturgical/Spiritual Dance Ministry, New Orleans; Goat in the Road Productions, NEW ORLEANS; Graduate Program in Arts Administration—UNO, New Orleans; Grand Opera House of the South, Crowley; Greater New Orleans Youth Orchestras, New Orleans; HMS Architects, New Orleans; Hot 8 Brass Band, New Orleans; Houma Terrebonne Civic Center Development Corporation, Houma; Independence Park Theatre, Baton Rouge; Isidore Newman School, New Orleans; Jefferson Performing Arts Society, Metairie; Junebug Producitons, New Orleans; Kors Entertainment, Baton Rouge; Lake Charles Symphony Orchestra, Lake Charles; Little Theater Shreveport, Shreveport; Louis Armstrong Society Jazz Band, The, New Orleans; Louisiana Alliance for Dance, Baton Rouge; Louisiana Division of the Arts, Baton Rouge; Louisiana Philharmonic Orchestra, New Orleans.

Louisiana State University, Baton Rouge; Louisiana State University Opera, Baton Rouge; Louisiana State University Student Union Theater, Baton Rouge; Louisiana Youth Orchestra, Baton Rouge; Loyola University, New Orleans; Maculele Cultural Project, Inc., New Orleans; Manship Theatre, Baton Rouge; Mondo Bizarro, NEW ORLEANS; Monroe Symphony Orchestra, Monroe; Moving Forward Gulf Coast, SLIDELL; Musaica Chamber Music Ensemble, Metairie; Musicians for Music, New Orleans; National Performance Network, New Orleans; NEW NOISE, NEW ORLEANS; New Orleans Ballet Association, New Orleans; New Orleans Center for Creative Arts Institute, New Orleans; New Orleans Friends of Music, New Orleans; New Orleans Opera, New Orleans; New Orleans Shakespeare Festival at Tulane, New Orleans; Night Light Collective, NEW ORLEANS; North Star Theatre, Mandeville; Opera Louisiane, Baton Rouge.

Oportunidades Nola, New Orleans; PearlDamour, NEW ORLEANS; Performing Arts Society of Acadiana, Lafayette; Playmakers of Baton Rouge, Baton Rouge; Rapides Symphony Orchestra, Alexandria; Salvadore Liberto Music, River Ridge; Shreveport Opera, Shreveport; Shreveport Symphony Orchestra, Shreveport; Southern Rep, New Orleans; Strand Theatre of Shreveport, Shreveport; Swine Palace Productions, Baton Rouge; Terrance Simien & The Zydeco Experience, Lafayette; Terrance Simien & The Zydeco Experience, Lafayette; The Shakespeare Festival, New Orleans; Tsunami Dance, new orleans; Tutti Dynamics, New Orleans; University of Louisiana, Lafayette; University of Louisiana—Monroe, Monroe; VIEUX CARRE ARTISTS, New Orleans.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. I wish to start tonight by saluting our Gang of 8. I won't call them by name; you know their names, but four Democrats and four Republicans. I wish to thank them for their tireless efforts to bring this bipartisan legislation to the floor.

I also wish to commend Senator LEAHY and the Judiciary Committee that he leads for their efforts to bring the committee together and for bringing to the floor what I think most of us agree is very important legislation.

Delaware celebrated the 375th anniversary of the arrival of the first

Swedes and Finns who came to America and came right through what is now Wilmington, DE. South of that spot, about 5 miles to the south, William Penn first came to America as well.

Those immigrants came to our country all those years ago for a lot of the same reasons people come here today. They came to live what we now call the American dream, the remarkable idea that regardless of our background or station in life, people can still come to this country, work hard, build a better life for themselves and for their families. Today, some 400 years later after those first immigrants settled in my own State, we are blessed to live in a thriving and prosperous Nation in no small part because of millions of immigrants who came together to build this Nation. We can all be proud of that history.

As a Nation of immigrants, we in Congress have a special responsibility to ensure our immigration system is effective and it reflects our values. Those values were what inspired brave, hard-working, and committed people to take great chances to come to this Nation. They are often seeking to escape violence, to lift themselves out of poverty, or to simply live a better life.

These immigrants renew and enrich our communities. They enhance our economy, but we cannot and should not open our doors indiscriminately to everybody who wants to come here. we need an immigration system that is practical, is effective and, in the end, is fair—fair to us, fair to the people who want to be here, and fair to the people who have been in line to become citizens in this country sometime down the road.

Today, however, our immigration system is, by most standards, broken. It is not effective in bringing in the talent we need and maintaining a strong and vibrant economy. Our immigration system does not give employers the assurances that someone they want to hire is actually here legally and eligible to do some work. That system does not always focus our security efforts on the real risks and on those who come here with the intent to do us harm.

Finally, our immigration system does not address in a pragmatic or fair way the fate of 11 million undocumented people living in our country right now, many of whom came here as children and, like us, know no home other than America.

With that said, how do we modernize our immigration laws in a way that is fair, practicable, and makes our Nation more secure, physically and also economically? I have always said the key to immigration reform is border security.

You will recall the last major comprehensive effort this body made to reform our broken immigration system about 6 years ago fell apart because a number of my colleagues here claimed, with some justification, that our borders were not secure enough. Many of my colleagues claim, justly or not, that the border is still too porous, and we would be having the same debate 20 years later because of border control, the lack of it.

People ask themselves are our borders secure enough to ensure we don't end up having this same debate 20 or 30 years down the line. The answer, for many of my colleagues and for a lot of Americans was, no, they are not. That was then; this is now.

Six years later, a number of people will still argue our borders are not secure enough to even try to move forward with these reforms. I disagree. When I hear our colleagues ask are our borders more secure, I am often reminded of a friend who says, when you ask him how he is doing: Compared to what?

Some say our borders won't be secure until we stop every single person who tries to get across illegally. I think it is clear this is not a realistic goal or expectation.

Let's go back a little bit in time. Take, for example, the border between East Germany and West Germany, most famously the Berlin Wall. This was perhaps the most secure border our world has ever seen, with roughly 100 miles of concrete, electrified razor wire, and a 100-yard-wide kill zone guarded by some 30,000 soldiers. Still people made it safely across this highly secured border every year. In fact, a recent report by the Council of Foreign Relations concluded that East Germany only stopped about 95 percent of those who tried to cross the border and enter West Germany. Even a ruthless regime willing to kill its citizens couldn't stop desperate people in search of a better life. I don't think any reasonable person believes we should try to replicate the East German border strategy.

What is the right comparison? I suggest the right comparison is what our borders looked like in 2007. Are our borders more secure today than they were then? Are they a lot more secure or just a little bit? I think they are a lot more secure.

How do I know? I have the privilege of chairing the Senate Committee on Homeland Security and Government Affairs. We held a number of hearings this year on border security. Even more importantly I have had the opportunity to visit our borders with Mexico and actually up in Canada, along with Senator JOHN MCCAIN, Congressman MICHAEL MCCAUL of Texas, Secretary Janet Napolitano, all kinds of local officials, sheriffs, police, mayors, and other folks. About 3 years ago, I visited the California border and earlier this year Arizona and Texas and up in Michigan. My goal was to get a firsthand look at what is working, what is not, and what more we ought to do to secure the border further—and we can.

Based on what I have seen, there is overwhelming success, though, that our borders are more secure than they have been—probably have ever been—and certainly more secure than they were in 2007. I saw parts of our border that were overrun with undocumented immigrants as recently as 2006, when the Border Patrol agents I met with told me they used to arrest more than 1,000 people every single day trying to get into this country illegally. Think about that, 1,000 people a day. Today those same agents told me they have a busy day if they arrest as many as 50 people. Is 50 too many? Yes, it is, but it is not 1,000 people a day.

In fact, arrests at the border have reached their lowest levels since the early 1970s. With our putting massive investments in personnel and technology along the border, we are arresting significantly fewer people, and it is not because we are not on the lookout or trying to get those who are coming here.

I have a slide of our southern border, from the Pacific to the Gulf of Mexico; from California into Arizona, to parts of New Mexico and Texas, all the way to the Gulf of Mexico. So four States are divided into about nine different quadrants. We have some interesting numbers. If we look at 1992, the number of people who were arrested was about 565,000 just south of San Diego. In 2000, in the El Centro area of California, we had about 238,000. Initially, the numbers here in the West were huge. In the Navy, I used to be stationed in San Diego. These numbers were huge. It has sort of drifted this way. I used to go across the border south of San Diego into Mexico, but it is remarkably secure. The challenge now lies way over here and other places as well, but really it lies over here. We have not just Mexicans trying to get across. Maybe the majority of people trying to get across in South Texas today are from Central American countries—Guatemala, Honduras, and El Salvador.

In 2005, a year or two before we debated the last immigration reform proposal, Border Patrol was arresting, in this Yuma section right here, 138,000 people. Today, the number is 6,500. Think about that, from 138,000 down to 6,500.

Let's look at the Tucson sector. In the year 2000, we were arresting over 600,000, today about 120,000. In the El Paso sector in 1993 we were arresting close to 300,000; now it is right around 10,000, and it is not because we are not trying. It is not because we don't have a lot more people there, a lot better technology. It is just that the number of folks coming across has just significantly diminished.

Over here in Texas though, in 1997, there were about one-quarter million coming across and getting arrested and today still about 97,000. So there is still a good number—too high a number trying to get across—and we are arresting a number of those.

But the change in these numbers—the dramatic reductions from 1997 to today—is not an accident. This precipitous drop in arrests is the direct result

of the unprecedented investments we have made in securing our borders over the past decade.

You don't have to take my word for it. Here is what several of our border officials and residents who are true experts have to say about the progress we have made in securing our borders. I will just quote a few. I talked to a whole lot more. Some of my colleagues have been down there and talked to a bunch of local officials in those States too. Here is what the mayor of San Antonio said earlier this year before the House Judiciary Committee. Mayor Julian Castro of San Antonio said:

> In Texas, we know firsthand that this administration has put more boots on the ground along the border than at any other time in our history, which has led to unprecedented success in removing dangerous individuals with criminal records.

The mayor of Nogales, AZ, one of the places we visited earlier this year with Secretary Napolitano, said:

> We used to have street chases all the time. . . . Now all those things are gone, something you don't even hear about.

That was about 2 or 3 months ago.

A woman named Veronica Escobar, a county judge in El Paso, said this near the end of 2011:

> Those of us who actually live along the border know otherwise. El Paso, the largest city along the United States-Mexico border, is also one of the country's safest cities and the heart of a vibrant bi-national community.

So the truth is we spend more on border security each year—about $18 billion—according to a recent Migration Policy Institute report—about $18 billion a year—than we spend on the rest of Federal law enforcement activities combined. Think about that for a moment. We spend more on border enforcement, border security, than we spend on the FBI, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the U.S. Marshals combined—combined.

Since 2000, the Border Patrol alone has more than doubled in size. Its funding has almost quadrupled. We have built 650 miles more of fencing along the border. That is roughly one-third of our Mexican border. To better secure parts of our border where a fence might not be as effective, we deployed a number of what I like to call force multipliers, and I will talk about some of those later on.

When I am talking about technology that will help the Border Patrol do their job more effectively, in some parts of the border it might be radar, it might be drones, in others it might be cameras, towers or hand-held systems. For example, in the past couple of years, we have deployed roughly 350 land-based towers, vehicle-based towers with advanced cameras and radar. We fly more than 270 aircraft and helicopters to monitor a 2,000-mile border, and we are also using drones and the lighter-than-air assets—blimps.

But you don't have to take my word for it. I think a picture is worth a thousand words, and I have a couple of pictures here of some slides I wish to show to take a look at what the border looked like 7 years ago, in 2006, and what it looks like today.

This is one of my favorite pictures. It is a picture of a ranch. I believe this is a ranch in Arizona. Look at this. It looks almost like a junkyard, almost like a place where people come to drop their trash, and that is what happened, because every day hundreds of people would come through here, through this ranch, to cross the border, and this is what they left behind. Here is the same place today.

This is not because the folks trying to get into our country have somehow gotten an environmental conscience and they do not litter as much. That is not what is going on here. They are not coming through as much. So if you ever hear: Is our border more secure? Does it make a difference? I would say go to that ranch and take a look. We have spent a lot of money on infrastructure.

This is Douglas, AZ. We were there, along the southern border of Arizona, and this is a before shot. This is the same landscape and what we see today. Actually, it looks like we have a couple of fences, a road in between, and all kinds of detectors. This is what it looked like before. So we have made huge investments for miles and miles and miles.

We have something from the Yuma sector in Arizona. The Yuma sector was out of control. Border-wise, I think we had the most illegal border crossings than at any stretch of the border in 2006. Starting in 2006, they built more than 100 miles of fencing, just in this one sector alone—in the Yuma sector—where it made a lot of sense. There is an access road so the Border Patrol agents can get where they need to go quickly. We have deployed a bunch of cameras as well. Today, Yuma is the most controlled part of our border, as I reported those numbers earlier. There is a dramatic reduction in the numbers of folks coming through.

This is another place in Arizona, in Nogales. We met with a bunch of local officials there as well. This is a lovely piece of landscape right here. This may not be as lovely, but what is different here is an access road. We can't put a Border Patrol agent every 100 feet along the border, but what we can do is get them where they need to go more quickly. One of the ways to do that is with access roads, and this is one of those near Nogales, AZ.

This is another shot. This is Deming, NM. What it shows is what the area looked like in 2007 along the border. It doesn't look too hard to get across, and it wasn't. This is what it looks like today: lighting, the walls, ways for the Border Patrol to move quickly if they need to. It is just a different place today, and the numbers will demonstrate that has made a difference.

Here we are in Del Rio, TX. There is a lot of water here. In 2008, there was literally no infrastructure whatsoever in Del Rio, TX. That was about 2008, and this is a couple of years later. You could literally walk across the border and you didn't know it. You didn't know if you were in the United States or Mexico. Today you know it, and we built significant fencing and all those all-important access roads and now have a far more secure border.

This is a place called Marfa, TX. This is a border in the western part of Texas, actually near Big Bend National Park. In 2006, the border was wide open. This is lovely, isn't it? There were some people, particularly some of the locals, who were opposed to fencing. The reason why is because this now looks like this. But the problem with this is people were able to literally walk across, wade across, in substantial numbers. They do not do that anymore. We gave up some scenic beauty, but at the same time we have a whole lot of security we never had before.

Here is Harlingen, TX. We were there a month or two ago. This is the eastern part of Texas, closer to the Gulf of Mexico, but we see a part of the border that as recently as 4 years ago, right here, you could literally walk across it and you wouldn't know it. You could walk right across, and a lot of people walked right across it. This is what it looks like now, with fencing and access roads. They don't walk across it without them knowing it and, frankly, oftentimes without us knowing it.

This is one of my favorite pictures. This is a fence, and this is a fence, in this case, that at least stopped this vehicle. A friend of mine likes to say let me build a 20-foot fence and someone will come along and build a 21-foot ladder. Someone tried to be very clever and find a way to get this vehicle over this fence. I don't know if that is a Jeep, but they tried to get it across and they didn't quite make it. So people trying to get across are pretty ingenious, and they will try to build that 21-foot ladder or in this case a different type of ladder. Sometimes it works and sometimes it doesn't. In this case it worked to stop them.

I also wish to show some of the force multipliers that are helping to enhance security efforts at our borders and ports of entry. These are pictures of just a small sample of the massive improvements we have made along the southern border from California to Texas. It shows what any fairminded person who has been to the border in recent years can tell us; that is, the investments we have made are actually paying off. I hope so. As much money as we have spent, I would hate to think we spent it without getting any kind of result.

One of the investments we have made are the drones. We don't have a huge number, but I think we have four of them in Arizona, a couple in Texas, and I think they have a couple up along the northern border, maybe North Dakota, and a couple over in Florida. But we will talk a little more about these.

Let me just say, if you put up a drone and you put a VADER system on it, they can fly at high altitudes, they can fly day or night, they can see in the rain, they can see in the dark, they can see when the Sun is shining. They are an incredibly effective asset when they fly. We will talk later about the problem that they don't always fly. They do not fly when the wind is more than 15 knots. We have four of these in Arizona, with only one that has a VADER system. Of the four we have, only about two of them are flying most of the time. They only fly 5 days a week. So one of the keys, if we are going to use the drones, let's make sure we have VADER on all of them and let's make sure they are able to fly more than 5 days a week, more than 16 hours a day, and let's properly resource these aircraft.

Old technology. The drone is pretty new. This is old technology. Blimps and dirigibles have been around forever. Some of you may recall seeing a video of blimps such as this from Kabul, Afghanistan. I talked on the phone this week with a fellow who is now Ambassador to Mexico. His name is Tony Wayne. He used to be the No. 2 guy in our Embassy in Afghanistan.

I asked him: How do we use blimps in Kabul? We use them in Kabul very effectively. He said: The great thing about blimps is you can put them up in bad weather, when it is windy. You can't fly more than 15 knots, but these stay up and don't run out of gas. You can have more surveillance systems with pods on these than you can on a lot of the other aircraft we are flying. We use them with great effect in Kabul, Kandahar, Afghanistan, and other places, and we ought to be able to do better with them on the border with Mexico. They can be a great force multiplier as well.

This is a little plane called a Cessna C–206, and it has enough room to carry two people. I think we have about 17 of them. We saw one in Arizona, and we saw a bunch more in Texas. It is really not cutting-edge technology; it is just cost-effective. You can put these planes out for a while, and they don't use much gas. They are a good platform for surveillance.

Unfortunately, out of the 16 or 17 that we have, only 1 of them has a surveillance system that enables us to look down and find out what is going on on the ground. It is sort of like sending out an airplane doing maritime surveillance when occasionally we do search and rescue missions over the vast ocean with binoculars, looking for somebody in a little skiff or in a life preserver. It is like looking for a needle in the haystack. When we fly these planes, we ought to have them fully resourced with modern surveillance equipment and people operating them.

We have boats, and we have helicopters. We have boats that go fast along the Rio Grande River. We need boats that go fast. We need the same thing off the coast of California. Fortunately, we have them.

We don't have enough helicopters. We talked to some folks in East Texas. They basically are flying three different kinds of helicopters—one is fairly modern, and a couple others are not. The only one the Border Patrol is really interested in is the one that is fairly modern. It is reliable, has good surveillance equipment.

What we were told by some people is this: If you are going to send us the older, less reliable helicopters without the technology, don't send them. What we need to have is more of the successful helicopters, the ones in demand, where it will actually be a real force multiplier.

I thought this was an interesting slide. This is with night vision goggles. We also have the ability to use the VADERS, the systems we put in our drones. In the C–206s we fly, our ground-mounted cameras are along the border. This is nighttime, but this is what we can see today, and it is pretty easy to pick people up. If we are going to ever be able to figure out how many are getting across, not getting across, we need this; we don't need this. Fortunately we have this, and it is a force multiplier. We need to make sure we use it well.

This shows a different series. Some are cameras, some are radar, but they are ground-based. In this case they have an operator. Again, this is one that is mounted on a truck bed. It can be moved around. Some are more permanent. Here is one that is more permanent. You have the Border Patrol here right at the fence and the ability to look north, south, east, and west.

These are just a couple examples of force multipliers. We have all these men and women on the border. We have basically doubled the border patrol. How do we make them more effective without just adding more and more bodies between the ports of entry? We can do it with this kind of technology. We can do it effectively, and I think we can do it in a cost-effective way. That is what we ought to do.

The bill we are going to be debating over the next couple of weeks sets aside an additional $6.5 billion for border security on top of the $18 billion we already spend today, every year. The $6.5 billion in the bill will be used to add another 3,500 officers—not between the ports of entry, these big ports. We are not talking about water ports. We are talking about land-based ports of entry where a lot of commerce—cars, trucks, pedestrians—is getting in, and big commerce is going through those ports of entry as well.

But the legislation wisely could use some of that extra $6.5 billion to hire another 3,500 officers to work in our ports of entry, to build new infrastructure at the ports of entry and make them better, to secure new surveillance systems, and for the aerial support for the Border Patrol.

For the first time in our Nation's history, we have set a statutory goal for the Border Patrol in this legislation to arrest or turn back to Mexico some 90 percent of all those trying to get across illegally. So if we have 100 people trying to get in on a given day at a particular spot, the idea is to know how many are actually trying to get in and how many are either detained or actually turned back. The idea is to make sure we are going to have at least a 90-percent success rate. It is a tough law, and it ensures accountability.

Do you remember what I said about Germany? In Germany, with all the hundreds of miles of concrete and 30,000 soldiers, their effective rate was 95 percent. We are talking about something very close to that—90 percent—without doing the kinds of stuff they did in East Germany.

Lastly, the bill that is before us calls for achieving persistent surveillance over the entire border so we can know with a high degree of certainty how many people are trying to cross it illegally. Given the length of our borders and how rugged and how varied it is, this goal will be a challenge—and a costly one—to achieve, but it is not impossible.

As I learned from my trips to the border, there is simply no one-size-fits-all solution for securing our border. It really depends on the terrain, which varies widely along the border region. That is why we need to systemically identify the best technology to allow us to use our frontline agents—the Border Patrol—more effectively and give them the tools they tell us they need to be successful.

One specific thing I have seen on my trips along the border with the C–206—and just think about it. You have an airplane. You put it up to fly for 3 or 4 hours, and you can send it out with one person looking through binoculars or a surveillance system with lights out. That works in the day or the night, rain or not, and it gives us great images and a great capability.

We also need to make sure the Department of Homeland Security has the flexibility to deploy resources when and where it makes sense. For example, as we talked earlier about the blimps that are tethered, they have proven to be enormously successful in northern Afghanistan. And for anybody who doubts that, I urge you to give our Ambassador to Mexico a call, who was our No. 2 guy in Afghanistan the last time I was there a couple of years ago. As I said earlier, the blimps are old in terms of the technology, but they can handle a lot of surveillance stuff and equipment, and they do great work. In some places, they will make a lot of sense; in other cases, maybe not so much.

But the Department of Homeland Security needs to be able to swiftly put in place innovative tools like blimps when factors on the ground change or when they see the need for a new approach to securing certain portions of our border. I don't think we ought to be hamstringing them with mandates

that make them less effective in carrying out their missions, including requiring additional fences in areas where the fencing doesn't make much sense. In a lot of places, it does. There are 600 miles or so where it does, and there are more places that it does. But there are also some places where it makes more sense to resource a drone, to have land-based radar and cameras, where it makes more sense to fly the 206s, to have helicopters with the right kind of surveillance equipment on them and be able to move people along.

I want to mention some other cost-effective technology. We saw some really interesting hand-held devices that allow the border agents to see in the dark. I also saw something at one of the ports of entry. It was actually about the size of my Blackberry. I remember standing at the ports of entry where they have literally thousands of cars and trucks and vehicles and pedestrians coming across a day. But before the truck or vehicle ever got to the border, the officer had a device that would tell her the truck that was coming through, the history of the truck that was coming through, the driver who was in the truck and the history of that driver coming through, what should be in the truck, and what was the cargo in the truck in recent months. This was up in Detroit too. But one of the officers there said this is a game changer.

As I mentioned earlier, this bill we are debating appropriates about $6.5 billion to continue to build on the progress we have made and achieve the ambitious goals it sets for the Department. That is good news. My goal is to make sure that much of this funding is devoted to these force multipliers to help our boots on the ground work smarter and be more effective. I don't think we need to micromanage the process.

We have been joined by the majority leader. I am happy to yield.

Mr. REID. Mr. President, I appreciate my friend yielding.

Mr. President, I read into the RECORD in some detail today a letter that he wrote with Senator LEAHY talking about what has gone on in recent years with border security. Our country is very fortunate to have this good man leading our Homeland Security Committee.

There are some Senators I don't know as much about as I do about this man, but we have been together since 1982. He had a sabbatical for 8 years to run the State of Delaware as Governor, but other than that, we have been locked in arms, moving forward.

I appreciate very much his yielding.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING OFFICER JASON ELLIS

Mr. MCCONNELL. Mr. President, I rise today for the sad occasion of paying tribute to a brave and honorable police officer from my home State of Kentucky who has fallen in the line of duty. Officer Jason Ellis, a seven-year veteran of the Bardstown Police Department, was tragically killed on May 25. He was 33 years old.

Officer Ellis worked as a field-training officer and a canine officer; with his police dog, Figo, he fought illegal drug use in Bardstown. Bardstown Police Chief Rick McCubbin described Officer Ellis as one of Bardstown's top officers and credited him with making a serious dent in the town's drug problem. Chief McCubbin also said these words: ''[He] paid the ultimate sacrifice doing what he loved: being a police officer.''

Jason Ellis, a native of Cincinnati, OH, attended the University of the Cumberlands in Williamsburg, KY, where he was a star baseball player. He set records for all time career hits, doubles, home runs, and career games played, the last of which is still a record at the school. He played minor league baseball in the Cincinnati Reds system.

Even as a star on the diamond, however, coaches and teammates remember Jason Ellis talking about becoming a law enforcement officer. His wife, Amy, says: ''He was always a go-getter. . . He was dedicated to his job and he wanted to clean the streets up. And that was the way to get the drugs off the streets.''

On May 30, Officer Ellis was laid to rest at Highview Cemetery in Nelson County. Fellow law enforcement officers from across the Commonwealth as well as Pennsylvania, Ohio, and Illinois came to pay their respects, and hundreds of police cruisers made up the funeral procession. Over a thousand people filled the church sanctuary, with more standing along the aisles, to show their gratitude for Officer Ellis's service and sacrifice.

It is incredibly moving to see the broad outpouring of support from Kentuckians and the law enforcement community for Officer Ellis, which I pray was of some comfort to Officer Ellis's family at such a difficult time. Officer Ellis leaves behind his wife Amy and two sons, Hunter and Parker.

It can't be stated enough, Mr. President, how deep our admiration and respect is for every man and woman who wears a police uniform and makes a solemn vow to defend the lives of others, even at the cost of their own. Police officers provide stability and justice in our civil society. I know my colleagues in the U.S. Senate join me in extending the deepest sympathies to the family of Officer Jason Ellis and the members of the Bardstown Police Department. We are very sorry for their loss.

REMEMBERING PETE VONACHEN

Mr. DURBIN. Mr. President, I rise today to pay tribute to a generous, genuine Illinoisan we lost this week.

Those of us who have watched and listened to Chicago Cubs' games for some time can easily recall Harry Caray. His booming voice was instantly recognizable as the voice of the Cubs—and fans fondly remember his celebrations of their triumphs and his deeply felt sorrow at more than a few of their disappointments.

Some of us may even recall his bright voice welcoming one of his closest friends to the broadcasting booth with the words: ''and here today, from Peoria, Pete Vonachen!''

I am sad to say that Pete Vonachen passed away—peacefully—this week. Pete was an enthusiastic, colorful, and memorable person. He loved Peoria, baseball, and the Cubs. You could tell that he bled Cubs blue—especially, as one friend explained, in 2005. That was the year that the White Sox won the World Series.

After running a successful restaurant and making his name in the Peoria business community, he bought the local minor league team and struck an affiliation with his favorite Chicago team. The Peoria Chiefs soon had the highest attendance of any team in the Midwest League. A decade later, they renamed the ballpark they called home to Pete Vonachen Stadium. They even put a statue of him just inside the main gate of their new stadium.

That statue was surrounded with flowers and baseballs placed by fans Monday night as the Chiefs took the field against the Quad Cities River Bandits. And, after a moment of silence to honor his memory, the Chiefs won. The Cubs held a moment of silence for him as well at Wrigley Field Monday.

Pete Vonachen will be missed by his family, his many friends and those who loved him in Peoria, and the entire Illinois baseball community.

We will remember Pete and his tremendous line, ''Have a great day, and keep swingin'.''

AMIR HEKMATI

Mr. LEVIN. Mr. President, in Flint, MI, a family anxiously awaits word of when their son and brother will return to them. For more than 600 days, Amir Hekmati has been imprisoned in Iran, accused of spying for the United States. His capture, detention, trial and sentencing have brought great anxiety to his loved ones here in the United States.

Amir, who spent much of his childhood in Michigan and whose family still lives there, was visiting relatives in Iran in August of 2011 when he was arrested by Iranian police. In January of 2012, an Iranian trial court sentenced him to death. But on March 5, 2012, Iran's Supreme Court overturned that sentence, ruled Amir's trial had been flawed and ordered a new trial.

That was more than a year ago, and yet Amir's family still has little clue as to his fate. Amir has been held for much of his captivity in solitary confinement. He has not been granted access to his Iranian attorney and has been allowed only limited contact with family. Switzerland, which oversees U.S. interests in Iran, has not been granted consular access to him.

There is no evidence that Amir was engaged in any espionage activity while visiting his family in Iran. There is every reason to believe—including the ruling of the Iranian Supreme Court—that the information used against Amir in his original trial was deeply flawed. A videotaped ''confession'' broadcast on Iranian television was obviously edited. Iranian officials have yet to make clear what charges, if any, Amir faces, or when he might be re-tried on those charges, even though more than a year has passed since his original sentence was overturned. Humanitarian and human rights groups including Amnesty International have called for Amir's release. So have a number of U.S.-based Islamic organizations, including Islamic Circle of North America, Islamic Society of North America, Muslim Public Affairs, Council, Council on American-Islamic Relations of Michigan, the Council of Islamic Organizations of Michigan, Islamic House of Wisdom, the Muslim Center of Detroit and the Michigan Muslim Community Council.

Recently, Amir's family has received some limited communication with him. He has been able to send them letters, and an uncle in Iran has been given permission to visit Amir in prison. This limited contact has been welcome, but has only increased the family's desire to secure Amir's return. This desire is all the stronger because Amir's father, a college professor in Flint, has been diagnosed with terminal cancer. Ali Hekmati faces his illness wondering if he will ever again be able to see his son. Islamic and universal principles of compassion and mercy argue for his release.

Our two nations have wide differences of opinion, many of them longstanding, others which have emerged more recently. But innocent citizens of both our nations should not be caught up in matters of state. I urge the Iranian government to recognize the humanitarian necessity of releasing Amir Hekmati and returning him to the Michigan family that has missed him for so long.

THE FARM BILL

Mr. COONS. Mr. President, I wish to speak to my amendment No. 1079 to the farm bill. This amendment—with Republican and Democratic support—would simply increase the authorization for the Local and Regional Procurement Program from $40 million per year to $60 million per year.

It would increase the flexibility for aid providers to use locally and regionally purchased food, which is an important element of U.S. food assistance. There is no score because we are simply increasing the authorization for this discretionary program.

The Local and Regional Procurement Program is based on a pilot program authorized in the 2008 farm bill to test projects that could help get food aid to hungry populations faster and more efficiently by sourcing food in the communities and regions closest to those in need.

USDA and Cornell University have studied the pilot program and found it has been able to provide aid quickly and efficiently while also supporting development of food markets in low-income countries. This amendment would simply increase the authorized funding level so we can invest additional resources in this successful program.

My amendment is supported by 20 groups, including American Jewish World Service, Bread for the World, CARE, Catholic Relief Services, Church World Service, Columban Center for Advocacy and Outreach, Evangelical Lutheran Church in America, Institute for Agriculture and Trade Policy, InterAction, Lutheran World Relief, Mennonite Central Committee U.S. Washington Office, Mercy Corps, Modernizing Foreign Assistance Network—MFAN—ONE, Oxfam America, Partners in Health, Save the Children, United Church of Christ Justice and Witness Ministries, United Methodist Church-General Board of Church and Society, and World Food Program USA.

I wish to thank the cosponsors of this amendment—Republicans and Democrats—for supporting this effort, including Senators JOHANNS, DURBIN, ISAKSON, and LEAHY.

NO CHILD LEFT BEHIND REFORM

Ms. MURKOWSKI. Mr. President, I rise today to speak briefly about two pieces of legislation that I have introduced. They are the Educational Accountability and State Flexibility Act and the Early Intervention for Graduation Success Act. I intend to speak with my colleagues about these bills in the coming days and weeks, but I would like to take a moment now to provide an overview of my thoughts.

We have all heard from our constituents—teachers, principals, superintendents, school board members, and parents—about the No Child Left Behind Act. Clearly, the law has some good things. Americans deserve accountability for how their Federal tax dollars are spent, even when they are spent in their local schools. Parents want to know their local schools can help prepare their children for the future. But No Child Left Behind went too far. My bill, the Educational Accountability and State Flexibility Act, seeks to maintain reasonable accountability to taxpayers and parents while providing greater flexibility to States and schools to meet our children's needs and local communities' individual circumstances.

As we know, the Senate HELP Committee has again begun to address the need to reform No Child Left Behind. A markup of the Strengthening America's Schools Act began yesterday, Tuesday, June 11, 2013. I am hopeful the committee can come together to reduce, not expand, the Federal government's role in our local schools. I know several of my colleagues share that hope, including Senator ALEXANDER, who offered a substitute amendment to reduce the Federal mandates in the Strengthening America's Schools Act. I voted for that amendment and others like it. Since the Alexander amendment and several similar amendments failed, I hope my colleagues will review my Educational Accountability and School Flexibility Act. It is intended to offer some ideas for continuing the conversation.

My bill would amend the Elementary and Secondary Education Act—also known as No Child Left Behind—to do the following: No. 1: Eliminate adequate yearly progress—AYP; No. 2: Allow States to stick with an approved waiver plan if that is their choice; No. 3: Require States, not the Federal government, to determine each school's level of success in helping kids succeed based on broad, flexible parameters, publish the results, reward what schools are doing right, and help the schools that need help; No. 4: Require States to diagnose why a school is not improving to help fix what is wrong in a way that will work for that school and community—not implement a school turnaround model mandated by the Federal government; No. 6: Prohibit the Secretary from prioritizing or mandating any school turnaround strategy; No. 7: Prohibit the Secretary of Education from approving or disapproving a State's decisions about standards, tests, and accountability while making sure the public can access experts' opinions on the plans; No. 8: Eliminate the Federal ''highly qualified teacher'' requirements and let States decide what makes teachers highly effective; No. 9: Continue to ask the low-performing schools to tutor students who are not succeeding in schools; No. 10: Continue to allow public school choice as long as a higher performing public school is available and kids would not have to ride long hours on dangerous roads to get there; and No. 11: Respect the voice and expertise of our Nation's indigenous first peoples regarding what helps Native children succeed in school.

I have also reintroduced my Early Intervention for Graduation Success Act with a few changes from last Congress. I hope my colleagues will take some time to review this legislation.

This legislation would, if enacted, amend the current school dropout prevention provisions of the Elementary and Secondary Education Act. It would focus attention on identifying and

helping students who are at risk to not graduate from high school as early as prekindergarten and through elementary and middle school.

Some may ask, Why are you concentrating on toddlers and elementary school children when you are trying to solve the high school dropout crisis facing our Nation? Why not focus attention and our Nation's scarce resources on high school students, or even middle school students?

The reason is simple. Early on is when children's troubles in school begin, and an ounce of prevention is worth a pound of cure. High school and middle school students do not just wake up one day and say, I think I will drop out of school today. Twenty-five years of research tells us that dropping out is a long process of frustration, alienation, and even boredom—it is not a sudden decision. We know that students with disabilities, minority and poor children, and students whose home lives are, in all sorts of ways, difficult have lower graduation rates than their peers. The challenges children face today are all too prevalent, and we know the factors that make it harder for them to succeed in school. We know this.

It only makes sense, then, that we rework the program intended to help schools increase their graduation rates so that it actually helps schools help children when we can make the most difference. We need to act before these children have fought for years just to stay afloat, and before they are too tired, frustrated, alienated, and angry to fight anymore.

But I have also heard from some who asked that my legislation include a stronger focus on secondary schools, knowing that today we have middle and high schools that are struggling to keep their students in school and on a path to success. So I have done that.

I have also heard from my State. They shared concerns with me that the cost to create a database combining data from multiple State agencies that have information that will inform schools as to students' risk factors for dropping out—participation in public assistance programs, being homeless or a foster child, having an incarcerated parent, etc.—would be too high. So, knowing that it still makes sense to help our educators better identify students who are at risk, I have amended my bill to just ask the State to help schools access this information while following FERPA and HIPAA rules for privacy of that data.

We all want our schools to be successful. We all want our children to be successful. I am hopeful my colleagues will take a good look at both of these bills, and that they will help to move the conversation forward about how we can help reach our goals.

TRIBUTE TO BRIGADIER GENERAL STEVEN R. RUDDER

Mr. BLUMENTHAL. Mr. President, today I rise to honor a true patriot and native son of Canton, CT. After more than 3 years of service as the legislative assistant to the Commandant of the Marine Corps, Brig. Gen. Steven R. Rudder is deservedly moving up to assume the responsibilities of commanding general, 1st Marine Aircraft Wing. On this occasion, I wish to recognize General Rudder's noble service and dedication to fostering the warm relationship between the U.S. Marine Corps and the U.S. Senate.

Commissioned in June of 1984, General Rudder is well-known and respected as a true leader and warrior. In addition to serving as a weapons and tactics instructor, he has distinguished himself in combat and effectively commanded HML/A–167 and Marine Air Group 26.

Over the last 3 years, General Rudder has been instrumental in facilitating the oversight responsibilities of the Senate. Known for his comprehensive knowledge of legislative issues and the operational requirements of the Marine Corps, he ensured that the Senate Armed Services Committee was armed with timely information on Operation Enduring Freedom and other forward-deployed Marine forces, as well as numerous Marine Corps programs to include the Joint Strike Fighter, the Amphibious Combat Vehicle, and the MV–22 *Osprey*. Moreover, General Rudder worked to recognize the contributions of the Montford Point Marines—the first African Americans who entered into service with the Marine Corps during World War II—with a Congressional Gold Medal.

In 2011 I had the unique privilege of being the guest of honor at the U.S. Marine Corps Sunset Parade, hosted by General Rudder. It was a glorious display of military precision and a truly enjoyable and moving event. I join many past and present members of Congress in my gratitude and appreciation for General Rudder's outstanding leadership. I invite my Senate colleagues to wish him well, along with his wife Holly, as he transfers to Okinawa, Japan.

ADDITIONAL STATEMENTS

ALASKA AIR NATIONAL GUARD

• Ms. MURKOWSKI. Mr. President, I have the honor today to recognize five great Americans who valiantly risked their lives multiple times in the service of their country. CPT Christopher Keen, MSgt. Sergeant Chad Moore, TSgt. Christopher Harding, SSgt. William Cenna, and SSgt. Sergeant Nickolas Watson are members of the Air National Guard from the State of Alaska who serve with the 212th Rescue Squadron from Joint Base Elmendorf-Richardson, Alaska. I'd like to tell you about some of the heroic actions taken by these men in the summer of 2012, when they were deployed to Afghanistan.

Captain Keen, Master Sergeant Moore, Tech Sergeant Harding, Staff Sergeant Cenna, and Staff Sergeant Watson are assigned to an Air National Guard unit that specializes in dangerous medical evacuation missions. Pararescue Jumpers, or PJs, train to be inserted into the most hazardous and precarious situations to save lives. They learn to operate in the extreme cold and harsh terrain. As a matter of fact, Staff Sergeant Cenna was part of a five-member team to summit Denali about a month ago on May 9, 2013. PJs train on some of the most cutting edge equipment and master complicated medical procedures. If that is not enough, they prepare to do this job in the face of an enemy that, when they are plunged into the heart of a battle, can appear from any direction.

In order to fully understand the valorous actions of these five men in 2012, I must begin the story in April 2011. Staff Sergeant Cenna, who you will hear about again, was part of a rescue team tasked to recover two U.S. Army pilots downed in the Tagab Valley, Afghanistan. After dropping Sergeant Cenna and his teammate at the crash site, members of the aircrew were injured by enemy fire and forced to leave the team without overhead coverage. On the ground, insurgents began voicing their intent to take individuals hostage and Sergeant Cenna began taking enemy fire. A six-hour firefight ensued, and Sergeant Cenna maintained complete situational awareness while relaying critical information to attack helicopters above. Risking his life repeatedly, Sergeant Cenna's actions directly contributed to eliminating the threat and most importantly, enabled the recovery of the downed American pilot, a killed in action infantryman, and another critically wounded soldier from enemy territory. For his gallantry and devotion to duty on April 23, 2011, Staff Sergeant Cenna was awarded the Silver Star.

Just over a year later, on July 29, 2012, Staff Sergeant Cenna was again deployed to Afghanistan. He, along with Tech Sergeant Harding and Staff Sergeant Watson, were conducting a mission to evacuate two Danish soldiers near Gereshk, Afghanistan. The Danes had been critically wounded and were pinned down in an active firefight. The three-man pararescue team infiltrated at an unplanned insertion point approximately 100 meters from the soldiers. Without hesitation, the PJs maneuvered through a field with possible improvised explosive devices and enemy machine gun fire. The team then forded a flowing canal and climbed a 12-foot embankment to reach the wounded Danish soldiers. After applying lifesaving medical interventions and evacuating them to the transport vehicle, the team was notified of two more critically wounded soldiers at the incident site. Exposing themselves to extreme danger again, the team extracted those wounded troopers as well. In all that day, Tech Sergeant Harding, Staff Sergeant Cenna, and Staff Sergeant Watson saved four lives. Just a

year after earning the Silver Star, Staff Sergeant Cenna joined Tech Sergeant Harding and Staff Sergeant Watson displaying sheer courage under fire and unadulterated, unselfish dedication to their duty, their country and their brothers in arms.

The very next month, on August 8 and 9, 2012, Captain Keen, Master Sergeant Moore and Staff Sergeant Cenna were operating in support of Marines in Alpha Company, 2d Reconnaissance Battalion, near Urmuz, Afghanistan. The operation was called Lion's Den. It was during this operation that Sergeant Cenna earned his second Bronze Star with Valor. Captain Keen led the insertion and extraction of the Marines into unexplored enemy tunnel networks, while combating small arms fire, heavy machine gun engagements, mortar attacks and improvised explosive devices. While conducting their primary mission, Captain Keen's dismounted patrol was engaged by the enemy, isolating one member of his patrol. After observing the enemy firing position was in close proximity to women and children, he maneuvered 75 meters to another position, preventing civilian causalities while simultaneously eliminating threats. Sergeant Moore was also performing his duties of lowering and recovering Marines into tunnel systems in order to destroy enemy lethal aide. While moving to an objective through a known concentration of improvised explosive devices, a supporting tank struck such a device. Without regard for his own safety, Sergeant Moore maneuvered with his team's vehicle to rescue the tank crew. He treated the tank crew, and soon after his own vehicle was struck by an improvised explosive device and began receiving enemy mortar fire. Despite the dire situation, Sergeant Moore maintained security and safeguarded the disabled tank crew, enabling the success of the operation.

For their actions in the summer of 2012, all five of these men have been awarded the Bronze Star with Valor. I wish to thank these great men for their selfless service and dedication to our nation. They are all my heroes.●

TRIBUTE TO DR. PIERMARIA ODDONE

● Mr. KIRK. Mr. President, I stand today to honor Dr. Piermaria Oddone as he retires after 8 years of exemplary leadership as director of the Fermi National Accelerator Laboratory, also known as Fermilab.

As America's premier particle physics laboratory, Fermilab is a point of pride for Illinois. For over 45 years it has supported thousands of scientists across the country whose research is a priceless contribution to the world's understanding of matter, energy, space, and time. With the appointment of Pier Oddone as director in 2005, Fermilab was placed under the leadership of a visionary who ensured that the United States would remain a producer of groundbreaking research in particle physics.

Under the direction of Dr. Oddone, Fermilab entered a period of unparalleled scientific progress. The laboratory launched a new era of research in high-intensity particle beams, and experimentation on muons and neutrinos. It advanced our understanding of dark matter and led the Pierre Auger Observatory project to study ultra-high-energy cosmic rays. Fermilab, in partnership with the State of Illinois, constructed the Illinois Accelerator Research Center. It concluded a 28-year run for the Tevatron collider that discovered the quark. It contributed invaluable resources to the groundbreaking discovery of the Higgs boson. Most importantly, however, Fermilab has provided state-of-the-art facilities for over 4,000 researchers each year so that they can continue their work for the advancement of science and society.

Dr. Oddone's contributions to the scientific community outside of his leadership at Fermilab are no less impressive. Born in Peru, he received his Ph.D. in physics from Princeton before joining the Lawrence Berkeley National Laboratory. He quickly rose to become the laboratory's deputy director and was responsible for the scientific development that contributed to many of the lab's successes. As an elected member of the National Academy of Sciences in both the United States and Peru, Dr. Oddone has received numerous awards for his work, including fellowships from the American Physical Society and American Academy of Arts and Sciences. He is a recipient of the Panofsky Award for his invention of the Asymmetric B-Factory particle collider, and is known for his role in the SLAC BaBar collaboration that helped to discover matter-antimatter asymmetry in B mesons.

As my friend Dr. Piermaria Oddone retires from Fermilab, I ask that you join me in honoring an individual who embodies the spirit of discovery through a shining example of scientific excellence. Thank you for your leadership.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The message received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:56 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 251. An act to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

H.R. 723. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 993. An act to provide for the conveyance of certain parcels of National Forest System land to the city of Fruit Heights, Utah.

H.R. 1157. An act to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical scientific, cultural, and other purposes.

H.R. 1158. An act to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

The message also announced that the Clerk of the House be directed to request the Senate to return to the House of Representatives the bill (H.R. 2217) to make appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2014, and for other purposes.

The message further announced that pursuant to 44 U.S.C. 2702, the Clerk of the House reappoints the following member on the part of the House of Representatives to the Advisory Committee on the Records of Congress: Dr. Sharon Leon of Fairfax, Virginia.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 993. An act to provide for the conveyance of certain parcels of National Forest System land to the city of Fruit Heights, Utah; to the Committee on Energy and Natural Resources.

H.R. 1157. An act to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes; to the Committee on Energy and Natural Resources.

H.R. 1158. An act to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; to the Committee on Energy and Natural Resources.

MEASURES DISCHARGED

The following bill was discharged from the Committee on Appropriations, and ordered returned to the House pursuant to the request of the House of June 11, 2013:

H.R. 2217. An act making appropriations for the Department of Homeland Security for

the fiscal year ending September 30, 2014, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 251. An act to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1895. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Federal Voting Assistance Program's 2010 Electronic Voting Support Wizard Pilot Program Report to Congress; to the Committee on Rules and Administration.

EC–1896. A joint communication from the Acting Under Secretary of Defense (Personnel and Readiness) and the Deputy Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to the activities of the Extremity Trauma and Amputation Center of Excellence; to the Committee on Veterans' Affairs.

EC–1897. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''VA Dental Insurance Program'' (RIN2900–AN99) received during adjournment of the Senate in the Office of the President of the Senate on May 28, 2013; to the Committee on Veterans' Affairs.

EC–1898. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Community Residential Care'' (RIN2900–AO62) received during adjournment of the Senate in the Office of the President of the Senate on May 28, 2013; to the Committee on Veterans' Affairs.

EC–1899. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Border Zone in the State of New Mexico'' (RIN1651–AA95) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1900. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Thea Foss Waterway previously known as City Waterway, Tacoma, WA'' ((RIN1625–AA09) (Docket No. USCG–2012–0911)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1901. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Vessel Traffic in vicinity of Marseilles Dam; Illinois River'' ((RIN1625–AA11) (Docket No. USCG–2013–0344)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1902. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Waldo-Hancock Bridge Demolition, Penobscot River, between Prospect and Verona, ME'' ((RIN1625–AA11) (Docket No. USCG–2012–0394)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1903. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Temporary Change of Dates for Recurring Marine Event in the Fifth Coast Guard District; Mattaponi Drag Boat Race, Mattaponi River; Wakema, VA'' ((RIN1625–AA08) (Docket No. USCG–2013–0325)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1904. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: ODBA Draggin' on the Waccamaw, Atlantic Intracoastal Waterway; Bucksport, SC'' ((RIN1625–AA08) (Docket No. USCG–2013–0102)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1905. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: Daytona Beach Grand Prix of the Sea, Atlantic Ocean; Daytona Beach, FL'' ((RIN1625–AA08) (Docket No. USCG–2013–0250)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1906. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events, Pleasantville Aquatics 15th Annual 5K Open Water Swim, Intracoastal Waterway; Atlantic City, NJ'' ((RIN1625–AA08) (Docket No. USCG–2013–0402)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1907. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: Annual Swim around Key West, Atlantic Ocean and Gulf of Mexico; Key West, FL'' ((RIN1625–AA08) (Docket No. USCG–2013–0160)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1908. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: Swim Across the Potomac, Potomac River; National Harbor Access Channel, MD'' ((RIN1625–AA08) (Docket No. USCG–2013–0156)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1909. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations and Safety Zones; Recurring Marine Events and Fireworks Displays within the Fifth Coast Guard District'' ((RIN1625–AA00, AA08) (Docket No. USCG–2012–0970)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1910. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Wy-Hi Rowing Regatta, Trenton Channel; Detroit River, Wyandotte, MI'' ((RIN1625–AA08) (Docket No. USCG–2013–0287)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1911. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: Pro Hydro-X Tour, Lake Dora; Tavares, FL'' ((RIN1625–AA08) (Docket No. USCG–2013–0171)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1912. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation, 50 Aniversario Balneario de Boqueron, Bahia de Boqueron; Boqueron, PR'' ((RIN1625–AA08) (Docket No. USCG–2013–0297)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1913. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Low Country Splash, Wando River, Cooper River, and Charleston Harbor; Charleston, SC'' ((RIN1625–AA08) (Docket No. USCG–2013–0052)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1914. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''When Pigs Fly Fireworks Display; San Diego, CA'' ((RIN1625–AA00) (Docket No. USCG–2013–0276)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1915. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; RXR Sea Faire Celebration Fireworks, Glen Cove, NY'' ((RIN1625–AA00) (Docket No. USCG–2013–0358)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1916. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Great Western Tube Float; Colorado River; Parker, AZ'' ((RIN1625–AA00) (Docket No. USCG–2013–0268)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1917. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Grain-Shipment and Grain-Shipment Assist Vessels, Columbia and Williamette Rivers'' ((RIN1625–AA00) (Docket No. USCG–2013–0010)) received in the Office

of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1918. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 2013 Ocean City Air Show, Atlantic Ocean; Ocean City, MD'' ((RIN1625–AA00) (Docket No. USCG–2013–0378)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1919. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; USO Patriotic Festival Air Show, Atlantic Ocean; Virginia Beach, VA'' ((RIN1625–AA00) (Docket No. USCG–2013–0377)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1920. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Flagship Niagara Mariners Ball Fireworks, Presque Isle Bay, Erie, PA'' ((RIN1625–AA00) (Docket No. USCG–2013–0419)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1921. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Tennessee River, Mile 463.5 to 464.5; Chattanooga, TN'' ((RIN1625–AA00) (Docket No. USCG–2013–0075)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1922. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Salvage Operations at Marseilles Dam; Illinois River'' ((RIN1625–AA00) (Docket No. USCG–2013–0405)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1923. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Figure Eight Causeway Channel; Figure Eight Island, NC'' ((RIN1625–AA00) (Docket No. USCG–2013–0258)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1924. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; High Water Conditions; Illinois River'' ((RIN1625–AA00) (Docket No. USCG–2013–0323)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1925. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Melrose Pyrotechnics Fireworks Display; Chicago Harbor, Chicago, IL'' ((RIN1625–AA00) (Docket No. USCG–2013–0328)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1926. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Safety Precautions to Protect the Public from the Effects of a Potential Catastrophic Failure of the Marseilles Dam; Illinois River'' ((RIN1625–AA00) (Docket No. USCG–2013–0334)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1927. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; USA Triathlon; Milwaukee Harbor, Milwaukee, WI'' ((RIN1625–AA00) (Docket No. USCG–2013–0140)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1928. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 2013 Fish Festival Fireworks, Lake Erie, Vermilion, OH'' ((RIN1625–AA00) (Docket No. USCG–2013–0163)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1929. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones and Special Local Regulations; Recurring Marine Events in Captain of the Port Long Island Sound Zone'' ((RIN1625–AA00, AA08) (Docket No. USCG–2012–1036)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1930. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Bay Village Independence Day Fireworks, Lake Erie, Bay Village, OH'' ((RIN1625–AA00) (Docket No. USCG–2013–0313)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1931. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Annual Firework Displays within the Captain of the Port, Puget Sound Area of Responsibility'' ((RIN1625–AA00) (Docket No. USCG–2012–1001)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1932. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Reno, NV'' ((RIN2120–AA66) (Docket No. FAA–2012–1195)) received during adjournment of the Senate in the Office of the President of the Senate on May 30, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1933. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Assessment of Mediation and Arbitration Procedures'' (RIN2140–AB02) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1934. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, proposed legislation to stop the excessive payments to Federal contractors that is required by law; Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 1142. A bill to prohibit Members of Congress from receiving pay when the Federal Government is unable to make payments or meet obligations because the public debt limit has been reached; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MORAN (for himself, Mr. THUNE, and Mr. TESTER):

S. 1143. A bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Ms. KLOBUCHAR, and Mr. BLUMENTHAL):

S. 1144. A bill to prohibit unauthorized third-party charges on wireline telephone bills, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ISAKSON (for himself, Mr. MURPHY, Ms. WARREN, Mr. SCOTT, and Mr. NELSON):

S. 1145. A bill to amend the Employee Retirement Income Security Act of 1974 to require a lifetime income disclosure; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KIRK (for himself, Mr. MENENDEZ, and Mr. DURBIN):

S. 1146. A bill to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay-to-play reform, and for other purposes; to the Committee on Environment and Public Works.

By Mr. UDALL of Colorado:

S. 1147. A bill to clarify the disposition of covered persons detained in the United States pursuant to the Authorization for Use of Military Force, and for other purposes; to the Committee on Armed Services.

By Mr. HEINRICH (for himself and Mr. HELLER):

S. 1148. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide notice of average times for processing claims, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NELSON (for himself and Mr. SCHUMER):

S. 1149. A bill to reauthorize the ban on undetectable firearms, and to extend the ban to undetectable firearm receivers and undetectable ammunition magazines; to the Committee on the Judiciary.

By Mr. BLUMENTHAL:

S. 1150. A bill to posthumously award a congressional gold medal to Constance Baker Motley; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN:

S. 1151. A bill to reauthorize the America's Agricultural Heritage Partnership in the State of Iowa; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself and Mr. BLUNT):

S. 1152. A bill to amend the Public Health Service Act to help build a stronger health care workforce; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself, Mr. NELSON, and Mr. LEVIN):

S. 1153. A bill to establish an improved regulatory process for injurious wildlife to prevent the introduction and establishment in the United States of nonnative wildlife and wild animal pathogens and parasites that are likely to cause harm; to the Committee on Environment and Public Works.

By Mr. ROBERTS (for himself, Mr. INHOFE, Mr. BARRASSO, and Mr. COCHRAN):

S. 1154. A bill to provide that certain requirements of the Patient Protection and Affordable Care Act do not apply if the American Health Benefit Exchanges are not operating on October 1, 2013; to the Committee on Finance.

By Mr. TESTER:

S. 1155. A bill to provide for advance appropriations for certain information technology accounts of the Department of Veterans Affairs, to include mental health professionals in training programs of the Department, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON of South Dakota (for himself and Mr. KIRK):

S. Res. 168. A resolution designating June 2013 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia; considered and agreed to.

By Ms. HEITKAMP (for herself, Mr. BOOZMAN, Mr. ROCKEFELLER, Mr. TESTER, Mr. BLUMENTHAL, Mr. BEGICH, Ms. HIRONO, Mrs. MURRAY, Mr. JOHANNS, Mr. FRANKEN, Mr. DONNELLY, Mr. MORAN, Ms. STABENOW, Mr. SANDERS, Mr. HELLER, Mr. LEAHY, Mr. HOEVEN, and Mr. BROWN):

S. Res. 169. A resolution designating the month of June 2013 as ''National Post-Traumatic Stress Disorder Awareness Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 203

At the request of Mr. PORTMAN, the names of the Senator from Indiana (Mr. COATS), the Senator from Nevada (Mr. REID), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Carolina (Mr. BURR), the Senator from Arizona (Mr. FLAKE), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. VITTER) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 203, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.

S. 217

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 217, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational elementary schools and secondary schools on such schools' athletic programs, and for other purposes.

S. 367

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 367, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 394

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 394, a bill to prohibit and deter the theft of metal, and for other purposes.

S. 420

At the request of Mr. ENZI, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 420, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to longstanding regulatory rule.

S. 427

At the request of Mr. HOEVEN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 427, a bill to amend the Richard B. Russell National School Lunch Act to provide flexibility to school food authorities in meeting certain nutritional requirements for the school lunch and breakfast programs, and for other purposes.

S. 534

At the request of Mr. TESTER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 534, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 603

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 689

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 689, a bill to reauthorize and improve programs related to mental health and substance use disorders.

S. 717

At the request of Ms. KLOBUCHAR, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 717, a bill to direct the Secretary of Energy to establish a pilot program to award grants to nonprofit organizations for the purpose of retrofitting nonprofit buildings with energy-efficiency improvements.

S. 718

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 718, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes.

S. 734

At the request of Mr. NELSON, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 842

At the request of Mr. SCHUMER, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. MURPHY), the Senator from Iowa (Mr. HARKIN) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 842, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 941

At the request of Mr. RUBIO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 941, a bill to amend title 18, United States Code, to prevent discriminatory misconduct against taxpayers by Federal officers and employees, and for other purposes.

S. 955

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 955, a bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

S. 965

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 965, a bill to eliminate oil exports from Iran by expanding domestic production.

S. 993

At the request of Mr. CORNYN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 993, a bill to authorize and request the President to award the Medal of Honor to James Megellas, formerly of Fond du Lac, Wisconsin, and currently of Colleyville, Texas, for acts of valor on January 28, 1945, during the Battle of the Bulge in World War II.

S. 1000

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1000, a bill to require the Director of the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, and for other purposes.

S. 1038

At the request of Mr. REID, his name was added as a cosponsor of S. 1038, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1069

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1069, a bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1079

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1079, a bill to require the Director of the Bureau of Safety and Environmental Enforcement to promote the artificial reefs, and for other purposes.

S. 1116

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1116, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1123

At the request of Mr. CARPER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1123, a bill to amend titles XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1130

At the request of Mr. MERKLEY, the names of the Senator from Colorado (Mr. UDALL), the Senator from Montana (Mr. BAUCUS) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1130, a bill to require the Attorney General to disclose each decision, order, or opinion of a Foreign Intelligence Surveillance Court that includes significant legal interpretation of section 501 or 702 of the Foreign Intelligence Surveillance Act of 1978 unless such disclosure is not in the national security interest of the United States.

S. RES. 154

At the request of Mr. HOEVEN, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Res. 154, a resolution supporting political reform in Iran and for other purposes.

AMENDMENT NO. 1182

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of amendment No. 1182 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1195

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 1195 proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1198

At the request of Mr. TESTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1198 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1208

At the request of Mr. LEE, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 1208 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself, Ms. KLOBUCHAR, and Mr. BLUMENTHAL):

S. 1144. A bill to prohibit unauthorized third-party charges on wireline telephone bills, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise to introduce the Fair Telephone Billing Act of 2013. This legislation would protect millions of American consumers and businesses from unauthorized charges on their wireline telephone bills.

In 2011, the Senate Commerce Committee, which I chair, completed a year-long investigation into unauthorized third-party charges on telephone bills, a practice commonly referred to as ''cramming.'' The investigation confirmed that third-party billing through wireline telephone bills had likely cost American consumers and businesses billions of dollars in unauthorized charges.

This legislation will put an end to cramming on wireline bills once and for all.

Unauthorized third-party charges on telephone bills have plagued consumers for years. Cramming first emerged in the 1990s. Following the breakup of AT&T and the detariffing of ''billing and collection services'' by the Federal Communications Commission, telephone companies opened their billing and collection systems to third-party companies offering a variety of services, some of which were completely unrelated to telephone services.

For the first time, telephone numbers worked like credit card numbers. Consumers could purchase services with their telephone numbers and the charges for these services would later appear on their telephone bills.

There has been much debate over the extent to which telephone companies were required to allow third parties to place charges on customers' phone bills, but the last of any Federal obligations ended in 2007. Since that time, with the exception of a few state requirements, telephone companies have been free to allow, or not allow, whatever companies they choose to place third-party charges on their customers' telephone bills. The telephone companies chose to allow all sorts of companies to place charges for all sorts of services.

Throughout the 1990s, state and federal law enforcement saw a dramatic increase in complaints about unauthorized charges on telephone bills. In response, the Federal Communications Commission and the telephone industry created voluntary guidelines to combat cramming.

Throughout this same period, Congress also convened hearings on the issue, and each time, the telephone industry used these voluntary guidelines to argue that congressional action on cramming was not needed. Several bills were introduced, but none were adopted. Now we find ourselves, over a decade later, still discussing cramming. We cannot make the same mistake again.

In 2010, I opened the Committee's investigation into cramming to better understand the scope of the cramming problem. The investigation showed that over the past decade, cramming caused extensive financial harm to all types of wireline telephone customers, from residences and small businesses, to government agencies and large companies. All the while, the largest telephone companies were making large profits, likely generating over $1 billion in revenue by placing third-party charges on their customers' telephone bills.

It was shocking to learn that many third-party vendors that were placing charges on telephone bills were illegitimate and appeared to have been created solely to exploit a broken system. Consumers reported being charged $10 to $30 a month for so-called ''services'' that they never authorized. These included weekly e-mail messages with ''celebrity gossip'' and ''fashion tips,'' and others completely unrelated to wireline telephone services—such as ''online photo storage'' and ''electronic facsimile.'' In some of the most egregious examples, unauthorized charges had been added to the bills for telephone lines dedicated to fire alarms, security systems, bank vaults, elevators, and 911 services.

The Committee investigation also determined that many of the services being charged to consumers' telephone bills seemed to serve no legitimate purpose, frequently did not function properly, and were often available elsewhere for free.

The investigation involved a review of thousands of consumer complaints and interviews with more than 500 individuals and business owners whose

telephone bills included charges from third parties. Not one of these individuals or entities believed they had authorized the charges.

Further, many of these consumers complained that when they found unauthorized charges on their telephone bills, they were unable to get the money refunded, either from the carrier or from the third-party vendor. That is unacceptable.

In response to the Committee's investigation, the three largest wireline telephone companies—AT&T, Verizon, and CenturyLink—took positive steps to eliminate cramming on wireline telephone bills, including a decision to stop allowing the placement of most third-party charges on wireline telephone bills.

The Fair Telephone Billing Act will ensure that all wireline telephone companies and providers of interconnected VoIP services are required to take the same steps so that cramming on telephone bills never happens again.

In short, the bill would prohibit any local exchange carrier or provider of interconnected VoIP services from placing any third-party charge on a customer's bill, unless the charge is for a telephone-related service or a ''bundled'' service that is jointly marketed or sold with a company's telephone service.

Under the bill, a telephone company that places prohibited charges on a customer's bill is responsible for refunding to the customer any charge for services the customer did not authorize.

The bill also includes a narrow exception for two categories of third-party billing services: telephone-related services, such as collect calls; and ''bundled'' services, such as satellite television services offered together with phone service. This bill recognizes that such legitimate types of billing offer substantial benefit to consumers.

In recent years, increasing numbers of consumers have transitioned from traditional wireline telephone service to interconnected VoIP services and more are expected. Since consumers likely do not see a distinction between traditional wireline service and interconnected VoIP services, I believe these services need to be included. It is important to ensure that all telephone customers are offered the same protections from unauthorized charges.

It also has become clear that cramming now extends to wireless bills. When I introduced a similar bill last year, I included provisions that would have directed the Federal Communications Commission to create rules to prevent cramming on wireless telephone bills. Since that time, the Senate Commerce Committee has been examining cramming on wireless bills, and I believe this issue demands additional attention. I do not want to see in a few years that cramming has simply migrated from wireline to wireless. It is important that we examine the extent to which third-party wireless billing practices raise any issues distinct from third-party wireline billing practices, so we can best determine appropriate policies for protecting against consumer abuses in this context.

Cramming has likely already cost consumers and businesses billions. The Fair Telephone Billing Act would stop practices that Congress, regulators, and consumers agree are nothing more than a cover for fraud.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fair Telephone Billing Act of 2013''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For years, telephone users have complained that their wireline telephone bills included unauthorized third-party charges.

(2) This problem, commonly referred to as ''cramming,'' first appeared in the 1990s, after wireline telephone companies opened their billing platforms to an array of third-party vendors offering a variety of services.

(3) Since the 1990s, the Federal Communications Commission, the Federal Trade Commission, and State attorneys general have brought multiple enforcement actions against dozens of individuals and companies for engaging in cramming.

(4) An investigation by the Committee on Commerce, Science, and Transportation of the Senate confirmed that cramming is a problem of massive proportions and has affected millions of telephone users, costing them billions of dollars in unauthorized third-party charges over the past decade.

(5) The Committee showed that third-party billing through wireline telephone numbers has largely failed to become a reliable method of payment that consumers and businesses can use to conduct legitimate commerce.

(6) Telephone companies regularly placed third-party charges on their customers' telephone bills without their customers' authorization.

(7) Many companies engaged in third-party billing were illegitimate and created solely to exploit the weaknesses in the third-party billing platforms established by telephone companies.

(8) In the last decade, millions of business and residential consumers have transitioned from wireline telephone service to interconnected VoIP service.

(9) Users of interconnected VoIP service often use the service as the primary telephone line for their residences and businesses.

(10) Millions more business and residential consumers are expected to migrate to interconnected VoIP service in the coming years as the evolution of the nation's traditional voice communications networks to IP-based networks continues.

(11) Users of interconnected VoIP service that have telephone numbers through the service should be protected from the same vulnerabilities that affected third-party billing through wireline telephone numbers.

SEC. 3. UNAUTHORIZED THIRD-PARTY CHARGES.

(a) IN GENERAL.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended—

(1) by amending the heading to read as follows: ''**SEC. 258. PREVENTING ILLEGAL CHANGES IN SUBSCRIBER CARRIER SELECTIONS AND UNAUTHORIZED THIRD-PARTY CHARGES.**''; and

(2) by adding at the end the following:

''(c) PROHIBITION.—

''(1) IN GENERAL.—No local exchange carrier or provider of interconnected VoIP service shall place or cause to be placed a third-party charge that is not directly related to the provision of telephone services on the bill of a customer, unless—

''(A) the third-party charge is from a contracted third-party vendor;

''(B) the third-party charge is for a product or service that a local exchange carrier or provider of interconnected VoIP service jointly markets or jointly sells with its own service;

''(C) the customer was provided with clear and conspicuous disclosure of all material terms and conditions prior to consenting under subparagraph (D);

''(D) the customer provided affirmative consent for the placement of the third-party charge on the bill; and

''(E) the local exchange carrier or provider of interconnected VoIP service has implemented reasonable procedures to ensure that the third-party charge is for a product or service requested by the customer.

''(2) FORFEITURE AND REFUND.—

''(A) IN GENERAL.—Any person who commits a violation of paragraph (1) shall be subject to a civil forfeiture, which shall be determined in accordance with section 503 of title V of this Act, except that the amount of the penalty shall be double the otherwise applicable amount of the penalty under that section.

''(B) REFUND.—Any local exchange carrier or provider of interconnected VoIP service that commits a violation of paragraph (1) shall be liable to the customer in an amount equal to all charges paid by that customer related to the violation of paragraph (1), in accordance with such procedures as the Commission may prescribe.

''(3) ADDITIONAL REMEDIES.—The remedies under this subsection are in addition to any other remedies provided by law.

''(4) DEFINITIONS.—In this subsection:

''(A) AFFIRMATIVE CONSENT.—The term 'affirmative consent' means express verifiable authorization.

''(B) CONTRACTED THIRD-PARTY VENDOR.—The term 'contracted third-party vendor' means a person that has a contractual right to receive billing and collection services from a local exchange carrier or a provider of interconnected VoIP service for a product or service that the person provides directly to a customer.

''(C) THIRD-PARTY CHARGE.—The term 'third-party charge' means a charge for a product or service not provided by a local exchange carrier or a provider of interconnected VoIP service.''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Federal Communications Commission, in consultation with the Federal Trade Commission, shall prescribe any rules necessary to implement the provisions of this section.

(2) MINIMUM CONTENTS.—At a minimum, the regulations promulgated by the Federal Communications Commission under this subsection shall—

(A) define how local exchange carriers and providers of interconnected VoIP service will obtain affirmative consent from a consumer for a third-party charge;

(B) include adequate protections to ensure that consumers are fully aware of the charges to which they are consenting; and

(C) impose record keeping requirements on local exchange carriers and providers of interconnected VoIP service related to any grants of affirmative consent by consumers.

(c) EFFECTIVE DATE.—The Federal Communications Commission shall prescribe that any rule adopted under subsection (b) shall become effective for a local exchange carrier or provider of interconnected VoIP service not later than the date that the carrier's or provider's contractual obligation to permit another person to charge a customer for a good or service on a bill rendered by the carrier or provider expires, or 180 days after the date of enactment of this Act, whichever is earlier.

SEC. 4. RELATIONSHIP TO OTHER LAWS.

(a) NO PREEMPTION OF STATE LAWS.—Nothing in this Act shall be construed to preempt any State law, except that no State law may relieve any person of a requirement otherwise applicable under this Act.

(b) PRESERVATION OF FTC AUTHORITY.—Nothing in this Act shall be construed as modifying, limiting, or otherwise affecting the applicability of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other law enforced by the Federal Trade Commission.

SEC. 5. SEVERABILITY.

If any provision of this Act or the application of that provision to any person or circumstance is held invalid, the remainder of this Act and the application of that provision to any other person or circumstance shall not be affected thereby.

By Mr. REED (for himself and Mr. BLUNT):

S. 1152. A bill to amend the Public Health Service Act to help build a stronger health care workforce; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by Senator BLUNT in the introduction of the Building a Health Care Workforce for the Future Act.

According to the Association of American Medical Colleges, by 2020, there will be a shortage of 91,000 physicians. Approximately half of the shortage, 45,000, will be in primary care.

Individuals and families living in underserved areas, urban and rural, will continue to be those most disadvantaged by this shortage. According to the Pew Research Center, roughly 10,000 baby boomers will become eligible for Medicare every day through 2030. The most recent estimates from the Congressional Budget Office predict that 27 million individuals will gain access to health insurance by 2017 as a result of the Affordable Care Act. With an aging population and increasing number of individuals with health insurance, the gap between patients and providers is expected to widen. The Affordable Care Act took steps to address this shortage, but we can do more.

The Building a Health Care Workforce for the Future Act would authorize programs that would grow the overall number of health care providers, as well as encourage providers to pursue careers in geographic and practice areas of highest need.

Building on the success of the National Health Service Corp, NHSC, Scholarship and Loan Repayment Programs, and State Loan Repayment Program, this legislation would establish a state scholarship program. Like the NHSC State Loan Repayment Program, States would be able to receive a dollar-for-dollar match to support individuals that commit to practicing in the State in which the scholarship was issued after completing their education and training. At least 50 percent of the funding would be required to support individuals committed to pursuing careers in primary care. The States would have the flexibility to use the remaining 50 percent to support scholarships to educate students in other documented health care professional shortages in the state that are approved by the Secretary of Health and Human Services.

The Building a Health Care Workforce for the Future Act would also authorize grants to medical schools to develop primary care mentors on faculty and in the community. According to the Association of American Medical Colleges, graduating medical students consistently state that role models are one of the most important factors affecting the career path they choose. Building a network of primary care mentors in the classroom and in a variety of practice settings will help guide more medical students into careers in primary care.

The legislation would couple these mentorship grants with an initiative to improve the education and training offered by medical schools in competencies most critical to primary care, including patient-centered medical homes, primary and behavioral health integration, and team-based care.

It would also direct the Institute of Medicine (IOM) to study and make recommendations about ways to limit the administrative burden on providers in documenting cognitive services delivered to patients. Primary care providers treat patients in need of these services almost exclusively, and as such, spend a significant percentage of their day documenting. That is not the case for providers who perform procedures, like surgeries. This IOM study would help uncover ways to simplify documentation requirements, particularly for delivering cognitive services, in order to eliminate one of the potential factors that may discourage medical students from pursuing careers in primary care.

I am pleased that providers across the spectrum of care recognize that this bipartisan legislation is part of the solution to addressing the looming health care workforce shortage and have lent their support, including: the Alliance of Specialty Medicine, the American Association of College of Osteopathic Medicine, the American College of Physicians, the American Osteopathic Association, the Association of Academic Health Centers, the Association of American Medical Colleges, and the Society of General Internal Medicine.

I look forward to working with these and other stakeholders as well as Senator BLUNT and our colleagues to pass the Building a Health Care Workforce for the Future Act in order to help ensure patients have access to the health care they need.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 168—DESIGNATING JUNE 2013 AS ''NATIONAL APHASIA AWARENESS MONTH'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. JOHNSON of South Dakota (for himself and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

S. RES. 168

Whereas aphasia is a communication impairment caused by brain damage that typically results from a stroke;

Whereas aphasia can also occur with other neurological disorders, such as a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in the right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss of, or reduction in, the ability to speak, comprehend, read, and write, but the intelligence of a person with aphasia remains intact;

Whereas, according to the National Institute of Neurological Disorders and Stroke (referred to in this preamble as the ''NINDS''), strokes are the third-leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas strokes are a leading cause of serious, long-term disability in the United States;

Whereas the NINDS estimates that there are approximately 5,000,000 stroke survivors in the United States;

Whereas the NINDS estimates that people in the United States suffer approximately 750,000 strokes per year, with about ⅓ of the strokes resulting in aphasia;

Whereas, according to the NINDS, aphasia affects at least 1,000,000 people in the United States;

Whereas the NINDS estimates that more than 200,000 people in the United States acquire aphasia each year;

Whereas the people of the United States should strive to learn more about aphasia and to promote research, rehabilitation, and support services for people with aphasia and aphasia caregivers throughout the United States; and

Whereas people with aphasia and their caregivers envision a world that recognizes the ''silent'' disability of aphasia and provides opportunity and fulfillment for people affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2013 as ''National Aphasia Awareness Month'';

(2) supports efforts to increase awareness of aphasia;

(3) recognizes that strokes, a primary cause of aphasia, are the third-largest cause of death and disability in the United States;

(4) acknowledges that aphasia deserves more attention and study to find new solutions for people experiencing aphasia and their caregivers;

(5) supports efforts to make the voices of people with aphasia heard, because people with aphasia are often unable to communicate with others; and

(6) encourages all people in the United States to observe National Aphasia Awareness Month with appropriate events and activities.

SENATE RESOLUTION 169—DESIGNATING THE MONTH OF JUNE 2013 AS ''NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS MONTH''

Ms. HEITKAMP (for herself, Mr. BOOZMAN, Mr. ROCKEFELLER, Mr. TESTER, Mr. BLUMENTHAL, Mr. BEGICH, Ms. HIRONO, Mrs. MURRAY, Mr. JOHANNS, Mr. FRANKEN, Mr. DONNELLY, Mr. MORAN, Ms. STABENOW, Mr. SANDERS, Mr. HELLER, Mr. LEAHY, Mr. HOEVEN, and Mr. BROWN) submitted the following resolution; which was considered and agreed to.:

S. RES. 169

Whereas the brave men and women Armed Forces of the United States, who proudly serve the United States, risk their lives to protect the freedom of the United States, and deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being;

Whereas more than 2,000,000 service members have deployed overseas as part of overseas contingency operations since the events of September 11, 2001;

Whereas the military has sustained an operational tempo for a period of time unprecedented in the history of the United States, with many service members deploying multiple times to combat zones, placing them at high risk of post-traumatic stress disorder (referred to in this preamble as ''PTSD'');

Whereas the Department of Veterans Affairs reports that—

(1) since October of 2001, more than 286,000 of the approximately 900,000 veterans of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn who have used Department of Veterans Affairs health care have been coded for PTSD;

(2) in fiscal year 2011, more than 475,000 of the nearly 6,000,000 veterans from all wars who sought care at a Department of Veterans Affairs medical center received treatment for PTSD; and

(3) of veterans who served in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn who are using Veterans Affairs health care, more than 486,000—or 54 percent—have received a diagnosis for at least 1 mental health disorder;

Whereas many cases of PTSD remain unreported, undiagnosed, and untreated due to a lack of awareness about PTSD and the persistent stigma associated with mental health conditions;

Whereas PTSD significantly increases the risk of depression, suicide, and drug- and alcohol-related disorders and deaths, especially if left untreated;

Whereas symptoms of PTSD or other mental health disorders create unique challenges for veterans seeking employment;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Month will raise public awareness about issues related to PTSD, reduce the stigma associated with PTSD, and help ensure that those suffering from the invisible wounds of war receive proper treatment: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2013, as ''National Post-Traumatic Stress Disorder Awareness Month'';

(2) supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate service members, veterans, the families of service members and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Veterans Affairs and the Secretary of Defense.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1226. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1227. Mr. HELLER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1228. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1229. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1230. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1231. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1232. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1233. Mr. REED (for himself, Mr. SCHUMER, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1234. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1235. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1236. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1237. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1238. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1239. Mr. KIRK (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1240. Mrs. BOXER (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1241. Mr. UDALL of New Mexico (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1242. Mr. UDALL of New Mexico (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1243. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1244. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1245. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1246. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1247. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1248. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1249. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1250. Mrs. FEINSTEIN (for herself and Mr. COONS) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1251. Mr. CORNYN (for himself, Mr. CRAPO, Mr. BLUNT, Mr. KIRK, Mr. HATCH, Mr. ALEXANDER, Mr. ISAKSON, Mr. ROBERTS, Mr. BURR, Mr. CHAMBLISS, Mr. JOHANNS, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1252. Mr. CASEY (for himself, Mr. SCHUMER, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1253. Mr. NELSON submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1254. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1251 submitted by Mr. CORNYN (for himself, Mr. CRAPO, Mr. BLUNT, Mr. KIRK, Mr. HATCH, Mr. ALEXANDER, Mr. ISAKSON, Mr. ROBERTS, Mr. BURR, Mr. CHAMBLISS, Mr. JOHANNS, and Mr. BARRASSO) and intended to be proposed to the bill S. 744, supra; which was ordered to lie on the table.

SA 1255. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1256. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1257. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1258. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1226. Mr. MANCHIN submitted an amendment intended to be proposed by

him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 912, between lines 9 and 10, insert the following:

(3) ACQUISITION OF ADDITIONAL UNMANNED AERIAL VEHICLES AND UNMANNED AERIAL SYSTEMS.—Notwithstanding paragraphs (1) and (2) of subsection (a), and except as provided in paragraph (4), the Commissioner of U.S. Customs and Border Protection may not acquire additional unmanned aerial vehicles or unmanned aircraft systems until after the Inspector General of the Department submits a report to Congress, which certifies that U.S. Customs and Border Protection has implemented all the recommendations contained in the report submitted by the Office of the Inspector General of the Department to U.S. Customs and Border Protection on May 30, 2012, titled ''CBP's Use of Unmanned Aircraft Systems in the Nation's Border Security'', including—

(A) analyzing requirements and developing plans to achieve the unmanned aerial system mission availability objective and acquiring funding to provide necessary operations, maintenance, and equipment;

(B) developing and implementing procedures to coordinate and support stakeholders' mission requests; and

(C) establishing interagency agreements with external stakeholders for reimbursement of expenses incurred fulfilling mission requests, to the extent authorized by law.

(4) WAIVER.—The Secretary may waive the application of paragraph (3) if the Secretary—

(A) determines that such waiver is in the national security interests of the United States; and

(B) provides Congress with notice of, and justification for, such waiver not later than 15 days before such waiver is granted.

SA 1227. Mr. HELLER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 861, line 9, strike ''4 members, consisting of 1 member'' and insert ''5 members, consisting of 1 member from the Southwestern State of Nevada and 1 member''.

SA 1228. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 858, between lines 10 and 11, insert the following:

(3) US–VISIT SYSTEM.—Notwithstanding any other provision of this Act, any program that authorizes granting temporary legal status to individuals who are unlawfully present in the United States or adjusting the status of such individuals to that of aliens lawfully admitted for permanent residence may not be implemented until—

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

(B) a joint resolution of approval is enacted into law pursuant to paragraph (4).

(4) JOINT RESOLUTION OF APPROVAL.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may not exercise any authority to grant temporary legal status to individuals who are unlawfully present in the United States or adjust the status of such individuals to that of aliens lawfully admitted for permanent residence if, not later than 15 calendar days after the date on which Congress receives written certification from the Secretary pursuant to paragraph (3), there is enacted into law a joint resolution approving the certification of the Secretary.

(B) CONTENTS OF JOINT RESOLUTION.—In this paragraph, the term ''joint resolution'' means a joint resolution—

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

(ii) that does not have a preamble;

(iii) the title of which is as follows: ''Joint resolution relating to the approval of the certification of the Secretary of Homeland Security obligations under the Border Security, Economic Opportunity, and Immigration Modernization Act''; and

(iv) the matter after the resolving clause of which is as follows: ''That Congress approves the certification of the implementation of the integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a) at every land, sea, and air port of entry''.

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

(A) RECONVENING.—Upon the receipt of a written certification from the Secretary under paragraph (3), the Speaker, if the House would otherwise be adjourned, shall notify the Members of the House that, pursuant to this paragraph, the House shall convene not later than the second calendar day after receipt of such certification;

(B) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House not later than 5 calendar days after the date of receipt of the certification described in paragraph (3). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

(C) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution reports it to the House or has been discharged from its consideration, it shall be in order, not later than the sixth day after Congress receives the certification described in paragraph (3), to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(D) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(6) FAST TRACK CONSIDERATION IN SENATE.—

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

(B) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(C) FLOOR CONSIDERATION.—

(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a certification described in paragraph (3) and ending on the 6th day after the date on which Congress receives such certification (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

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

(iii) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(iv) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

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

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

(i) The joint resolution of the other House shall not be referred to a committee.

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

(I) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

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

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

(C) If one House fails to introduce or consider a joint resolution under this section, the joint resolution of the other House shall be entitled to expedited floor procedures under this section.

(D) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution

in the Senate, the Senate receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(E) CONSIDERATION AFTER PASSAGE.—

(i) IN GENERAL.—If Congress passes a joint resolution, the period beginning on the date the President is presented with the joint resolution and ending on the date the President takes action with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in paragraph (4)(A).

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

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

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

(F) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph and paragraphs (4), (5), and (6) are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively;

(ii) as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(iii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 1229. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 978, strike lines 5 through 10, and insert the following:

''(A) IN GENERAL.—The Secretary shall immediately revoke the status of a registered provisional immigrant, after providing appropriate notice to the alien, if the alien—

SA 1230. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 949, strike line 22 and all that follows through ''(5)'' on line 1 of page 950, and insert ''(4)''.

SA 1231. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 875, strike line 22 and all that follows through page 876, line 3, and insert the following:

(C) ANNUAL INFLATION ADJUSTMENT REQUIRED.—The Secretary shall adjust each of the fees and penalties specified in clauses (ii), (iii), (iv), (v), (vi), and (xviii) of subparagraph (B) on October 1, 2014, and annually thereafter, to reflect the inflation rate during the most recent 12-month period, as measured by such price index as the Secretary considers appropriate, rounded to the nearest dollar.

SA 1232. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 973, line 2, strike ''$1,000'' and insert ''$2,000''.

On page 997, line 4, strike ''$1,000'' and insert ''$2,000''.

SA 1233. Mr. REED (for himself, Mr. SCHUMER, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. INADMISSIBILITY OF INDIVIDUALS WHO RENOUNCE CITIZENSHIP TO AVOID TAXES.

Section 212(a)(10)(E) (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

''(E) FORMER CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION.—

''(i) INADMISSIBILITY.—The following aliens are inadmissible:

''(I) Any alien who is a former citizen of the United States who officially renounces United States citizenship and who is determined by the Secretary of Homeland Security to have renounced United States citizenship for the purpose of avoiding taxation by the United States.

''(II) Subject to clause (ii), any alien who is a former citizen of the United States and who is a covered expatriate.

''(ii) REVIEW FOR COVERED EXPATRIATES.—A covered expatriate shall not be inadmissible under clause (i)(II) if the Secretary determines that the covered expatriate has established by clear and convincing evidence that avoiding taxation by the United States was not one of the principle purposes that the covered expatriate renounced United States citizenship.

''(iii) COVERED EXPATRIATE DEFINED.—In this subparagraph, the term 'covered expatriate' means an individual described in section 877A(g)(1) of the Internal Revenue Code of 1986 and to whom section 877A(a) of such Code applies.''.

SA 1234. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1455, strike line 8, and insert the following:

(3) IMPLEMENTATION REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report the implementation of the biometric exit data system referred to in paragraph (2), the impact of such system on any additional wait times for travelers, and projections for new officer personnel, including U.S. Customs and Border Protection officers.

(4) EFFECTIVENESS REPORT.—Not later than 3 years after the

SA 1235. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 897, line 11, insert after ''this Act.'' the following: ''The Secretary shall allocate these officers with the primary goals of reducing primary processing wait times at high volume international airports by 50 percent by the end of fiscal year 2014, and screening all air passengers within 30 minutes under normal operating conditions by the end of fiscal year 2016.''.

On page 898, line 15, insert '', for the purpose of implementing subsection (a)'' before the period.

On page 898, after line 22, add the following:

(e) REPORT.—Prior to the hiring and training of additional U.S. Customs and Border Protection officers under subsection (a), the Secretary shall submit to Congress a report on current wait times at land, air, and sea ports of entry, officer staffing at land, air, and sea ports of entry and projections for new officer allocation at land, air, and sea ports of entry designed to implement subsection (a), including the need to hire nonlaw enforcement personnel for administrative duties.

SA 1236. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 866, line 3, insert ''through existing or new programs'' before ''and successfully''.

SA 1237. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1793, between lines 17 and 18, insert the following:

SEC. 4607. AMERICAN JOBS IN AMERICAN FORESTS.

(a) SHORT TITLE.—This section may be cited as the ''American Jobs in American Forests Act of 2013''.

(b) DEFINITIONS.—In this section:

(1) FORESTRY.—The term ''forestry'' means—

(A) propagating, protecting, and managing forest tracts;

(B) felling trees and cutting them into logs;

(C) using hand tools or operating heavy powered equipment to perform activities such as preparing sites for planting, tending crop trees, reducing competing vegetation, moving logs, piling brush, and yarding and trucking logs from the forest; and

(D) planting seedlings and trees.

(2) H–2B NONIMMIGRANT.—The term ''H–2B nonimmigrant'' means a nonimmigrant described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

(3) PROSPECTIVE H–2B EMPLOYER.—The term ''prospective H–2B employer'' means a United States business that is considering employing 1 or more nonimmigrants described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

(4) STATE WORKFORCE AGENCY.—Except as used in subsection (c), the term ''State workforce agency'' means the workforce agency of the State in which the prospective H–2B employer intends to employ H–2B nonimmigrants.

(c) DEPARTMENT OF LABOR.—

(1) RECRUITMENT.—As a component of the labor certification process required before H–2B nonimmigrants are offered forestry employment in the United States, the Secretary of Labor shall require all prospective H–2B employers, before they submit a petition to hire H–2B nonimmigrants to work in forestry, to conduct a robust effort to recruit United States workers, including, to the extent the State workforce agency considers appropriate—

(A) advertising at employment or job-placement events, such as job fairs;

(B) advertising with State or local workforce agencies, nonprofit organizations, or other appropriate entities, and working with such entities to identify potential employees;

(C) advertising in appropriate media, including local radio stations and commonly used, reputable Internet job-search sites; and

(D) such other recruitment strategies as the State workforce agency considers appropriate for the sector or positions for which H–2B nonimmigrants would be considered.

(2) SEPARATE PETITIONS.—A prospective H–2B employer shall submit a separate petition for each State in which the employer plans to employ H–2B nonimmigrants in forestry for a period of 7 days or longer.

(d) STATE WORKFORCE AGENCIES.—The Secretary of Labor may not grant a temporary labor certification to a prospective H–2B employer seeking to employ H–2B nonimmigrants in forestry until after the Director of the State workforce agency—

(1) has, after formally consulting with the workforce agency director of each contiguous State listed on the prospective H–2B employer's application, determined that—

(A) the employer has complied with all recruitment requirements set forth in subsection (c) and there is a legitimate demand for the employment of H–2B nonimmigrants in each of those States; or

(B) the employer has amended the application by removing or making appropriate modifications with respect to the States in which the criteria set forth in subparagraph (A) have not been met;

(2) certifies that the prospective H–2B employer has complied with all recruitment requirements set forth in subsection (c) or any other applicable provision of law; and

(3) makes a formal determination that nationals of the United States are not qualified or available to fill the employment opportunities offered by the prospective H–2B employer.

SA 1238. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1392, line 13, strike ''(F)'' and insert the following:

''(F) EXCEPTION.—Any employer who violates any provision of this section, including, but not limited to, failure to query the System to verify the identity and work authorized status of an individual or failure to comply with any requirement under subsection (d), shall not be subject to any civil or criminal penalty under this Act unless the Secretary demonstrates, by the appropriate evidentiary standard of proof, that the individual in question is not authorized to work in the United States. Nothing in this subparagraph may be construed to limit the safe harbor provision under section 3610(g)(2) of the Border Security, Economic Opportunity and Immigration Modernization Act or the good faith defenses under subsections (a)(5), (a)(6), and (d)(5).

''(G)

SA 1239. Mr. KIRK (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TREATMENT OF CERTAIN PERSONS AS HAVING SATISFIED ENGLISH AND CIVICS, GOOD MORAL CHARACTER, AND HONORABLE SERVICE AND DISCHARGE REQUIREMENTS FOR NATURALIZATION.

(a) IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act is amended by inserting after section 329A (8 U.S.C. 1440–1) the following new section:

''SEC. 329B. PERSONS WHO HAVE RECEIVED AN AWARD FOR ENGAGEMENT IN ACTIVE COMBAT OR ACTIVE PARTICIPATION IN COMBAT.

''(a) IN GENERAL.—For purposes of naturalization and continuing citizenship under the following provisions of law, a person who has received an award described in subsection (b) shall be treated—

''(1) as having satisfied the requirements in sections 312(a), 316(a)(3), and subsections (b)(3), (c), and (e) of section 328; and

''(2) under sections 328 and 329, as having served honorably in the Armed Forces for (in the case of section 328) a period or periods aggregating one year, and, if separated from such service, as having been separated under honorable conditions.

''(b) APPLICATION.—This section shall apply with respect to the following awards from the Armed Forces of the United States:

''(1) The Combat Infantryman Badge from the Army.

''(2) The Combat Medical Badge from the Army.

''(3) The Combat Action Badge from the Army.

''(4) The Combat Action Ribbon from the Navy, the Marine Corps, or the Coast Guard.

''(5) The Air Force Combat Action Medal.

''(6) Any other award that the Secretary of Defense determines to be an equivalent award for engagement in active combat or active participation in combat.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 329A the following:

''Sec. 329B. Persons who have received an award for engagement in active combat or active participation in combat.''.

SA 1240. Mrs. BOXER (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 919, line 17, insert after ''agents,'' the following: ''in consultation with the Secretary of Defense, National Guard personnel performing duty to assist U.S. Customs and Border Protection under section 1103(c)(6) of this Act, Coast Guard officers and agents assisting in maritime border enforcement efforts,''.

SA 1241. Mr. UDALL of New Mexico (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 908, between lines 7 and 8, insert the following:

(e) BORDER ENFORCEMENT SECURITY TASK FORCE.—

(1) IN GENERAL.—The Secretary shall enhance law enforcement preparedness and operational readiness in the Southwest border region by expanding the Border Enforcement Security Task Force (referred to in this section as ''BEST''), established under section 432 of the Homeland Security Act of 2002 (6 U.S.C. 240).

(2) UNITS TO BE EXPANDED.—The Secretary shall expand the BEST units operating on the date of the enactment of this Act in New Mexico, Texas, Arizona, and California by increasing the funding available for operational, administrative, and technological costs associated with the participation of Federal, State, local, and tribal law enforcement agencies in BEST.

(3) FUNDING.—There are authorized to be appropriated, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), such sums as may be necessary to carry out this subsection.

SA 1242. Mr. UDALL of New Mexico (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

After section 1115, insert the following:

SEC. 1116. BORDER INFECTIOUS DISEASE SURVEILLANCE PROJECT.

(a) FUNDING FOR BORDER STATES.—Of the amount in the Comprehensive Immigration Reform Trust Fund established by section 6(a), $5,000,000 shall be made available to health authorities of States along the Northern border or the Southern border to strengthen the Border Infectious Disease Surveillance project.

(b) USE OF FUNDS.—Amounts made available under subsection (a) shall be used to implement priority surveillance, epidemiology, and preparedness activities in the regions along the Northern border or the Southern border to respond to potential outbreaks and epidemics, including those caused by potential bioterrorism agents.

(c) ALLOCATION OF FUNDS.—Of the amounts made available under subsection (a)—

(1) $1,500,000 shall be made available to States along the Northern border, which may use the infrastructure of the Assistant Secretary for Preparedness and Response of the Department of Health and Human Services; and

(2) $3,500,000 shall be made available to States along the Southern border.

SA 1243. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 954, beginning on line 20, strike ''and'' and all that follows through ''(III)'' on line 21, and insert the following:

''(III) an affidavit from the alien stating that the alien—

''(aa) unlawfully entered the United States on or before December 31, 2012; or

''(bb) remained in the United States after the expiration of a valid visa, which expiration occurred before the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

''(IV)

On page 1045, line 14, strike the period at the end and insert the following: ″, including an affidavit from the alien stating that the alien—

(i) unlawfully entered the United States on or before December 31, 2012; or

(ii) remained in the United States after the expiration of a valid visa, which expiration occurred before the date of the enactment of this Act.

On page 1477, beginning on line 9, strike ''and'' and all that follows through ''(E)'' on line 10, and insert the following:

''(E) submits an affidavit to the Secretary of Homeland Security or the Attorney General stating that the alien—

''(i) unlawfully entered the United States on or before December 31, 2012; or

''(ii) remained in the United States after the expiration of a valid visa, which expiration occurred before the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

''(F)

SA 1244. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1679, line 23, strike the period and insert the following ''unless, in connection with such placement, outsourcing, leasing, or contracting, the H–1B nonimmigrant—

''(I) remains under the supervision and control of the employer; and

''(II) is primarily engaged in services involving the installation or configuration of products provided by the employer.

SA 1245. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1672, line 24, strike the comma at the end and all that follows through page 1673, line 2, and insert the following: ''wages that—

''(I) are not less than the level 2 wages set out in subsection (p); or

''(II) are consistent with the market rate, as evidenced by an independent authoritative wage survey or comparable evidence ; and

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SA 1246. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. _____. ENSURING COMPLIANCE WITH RESTRICTIONS ON WELFARE AND PUBLIC BENEFITS FOR ALIENS.

(a) GENERAL PROHIBITION.—No officer or employee of the Federal Government may—

(1) waive compliance with any requirement in title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.) in effect on the date of enactment of this Act or with any restriction on eligibility for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) established under a provision of this Act or an amendment made by this Act;

(2) waive the prohibition under subsection (d)(3) of section 245B of the Immigration and Nationality Act (as added by section 2101 of this Act) on eligibility for Federal means-tested public benefits for any alien granted registered provisional immigrant status under section 245B of the Immigration and Nationality Act;

(3) waive the prohibition under subsection (c)(3) of section 2211 of this Act on eligibility for Federal means-tested public benefits for any alien granted blue card status under that section;

(4) waive the prohibition under subsection (c) of section 2309 of this Act on eligibility for Federal means-tested public benefits for any noncitizen who is lawfully present in the United States pursuant to section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) (as amended by section 2309(a)); or

(5) waive the prohibition under subsection (w)(2)(C) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(w)(2)(C)) (as added by section 4504(b) of this Act) on eligibility for any assistance or benefits described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) for any alien described in section 101(a)(15)(Y) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Y) (as added by section 4504 of this Act) who is issued a nonimmigrant visa.

(b) ENSURING COMPLIANCE WITH FEDERAL WELFARE LAW.—

(1) RESTRICTION OF SECRETARY OF HEALTH AND HUMAN SERVICES AUTHORITY.—In addition to the prohibitions specified in subsection (a), the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall not do the following:

(A) Waive compliance by a State with, or otherwise permit a State not to comply with, any of the Temporary Assistance for Needy Families (TANF) work requirements in section 407 of the Social Security Act (42 U.S.C. 607), including the participation rate requirements. The Secretary also may not permit accountability by a State for negotiated outcomes to substitute for the participation rate requirements under such section.

(B) Permit a State to spend TANF funds for a benefit or service that is not an allowable use of funds under section 404 of the Social Security Act (42 U.S.C. 604).

(C) Permit a State to use funds provided under section 403(a)(2) of the Social Security Act (42 U.S.C. 603(a)(2)) for healthy marriage promotion and responsible fatherhood grants for expenditures other than expressly permitted under that section.

(D) Waive compliance by a State with, or otherwise permit a State not to comply with, any of the prohibitions and requirements in section 408 of the Social Security Act (42 U.S.C. 608), including extending assistance to a family for which assistance would otherwise be prohibited under that section.

(E) Waive the imposition of a penalty on a State derived from any experimental pilot or demonstration projects under section 1115 of the Social Security Act (42 U.S.C. 1315) or as part of authorizing, approving, renewing, modifying or extending any such project, including with respect to work participation rates or providing assistance to a family beyond the period permitted under section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)), that the Secretary is required to apply under section 409 of the Social Security Act (42 U.S.C. 609) or determine there is a reasonable cause exception to the imposition of a penalty on a State required by that section.

(F) Authorize, approve, renew, modify, or extend any experimental, pilot, or demonstration project under section 1115 of the Social Security Act (42 U.S.C. 1315) submitted by a State that requests a waiver of compliance with any rule, requirement, or prohibition described in subsection (a) or subparagraphs (A) through (E) of this paragraph, including through a waiver under—

(i) section 1115(a)(1) of such Act of any TANF requirement in, or incorporated by reference in, section 402 of the Social Security Act (42 U.S.C. 602); or

(ii) section 1115(a)(2)(B) of such Act by authorizing an expenditure that would not otherwise be an allowable use of funds under a State program funded under part A of title IV of such Act (42 U.S.C. 601 et seq.) to be regarded as an allowable use of funds under that program for any period.

(2) RESCISSION OF WAIVERS AND 1115 PROJECTS.—Any waiver, and any approval of any experimental, pilot, or demonstration project under section 1115 of the Social Security Act (42 U.S.C. 1315), of any rule, requirement, or prohibition described in subsection (a) or subparagraphs (A) through (E) of paragraph (1) of this subsection, that is granted before the date of the enactment of this section is hereby rescinded and shall be null and void.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall be construed as limiting the authority of the Secretary of Health and Human Services under section 1115 of the Social Security Act (42 U.S.C. 1315) to grant a State application to conduct an experimental, pilot, or demonstration project under section 1115 with respect to the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), including a State application for a project to operate the Medicaid program with a block grant for the federal share of the program funding.

SA 1247. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 952, strike lines 4 through 21 and insert the following:

''(2) PAYMENT OF TAXES.—

''(A) IN GENERAL.—An alien may not file an application for registered provisional immigrant status under paragraph (1) unless the applicant has established the payment of any applicable Federal tax liability.

''(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means, with respect to an alien—

''(i) all Federal income and employment taxes owed by such alien for any period in which such alien was present in the United States, and

''(ii) any interest and penalties owed in connection with such taxes.

''(C) DEMONSTRATION OF COMPLIANCE.—

''(i) IN GENERAL.—An applicant shall demonstrate compliance with this paragraph by establishing to the satisfaction of the Secretary of the Treasury that—

''(I) no applicable Federal tax liability exists;

''(II) all outstanding applicable Federal tax liabilities have been met; or

''(III) the applicant has entered into an agreement for payment of all outstanding

applicable Federal tax liabilities with the Secretary of the Treasury.

''(ii) DOCUMENTATION.—The Secretary of the Treasury shall—

''(I) maintain records and documentation for aliens who have established the payment of all applicable Federal tax liability to which this paragraph applies; and

''(II) provide such documentation to an alien upon request.

''(iii) SECRETARY OF THE TREASURY.—For purposes of this paragraph, the term 'Secretary of the Treasury' includes any delegate (as defined in section 7701(a)(12)(A)(i) of the Internal Revenue Code of 1986) of the Secretary of the Treasury.

''(D) REGULATORY AUTHORITY.—The Secretary of the Treasury shall issue regulations to carry out the purposes of this paragraph, including regulations relating to the determination of whether applicable Federal tax liability has been satisfied and the issuance of documentation under subparagraph (C)(ii)(II).

On page 970, line 23, strike ''has satisfied'' and insert ''has established the payment of''.

On page 985, strike lines 1 through 19 and insert the following:

''(2) PAYMENT OF TAXES.—

''(A) IN GENERAL.—An applicant may not file an application for adjustment of status under this section unless the applicant has established the payment of any applicable Federal tax liability.

''(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means, with respect to an alien—

''(i) all Federal income and employment taxes owed by such alien for the period beginning on the date on which the applicant was authorized to work in the United States as a registered provisional immigrant under section 245(a), and

''(ii) any interest and penalties owed in connection with such taxes.

''(C) DEMONSTRATION OF COMPLIANCE.—

''(i) IN GENERAL.—An applicant shall demonstrate compliance with this paragraph by establishing to the satisfaction of the Secretary of the Treasury that—

''(I) no applicable Federal tax liability exists;

''(II) all outstanding applicable Federal tax liabilities have been met; or

''(III) the alien has entered into an agreement for payment of all outstanding applicable Federal tax liabilities with the Secretary of the Treasury.

''(ii) DOCUMENTATION.—The Secretary of the Treasury shall—

''(I) maintain records and documentation for aliens who have established the payment of all applicable Federal tax liability to which this paragraph applies; and

''(II) provide such documentation to an alien upon request.

''(iii) SECRETARY OF THE TREASURY.—For purposes of this paragraph, the term 'Secretary of the Treasury' includes any delegate (as defined in section 7701(a)(12)(A)(i) of the Internal Revenue Code of 1986) of the Secretary of the Treasury.

''(D) REGULATORY AUTHORITY.—The Secretary of the Treasury shall issue regulations to carry out the purposes of this paragraph, including regulations relating to the determination of whether applicable Federal tax liability has been satisfied and the issuance of documentation under subparagraph (C)(ii)(II).

Beginning on page 1068, strike line 11 and all that follows through page 1069, line 3, and insert the following:

''(4) PAYMENT OF TAXES.—

''(A) IN GENERAL.—An applicant may not file an application for adjustment of status under this section unless the applicant has established the payment of any applicable Federal tax liability.

''(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means, with respect to an alien—

''(i) all Federal income and employment taxes owed by such alien for the period beginning on the date on which the applicant was authorized to work in the United States in blue card status, and

''(ii) any interest and penalties owed in connection with such taxes.

''(C) DEMONSTRATION OF COMPLIANCE.—

''(i) IN GENERAL.—An applicant shall demonstrate compliance with this paragraph by establishing to the satisfaction of the Secretary of the Treasury that—

''(I) no applicable Federal tax liability exists;

''(II) all outstanding applicable Federal tax liabilities have been met; or

''(III) the alien has entered into an agreement for payment of all outstanding applicable Federal tax liabilities with the Secretary of the Treasury.

''(ii) DOCUMENTATION.—The Secretary of the Treasury shall—

''(I) maintain records and documentation for aliens who have established the payment of all applicable Federal tax liability to which this paragraph applies; and

''(II) provide such documentation to an alien upon request.

''(iii) SECRETARY OF THE TREASURY.—For purposes of this paragraph, the term 'Secretary of the Treasury' includes any delegate (as defined in section 7701(a)(12)(A)(i) of the Internal Revenue Code of 1986) of the Secretary of the Treasury.

''(D) REGULATORY AUTHORITY.—The Secretary of the Treasury shall issue regulations to carry out the purposes of this paragraph, including regulations relating to the determination of whether applicable Federal tax liability has been satisfied and the issuance of documentation under subparagraph (C)(ii)(II).

SA 1248. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 981, line 7, strike ''(5)'' and insert the following:

''(5) APPLICATION OF WAITING PERIODS FOR PURPOSES OF PPACA.—The provisions of section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall apply to an alien who has been granted registered provisional immigrant status, with respect to eligibility for tax credits under section 36B of the Internal Revenue Code of 1986 and cost sharing assistance under section 1402 of the Patient Protection and Affordable Care Act, beginning on the date on which such alien becomes an alien lawfully admitted for permanent residence under section 245C.

''(6)

On page 1061, line 13, strike ''(5)'' and insert the following:

(5) APPLICATION OF WAITING PERIODS FOR PURPOSES OF PPACA.—The provisions of section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall apply to a noncitizen who has been granted blue card status, with respect to eligibility for tax credits under section 36B of the Internal Revenue Code of 1986 and cost sharing assistance under section 1402 of the Patient Protection and Affordable Care Act, beginning on the date on which such noncitizen becomes an alien lawfully admitted for permanent residence under section 245C of the Immigration and Nationality Act, as added by section 2102 of this Act.

(6)

Beginning on page 1220, strike line 10 and all that follows through page 1221, line 5, and insert the following:

(c) PUBLIC BENEFITS.—

(1) IN GENERAL.—An alien who is lawfully present in the United States in any nonimmigrant status—

(A) is not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 for his or her coverage;

(B) shall be subject to the rules applicable to individuals not lawfully present that are set forth in subsection (e) of such section;

(C) shall be subject to the rules applicable to individuals not lawfully present that are set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071); and

(D) shall be subject to the rules applicable to individuals not lawfully present set forth in section 5000A(d)(3) of the Internal Revenue Code of 1986.

(2) APPLICATION OF WAITING PERIODS FOR PURPOSES OF PPACA.—The provisions of section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall apply to an alien described in paragraph (1), with respect to eligibility for tax credits under section 36B of the Internal Revenue Code of 1986 and cost sharing assistance under section 1402 of the Patient Protection and Affordable Care Act, beginning on the date on which such alien becomes an alien lawfully admitted for permanent residence under section 245C of the Immigration and Nationality Act, as added by section 2102 of this Act.

SA 1249. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1031, after line 22, insert the following:

(d) PRECLUSION OF SOCIAL SECURITY CREDITS FOR PERIODS WITHOUT WORK AUTHORIZATION.—

(1) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by striking subsection (c) and inserting the following:

''(c) INSURED STATUS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (d) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) EXCEPTION.—Paragraph (1) shall not apply to an individual who was assigned a social security account number before January 1, 2004.

''(d) AGREEMENT.—Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (c).''.

(2) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(c).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SA 1250. Mrs. FEINSTEIN (for herself and Mr. COONS) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 883, strike lines 19 through 22 and insert the following:

funding level provided in this Act;

(xviii) costs to the Judiciary estimated to be caused by the implementation of this Act and the amendments made by this Act, as the Secretary and the Judicial Conference of the United States shall jointly determine in consultation with the Attorney General; and

(xix) the operations and maintenance costs associated with the implementation of clauses (i) through (xvii).

SA 1251. Mr. CORNYN (for himself, Mr. CRAPO, Mr. BLUNT, Mr. KIRK, Mr. HATCH, Mr. ALEXANDER, Mr. ISAKSON, Mr. ROBERTS, Mr. BURR, Mr. CHAMBLISS, Mr. JOHANNS, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2 and all that follows through the end of title I inserting the following:

SEC. 2. STATEMENT OF CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) Every sovereign nation has an unconditional right and duty to secure its territory and people, which right depends on control of its international borders. The sovereign people and several states of the United States have delegated these sovereign functions to the Federal Government (United States Constitution, article I, section 8, clause 4). The liberty and prosperity of the people depends on the execution of this duty.

(2) The passage of this Act recognizes that the Federal Government must secure the sovereignty of the United States of America and establish a coherent and just system for integrating those who seek to join American society.

(3) The United States has failed to control its Southern border. The porousness of that border has contributed to the proliferation of the narcotics trade and its attendant violent crime. The trafficking and smuggling of persons across the border is an ongoing human rights scandal.

(4) We have always welcomed immigrants to the United States and will continue to do so, but in order to qualify for the honor and privilege of eventual citizenship, our laws must be followed. The world depends on America to be strong economically, militarily, and ethically. The establishment of a stable, just, and efficient immigration system only supports those goals. As a Nation, we have the right and responsibility to make our borders safe, to establish clear and just rules for seeking citizenship, to control the flow of legal immigration, and to eliminate illegal immigration, which in some cases has become a threat to our national security.

(5) Throughout our long history, many lawful immigrants have assimilated into American society and contributed to our strength and prosperity. Our immigration policy strives to welcome those who share the values of the United States Constitution and seek to contribute to our nation's greatness. But no person has a right to enter the United States unless by its express permission and in accordance with the procedures established by law.

(6) This Act is premised on the right and need of the United States to achieve these goals, and to protect its borders and maintain its sovereignty.

SEC. 3. EFFECTIVE DATE TRIGGERS.

(a) DEFINITIONS.—In this section and sections 4 through 8 of this Act:

(1) COMMISSION.—The term ''Commission'' means the Southern Border Security Commission established pursuant to section 4.

(2) COMPREHENSIVE SOUTHERN BORDER SECURITY STRATEGY.—The term ''Comprehensive Southern Border Security Strategy'' means the strategy established by the Secretary pursuant to section 5(a) to achieve and maintain operational control and full situational awareness of the Southern border.

(3) CONSEQUENCE DELIVERY SYSTEM.—The term ''Consequence Delivery System'' means the series of consequences applied to persons illegally entering the United States by U.S. Border Patrol to prevent illegal border crossing recidivism.

(4) EFFECTIVENESS RATE.—The term ''effectiveness rate'' means a metric, informed by situational awareness, that measures the percentage calculated by dividing—

(A) the number of illegal border crossers who are apprehended or turned back during a fiscal year (excluding those who are believed to have turned back for the purpose of engaging in criminal activity), by

(B) the total number of illegal entries in the sector during such fiscal year.

(5) FULL SITUATIONAL AWARENESS.—The term ''full situational awareness'' means situational awareness of the entire Southern border, including the functioning and operational capability to conduct continuous and integrated manned or unmanned, monitoring, sensing, or surveillance of 100 percent of Southern border mileage or the immediate vicinity of the Southern border .

(6) MAJOR VIOLATOR.—The term ''major violator'' means a person or entity that has engaged in serious criminal activities at any port of entry along the Southern border, including possession of narcotics, smuggling of prohibited products, human smuggling, human trafficking, weapons possession, use of fraudulent United States documents, or other offenses serious enough to result in arrest.

(7) NORTHERN BORDER.—The term ''Northern border'' means the international border between the United States and Canada.

(8) OPERATIONAL CONTROL.—The term ''operational control'' means that, within each and every sector of the Southern border, a condition exists in which there is an effectiveness rate, informed by situational awareness, of not lower than 90 percent.

(9) SITUATIONAL AWARENESS.—The term ''situational awareness'' means knowledge and an understanding of current illicit cross-border activity, including cross-border threats and trends concerning illicit trafficking and unlawful crossings along the international borders of the United States and in the maritime environment, and the ability to predict future shifts in such threats and trends.

(10) SOUTHERN BORDER.—The term ''Southern border'' means the international border between the United States and Mexico.

(b) BORDER SECURITY GOALS.—The border security goals of the Department shall be—

(1) to achieve and maintain operational control of the Southern border within 5 years of the date of the enactment of this Act;

(2) to achieve and maintain full situational awareness of the Southern border within 5 years of the date of the enactment of this Act;

(3) to fully implement a biometric entry and exit system at all land, air, and sea ports of entry in accordance with the requirements set forth in section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b) within 5 years of the date of the enactment of this Act; and

(4) to implement a mandatory employment verification system required by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 3101 of this Act, within 5 years of the date of the enactment of this Act.

(c) TRIGGERS.—

(1) PROCESSING OF APPLICATIONS FOR REGISTERED PROVISIONAL IMMIGRANT STATUS.—Not earlier than the date upon which the Secretary has submitted to Congress the Notice of Commencement of implementation of the Comprehensive Southern Border Security Strategy required by section 5 of this Act, the Secretary may commence processing applications for registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by section 2111 of this Act.

(2) ADJUSTMENT OF STATUS OF REGISTERED PROVISIONAL IMMIGRANTS.—The Secretary may not adjust the status of aliens who have been granted registered provisional immigrant status, except for aliens granted blue card status under section 2211 of this Act or described in section 245D(b) of the Immigration and Nationality Act, as added by section 2103 of this Act, until—

(A) not earlier than 9 years and 6 months after the date of the enactment of this Act, the Secretary and the Commissioner of United States Customs and Border Protection jointly submit to the President and Congress a written certification, including a comprehensive report detailing the data, methodologies, and reasoning justifying such certification, that certifies, under penalty of perjury, that—

(i) the Secretary has achieved and maintained full situational awareness of the Southern border for the 12-month period immediately preceding such certification;

(ii) the Secretary has achieved and maintained operational control of the Southern border for the 12-month period immediately preceding such certification;

(iii) the Secretary has implemented the mandatory employment verification system required by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 3101 of this Act, for use by all employers to prevent unauthorized workers from obtaining employment in the United States; and

(iv) the Secretary has implemented a biometric entry and exit data system at all airports and seaports at which U.S. Customs

and Border Protection personnel were deployed on the date of the enactment of this Act, and in accordance with the requirements set forth in section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b); and

(B) not earlier than 60 days after the submission of a certification under paragraph (A), the Inspector General of the Department of Homeland Security, who has been appointed by the President, by and with the advice and consent of the Senate, in consultation with the Comptroller General of the United States, reviews the reliability of the data, methodologies, and conclusions of a certification under subparagraph (A) and submits to the President and Congress a written certification and report attesting that each of the requirements of clauses (i), (ii), (iii), and (iv) of subparagraph (A) have been achieved.

(d) PROTECTING CONSTITUTIONAL SEPARATION OF POWERS AGAINST ABUSES OF DISCRETION.—

(1) EMERGENCY COMPTROLLER GENERAL REPORT.—Not later than 30 days after the submission of a certification by the Secretary under subsection (c)(2)(A), the Comptroller General of the United States shall review such certification and provide Congress with a written report reviewing the reliability of such certification, and expressing the conclusion of the Comptroller General as to whether or not the requirements of clauses (i), (ii), (iii), and (iv) of subsection (c)(2)(A) have been achieved.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the United States Senate should use its powers of advice and consent under section 102(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 112(a)(1)) and section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.) to ensure that the triggers contained in subsection (c) have been fully achieved.

SEC. 4. SOUTHERN BORDER SECURITY COMMISSION.

(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, there shall be established a commission to be known as the ''Southern Border Security Commission'' (in this section referred to as the ''Commission'').

(b) COMPOSITION.—

(1) IN GENERAL.—The Commission shall be composed of up to 8 members as follows:

(A) The Governor of the State of Arizona, or the designee of the Governor.

(B) The Governor of the State of California, or the designee of the Governor.

(C) The Governor of the State of New Mexico, or the designee of the Governor.

(D) The Governor of the State of Texas, or the designee of the Governor.

(E) One designee of the Governor of the State of Arizona who is not such official or such official's designee under subparagraph (A).

(F) One designee of the Governor of the State of California who is not such official or such official's designee under subparagraph (B).

(G) One designee of the Governor of the State of New Mexico who is not such official or such official's designee under subparagraph (C).

(H) One designee of the Governor of the State of Texas who is not such official or such official's designee under subparagraph (D).

(2) CHAIR.—At the first meeting of the Commission, a majority of the members of the Commission present and voting shall elect the Chair of the Commission.

(3) RULES.—The Commission shall establish the rules and procedures of the Commission which shall require the approval of a majority of members of the Commission.

(4) MEETINGS.—Members of the Commission shall meet at the times and places of their choosing.

(5) NATURE OF REQUIREMENTS.—The tenure and terms of participation as a member of the Commission of any Governor or designee of a Governor under this subsection shall be subject to the sole discretion of such Governor.

(c) CONSULTATION; FEDERALISM PROTECTIONS.—

(1) CONSULTATION.—The Secretary shall regularly consult with members of the Commission as to the substance and contents of any strategy, plan, or report required by section 5 of this Act.

(2) FEDERALISM PROTECTIONS.—The Secretary may make no rules, regulations, or conditions regarding the operation of the Commission, or the terms of service of members of the Commission.

(d) TRANSITION.—The Secretary shall no longer be required to consult with the Commission under subsection (d)(1) on the date which is the earlier of—

(1) 30 days after the date on which a certification is made by the Secretary and Comptroller General of the United States under section 3(c)(2)(A) of this Act; or

(2) 10 years after the date of the enactment of this Act.

SEC. 5. COMPREHENSIVE SOUTHERN BORDER SECURITY STRATEGY.

(a) COMPREHENSIVE SOUTHERN BORDER SECURITY STRATEGY.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a strategy, to be known as the ''Comprehensive Southern Border Security Strategy'' (in this section referred to as the ''Strategy)'', for achieving and maintaining operational control and full situational awareness of the Southern border, to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on the Judiciary of the House;

(E) the Committee on Appropriations of the Senate;

(F) the Committee on Appropriations of the House of Representatives; and

(G) the Comptroller General of the United States.

(2) ELEMENTS.—The Strategy shall include, at a minimum, a consideration of the following:

(A) The state of operational control and situational awareness of the Southern border, including a sector-by-sector analysis.

(B) An assessment of principal Southern border security threats.

(C) Efforts to analyze and disseminate Southern border security and Southern border threat information between Department border security components.

(D) Efforts to increase situational awareness of the Southern border in accordance with privacy, civil liberties, and civil rights protections, including—

(i) surveillance capabilities developed or utilized by the Department of Defense, including any technology determined to be excess by the Department of Defense; and

(ii) use of manned aircraft and unmanned aerial systems, including the camera and sensor technology deployed on such assets.

(E) A Southern border fencing strategy that identifies where fencing, including double-layer fencing, infrastructure, and technology should be deployed along the Southern border.

(F) A comprehensive Southern border security technology plan for detection technology capabilities, including a documented justification and rationale for the technologies selected, deployment locations, fixed versus mobile assets, and a timetable for procurement and deployment.

(G) Technology required to both enhance security and facilitate trade at Southern border ports of entry, including nonintrusive detection equipment, radiation detection equipment, biometric technology, and other sensors and technology that the Secretary determines necessary.

(H) Operational coordination of Department Southern border security components, including efforts to ensure that a new border security technology can be operationally integrated with existing technologies in use by the Department.

(I) Cooperative agreements other Federal law enforcement agencies and State, local, tribal, and territorial law enforcement agencies that have jurisdiction on the Southern border, or in the maritime environment.

(J) Information received from consultation with other Federal law enforcement agencies and State, local, tribal, and territorial law enforcement agencies that have jurisdiction on the Southern border, or the maritime environment, and from Southern border community stakeholders, including representatives from border agricultural and ranching organizations and representatives from business organizations within close proximity of the Southern border.

(K) Agreements with foreign governments that support the border security efforts of the United States.

(L) Efforts to detect and prevent terrorists and instruments of terrorism from entering the United States.

(M) Staffing requirements for all Southern border security functions.

(N) Metrics required by section 6 of this Act.

(O) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, private property rights, privacy rights, and civil liberties.

(P) Resources and other measures that are necessary to achieve a 50 percent reduction in the average wait times of commercial and passenger vehicles at international land ports of entry along the Southern border and the Northern border.

(Q) A prioritized list of research and development objectives to enhance the security of the Southern border.

(R) A strategy to reduce passenger wait times and cargo screening times at airports that serve as ports of entry.

(3) IMPLEMENTATION PLAN.—Not later than 60 days after the submission of the Strategy under paragraph (1), the Secretary shall submit to the committees of Congress specified in paragraph (1) an implementation plan for each of the border security components of the Department to carry out the Strategy. The plan shall include, at a minimum—

(A) a comprehensive border security technology plan for continuous and systematic surveillance of the Southern border, including a documented justification and rationale for the technologies selected, deployment locations, fixed versus mobile assets, and a timetable for procurement and deployment;

(B) the resources, including personnel, infrastructure, and technologies that must be developed, procured, and successfully deployed, to achieve and maintain operational control and full situational awareness of the Southern border; and

(C) a set of interim goals and supporting milestones necessary for the Department to achieve and maintain operational control and full situational awareness of the Southern border.

(4) SEMIANNUAL REPORTS.—

(A) IN GENERAL.—After the Strategy is submitted under paragraph (1), the Secretary shall submit to the committees of Congress specified in paragraph (1), not later than May 15 and November 15 each year, a report on the status of the implementation of the Strategy by the Department, including a report on the state of operational control of the Southern border and the metrics required by section 6 of this Act.

(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include—

(i) a detailed description of the steps the Department has taken, or plans to take, to execute the Strategy;

(ii) a detailed description of—

(I) any impediments identified in the Department's efforts to execute the strategy;

(II) the actions the Department has taken, or plans to take, to address such impediments; and

(III) any additional measures developed by the Department to measure the state of security along the Southern border;

(iii) for each U.S. Border Patrol sector along the Southern border—

(I) the effectiveness rate for such sector;

(II) the number of recidivist apprehensions; and

(III) the recidivism rate for all unique subjects that received a criminal consequence through the Consequence Delivery System process;

(iv) the aggregate effectiveness rate of all U.S. Border Patrol sectors along the Southern border;

(v) a resource allocation model for current and future year staffing requirements that includes optimal staffing levels at Southern border land, air, and sea ports of entry, and an explanation of U.S. Customs and Border Protection methodology for aligning staffing levels and workload to threats and vulnerabilities across all mission areas;

(vi) detailed information on the level of manpower available at all Southern border land, air, and sea ports of entry and between Southern border ports of entry, including the number of canine and agricultural officers assigned to each such port of entry;

(vii) detailed information that describes the difference between the staffing the model suggests and the actual staffing at each Southern border port of entry and between the ports of entry; and

(viii) monthly per passenger wait times, including data on peaks, for crossing the Southern border and the Northern border, per passenger processing wait times at air and sea ports of entry, and the staffing levels at all ports of entry.

SEC. 6. BORDER SECURITY METRICS.

(a) METRICS FOR SECURING THE SOUTHERN BORDER BETWEEN PORTS OF ENTRY.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall implement metrics to measure the effectiveness of security between ports of entry along the Southern border. The metrics shall address, at a minimum, the following:

(1) The effectiveness rate for the areas covered.

(2) Estimates, using alternate methodologies, including recidivism and survey data, of total attempted illegal border crossings, the rate of apprehension of attempted illegal border crossings, and the inflow into the United States of illegal border crossers who evade apprehension.

(3) Estimates of the impacts of the Consequence Delivery System of U.S. Border Patrol on the rate of recidivism of illegal border crossers.

(4) The current level of situational awareness.

(5) Amount of narcotics seized between ports of entry.

(6) A narcotics interdiction rate which measures the amount of narcotics seized against the total estimated amount of narcotics U.S. Border Patrol fails to seize.

(b) METRICS FOR SECURING THE BORDER AT PORTS OF ENTRY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall implement metrics to measure the effectiveness of security at Southern border ports of entry. The metrics shall address, at a minimum, the following:

(A) The effectiveness rate for such ports of entry.

(B) Estimates, using alternative methodologies, including recidivism data, survey data, known-flow data, and randomized secondary screening data, of total attempted inadmissible border crossers, the rate of apprehension of attempted inadmissible border crossers, and the inflow into the United States of inadmissible border crossers who evade apprehension.

(C) A narcotics interdiction rate which measures the amount of narcotics seized against the total estimated amount of narcotics U.S. Customs and Border Protection fails to seize.

(D) The number of infractions related to personnel and cargo committed by major violators who are apprehended by U.S. Customs and Border Protection at such ports of entry, and the estimated number of such infractions committed by major violators who are not so apprehended.

(E) The effect of the border security apparatus on crossing times.

(2) COVERT TESTING.—The Inspector General of the Department of Homeland Security shall carry out covert testing at ports of entry along the Southern border and submit to the Secretary and the committees of Congress specified in section 5(a)(1) of this Act a report that contains the results of such tests. The Secretary shall use such results to assess activities under this subsection.

(c) INDEPENDENT ASSESSMENT BY NATIONAL LABORATORY WITHIN DEPARTMENT OF HOMELAND SECURITY LABORATORY NETWORK.—The Secretary shall request the head of a national laboratory within the Department laboratory network with prior expertise in border security to—

(1) provide an independent assessment of the metrics implemented in accordance with subsections (a) and (b) to ensure each such metric's suitability and statistical validity; and

(2) make recommendations for other suitable metrics that may be used to measure the effectiveness of border security along the Southern border.

(d) EVALUATION BY GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) IN GENERAL.—The Secretary shall make available to the Government Accountability Office the data and methodology used to develop the metrics implemented under subsections (a) and (b) and the independent assessment described under subsection (c).

(2) REPORT.—Not later than 270 days after receiving the data and methodology described in paragraph (1), the Comptroller General of the United States shall submit to the committees of Congress specified in section 5(a)(1) of this Act a report on the suitability and statistical validity of such data and methodology.

(e) GAO REPORT ON BORDER SECURITY DUPLICATION.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress specified in section 5(a)(1) of this Act a report addressing areas of overlap in responsibilities within the border security functions of the Department.

SEC. 7. COMPREHENSIVE IMMIGRATION REFORM TRUST FUND.

(a) COMPREHENSIVE IMMIGRATION REFORM TRUST FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a separate account, to be known as the Comprehensive Immigration Reform Trust Fund (referred to in this section as the ''Trust Fund''), consisting of—

(A) amounts transferred from the general fund of the Treasury under paragraph (2)(A); and

(B) proceeds from the fees described in paragraph (2)(B).

(2) DEPOSITS.—

(A) INITIAL FUNDING.—On the later of the date of the enactment of this Act or October 1, 2013, $8,300,000,000 shall be transferred from the general fund of the Treasury to the Trust Fund.

(B) ONGOING FUNDING.—Notwithstanding section 3302 of title 31, United States Code, in addition to the funding described in subparagraph (A), and subject to paragraphs (3)(B) and (4), the following amounts shall be deposited in the Trust Fund:

(i) ELECTRONIC TRAVEL AUTHORIZATION SYSTEM FEES.—Fees collected under section 217(h)(3)(B)(i)(II) of the Immigration and Nationality Act, as added by section 1102(c).

(ii) REGISTERED PROVISIONAL IMMIGRANT PENALTIES.—Penalties collected under section 245B(c)(10)(C) of the Immigration and Nationality Act, as added by section 2101.

(iii) BLUE CARD PENALTY.—Penalties collected under section 2211(b)(9)(C).

(iv) FINES FOR ADJUSTMENT FROM BLUE CARD STATUS.—Fines collected under section 245F(a)(5) of the Immigration and Nationality Act, as added by section 2212(a).

(v) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—Fines collected under section 245F(f) of the Immigration and Nationality Act, as added by section 2212(a).

(vi) MERIT SYSTEM GREEN CARD FEES.—Fees collected under section 203(c)(6) of the Immigration and Nationality Act, as amended by section 2301(a)(2).

(vii) H–1B AND L VISA FEES.—Fees collected under section 281(d) of the Immigration and Nationality Act, as added by section 4105.

(viii) H–1B OUTPLACEMENT FEE.—Fees collected under section 212(n)(1)(F)(ii) of the Immigration and Nationality Act, as amended by section 4211(d).

(ix) H–1B NONIMMIGRANT DEPENDENT EMPLOYER FEES.—Fees collected under section 4233(a)(2).

(x) L NONIMMIGRANT DEPENDENT EMPLOYER FEES.—Fees collected under section 4305(a)(2).

(xi) J–1 VISA MITIGATION FEES.—Fees collected under section 281(e) of the Immigration and Nationality Act, as added by section 4407.

(xii) F–1 VISA FEES.—Fees collected under section 281(f) of the Immigration and Nationality Act, as added by section 4408.

(xiii) RETIREE VISA FEES.—Fees collected under section 214(w)(1)(B) of the Immigration and Nationality Act, as added by section 4504(b).

(xiv) VISITOR VISA FEES.—Fees collected under section 281(g) of the Immigration and Nationality Act, as added by section 4509.

(xv) H–2B VISA FEES.—Fees collected under section 214(x)(5)(A) of the Immigration and Nationality Act, as added by section 4602(a).

(xvi) NONIMMIGRANTS PERFORMING MAINTENANCE ON COMMON CARRIERS.—Fees collected under section 214(z) of the Immigration and Nationality Act, as added by section 4604.

(xvii) X–1 VISA FEES.—Fees collected under section 214(s)(6) of the Immigration and Nationality Act, as added by section 4801.

(xviii) PENALTIES FOR ADJUSTMENT FROM REGISTERED PROVISIONAL IMMIGRANT STATUS.—Penalties collected under section

245C(c)(5)(B) of the Immigration and Nationality Act, as added by section 2102.

(C) AUTHORITY TO ADJUST FEES.—As necessary to carry out the purposes of this Act, the Secretary may adjust the amounts of the fees and penalties set out under subparagraph (B), except for the fines and penalties referred to in clauses (ii), (iii), (iv), or (xviii) of such subparagraph.

(3) USE OF FUNDS.—

(A) INITIAL FUNDING.—Of the amounts transferred to the Trust Fund pursuant to paragraph (2)(A)—

(i) $6,500,000,000 shall be made available to the Secretary for carrying out the Comprehensive Southern Border Security Strategy, including the Southern border fencing strategy;

(ii) $750,000,000 shall remain available for the 6-year period beginning on the date specified in paragraph (2)(A) for use by the Secretary to expand and implement the mandatory employment verification system, which shall be used as required by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 3101;

(iii) $900,000,000 shall remain available for the 8-year period beginning on the date specified in paragraph (2)(A) for use by the Secretary of State to pay for one-time and startup costs necessary to implement this Act; and

(iv) $150,000,000 shall remain available for the 2-year period beginning on the date specified in paragraph (2)(A) for use by the Secretary for transfer to the Secretary of Labor, the Secretary of Agriculture, or the Attorney General, for initial costs of implementing this Act.

(B) REPAYMENT OF TRUST FUND EXPENSES.—The first $8,300,000,000 collected pursuant to the fees, penalties, and fines referred to in clauses (ii), (iii), (iv), (vi), (xiii), (xvii), and (xviii) of paragraph (2)(B) shall be collected, deposited in the general fund of the Treasury, and used for Federal budget deficit reduction. Collections in excess of $8,300,000,000 shall be deposited into the Trust Fund, as specified in paragraph (2)(B).

(C) PROGRAM IMPLEMENTATION.—Amounts deposited into the Trust Fund pursuant to paragraph (2)(B) shall be available during each of fiscal years 2014 through 2018 as follows:

(i) $50,000,000 to carry out the activities referenced in section 1104(a)(1).

(ii) $50,000,000 to carry out the activities referenced in section 1104(b).

(D) ONGOING FUNDING.—Subject to the availability of appropriations, amounts deposited in the Trust Fund pursuant to paragraph (2)(B) are authorized to be appropriated as follows:

(i) Such sums as may be necessary to carry out the authorizations included in this Act.

(ii) Such sums as may be necessary to carry out the operations and maintenance of border security and immigration enforcement investments described in subparagraph (A).

(E) EXPENDITURE PLAN.—The Secretary, in consultation with the Attorney General and the Secretary of Defense, shall submit to the Committee on Appropriations and the Committee on the Judiciary of the Senate and the Committee on Appropriations and the Committee on the Judiciary of the House of Representatives, in conjunction with the Comprehensive Southern Border Strategy, a plan for expenditure that describes—

(i) the types and planned deployment of fixed, mobile, video, and agent and officer portable surveillance and detection equipment, including those recommended or provided by the Department of Defense;

(ii) the number of Border Patrol agents and U.S. Customs and Border Protection officers to be hired, including a detailed description of which Border Patrol sectors and which land border ports of entry such agents and officers will be stationed;

(iii) the numbers and type of unarmed, unmanned aerial systems and unarmed, fixed-wing and rotary aircraft, including pilots, air interdiction agents, and support staff to fly or otherwise operate and maintain the equipment;

(iv) the numbers, types, and planned deployment of marine and riverine vessels, if any, including marine interdiction agents and support staff to operate and maintain the vessels;

(v) the locations, amount, and planned deployment of fencing, including double layer fencing, tactical and other infrastructure, and technology, including fixed towers, sensors, cameras, and other detection technology;

(vi) the numbers, types, and planned deployment of ground-based mobile surveillance systems;

(vii) the numbers, types, and planned deployment of tactical and other interoperable law enforcement communications systems and equipment;

(viii) required construction, including repairs, expansion, and maintenance, and location of additional checkpoints, Border Patrol stations, and forward operating bases;

(ix) the number of additional attorneys and support staff for the Office of the United States Attorney for Tucson;

(x) the number of additional support staff and interpreters in the Office of the Clerk of the Court for Tucson;

(xi) the number of additional personnel, including Marshals and Deputy Marshals for the United States Marshals Office for Tucson;

(xii) the number of additional magistrate judges for the southern border United States district courts;

(xiii) activities to be funded by the Homeland Security Border Oversight Task Force;

(xiv) amounts and types of grants to States and other entities;

(xv) amounts and activities necessary to hire additional personnel and for start-up costs related to upgrading software and information technology necessary to transition from a voluntary E-Verify system to mandatory employment verification system under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) within 5 years;

(xvi) the number of additional personnel and other costs associated with implementing the immigration courts and removal proceedings mandated in subtitle E of title III;

(xvii) the steps the Commissioner of Social Security plans to take to create a fraud-resistant, tamper-resistant, wear-resistant, and identity theft-resistant Social Security card, including—

(I) the types of equipment needed to create the card;

(II) the total estimated costs for completion that clearly delineates costs associated with the acquisition of equipment and transition to operation, subdivided by fiscal year and including a description of the purpose by fiscal year for design, pre-acquisition activities, production, and transition to operation;

(III) the number and type of personnel, including contract personnel, required to research, design, test, and produce the card; and

(IV) a detailed schedule for production of the card, including an estimated completion date at the projected funding level provided in this Act; and

(xviii) the operations and maintenance costs associated with the implementation of clauses (i) through (xvii).

(F) ANNUAL REVISION.—The expenditure plan required in (E) shall be revised and submitted with the President's budget proposals for fiscal year 2016, 2017, 2018, and 2019 pursuant to the requirements of section 1105(a) of title 31, United States Code.

(4) LIMITATION ON COLLECTION.—

(A) IN GENERAL.—No fee deposited in the Trust Fund may be collected except to the extent that the expenditure of the fee is provided for in advance in an appropriations Act only to pay the costs of activities and services for which appropriations are authorized to be funded from the Trust Fund.

(B) RECEIPTS COLLECTED AS OFFSETTING RECEIPTS.—Until the date of the enactment of an Act making appropriations for the activities authorized under this Act through September 30, 2014, the fees authorized by paragraph (2)(B) that are not deposited into the general fund pursuant to paragraph (3)(B) may be collected and shall be credited as to the Trust Fund to remain available until expended only to pay the costs of activities and services for which appropriations are authorized to be funded from the Trust Fund.

(b) COMPREHENSIVE IMMIGRATION REFORM STARTUP ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury a separate account, to be known as the ''Comprehensive Immigration Reform Startup Account,'' (referred to in this section as the ''Startup Account''), consisting of amounts transferred from the general fund of the Treasury under paragraph (2).

(2) DEPOSITS.—There is appropriated to the Startup Account, out of any funds in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until expended on the later of the date that is—

(A) the date of the enactment of this Act; or

(B) October 1, 2013.

(3) REPAYMENT OF STARTUP COSTS.—

(A) IN GENERAL.—Notwithstanding section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), 50 percent of fees collected under section 245B(c)(10)(A) of the Immigration and Nationality Act, as added by section 2101 of this Act, shall be deposited monthly in the general fund of the Treasury and used for Federal budget deficit reduction until the funding provided by paragraph (2) has been repaid.

(B) DEPOSIT IN THE IMMIGRATION EXAMINATIONS FEE ACCOUNT.—Fees collected in excess of the amount referenced in subparagraph (A) shall be deposited in the Immigration Examinations Fee Account, pursuant to subsection (m) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), and shall remain available until expended pursuant to subsection (n) of such section.

(4) USE OF FUNDS.—The Secretary shall use the amounts transferred to the Startup Account to pay for one-time and startup costs necessary to implement this Act, including—

(A) equipment, information technology systems, infrastructure, and human resources;

(B) outreach to the public, including development and promulgation of any regulations, rules, or other public notice;

(C) grants to community and faith-based organizations; and

(D) anti-fraud programs and actions related to implementation of this Act.

(5) EXPENDITURE PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General and the Secretary of Defense, shall submit to the Committee on Appropriations and the Committee on the Judiciary of the Senate and the Committee on Appropriations and the Committee on the Judiciary of the House of Representatives, a plan for expenditure of the one-time and

startup funds in the Startup Account that provides details on—

(A) the types of equipment, information technology systems, infrastructure, and human resources;

(B) the plans for outreach to the public, including development and promulgation of any regulations, rules, or other public notice;

(C) the types and amounts of grants to community and faith-based organizations; and

(D) the anti-fraud programs and actions related to implementation of this Act.

(c) ANNUAL AUDITS.—

(1) AUDITS REQUIRED.—Not later than October 1 each year beginning on or after the date of the enactment of this Act, the Chief Financial Officer of the Department shall, in conjunction with the Inspector General of the Department, conduct an audit of the Trust Fund.

(2) REPORTS.—Upon completion of each audit of the Trust Fund under paragraph (1), the Chief Financial Officer shall, in conjunction with the Inspector General, submit to Congress, and make available to the public on an Internet website of the Department available to the public, a jointly audited financial statement concerning the Trust Fund.

(3) ELEMENTS.—Each audited financial statement under paragraph (2) shall include the following:

(A) The report of an independent certified public accountant.

(B) A balance sheet reporting admitted assets, liabilities, capital and surplus.

(C) A statement of cash flow.

(D) Such other information on the Trust Fund as the Chief Financial Officer, the Inspector General, or the independent certified public accountant considers appropriate to facilitate a comprehensive understanding of the Trust Fund during the year covered by the financial statement.

(d) DETERMINATION OF BUDGETARY EFFECTS.—

(1) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the Senate, amounts appropriated by or deposited in the general fund of the Treasury pursuant to this section are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(2) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—Amounts appropriated by or deposited in the general fund of the Treasury pursuant to this section are designated as an emergency requirement under section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

SEC. 8. GRANT ACCOUNTABILITY.

(a) DEFINITIONS.—In this section:

(1) AWARDING ENTITY.—The term ''awarding entity'' means the Secretary, the Director of the Federal Emergency Management Agency, the Chief of the Office of Citizenship and New Americans, as designated by this Act, or the Director of the National Science Foundation.

(2) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(3) UNRESOLVED AUDIT FINDING.—The term ''unresolved audit finding'' means a finding in a final audit report conducted by the Inspector General of the Department, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 1 year from the date when the final audit report is issued.

(b) ACCOUNTABILITY.—All grants awarded by an awarding entity pursuant to this Act shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) AUDITS.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. Such Inspectors General shall determine the appropriate number of grantees to be audited each year.

(B) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the first 2 fiscal years beginning after the end of the 1-year period described in subsection (a)(3).

(C) PRIORITY.—In awarding a grant under this Act, the awarding entity shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years prior to the date the entity submitted the application for such grant.

(D) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the period of 2 fiscal years in which the entity is barred from receiving grants under subparagraph (B), the awarding entity shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to such entity into the general fund of the Treasury; and

(ii) seek to recover the costs of the repayment under clause (i) from such entity.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) PROHIBITION.—An awarding entity may not award a grant under this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding the tax imposed by section 511(a) of the Internal Revenue Code of 1986.

(B) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the awarding entity, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the awarding entity shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department or the National Science Foundation for grant programs under this Act may be used by an awarding entity or by any individual or entity awarded discretionary funds through a cooperative agreement under this Act to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Department or the National Science Foundation unless the Deputy Secretary for Homeland Security, or the Deputy Director of the National Science Foundation, or their designee, provides prior written authorization that the funds may be expended to host the conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—The Deputy Secretary of Homeland Security and the Deputy Director of the National Science Foundation shall submit to Congress an annual report on all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, each awarding entity shall submit to Congress a report—

(A) indicating whether—

(i) all audits issued by the Offices of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate individuals;

(ii) all mandatory exclusions required under paragraph (1)(B) have been issued; and

(iii) all reimbursements required under paragraph (1)(D) have been made; and

(B) including a list of any grant recipients excluded under paragraph (1) from the previous year.

SEC. 9. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 10. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

TITLE I—BORDER SECURITY

SEC. 1101. DEFINITIONS.

In this title:

(1) NORTHERN BORDER.—The term ''Northern border'' means the international border between the United States and Canada.

(2) RURAL, HIGH-TRAFFICKED AREAS.—The term ''rural, high-trafficked areas'' means rural areas through which drugs and undocumented aliens are routinely smuggled, as designated by the Commissioner of U.S. Customs and Border Protection.

(3) SOUTHERN BORDER.—The term ''Southern border'' means the international border between the United States and Mexico.

(4) SOUTHWEST BORDER REGION.—The term ''Southwest border region'' means the area in the United States that is within 100 miles of the Southern border.

SEC. 1102. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.

(a) IN GENERAL.—Not later than September 30, 2017, the Secretary shall increase the number of trained full-time active duty U.S. Border Patrol agents deployed to the Southern border by 5,000, compared to the number of such officers as of the date of the enactment of this Act. The Secretary shall make progress in increasing such number of officers during each of fiscal years 2014 through 2017.

(b) CONSTRUCTION.—Nothing in subsection (a) may be construed to preclude the Secretary from reassigning or stationing U.S. Customs and Border Protection officers and U.S. Border Patrol agents from the Northern border to the Southern border.

(c) FUNDING.—Section 217(h)(3)(B) (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) in clause (i)—

(A) by striking ''No later than 6 months after the date of enactment of the Travel

Promotion Act of 2009, the'' and inserting ''The'';

(B) in subclause (I), by striking ''and'' at the end;

(C) by redesignating subclause (II) as subclause (III); and

(D) by inserting after subclause (I) the following:

''(II) $16 for border processing; and'';

(2) in clause (ii), by striking ''Amounts collected under clause (i)(II)'' and inserting ''Amounts collected under clause (i)(II) shall be deposited into the Comprehensive Immigration Reform Trust Fund established by section 7(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act. Amounts collected under clause (i)(III)''; and

(3) by striking clause (iii).

SEC. 1103. NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN BORDER.

(a) IN GENERAL.—With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform operations and missions under section 502(f) of title 32, United States Code, in the Southwest border region for the purposes of assisting U.S. Customs and Border Protection in securing the Southern border.

(b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

(1) IN GENERAL.—National Guard units and personnel deployed under subsection (a) may be assigned such operations and missions specified in subsection (c) as may be necessary to secure the Southern border.

(2) NATURE OF DUTY.—The duty of National Guard personnel performing operations and missions described in paragraph (1) shall be full-time duty under title 32, United States Code.

(c) RANGE OF OPERATIONS AND MISSIONS.—The operations and missions assigned under subsection (b) shall include the temporary authority—

(1) to construct fencing, including double-layer and triple-layer fencing;

(2) to increase ground-based mobile surveillance systems;

(3) to deploy additional unmanned aerial systems and manned aircraft sufficient to maintain continuous surveillance of the Southern border;

(4) to deploy and provide capability for radio communications interoperability between U.S. Customs and Border Protection and State, local, and tribal law enforcement agencies;

(5) to construct checkpoints along the Southern border to bridge the gap to long-term permanent checkpoints; and

(6) to provide assistance to U.S. Customs and Border Protection, particularly in rural, high-trafficked areas, as designated by the Commissioner of U.S. Customs and Border Protection.

(d) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense shall deploy such materiel and equipment and logistical support as may be necessary to ensure success of the operations and missions conducted by the National Guard under this section.

(e) EXCLUSION FROM NATIONAL GUARD PERSONNEL STRENGTH LIMITATIONS.—National Guard personnel deployed under subsection (a) shall not be included in—

(1) the calculation to determine compliance with limits on end strength for National Guard personnel; or

(2) limits on the number of National Guard personnel that may be placed on active duty for operational support under section 115 of title 10, United States Code.

SEC. 1104. ENHANCEMENT OF EXISTING BORDER SECURITY OPERATIONS.

(a) BORDER CROSSING PROSECUTIONS.—

(1) IN GENERAL.—From the amounts available pursuant to the authorization of appropriations in paragraph (3), funds shall be available—

(A) to increase the number of border crossing prosecutions in each and every sector of the Southwest border region by at least 50 percent per day, as calculated by the previous yearly average on the date of the enactment of this Act, through increasing the funding available for—

(i) attorneys and administrative support staff in offices of United States attorneys;

(ii) support staff and interpreters in Court Clerks' Offices;

(iii) pre-trial services;

(iv) activities of the Federal Public Defenders Office; and

(v) additional personnel, including Deputy U.S. Marshals in United States Marshals' Offices to perform intake, coordination, transportation, and court security; and

(B) to reimburse Federal, State, local, and tribal law enforcement agencies for any detention costs related to the border crossing prosecutions carried out pursuant to subparagraph (A).

(2) ADDITIONAL MAGISTRATE JUDGES TO ASSIST WITH INCREASED CASELOAD.—The chief judge of the United States district courts within sectors of the Southwest border region are authorized to appoint additional full-time magistrate judges, who, consistent with the Constitution and laws of the United States, shall have the authority to hear cases and controversies in the judicial district in which the respective judges are appointed.

(3) FUNDING.—There are authorized to be appropriated from the Comprehensive Immigration Reform Trust Fund established by section 7(a)(1) of this Act such sums as may be necessary to carry out this subsection.

(b) OPERATION STONEGARDEN.—

(1) IN GENERAL.—The Federal Emergency Management Agency shall enhance law enforcement preparedness and operational readiness along the borders of the United States through Operation Stonegarden.

(2) GRANTS AND REIMBURSEMENTS.—

(A) IN GENERAL.—For purposes of paragraph (1), not less than 90 percent of the amounts made available pursuant to the authorization of appropriations in paragraph (3) shall be allocated for grants and reimbursements to law enforcement agencies in the States in the Southwest border region for personnel, overtime, travel, and other costs related to combating illegal immigration and drug smuggling in the Southwest border region.

(B) GRANTS TO LAW ENFORCEMENT AGENCIES.—Allocations for grants and reimbursements to law enforcement agencies under this paragraph shall be made by the Federal Emergency Management Agency through a competitive process.

(3) FUNDING.—There are authorized to be appropriated from the Comprehensive Immigration Reform Trust Fund pursuant to section 7(a)(3)(C)(ii) of this Act such sums as may be necessary to carry out this subsection.

(c) PHYSICAL AND TACTICAL INFRASTRUCTURE IMPROVEMENTS.—

(1) CONSTRUCTION, UPGRADE, AND ACQUISITION OF BORDER CONTROL FACILITIES.—The Secretary shall, consistent with the Southern Border Security Strategy required by section 5 of this Act, upgrade existing physical and tactical infrastructure of the Department, and construct and acquire additional physical and tactical infrastructure, including the following:

(A) U.S. Border Patrol stations.

(B) U.S. Border Patrol checkpoints.

(C) Forward operating bases.

(D) Monitoring stations.

(E) Mobile command centers.

(F) Field offices.

(G) All-weather roads.

(H) Lighting.

(I) Real property.

(J) Land border port of entry improvements.

(K) Other necessary facilities, structures, and properties.

(2) REQUIRED USES OF FUNDS.—The Secretary, consistent with the Southern Border Security Strategy, shall do the following:

(A) U.S. BORDER PATROL STATIONS.—

(i) Construct additional U.S. Border Patrol stations in the Southwest border region that U.S. Customs and Border Protection determines are needed to provide full operational support in rural, high-trafficked areas.

(ii) Analyze the feasibility of creating additional U.S. Border Patrol sectors along the Southern border to interrupt drug trafficking operations.

(B) U.S. BORDER PATROL CHECKPOINTS.—Operate and maintain additional temporary or permanent checkpoints on roadways in the Southwest border region in order to deter, interdict, and apprehend terrorists, human traffickers, drug traffickers, weapons traffickers, and other criminals before they enter the interior of the United States.

(C) U.S. BORDER PATROL FORWARD OPERATING BASES.—

(i) Establish additional permanent forward operating bases for U.S. Border Patrol, as needed.

(ii) Upgrade existing forward operating bases to include modular buildings, electricity, and potable water.

(iii) Ensure that forward operating bases surveil and interdict individuals entering the United States unlawfully immediately after such individuals cross the Southern border.

(3) SAFE AND SECURE BORDER INFRASTRUCTURE.—The Secretary and the Secretary of Transportation, in consultation with the Governors of the States in the Southwest border region or the region along the Northern border, shall establish a grant program, which shall be administered by the Secretary of Transportation and the Administrator of the General Services Administration, to construct transportation and supporting infrastructure improvements at existing and new international border crossings necessary to facilitate safe, secure, and efficient cross border movement of people, motor vehicles, and cargo.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2014 through 2018, such sums as may be necessary to carry out this subsection.

(d) ADDITIONAL PERMANENT DISTRICT COURT JUDGESHIPS IN SOUTHWEST BORDER STATES.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 2 additional district judges for the district of Arizona;

(B) 3 additional district judges for the eastern district of California;

(C) 2 additional district judges for the western district of Texas; and

(D) 1 additional district judge for the southern district of Texas.

(2) CONVERSIONS OF TEMPORARY DISTRICT COURT JUDGESHIPS.—The existing judgeships for the district of Arizona and the central district of California authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 133 note; Public Law 107–273; 116 Stat. 1788), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—The table contained in section 133(a) of title 28, United States Code, is amended—

(A) by striking the item relating to the district of Arizona and inserting the following:

''Arizona	15'';

(B) by striking the items relating to California and inserting the following:

''California:	
Northern	14
Eastern	9
Central	28
Southern	13'';

and

(C) by striking the items relating to Texas and inserting the following:

Texas:	
Northern	12
Southern	20
Eastern	7
Western	15''

(4) INCREASE IN FILING FEES.—

(A) IN GENERAL.—Section 1914(a) of title 28, United States Code, is amended by striking ''$350'' and inserting ''$360''.

(B) EXPENDITURE LIMITATION.—Incremental amounts collected by reason of the enactment of this paragraph shall be deposited as offsetting receipts in the special fund of the Treasury established under section 1931 of title 28, United States Code. Such amounts shall be available solely for the purpose of facilitating the processing of civil cases, but only to the extent specifically appropriated by an Act of Congress enacted after the date of the enactment of this Act.

(5) WHISTLEBLOWER PROTECTION.—

(A) IN GENERAL.—No officer, employee, agent, contractor, or subcontractor of the judicial branch may discharge, demote, threaten, suspend, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any possible violation of Federal law or regulation, or misconduct, by a judge, justice, or any other employee in the judicial branch, which may assist in the investigation of the possible violation or misconduct.

(B) CIVIL ACTION.—An employee injured by a violation of subparagraph (A) may, in a civil action, obtain appropriate relief.

SEC. 1105. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LANDS.—The term ''Federal lands'' includes all land under the control of the Secretary concerned that is located within the Southwest border region in the State of Arizona along the Southern border.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—To achieve effective control of Federal lands—

(1) the Secretary concerned, notwithstanding any other provision of law, shall authorize and provide U.S. Customs and Border Protection personnel with immediate access to Federal lands for security activities, including—

(A) routine motorized patrols; and

(B) the deployment of communications, surveillance, and detection equipment;

(2) the security activities described in paragraph (1) shall be conducted, to the maximum extent practicable, in a manner that the Secretary determines will best protect the natural and cultural resources on Federal lands; and

(3) the Secretary concerned may provide education and training to U.S. Customs and Border Protection personnel on the natural and cultural resources present on individual Federal land units.

(c) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—

(1) IN GENERAL.—After implementing subsection (b), the Secretary, in consultation with the Secretaries concerned, shall prepare and publish in the Federal Register a notice of intent to prepare a programmatic environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to analyze the impacts of the activities described in subsection (b).

(2) EFFECT ON PROCESSING APPLICATION AND SPECIAL USE PERMITS.—The pending completion of a programmatic environmental impact statement under this section shall not result in any delay in the processing or approving of applications or special use permits by the Secretaries concerned for the activities described in subsection (b).

(3) AMENDMENT OF LAND USE PLANS.—The Secretaries concerned shall amend any land use plans, as appropriate, upon completion of the programmatic environmental impact statement described in subsection (b).

(4) SCOPE OF PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—The programmatic environmental impact statement described in paragraph (1)—

(A) may be used to advise the Secretary on the impact on natural and cultural resources on Federal lands; and

(B) shall not control, delay, or restrict actions by the Secretary to achieve effective control on Federal lands.

(d) INTERMINGLED STATE AND PRIVATE LAND.—This section shall not apply to any private or State-owned land within the boundaries of Federal lands.

SEC. 1106. EQUIPMENT AND TECHNOLOGY.

(a) ENHANCEMENTS.—The Secretary, in consultation with the Commissioner of U.S. Customs and Border Protection and consistent with the Southern Border Security Strategy required by section 5 of this Act, shall upgrade existing technological assets and equipment, and procure and deploy additional technological assets and equipment, including the following:

(1) Unarmed, unmanned aerial vehicles.

(2) Fixed-wing aircraft.

(3) Helicopters.

(4) Remote video surveillance camera systems.

(5) Mobile surveillance systems.

(6) Agent portable surveillance systems.

(7) Radar technology.

(8) Satellite technology.

(9) Fiber optics.

(10) Integrated fixed towers.

(11) Relay towers.

(12) Poles.

(13) Night vision equipment.

(14) Sensors, including imaging sensors and unattended ground sensors.

(15) Biometric entry-exit systems.

(16) Contraband detection equipment.

(17) Digital imaging equipment.

(18) Document fraud detection equipment.

(19) Land vehicles.

(20) Officer and personnel safety equipment.

(21) Other technologies and equipment.

(b) REQUIRED USES OF FUNDS.—The Secretary, consistent with the Southern Border Security Strategy, shall—

(1) deploy additional mobile, video, and agent-portable surveillance systems, and unarmed, unmanned aerial vehicles in the Southwest border region as necessary to provide 24-hour operation and surveillance;

(2) operate unarmed unmanned aerial vehicles along the Southern border for 24 hours per day and for 7 days per week;

(3) deploy unarmed additional fixed-wing aircraft and helicopters along the Southern border;

(4) acquire new rotocraft and make upgrades to the existing helicopter fleet;

(5) increase horse patrols in the Southwest border region; and

(6) acquire and deploy watercraft and other equipment to provide support for border-related maritime anti-crime activities.

(c) LIMITATION.—

(1) IN GENERAL.—Notwithstanding paragraphs (1) and (2) of subsection (a), and except as provided in paragraph (2), U.S. Border Patrol may not operate unarmed, unmanned aerial vehicles in the San Diego and El Centro Sectors, except within 3 miles of the Southern border.

(2) EXCEPTION.—The limitation under this subsection shall not restrict the maritime operations of U.S. Customs and Border Protection.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated for each of fiscal years 2014 through 2018 for U.S. Customs and Border Protection such sums as may be necessary to carry out this section.

SEC. 1107. ACCESS TO EMERGENCY PERSONNEL.

(a) SOUTHWEST BORDER REGION EMERGENCY COMMUNICATIONS GRANTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governors of the States in the Southwest border region, shall establish a 2-year grant program, to be administered by the Secretary, to improve emergency communications in the Southwest border region.

(2) ELIGIBILITY FOR GRANTS.—An individual is eligible to receive a grant under this subsection if the individual demonstrates that he or she—

(A) regularly resides or works in the Southwest border region; and

(B) is at greater risk of border violence due to the lack of cellular service at his or her residence or business and his or her proximity to the Southern border.

(3) USE OF GRANTS.—Grants awarded under this subsection may be used to purchase satellite telephone communications systems and service that—

(A) can provide access to 9–1–1 service; and

(B) are equipped with global positioning systems.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the grant program established under this subsection.

(b) INTEROPERABLE COMMUNICATIONS FOR LAW ENFORCEMENT.—

(1) FEDERAL LAW ENFORCEMENT.—There are authorized to be appropriated to the Department, the Department of Justice, and the Department of the Interior, during the 5-year period beginning on the date of the enactment of this Act, such sums as may be necessary—

(A) to purchase, through a competitive procurement process, P25-compliant radios, which may include a multi-band option, for Federal law enforcement agents working in the Southwest border region in support of the activities of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, including law enforcement agents of the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Department of the Interior, and the Forest Service; and

(B) to upgrade, through a competitive procurement process, the communications network of the Department of Justice to ensure coverage and capacity, particularly when immediate access is needed in times of crisis, in the Southwest border region for appropriate law enforcement personnel of the Department of Justice (including the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms, and Explosives), the Department (including U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection), the United States Marshals Service, other Federal agencies, the State of Arizona, tribes, and local governments.

(2) STATE AND LOCAL LAW ENFORCEMENT.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Justice, during the 5-year period beginning on the date of the enactment of this Act, such sums as may be necessary to purchase, through a competitive procurement process, P25-compliant radios, which may include a multi-band option, for State and local law enforcement agents working in the Southwest border region.

(B) ACCESS TO FEDERAL SPECTRUM.—If a State, tribal, or local law enforcement agency in the Southwest border region experiences an emergency situation that necessitates immediate communication with the Department of Justice, the Department, the Department of the Interior, or any of their respective subagencies, such law enforcement agency shall have access to the spectrum assigned to such Federal agency for the duration of such emergency situation.

SEC. 1108. SOUTHWEST BORDER REGION PROSECUTION INITIATIVE.

(a) REIMBURSEMENT TO STATE AND LOCAL PROSECUTORS FOR FEDERALLY INITIATED IMMIGRATION-RELATED CRIMINAL CASES.—The Attorney General shall reimburse State, county, tribal, and municipal governments for costs associated with the prosecution, pre-trial services and detention, clerical support, and public defenders' services associated with the prosecution of federally initiated criminal cases declined by local offices of the United States attorneys.

(b) EXCEPTION.—Reimbursement under subsection (a) shall not be available, at the discretion of the Attorney General, if the Attorney General determines that there is reason to believe that the jurisdiction seeking reimbursement has engaged in unlawful conduct in connection with immigration-related apprehensions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2014 through 2018 such sums as may be necessary to carry out this section.

SEC. 1109. INTERAGENCY COLLABORATION.

The Assistant Secretary of Defense for Research and Engineering shall collaborate with the Under Secretary of Homeland Security for Science and Technology to identify equipment and technology used by the Department of Defense that could be used by U.S. Customs and Border Protection to improve the security of the Southern border by—

(1) detecting border tunnels;

(2) detecting the use of ultralight aircraft;

(3) enhancing wide aerial surveillance; and

(4) otherwise improving the enforcement of such border.

SEC. 1110. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) SCAAP REAUTHORIZATION.—Section 241(i)(5)(C) (8 U.S.C. 1231(i)(5)) is amended by striking ''2011.'' and inserting ''2016.''.

(b) SCAAP ASSISTANCE FOR STATES.—

(1) ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.—Section 241(i)(3)(A) (8 U.S.C. 1231(i)(3)(A)) is amended by inserting ''charged with or'' before ''convicted''.

(2) ASSISTANCE FOR STATES INCARCERATING UNVERIFIED ALIENS.—Section 241(i) (8 U.S.C. 1231(i)) is amended—

(A) by redesignating paragraphs (4), (5), and (6), as paragraphs (5), (6), and (7), respectively;

(B) in paragraph (7), as so redesignated, by striking ''(5)'' and inserting ''(6)''; and

(C) by adding after paragraph (3) the following:

''(4) In the case of an alien whose immigration status is unable to be verified by the Secretary of Homeland Security, and who would otherwise be an undocumented criminal alien if the alien is unlawfully present in the United States, the Attorney General shall compensate the State or political subdivision of the State for incarceration of the alien, consistent with subsection (i)(2).''.

(3) TIMELY REIMBURSEMENT.—Section 241(i) (8 U.S.C. 1231(i)), as amended by paragraph (2), is further amended by adding at the end the following:

''(8) Any funds awarded to a State or a political subdivision of a State, including a municipality, for a fiscal year under this subsection shall be distributed to such State or political subdivision not later than 120 days after the last day of the application period for assistance under this subsection for that fiscal year.''.

SEC. 1111. SOUTHERN BORDER SECURITY ASSISTANCE GRANTS.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary, in consultation with State and local law enforcement agencies, may award border security assistance grants to law enforcement agencies located in the Southwest border region for the purposes described in subsection (b).

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to law enforcement agencies located in a county that is located within 25 miles of the Southern border.

(b) PURPOSES.—Each grant awarded under subsection (a) shall be used to address drug trafficking, smuggling, and border violence—

(1) by obtaining law enforcement equipment and tools, including secure 2-way communication devices, portable laptops and office computers, license plate readers, unmanned aerial vehicles, unmanned aircraft systems, manned aircraft, cameras with night viewing capabilities, and any other appropriate law enforcement equipment;

(2) by hiring additional personnel, including administrative support personnel, dispatchers, and jailers, and to provide overtime pay for such personnel;

(3) by purchasing law enforcement vehicles;

(4) by providing high performance aircraft and helicopters for border surveillance and other critical mission applications and paying for the operational and maintenance costs associated with such craft;

(5) by providing critical power generation systems, infrastructure, and technological upgrades to support State and local data management systems and fusion centers; or

(6) by providing specialized training and paying for the direct operating expenses associated with detecting and prosecuting drug trafficking, human smuggling, and other illegal activity or violence that occurs at or near the Southern border.

(c) APPLICATION.—

(1) REQUIREMENT.—A law enforcement agency seeking a grant under subsection (a), or a nonprofit organization or coalition acting as an agent for 1 or more such law enforcement entities, shall submit an application to the Secretary that includes the information described in paragraph (2) at such time and in such manner as the Secretary may require.

(2) CONTENT.—Each application submitted under paragraph (1) shall include—

(A) a description of the activities to be carried out with a grant awarded under subsection (a);

(B) if equipment will be purchased with the grant, a detailed description of—

(i) the type and quantity of such equipment; and

(ii) the personnel who will be using such equipment;

(C) a description of the need of the law enforcement agency or agencies for the grant, including a description of the inability of the agency or agencies to carry out the proposed activities without the grant; and

(D) an assurance that the agency or agencies will, to the extent practicable, seek, recruit, and hire women and members of racial and ethnic minority groups in law enforcement positions of the agency or agencies.

(d) REVIEW AND AWARD.—

(1) REVIEW.—Not later than 90 days after receiving an application submitted under subsection (c), the Secretary shall review and approve or reject the application.

(2) AWARD OF FUNDS.—Subject to the availability of appropriations, not later than 45 days after the date an application is approved under paragraph (1), the Secretary shall transmit the grant funds to the applicant.

(3) PRIORITY.—In distributing grant funds under this subsection, priority shall be given to high-intensity areas for drug trafficking, smuggling, and border violence.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2014 and 2015, $300,000,000 for grants authorized under this section.

SEC. 1112. USE OF FORCE.

Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Assistant Attorney General for the Civil Rights Division of the Department of Justice, shall issue policies governing the use of force by all Department personnel that—

(1) require all Department personnel to report each use of force; and

(2) establish procedures for—

(A) accepting and investigating complaints regarding the use of force by Department personnel;

(B) disciplining Department personnel who violate any law or Department policy relating to the use of force; and

(C) reviewing all uses of force by Department personnel to determine whether the use of force—

(i) complied with Department policy; or

(ii) demonstrates the need for changes in policy, training, or equipment.

SEC. 1113. TRAINING FOR BORDER SECURITY AND IMMIGRATION ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary shall ensure that U.S. Customs and Border Protection officers, U.S. Border Patrol agents, U.S. Immigration and Customs Enforcement officers and agents, United States Air and Marine Division agents, agriculture specialists,

and, in consultation with the Secretary of Defense, National Guard personnel deployed to assist U.S. Customs and Border Protection under section 1103(c)(6)) of this Act, stationed within 100 miles of any land or marine border of the United States or at any United States port of entry receive appropriate training, which shall be prepared in collaboration with the Assistant Attorney General for the Civil Rights Division of the Department of Justice, in—

(1) identifying and detecting fraudulent travel documents;

(2) civil, constitutional, human, and privacy rights of individuals;

(3) the scope of enforcement authorities, including interrogations, stops, searches, seizures, arrests, and detentions;

(4) the use of force policies issued by the Secretary pursuant to section 1112 of this Act;

(5) immigration laws, including screening, identifying, and addressing vulnerable populations, such as children, victims of crime and human trafficking, and individuals fleeing persecution or torture;

(6) social and cultural sensitivity toward border communities;

(7) the impact of border operations on communities; and

(8) any particular environmental concerns in a particular area.

(b) TRAINING FOR BORDER COMMUNITY LIAISON OFFICERS.—The Secretary shall ensure that border communities liaison officers in U.S. Border Patrol sectors along the Southern border and the Northern border receive training to better—

(1) act as a liaison between border communities and the Office for Civil Rights and Civil Liberties of the Department and the Civil Rights Division of the Department of Justice;

(2) foster and institutionalize consultation with border communities;

(3) consult with border communities on Department programs, policies, strategies, and directives; and

(4) receive Department performance assessments from border communities.

(c) HUMANE CONDITIONS OF CONFINEMENT FOR CHILDREN IN U.S. CUSTOMS AND BORDER PROTECTION CUSTODY.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall establish standards to ensure that children in the custody of U.S. Customs and Border Protection—

(1) are afforded adequate medical and mental health care, including emergency medical and mental health care, if necessary;

(2) receive adequate nutrition;

(3) are provided with climate-appropriate clothing, footwear, and bedding;

(4) have basic personal hygiene and sanitary products; and

(5) are permitted to make supervised phone calls to family members.

SEC. 1114. DEPARTMENT OF HOMELAND SECURITY BORDER OVERSIGHT TASK FORCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an independent task force, which shall be known as the Department of Homeland Security Border Oversight Task Force (referred to in this section as the ''DHS Task Force'').

(2) DUTIES.—The DHS Task Force shall—

(A) review and make recommendations regarding immigration and border enforcement policies, strategies, and programs that take into consideration their impact on border communities;

(B) recommend ways in which the Border Communities Liaison Offices can strengthen relations and collaboration between communities in the border regions and the Department, the Department of Justice, and other Federal agencies that carry out such policies, strategies, and programs;

(C) evaluate how the policies, strategies, and programs of Federal agencies operating along the Southern border and the Northern border protect the due process, civil, and human rights of border residents, visitors, and migrants at and near such borders; and

(D) evaluate and make recommendations regarding the training of border enforcement personnel described in section 1113 of this Act.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The DHS Task Force shall be composed of 29 members, appointed by the President, who have expertise in migration, local crime indices, civil and human rights, community relations, cross-border trade and commerce, quality of life indicators, or other pertinent experience, of whom—

(i) 12 members shall be from the Northern border region and shall include—

(I) 2 local government elected officials;

(II) 2 local law enforcement official;

(III) 2 civil rights advocates;

(IV) 1 business representative;

(V) 1 higher education representative;

(VI) 1 private land owner representative;

(VII) 1 representative of a faith community; and

(VIII) 2 representatives of U.S. Border Patrol; and

(ii) 17 members shall be from the Southern border region and include—

(I) 3 local government elected officials;

(II) 3 local law enforcement officials;

(III) 3 civil rights advocates;

(IV) 2 business representatives;

(V) 1 higher education representative;

(VI) 2 private land owner representatives;

(VII) 1 representative of a faith community; and

(VIII) 2 representatives of U.S. Border Patrol.

(B) TERM OF SERVICE.—Members of the Task Force shall be appointed for the shorter of—

(i) 3 years; or

(ii) the life of the DHS Task Force.

(C) CHAIR, VICE CHAIR.—The members of the DHS Task Force shall elect a Chair and a Vice Chair from among its members, who shall serve in such capacities for the life of the DHS Task Force or until removed by the majority vote of at least 14 members.

(b) OPERATIONS.—

(1) HEARINGS.—The DHS Task Force may, for the purpose of carrying out its duties, hold hearings, sit and act, take testimony, receive evidence, and administer oaths.

(2) RECOMMENDATIONS.—The DHS Task Force may make findings or recommendations to the Secretary related to the duties described in subsection (a)(2).

(3) RESPONSE.—Not later than 180 days after receiving findings and recommendations from the DHS Task Force under paragraph (2), the Secretary shall issue a response that describes how the Department has addressed, or will address, such findings and recommendations. If the Secretary disagrees with any finding of the DHS Task Force, the Secretary shall provide an explanation for the disagreement.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Chair, or 16 members of the DHS Task Force, may request statistics relating to the duties described in subsection (a)(2) directly from any Federal agency, which shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the DHS Task Force.

(5) COMPENSATION.—Members of the DHS Task Force shall serve without pay, but shall be reimbursed for reasonable travel and subsistence expenses incurred in the performance of their duties.

(c) REPORT.—Not later than 2 years after its first meeting, the DHS Task Force shall submit to the President, the Secretary, and Congress a final report that contains—

(1) findings with respect to the duties of the DHS Task Force; and

(2) recommendations regarding border and immigration enforcement policies, strategies, and programs, including—

(A) a recommendation as to whether the DHS Task Force should continue to operate; and

(B) a description of any duties the DHS Task Force should be responsible for after the termination date described in subsection (e).

(d) SUNSET.—The DHS Task Force shall terminate operations 60 days after the date on which the DHS Task Force submits the report described in subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2014 through 2017 such sums as may be necessary to carry out this section.

SEC. 1115. OMBUDSMAN FOR IMMIGRATION RELATED CONCERNS OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) ESTABLISHMENT.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding at the end the following new section:

''SEC. 104. OMBUDSMAN FOR IMMIGRATION RELATED CONCERNS.

''(a) IN GENERAL.—There shall be within the Department an Ombudsman for Immigration Related Concerns (in this section referred to as the 'Ombudsman'). The individual appointed as Ombudsman shall have a background in immigration law as well as civil and human rights law. The Ombudsman shall report directly to the Deputy Secretary.

''(b) FUNCTIONS.—The functions of the Ombudsman shall be as follows:

''(1) To receive and resolve complaints from individuals and employers and assist in resolving problems with the immigration components of the Department.

''(2) To conduct inspections of the facilities or contract facilities of the immigration components of the Department.

''(3) To assist individuals and families who have been the victims of crimes committed by aliens or violence near the United States border.

''(4) To identify areas in which individuals and employers have problems in dealing with the immigration components of the Department.

''(5) To the extent practicable, to propose changes in the administrative practices of the immigration components of the Department to mitigate problems identified under paragraph (4).

''(6) To review, examine, and make recommendations regarding the immigration and enforcement policies, strategies, and programs of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and U.S. Citizenship and Immigration Services.

''(c) OTHER RESPONSIBILITIES.—In addition to the functions specified in subsection (b), the Ombudsman shall—

''(1) monitor the coverage and geographic allocation of local offices of the Ombudsman, including appointing a local ombudsman for immigration related concerns; and

''(2) evaluate and take personnel actions (including dismissal) with respect to any employee of the Ombudsman.

''(d) REQUEST FOR INVESTIGATIONS.—The Ombudsman shall have the authority to request the Inspector General of the Department of Homeland Security to conduct inspections, investigations, and audits.

''(e) COORDINATION WITH DEPARTMENT COMPONENTS.—The Director of U.S. Citizenship

and Immigration Services, the Assistant Secretary of Immigration and Customs Enforcement, and the Commissioner of Customs and Border Protection shall each establish procedures to provide formal responses to recommendations submitted to such official by the Ombudsman.

''(f) ANNUAL REPORTS.—Not later than June 30 of each year, the Ombudsman shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the objectives of the Ombudsman for the fiscal year beginning in such calendar year. Each report shall contain full and substantive analysis, in addition to statistical information, and shall set forth any recommendations the Ombudsman has made on improving the services and responsiveness of U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, and U.S. Customs and Border Protection and any responses received from the Department regarding such recommendations.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 452 of the Homeland Security Act of 2002 (6 U.S.C. 272) is repealed.

(c) CLERICAL AMENDMENTS.—The table of contents for the Homeland Security Act of 2002 is amended—

(1) by inserting after the item relating to section 103 the following new item:

''Sec. 104. Ombudsman for immigration related concerns.''; and

(2) by striking the item relating to section 452.

SEC. 1116. PROTECTION OF FAMILY VALUES IN APPREHENSION PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) APPREHENDED INDIVIDUAL.—The term ''apprehended individual'' means an individual apprehended by personnel of the Department of Homeland Security or of a cooperating entity pursuant to a migration deterrence program carried out at a border.

(2) BORDER.—The term ''border'' means an international border of the United States.

(3) CHILD.—Except as otherwise specifically provided, the term ''child'' has the meaning given to the term in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(4) COOPERATING ENTITY.—The term ''cooperating entity'' means a State or local entity acting pursuant to an agreement with the Secretary.

(5) MIGRATION DETERRENCE PROGRAM.—The term ''migration deterrence program'' means an action related to the repatriation or referral for prosecution of 1 or more apprehended individuals for a suspected or confirmed violation of the Immigration and Nationality Act (8 U.S.C. 1001 et seq.) by the Secretary or a cooperating entity.

(b) PROCEDURES FOR MIGRATION DETERRENCE PROGRAMS AT THE BORDER.—In any migration deterrence program carried out at a border, the Secretary and cooperating entities shall for each apprehended individual—

(1) as soon as practicable after such individual is apprehended—

(A) inquire as to whether the apprehended individual is—

(i) a parent, legal guardian, or primary caregiver of a child; or

(ii) traveling with a spouse or child; and

(B) ascertain whether repatriation of the apprehended individual presents any humanitarian concern or concern related to such individual's physical safety; and

(2) ensure that, with respect to a decision related to the repatriation or referral for prosecution of the apprehended individual, due consideration is given—

(A) to the best interests of such individual's child, if any;

(B) to family unity whenever possible; and

(C) to other public interest factors, including humanitarian concerns and concerns related to the apprehended individual's physical safety.

(c) MANDATORY TRAINING.—The Secretary, in consultation with the Secretary of Health and Human Services, the Attorney General, the Secretary of State, and independent immigration, child welfare, family law, and human rights law experts, shall—

(1) develop and provide specialized training for all personnel of U.S. Customs and Border Protection and cooperating entities who come into contact with apprehended individuals in all legal authorities, policies, and procedures relevant to the preservation of a child's best interest, family unity, and other public interest factors, including those described in this Act; and

(2) require border enforcement personnel to undertake periodic and continuing training on best practices and changes in relevant legal authorities, policies, and procedures pertaining to the preservation of a child's best interest, family unity, and other public interest factors, including those described in this Act.

(d) ANNUAL REPORT ON THE IMPACT OF MIGRATION DETERRENCE PROGRAMS AT THE BORDER.—

(1) REQUIREMENT FOR ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report that describes the impact of migration deterrence programs on parents, legal guardians, primary caregivers of a child, individuals traveling with a spouse or child, and individuals who present humanitarian considerations or concerns related to the individual's physical safety.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include for the previous 1-year period an assessment of—

(A) the number of apprehended individuals removed, repatriated, or referred for prosecution who are the parent, legal guardian, or primary caregiver of a child who is a citizen of the United States;

(B) the number of occasions in which both parents, or the primary caretaker of such a child was removed, repatriated, or referred for prosecution as part of a migration deterrence program;

(C) the number of apprehended individuals traveling with close family members who are removed, repatriated, or referred for prosecution; and

(D) the impact of migration deterrence programs on public interest factors, including humanitarian concerns and physical safety.

(e) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement this section.

SEC. 1117. EMERGENCY PORT OF ENTRY PERSONNEL AND INFRASTRUCTURE FUNDING.

(a) STAFF ENHANCEMENTS.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection on such date, the Secretary shall, subject to the availability of appropriations for such purpose, hire, train, and assign to duty, by not later than September 30, 2018—

(1) 5,000 full-time officers of U.S. Customs and Border Protection to serve—

(A) on all inspection lanes (primary, secondary, incoming, and outgoing) and enforcement teams at United States land ports of entry on the Northern border and the Southern border; and

(B) at airports to implement the biometric entry-exit system in accordance with the requirements set forth in section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b); and

(2) 350 full-time support staff distributed among all United States ports of entry.

(b) WAIVER OF PERSONNEL LIMITATION.—The Secretary may waive any limitation on the number of full-time equivalent personnel assigned to the Department in order to fulfill the requirements under subsection (a).

(c) REPORTS TO CONGRESS.—

(1) OUTBOUND INSPECTIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing the Department's plans for ensuring the placement of sufficient officers of U.S. Customs and Border Protection on outbound inspections, and adequate outbound infrastructure, at all Southern and Northern border land ports of entry.

(2) AGRICULTURAL SPECIALISTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture, shall submit to the appropriate committees of Congress a report that contains the Department's plans for ensuring the placement of sufficient agriculture specialists at all Southern border and Northern border land ports of entry.

(3) ANNUAL IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the Department's implementation plan for staff enhancements required under subsection (a);

(B) includes the number of additional personnel assigned to duty at land ports of entry by location; and

(C) describes the methodology used to determine the distribution of additional personnel to address northbound and southbound cross-border inspections.

(4) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

(d) SECURE COMMUNICATION.—The Secretary shall ensure that each officer of U.S. Customs and Border Protection is equipped with a secure 2-way communication and satellite-enabled device, supported by system interoperability, that allows such officers to communicate between ports of entry and inspection stations, and with other Federal, State, local, and tribal law enforcement entities.

(e) BORDER AREA SECURITY INITIATIVE GRANT PROGRAM.—The Secretary shall establish a grant program for the purchase of detection equipment at land ports of entry and mobile, hand-held, 2-way communication and biometric devices for State and local law enforcement officers serving on the Southern border and Northern border.

(f) PORT OF ENTRY INFRASTRUCTURE IMPROVEMENTS.—In order to aid in the enforcement of Federal customs, immigration, and agriculture laws, the Commissioner of U.S. Customs and Border Protection may—

(1) design, construct, and modify United States ports of entry, living quarters for officers, agents, and personnel, and other structures and facilities, including those owned by municipalities, local governments, or private entities located at land ports of entry;

(2) acquire, by purchase, donation, exchange, or otherwise, land or any interest in land determined to be necessary to carry out the Commissioner's duties under this section; and

(3) construct additional ports of entry along the Southern border and the Northern border.

(g) CONSULTATION.—

(1) LOCATIONS FOR NEW PORTS OF ENTRY.—The Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of State, the International Boundary and Water Commission, the International Joint Commission, and appropriate representatives of States, local governments, Indian tribes, and property owners—

(A) to determine locations for new ports of entry; and

(B) to minimize adverse impacts from such ports on the environment, historic and cultural resources, commerce, and quality of life for the communities and residents located near such ports.

(2) SAVINGS PROVISION.—Nothing in this subsection may be construed—

(A) to create any right or liability of the parties described in paragraph (1);

(B) to affect the legality and validity of any determination under this Act by the Secretary; or

(C) to affect any consultation requirement under any other law.

(h) AUTHORITY TO ACQUIRE LEASEHOLDS.—Notwithstanding any other provision of law, the Secretary may acquire a leasehold interest in real property, and may construct or modify any facility on the leased property, if the Secretary determines that the acquisition of such interest, and such construction or modification, are necessary to facilitate the implementation of this Act.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, for each of the fiscal years 2014 through 2018, $1,000,000,000, of which $5,000,000 shall be used for grants authorized under subsection (e).

(j) OFFSET; RESCISSION OF UNOBLIGATED FEDERAL FUNDS.—

(1) IN GENERAL.—There is hereby rescinded, from appropriated discretionary funds that remain available for obligation as of the date of the enactment of this Act (other than the unobligated funds described in paragraph (4)), amounts determined by the Director of the Office of Management and Budget such that the aggregate amount of the rescission equals the amount authorized to be appropriated under subsection (i).

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify—

(A) the appropriation accounts from which the rescission under paragraph (1) shall apply; and

(B) the amount of the rescission that shall be applied to each such account.

(3) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress and to the Secretary of the Treasury that describes the accounts and amounts determined and identified under paragraph (2) for rescission under paragraph (1).

(4) EXCEPTIONS.—This subsection shall not apply to unobligated funds of—

(A) the Department of Defense;

(B) the Department of Veterans Affairs; or

(C) the Department of Homeland Security.

SEC. 1118. CROSS-BORDER TRADE ENHANCEMENT.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the General Services Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the General Services Administration.

(3) PERSON.—The term ''person'' means an individual or any corporation, partnership, trust, association, or any other public or private entity, including a State or local government.

(b) AGREEMENTS AUTHORIZED.—Notwithstanding any other provision of law, upon the request of any persons, the Administrator may, for purposes of facilitating construction, alteration, operation or maintenance of a new or existing facility or other infrastructure at a port of entry, enter into cost-sharing or reimbursement agreements or accept a donation of real and personal property (including monetary donations) and nonpersonal services.

(c) EVALUATION PROCEDURES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in consultation with the Secretary, shall establish procedures for evaluating a proposal submitted by any person under subsection (b)—

(A) to enter into a cost-sharing or reimbursement agreement with the Administration to facilitate the construction, alteration, operation, or maintenance of a new or existing facility or other infrastructure at a land border port of entry; or

(B) to provide the Administration with a donation of real and personal property (including monetary donations) and nonpersonal services to be used in the construction, alteration, operation, or maintenance of a facility or other infrastructure at a land border port of entry under the control of the Administration.

(2) SPECIFICATION.—Donations made under paragraph (1)(B) may specify—

(A) the land port of entry facility or facilities in support of which the donation is being made; and

(B) the time frame in which the donated property or services shall be used.

(3) RETURN OF DONATION.—If the Administrator does not use the property or services donated pursuant to paragraph (1)(B) for the specific facility or facilities designated pursuant to paragraph (2)(A) or within the time frame specified pursuant to paragraph (2)(B), such donated property or services shall be returned to the person that made the donation.

(4) DETERMINATION AND NOTIFICATION.—

(A) IN GENERAL.—Not later than 90 days after receiving a proposal pursuant to subsection (b) with respect to the construction or maintenance of a facility or other infrastructure at a land border port of entry, the Administrator shall—

(i) make a determination with respect to whether or not to approve the proposal; and

(ii) notify the person that submitted the proposal of—

(I) the determination; and

(II) if the Administrator did not approve the proposal, the reasons for such disapproval.

(B) CONSIDERATIONS.—In determining whether or not to approve a proposal under this subsection, the Administrator shall consider—

(i) the impact of the proposal on reducing wait times at that port of entry and other ports of entry on the same border;

(ii) the potential of the proposal to increase trade and travel efficiency through added capacity; and

(iii) the potential of the proposal to enhance the security of the port of entry.

(d) DELEGATION.—For facilities where the Administrator has delegated or transferred to the Secretary, operations, ownership, or other authorities over land border ports of entry, the authorities and requirements of the Administrator under this section shall be deemed to apply to the Secretary.

SEC. 1119. HUMAN TRAFFICKING REPORTING.

(a) SHORT TITLE.—This section may be cited as the ''Human Trafficking Reporting Act of 2013''.

(b) FINDINGS.—Congress finds the following:

(1) Human trafficking is a form of modern-day slavery.

(2) According to the Trafficking Victims Protection Act of 2000 ''severe forms of trafficking in persons'' means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(3) There is an acute need for better data collection of incidents of human trafficking across the United States in order to effectively combat severe forms of trafficking in persons.

(4) The State Department's 2012 Trafficking in Persons report found that—

(A) the United States is a ''source, transit and destination country for men, women, and children, subjected to forced labor, debt bondage, domestic servitude and sex trafficking,''; and

(B) the United States needs to ''improve data collection on human trafficking cases at the Federal, state and local levels''.

(5) The International Organization for Migration has reported that in order to effectively combat human trafficking there must be reliable and standardized data, however, the following barriers for data collection exist:

(A) The illicit and underground nature of human trafficking.

(B) The reluctance of victims to share information with authorities.

(C) Insufficient human trafficking data collection and research efforts by governments world wide.

(6) A 2009 report to the Department of Health and Human Services entitled Human Trafficking Into and Within the United States: A Review of the Literature found that ''the data and methodologies for estimating the prevalence of human trafficking globally and nationally are not well developed, and therefore estimates have varied widely and changed significantly over time''.

(7) The Federal Bureau of Investigation compiles national crime statistics through the Uniform Crime Reporting Program.

(8) Under current law, State and local governments receiving Edward Byrne Memorial Justice Assistance grants are required to share data on part 1 violent crimes with the Federal Bureau of Investigation for inclusion in the Uniform Crime Reporting Program.

(9) The addition of severe forms of trafficking in persons to the definition of part 1 violent crimes will ensure that statistics on this heinous crime will be compiled and available through the Federal Bureau of Investigation's Uniform Crime Report.

(c) HUMAN TRAFFICKING TO BE INCLUDED IN PART 1 VIOLENT CRIMES FOR PURPOSES OF BYRNE GRANTS.—Section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following new subsection:

''(i) PART 1 VIOLENT CRIMES TO INCLUDE HUMAN TRAFFICKING.—For purposes of this section, the term 'part 1 violent crimes' shall include severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).''.

SEC. 1120. PROHIBITION ON LAND BORDER CROSSING FEES.

The Secretary shall not establish, collect, or otherwise impose a border crossing fee for pedestrians or passenger vehicles at land

ports of entry along the Southern border or the Northern border, nor conduct any study relating to the imposition of such a fee.

SEC. 1121. DELEGATION.

The Secretary may delegate any authority provided to the Secretary under this Act or an amendment made by this Act to the Secretary of Agriculture, the Attorney General, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of State, or the Commissioner of Social Security.

SEC. 1122. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or any application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and the amendments made by this Act and the application of the provision or amendment to any other person or circumstance shall not be affected.

SEC. 1123. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to authorize the deployment, procurement, or construction of fencing along the Northern border.

On page 1008, strike line 18 and all that follows through page 1009, line 22, and insert the following:

''(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished in an application filed under section 245B, 245C, 245D, or 245F or section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act, and any other information derived from such furnished information to—

''(A) a law enforcement agency, intelligence agency, national security agency, a component of the Department of Homeland Security, court, or grand jury, in each instance about an individual suspect or group of suspects, consistent with law, in connection with—

''(i) a criminal investigation or prosecution;

''(ii) a national security investigation or prosecution; or

''(iii) a duly authorized investigation of a civil violation; and

''(B) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

''(3) INAPPLICABILITY AFTER DENIAL.—The limitations set forth in paragraph (1)—

''(A) shall apply only until—

''(i) an application filed under section 245B, 245C, 245D, or 245F or section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act is denied; and

''(ii) all opportunities for administrative appeal of the denial have been exhausted; and

''(B) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

''(4) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has, at any time, been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

''(5) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may—

''(A) audit and evaluate information furnished as part of any application filed under section 245B, 245C, 245D, or 245F for purposes of identifying immigration fraud or fraud schemes; and

''(B) use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting, referring for prosecution, or denying or terminating immigration benefits.

''(6) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 245C, 245D, or 245F, the Secretary, at any time thereafter, may use the information furnished by the alien in the application for adjustment of status or in an application for status under section 245B, 245C, 245D, or 245F to make a determination on any petition or application.

''(7) CONSTRUCTION.—Nothing in this section may be construed to limit the use or release, for immigration enforcement purposes, of information contained in files or records of the Secretary or the Attorney General pertaining to applications filed under section 245B, 245C, 245D, or 245F other than information furnished by an applicant in the application, or any other information derived from the application, that is not available from any other source.

Beginning on page 945, strike line 21 and all that follows through page 946, line 12 and insert the following:

''(III) an offense, unless the applicant demonstrates, by clear and convincing evidence, that he or she is innocent of the offense, that he or she is the victim of such offense, or that no offense occurred, which is classified as a misdemeanor in the convicting jurisdiction which involved—

''(aa) domestic violence (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

''(bb) child abuse and neglect (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

''(cc) assault resulting in bodily injury (as defined in section 2266 of title 18, United States Code);

''(dd) the violation of a protection order (as defined in section 2266 of title 18, United States Code); or

''(ee) driving while intoxicated (as defined in section 164 of title 23, United States Code);

''(IV) 3 or more misdemeanor offenses (other than minor traffic offenses or State or local offenses for which an essential element was the alien's immigration status, or a violation of this Act);

''(V) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) (excluding the paragraphs set forth in clause (ii)) or removable under section 237(a), except as provided in paragraph (3) of section 237(a); or

On page 948, beginning on line 14, strike ''subparagraph (A)(i)(III) or''.

On page 955, strike lines 1 through 5 and insert the following:

''(C) INTERVIEW.—In order to determine whether an applicant meets the eligibility requirements set forth in subsection (b), the Secretary—

''(i) shall interview each such applicant who—

''(I) has been convicted of any criminal offense;

''(II) has previously been deported; or

''(III) without just cause, has failed to respond to a notice to appear as required under section 239; and

''(ii) may, in the Secretary's sole discretion, interview any other applicant for registered provisional immigrant status under this section.

Beginning on page 956 strike line 7 and all that follows through page 961, line 13.

Beginning on page 1014, strike line 1 and all that follows through page 1020, line 2.

After section 2009 insert the following:

SEC. 2110. VISA INFORMATION SHARING.

Section 222(f) (8 U.S.C. 1202(f)) is amended—

(1) in the matter preceding paragraph (1), by striking ''issuance or refusal'' and inserting ''issuance, refusal, or revocation''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''discretion and on the basis of reciprocity,'' and inserting ''discretion,'';

(B) by amending subparagraph (A) to read as follows:

''(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of—

''(i) preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

''(ii) determining a person's removability or eligibility for a visa, admission, or other immigration benefit;''; and

(C) in subparagraph (B)—

(i) by striking ''for the purposes'' and inserting ''for one of the purposes''; and

(ii) by striking ''or to deny visas to persons who would be inadmissible to the United States.'' and inserting ''; or''; and

(D) by adding at the end the following:

''(C) with regard to any or all aliens in the database-specified data elements from each record, if the Secretary of State determines that it is in the national interest to provide such information to a foreign government.''.

On page 1579, line 11, by inserting ''less than 5 years nor'' after ''not''.

On page 1579, line 15, by inserting ''not less than 10'' after ''years''; and

On page 1579, between lines 15 and 16, insert the following:

''(8) in the case of a violation that is the third or more subsequent offense committed by such person under this section or section 1324, shall be fined under title 18, imprisoned not less than 5 years nor more than 40 years, or both; or

''(9) in the case of a violation that negligently, recklessly, knowingly, or intentionally results in a victim being involuntarily forced into labor or prostitution, shall be fined under title 18, imprisoned not less than 5 years nor more than 40 years, or both.

On page 1582, between lines 14 and 15 insert the following:

(d) TARGETING TRANSNATIONAL CRIMINAL ORGANIZATIONS THAT ENGAGE IN MONEY LAUNDERING.—Section 1956(c)(7) of title 18, United States Code is amended—

(1) in subparagraph (E), by striking ''or'' after the semicolon;

(2) in subparagraph (F), by inserting ''or'' after the semicolon; and

(3) by adding at the end the following—

''(G) any act which is indictable under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including section 274 of such Act (relating to bringing in and harboring certain aliens), section 277 of such Act (relating to aiding or assisting certain aliens to enter the United States), or section 278 of such Act (relating to importation of an alien for immoral purpose);''.

SEC. 3713. DANGEROUS HUMAN SMUGGLING, HUMAN TRAFFICKING, AND HUMAN RIGHTS VIOLATIONS.

(a) BRINGING IN AND HARBORING CERTAIN ALIENS.—Section 274 (8 U.S.C. 1324) is amended—

(1) in subsection (a)(1)(B)—

(A) by redesignating clauses (iii) and (iv) as clauses (vi) and (vii), respectively;

(B) by inserting after clause (ii) the following:

''(iii) in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) that is the third or subsequent offense committed by such person under this section, shall be fined under title 18, imprisoned not less than 5 years nor more than 25 years, or both;

''(iv) in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) that negligently, recklessly, knowingly, or intentionally results in a victim being involuntarily forced into labor or prostitution, shall be fined under title 18, imprisoned not less than 5 years nor more than 25 years, or both;

''(v) in the case of a violation of subparagraph (A)(i),(ii),(iii),(iv),or(v) during and in relation to which any person is subjected to an involuntary sexual act (as defined in section 2246(2) of title 18), be fined under title 18, imprisoned for not less than 5 years, nor more than 25 years, or both;'' and

(C) in clause (vi), as redesignated, by striking inserting ''and not less than 10'' before ''years''; and

(2) by amending subsection (b)(1) to read as follows:

''(1) IN GENERAL.—Any property, real or personal, involved in or used to facilitate the commission of a violation or attempted violation of subsection (a) of this section, the gross proceeds of such violation or attempted violation, and any property traceable to such property or proceeds, shall be seized and subject to forfeiture.''.

SEC. 3714. RESPECT FOR VICTIMS OF HUMAN SMUGGLING.

(a) VICTIM REMAINS.—The Attorney General shall appoint an official to ensure that information regarding missing aliens and unidentified remains found in the covered area are included in a database of the National Missing and Unidentified Persons System.

(b) REIMBURSEMENT.—The Secretary shall reimburse county, municipal, and tribal governments in the United States that are located in the covered area for costs associated with the transportation and processing of unidentified remains, found in the desert or on ranch lands, on the condition that the remains are transferred either to an official medical examiner's office, or a local university with the capacity to analyze human remains using forensic best practices.

(c) BORDER CROSSING DATA.—The National Institute of Justice shall encourage genetic laboratories receiving Federal grant monies to process samples from unidentified remains discovered within the covered area and compare the resulting genetic profiles against samples from the relatives of any missing individual, including those provided by foreign consulates or authorized entities.

(d) COVERED AREA DEFINED.—In this section, the term ''covered area'' means the area of United States within 200 miles of the international border between the United States and Mexico.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2014 through 2018 to carry out this section.

SEC. 3715. PUTTING THE BRAKES ON HUMAN SMUGGLING ACT.

(a) SHORT TITLE.—This section may be cited as the ''Putting the Brakes on Human Smuggling Act''.

(b) FIRST VIOLATION.—Paragraph (1) of section 31310(b) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking the ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon and ''or''; and

(3) by adding at the end the following:

''(F) using a commercial motor vehicle in willfully aiding or abetting an alien's illegal entry into the United States by transporting, guiding, directing, or attempting to assist the alien with the alien's entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section.''.

(c) SECOND OR MULTIPLE VIOLATIONS.—Paragraph (1) of section 31310(c) of title 49, United States Code, is amended—

(1) in subparagraph (E), by striking the ''or'' at the end;

(2) by redesignating subparagraph (F) as subparagraph (G);

(3) in subparagraph (G), as so redesignated, by striking ''(E)'' and inserting ''(F)''; and

(4) by inserting after subparagraph (E) the following:

''(F) using a commercial motor vehicle on more than one occasion in willfully aiding or abetting an alien's illegal entry into the United States by transporting, guiding, directing and attempting to assist the alien with alien's entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section; or''.

(d) LIFETIME DISQUALIFICATION.—Subsection (d) of section 31310 of title 49, United States Code, is amended to read as follows:

''(d) LIFETIME DISQUALIFICATION.—The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle—

''(1) in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or possessing with the intent to manufacture, distribute, or dispense a controlled substance; or

''(2) in committing an act for which the individual is convicted under—

''(A) section 274 of the Immigration and Nationality Act (8 U.S.C. 1324); or

''(B) section 277 of such Act (8 U.S.C. 1327).''.

(e) REPORTING REQUIREMENTS.—

(1) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Paragraph (1) of section 31309(b) of title 49, United States Code, is amended—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon and ''and''; and

(C) by adding at the end the following new subparagraph:

''(G) whether the operator was disqualified, either temporarily or for life, from operating a commercial motor vehicle under section 31310, including under subsection (b)(1)(F), (c)(1)(F), or (d) of such section.''.

(2) NOTIFICATION BY THE STATE.—Paragraph (8) of section 31311(a) of title 49, United States Code, is amended by inserting ''including such a disqualification, revocation, suspension, or cancellation made pursuant to a disqualification under subsection (b)(1)(F), (c)(1)(F), or (d) of section 31310,'' after ''60 days,''.

SEC. 3716. DRUG TRAFFICKING AND CRIMES OF VIOLENCE.

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 51 the following:

''CHAPTER 52—DRUG TRAFFICKING AND CRIMES OF VIOLENCE COMMITTED BY ILLEGAL ALIENS

''Sec.

''1131. Enhanced penalties for drug trafficking and crimes committed by illegal aliens.

''§ 1131 Enhanced penalties for drug trafficking and crimes committed by illegal aliens

''(a) IN GENERAL.—Any alien unlawfully present in the United States, who commits, or conspires or attempts to commit, a crime of violence or a drug trafficking crime (as defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison.

''(b) ENHANCE PENALTIES FOR ALIENS ORDERED REMOVED.—If an alien who violates subsection (a) was previously ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime, the alien shall be sentenced to not less than 15 years in prison.

''(c) REQUIREMENT FOR CONSECUTIVE SENTENCES.—A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.''.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following:

''52. Drug Trafficking and Crimes of Violence Committed by Illegal Aliens ..... 1131''.

SEC. 3717. ILLEGAL BORDER CROSSING FOR THE PURPOSE OF TERRORISM.

Section 275(a) (8 U.S.C. 1325(a)) is amended to read as follows:

''(a) IMPROPER TIME OR PLACE; AVOIDANCE OF EXAMINATION OR INSPECTION; MISREPRESENTATION AND CONCEALMENT OF FACTS.—

''(1) IN GENERAL.—Except as provided under paragraph (2), any alien who—

''(A) enters or attempts to enter the United States at any time or place other than as designated by immigration officers;

''(B) eludes examination or inspection by immigration officers; or

''(C) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18, United States Code, imprisoned for not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under such title 18, imprisoned for not more than 2 years, or both.

''(2) ENHANCED PENALTIES.—Any alien who commits an offense described in paragraph (1) with the intent to aid, abet, or engage in any Federal crime of terrorism (as defined in section 2332b(f) of title 18, United States Code) shall be imprisoned for not less than 15 years and not more than 30 years.''.

SEC. 3718. FREEZING BANK ACCOUNTS OF INTERNATIONAL CRIMINAL ORGANIZATIONS AND MONEY LAUNDERERS.

Section 981(b) of title 18, United States Code, is amended by adding at the end the following:

''(5)(A) If a person is arrested or charged in connection with an offense described in subparagraph (C) involving the movement of funds into or out of the United States, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the arrest is made or where the charges are filed for an ex parte order restraining any account held by the person arrested or charged for not more than 30 days, except that such 30-day time period may be extended for good cause shown at a hearing conducted in the manner provided in Rule 43(e) of the Federal Rules of Civil Procedure. The court may receive and consider evidence and information submitted by the Government that would be inadmissible under the Federal Rules of Evidence.

''(B) The application for the restraining order referred to in subparagraph (A) shall—

''(i) identify the offense for which the person has been arrested or charged;

''(ii) identify the location and description of the accounts to be restrained; and

''(iii) state that the restraining order is needed to prevent the removal of the funds in the account by the person arrested or charged, or by others associated with such person, during the time needed by the Government to conduct such investigation as may be necessary to establish whether there is probable cause to believe that the funds in the accounts are subject to forfeiture in connection with the commission of any criminal offense.

''(C) A restraining order may be issued pursuant to subparagraph (A) if a person is arrested or charged with any offense for which forfeiture is authorized under this title, title 31, or the Controlled Substances Act (21 U.S.C. 801 et seq.).

''(D) For purposes of this section—

''(i) the term 'account' includes any safe deposit box and any account (as defined in paragraphs (1) and (2) of section 5318A(e) of title 31, United States Code) at any financial institution; and

''(ii) the term 'account held by the person arrested or charged' includes an account held in the name of such person, and any account over which such person has effective control as a signatory or otherwise.

''(E) Restraint pursuant to this paragraph shall not be deemed a 'seizure' for purposes of subsection 983(a) of this title.

''(F) A restraining order issued pursuant to this paragraph may be executed in any district in which the subject account is found, or transmitted to the central authority of any foreign State for service in accordance with any treaty or other international agreement.''.

SEC. 3719. CRIMINAL PROCEEDS LAUNDERED THROUGH PREPAID ACCESS DEVICES, DIGITAL CURRENCIES, OR OTHER SIMILAR INSTRUMENTS.

(a) IN GENERAL.—Section 5312(a) of title 31, United States Code, is amended—

(1) by striking paragraph (2)(K) and inserting the following:

''(K) an issuer, redeemer, or cashier or travelers' checks, checks, money orders, prepaid access devices, digital currencies, or other similar instruments;'';

(2) in paragraph (3)(B), by inserting ''prepaid access devices,'' after ''delivery,'';

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by inserting after paragraph (5) the following:

''(6) 'prepaid access device' means an electronic device or vehicle, such as a card, plate, code, number, electronic serial number, mobile identification number, personal identification number, or other instrument that provides a portal to funds or the value of funds that have been paid in advance and can be retrievable and transferable at some point in the future.''.

(b) GAO REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on—

(1) the impact the amendments made by subsection (a) has had on law enforcement, the prepaid access industry, and consumers; and

(2) the implementation and enforcement by the Department of Treasury of the final rule on Definitions and Other Regulations Relating to Prepaid Access (76 Fed. Reg. 45403), issued July 26, 2011.

(c) CUSTOMS AND BORDER PROTECTION STRATEGY FOR PREPAID ACCESS DEVICES.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Commission of the U.S. Customs and Border Protection, shall submit to Congress a report detailing a strategy to interdict and detect prepaid access devices, digital currencies, or other similar instruments, at border crossings and other ports of entry for the United States. The report shall include an assessment of infrastructure needs to carry out the strategy detailed in the report.

SEC. 3720. FIGHTING MONEY SMUGGLING THROUGH BLANK CHECKS IN BEARER FORM.

Section 5316 of title 31, United States Code, is amended by adding at the end the following:

''(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT BLANK.—For purposes of this section, a monetary instrument in bearer form that has the amount left blank, such that the amount could be filled in by the bearer, shall be considered to have a value in excess of $10,000 if the instrument was drawn on an account that contained or was intended to contain more than $10,000 at the time the instrument was transported or the time period it was negotiated or was intended to be negotiated.''.

SEC. 3721. CLOSING THE LOOPHOLE ON DRUG CARTEL ASSOCIATES ENGAGED IN MONEY LAUNDERING.

(a) PROCEEDS OF A FELONY.—Section 1956(c)(1) of title 18, United States Code, is amended by inserting '', and regardless of whether or not the person knew that the activity constituted a felony'' before the semicolon at the end.

(b) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''(B) knowing that'' and all that follows through ''Federal law,'' and inserting the following:

''(B) knowing that the transaction—

''(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

''(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law,''; and

(2) in paragraph (2)(B), by striking ''(B) knowing that'' and all that follows through ''Federal law,'' and inserting the following:

''(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity, and knowing that such transportation, transmission, or transfer—

''(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

''(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law,''.

SEC. 3722. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION; EMERGENCY AUTHORITY.

(a) IN GENERAL.—The United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements as the Commission considers appropriate to respond to this Act.

(b) EMERGENCY AUTHORITY.—In carrying out subsection (a), the Commission may promulgate amendments to the Federal sentencing guidelines and policy statements in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired.

At the appropriate place, insert the following:

SEC. ___. PROSECUTING VISA OVERSTAYS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall immediately initiate removal proceedings against not less than 90 percent of aliens admitted as nonimmigrants after such date of enactment who the Secretary has determined have exceeded their authorized period of admission.

(b) REPORT.—The Secretary shall submit to Congress a report on a quarterly basis that sets out the following:

(1) The total number of aliens who the Secretary has determined in that quarter have exceeded their authorized period of stay as nonimmigrants.

(2) The total number of aliens described in paragraph (1) against whom the Secretary has initiated removal proceedings during that quarter.

SA 1252. Mr. CASEY (for himself, Mr. SCHUMER, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title III, add the following:

SEC. 37___. TREATMENT OF CITIZENS WHO RENOUNCE CITIZENSHIP TO AVOID TAXATION.

(a) TAXATION OF CAPITAL GAINS OF NONRESIDENT ALIEN EXPATRIATES.—

(1) IN GENERAL.—Paragraph (2) of section 871(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) CAPITAL GAINS.—

''(A) IN GENERAL.—In the case of—

''(i) a nonresident alien individual present in the United States for a period or periods aggregating 183 days or more during the taxable year, or

''(ii) a specified expatriate,

there is hereby imposed for such year a tax of 30 percent of the amount by which his gains, derived from sources within the United States, from the sale or exchange at any time during such year of capital assets exceed his losses, allocable to sources within the United States, from the sale or exchange at any time during such year of capital assets. For purposes of this paragraph, gains and losses shall be taken into account only if, and to the extent that, they would be recognized and taken into account if such gains and losses were effectively connected with the conduct of a trade or business within the United States, except that such gains and losses shall be determined without regard to section 1202 and such losses shall be determined without the benefits of the capital loss carryover provided in section 1212. Any gain or loss which is taken into account in determining the tax under paragraph (1) or subsection (b) shall not be taken into account in determining the tax under this paragraph. For purposes of this paragraph, a nonresident alien individual or specified expatriate not engaged in trade or business within the United States who has not established a taxable year for any prior period shall be treated as having a taxable year which is the calendar year.

''(B) COORDINATION WITH SECTION 877A.—For purposes of subparagraph (A), in determining the amount of any gain or loss on the sale or exchange of any asset which is held by a specified expatriate and which was subject to section 877A, the basis in such asset shall be considered to be the fair market value of such asset on the day before the expatriation date (as defined in section 877A(g)(3)).

''(C) SPECIFIED EXPATRIATE.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the term 'specified expatriate' means, with respect to any taxable year, any covered expatriate (as defined in section 877A(g)(1)) whose expatriation date (as defined in section 877A(g)(3)) occurs after the

date which is 10 years prior to the date of the enactment of this subparagraph.

''(ii) EXCEPTION.—An individual shall not be considered a specified expatriate if such individual establishes to the satisfaction of the Secretary that the loss of such individual's United States citizenship did not result in a substantial reduction in taxes.''.

(2) WITHHOLDING.—Subsection (b) of section 1441 of the Internal Revenue Code of 1986 is amended by inserting ''gains subject to tax under section 871(a)(2) by reason of subparagraph (A)(ii) thereof,'' after ''section 871(a)(1)(D),''.

(3) EFFECTIVE DATES.—

(A) TAXATION.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(B) WITHHOLDING.—The amendment made by paragraph (2) shall apply to payments made after the date of the enactment of this Act.

(b) FORMER CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION.—

(1) INADMISSIBILITY OF FORMER CITIZENS.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 212(a)(10)(E)) is amended to read as follows:

''(E) FORMER CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION.—

''(i) IN GENERAL.—Any alien who is determined by the Secretary of the Treasury to be a specified expatriate is inadmissible.

''(ii) SPECIFIED EXPATRIATE.—In this subparagraph, the term 'specified expatriate' has the meaning given that term in section 871(a)(2)(C) of the Internal Revenue Code of 1986.

''(iii) NOTIFICATION OF EXCEPTED INDIVIDUALS.—The Secretary of the Treasury shall notify the Secretary of State and the Secretary of Homeland Security of the name of each individual who the Secretary of the Treasury has determined is not a specified expatriate under section 871(a)(2)(C)(ii) of the Internal Revenue Code of 1986.''.

(2) PROHIBITION ON WAIVER OF INADMISSIBILITY.—

(A) IN GENERAL.—Section 212(d)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 212(d)(3)), as amended by section 4403, is amended—

(i) in clause (i), by inserting ''or paragraph (10)(E)'' after ''paragraph (3)''; and

(ii) in clause (ii), by inserting ''or paragraph (10)(E)'' after ''paragraph (3)''.

(B) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall submit to Congress a report with recommendations (made in consultation with the Secretary of State and the Secretary of Homeland Security) for implementing a policy under which an individual who is a specified expatriate (as defined in section 871(a)(2)(C) of the Internal Revenue Code of 1986) may be granted a waiver of inadmissibility under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) if such individual satisfies requirements relating to such individual's tax status, such as a tax or penalty equal to the loss in tax revenue to the United States resulting from such individual's loss of United States citizenship.

SA 1253. Mr. NELSON submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1122. MARITIME BORDER SECURITY ENHANCEMENTS.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, working through the Office of Air and Marine, shall —

(1) acquire and deploy such additional vessels and aircraft as may be necessary to provide for enhanced maritime border security along—

(A) the coastal areas of the Southeastern United States, including Florida, Puerto Rico, and the Gulf Coast; and

(B) the California coast;

(2) increase unarmed, unmanned aircraft deployments to the Caribbean region;

(3) acquire, upgrade, and maintain sensor systems for the aircraft and vessel fleet;

(4) increase air and maritime patrols to gain and enhance maritime domain awareness;

(5) increase and upgrade facilities as necessary to accommodate personnel and asset needs;

(6) perform whatever additional maintenance as may be necessary to preserve the operational capability of any additional air or marine assets;

(7) modernize and appropriately staff the Air and Marine Operations Center in order to enhance maritime domain awareness; and

(8) hire and deploy such personnel as may be necessary to provide maritime border security along—

(A) the coastal areas of the Southeastern United States, including Florida, Puerto Rico, and the Gulf Coast; and

(B) the California coast.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated, to U.S. Customs and Border Protection, such sums as may be necessary to carry out subsection (a) during fiscal years 2014 through 2018.

SA 1254. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1251 submitted by Mr. CORNYN (for himself, Mr. CRAPO, Mr. BLUNT, Mr. KIRK, Mr. HATCH, Mr. ALEXANDER, Mr. ISAKSON, Mr. ROBERTS, Mr. BURR, Mr. CHAMBLISS, Mr. JOHANNS, and Mr. BARRASSO) and intended to be proposed to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 6, strike line 25 and all that follows through page 7, line 19 and insert the following:

(c) TRIGGERS.—The Secretary may not commence processing applications for registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by section 2111 of this Act, until—

SA 1255. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 903, lines 5 through 12, strike ''Not less than 90 percent of the amounts made available under section 6(a)(3)(C)(ii) shall be allocated for grants and reimbursements to law enforcement agencies in the States in the Southwest border region for personnel, overtime, travel, and other costs related to combating illegal immigration and drug smuggling in the Southwest border region.''.

SA 1256. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1150, strike lines 21 through 24 and insert the following:

''(D) ENTREPRENEURSHIP.—

''(i) EMPLOYMENT.—An alien who is an entrepreneur—

''(I) shall be allocated 10 points if the alien's business entity in the United States employs at least 2 United States citizens or legal permanent residents in a zone 1 occupation, a zone 2 occupation, or a zone 3 occupation;

''(II) shall be allocated 15 points if the alien's business entity in the United States employs at least 2 United States citizens or legal permanent residents in a zone 4 occupation or a zone 5 occupation; or

''(ii) BUSINESS SUCCESS.—A qualified entrepreneur (as defined in subsection (b)(6)(A)), who holds a valid nonimmigrant visa and whose business entity was purchased by another United States business entity, shall be allocated 15 points.

On page 1160, line 11, strike ''(c)'' and insert the following:

(c) STUDY.—Not later than 2 years after the date on which the first merit-based immigrant visa is issued pursuant to section 203(c) of the Immigration and Nationality Act, as added by section 2301(a)(2) of this Act, the Secretary shall submit a report to Congress that analyzes the issuance of such visas to immigrant entrepreneurs.

(d)

On page 1850, line 6, strike ''super''.

On page 1851, line 18, strike ''super''.

On page 1853, line 14, strike ''Section 203(b)'' and insert the following:

''(a) IN GENERAL.—Section 203(b)''.

On page 1854, line 13, insert ''and'' after the semicolon.

On page 1854, beginning on line 14, strike ''submits'' and all that follows through ''(IV)'' on line 17.

Beginning on page 1855, line 25, strike ''from such qualified entrepreneur, the parents, spouse, son, or daughter of such qualified entrepreneur, or''.

On page 1856, strike lines 14 through 21 and insert the following:

''(II) has been filled by a United States citizen or legal permanent resident who is not the qualified entrepreneur or the spouse, son, or daughter of the qualified entrepreneur; and

''(III) is compensated at a rate comparable to the median income of similar employees in the region or in a manner common and comparable to the business entity's industry.

On page 1859, line 5, strike ''SUPER''.

On page 1859, line 6, strike ''super''.

On page 1860, strike lines 3 through 9 and insert the following:

''(III) each of whom in the previous 3 years has made qualified investments totaling not less than $50,000 in United States business entities which are less than 5 years old.

On page 1862, lines 8 and 9, strike ''and chief operating officer'' and insert '', chief operating officer, chief marketing officer, chief design officer, and chief creative officer''.

On page 1864, line 9, strike ''super''.

On page 1864, line 19, strike ''$500,000'' and insert ''$250,000''.

On page 1865, line 3, strike ''$750,000'' and insert ''$500,000''.

On page 1866, line 2, strike ''super''.

On page 1866, line 12, strike ''$500,000'' and insert ''$250,000''.

On page 1866, line 20, strike ''$500,000'' and insert ''$400,000''.

On page 1867, between lines 4 and 5, insert the following:

(b) AUTHORIZATION OF DUAL INTENT FOR INVEST IMMIGRANTS.—Section 214 (8 U.S.C. 1184) is amended—

(1) in subsection (b), by striking ''subparagraph (L) or (V)'' and inserting ''subparagraph (L), (V), or (X)''; and

(2) in subsection (h), as amended by sections 2403(c) and 4401(b), by striking ''or (W)'' and inserting ''(W), or (X)''.

On page 1869, strike lines 1 through 21 and insert the following:

(1) the number of immigrant and nonimmigrant visas issued to entrepreneurs for each fiscal year;

(2) an accounting of the excess demand for immigrant visas if the annual allocation is insufficient in any fiscal year to meet demand;

(3) the number and percentage of entrepreneurs able to meet thresholds for nonimmigrant renewal and adjustment to permanent resident status under the amendments made by this subtitle;

(4) an analysis of the economic impact of entrepreneurs holding immigrant and nonimmigrant visas authorized under this subtitle and the amendments made by this subtitle, including—

(A) job and revenue creation;

(B) increased investments; and

(C) growth within business sectors and regions;

(5) a description and breakdown of types of businesses created by entrepreneurs granted nonimmigrant or immigrant visas;

(6) the number of businesses established by entrepreneurs holding immigrant and nonimmigrant visas authorized under this subtitle and the amendments made by this subtitle that are purchased by another United States business entity;

(7) except for the Secretary's initial report under this subsection, a description of the percentage of the businesses initially created by the entrepreneurs granted immigrant and nonimmigrant visas authorized under this subtitle and the amendments made by this subtitle, that are still in operation; and

(8) any recommendations for improving the programs established under this subtitle and the amendments made by this subtitle.

SA 1257. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 3413. VIOLENCE AGAINST WOMEN ACT SAFETY NET.

(a) DESIGNATING ADDITIONAL ALIENS AS ELIGIBLE TO RECEIVE CERTAIN ASSISTANCE.—Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)) is amended—

(1) in the subsection heading, by striking ''BATTERED ALIENS'' and inserting ''VICTIMS OF ABUSE AND SPECIAL IMMIGRANT JUVENILES'';

(2) in paragraph (1)—

(A) in subparagraph (A), by striking ''in the United States'' and all that follows through ''the spouse or parent consented'' and inserting ''by a spouse, parent, son, or daughter, or by a member of the spouse, parent, son, or daughter's family residing in the same household as the alien and the spouse, parent, son, or daughter consented'';

(B) in subparagraph (B)—

(i) in clause (v), by striking the semicolon and inserting ''; or''; and

(ii) by adding at the end the following:

''(vi) status as a VAWA self-petitioner (as defined in section 101(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51));'';

(3) in paragraph (3)(B), by striking ''; or'' and inserting a semicolon;

(4) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(5) by inserting after paragraph (4) the following:

''(5) an alien who has been granted nonimmigrant status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) or who has a pending application for such nonimmigrant status;

''(6) an alien who has been granted immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) or who has a pending application for such immigrant status; or

''(7) an alien—

''(A) who—

''(i) has been granted status as a spouse or child of a registered provisional immigrant under section 245B the Immigration and Nationality Act;

''(ii) has been granted blue card status under 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(iii) has a pending application for status described in clause (i) or (ii); and

''(B) who has been battered or subjected to extreme cruelty by a spouse or parent.''.

(b) EXEMPTION FROM 5-YEAR LIMITED ELIGIBILITY FOR CERTAIN FEDERAL PROGRAMS.—Section 403(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)) is amended by adding at the end the following:

''(3) BATTERED AND CRIME VICTIM ALIENS.—An alien—

''(A) who is described in section 431(c); or

''(B)(i) who is described in section 431(b);

''(ii) who has been battered or subjected to extreme cruelty by—

''(I) a spouse, parent, son, or daughter; or

''(II) a member of the spouse, parent, son, or daughter's family residing in the same household as the alien and the spouse, parent, son, or daughter consented to, or acquiesced in, such battery or cruelty; and

''(iii) for whom there is a substantial connection between such battery or cruelty and the need for the benefits to be provided.''.

(c) ELIGIBILITY FOR MEDICAID, TANF, AND CERTAIN OTHER SAFETY NET BENEFITS.—Section 402(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the end the following:

''(G) ALIENS ELIGIBLE FOR IMMIGRATION RELIEF AS CRIME VICTIMS.—An alien—

''(i) who is described in section 431(c); or

''(ii)(I) who is described in section 431(b);

''(II) who has been battered or subjected to extreme cruelty by—

''(aa) a spouse, parent, son, or daughter; or

''(bb) a member of the spouse, parent, son, or daughter's family residing in the same household as the alien and the spouse, parent, son, or daughter consented to, or acquiesced in, such battery or cruelty; and

''(III) for whom there is a substantial connection between such battery or cruelty and the need for the benefits to be provided.''.

(d) ELIGIBILITY FOR SSI AND FOOD ASSISTANCE SAFETY NET BENEFITS.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

''(N) ALIENS ELIGIBLE FOR IMMIGRATION RELIEF AS CRIME VICTIMS.—With respect to eligibility for a specified Federal program (as defined in paragraph (3)), paragraph (1) shall not apply to an alien—

''(i) who is described in section 431(c); or

''(ii)(I) who is described in section 431(b);

''(II) who has been battered or subjected to extreme cruelty by—

''(aa) a spouse, parent, son, or daughter; or

''(bb) by a member of the spouse, parent, son, or daughter's family residing in the same household as the alien and the spouse, parent, son, or daughter consented to, or acquiesced in, such battery or cruelty; and

''(III) for whom there is a substantial connection between such battery or cruelty and the need for the benefits to be provided.''.

(e) EFFECTIVE DATE.—The amendments made by this section apply to applications for public benefits and public benefits provided on or after the date of the enactment of this Act.

(f) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to prohibit the requirement for a substantial connection determination in order to receive benefits under section 431(c)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(A)).

SA 1258. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 998, line 2, after ''subsection (a)'' insert the following: ''(other than an immediate relative (as defined in section 201(b)(2)(B) of the Immigration and Nationality Act, as amended by section 2305 of this Act) or an applicant for an employment-based visa under section 203(b) of the Immigration and Nationality Act, as amended by this Act)''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 12, 2013, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 12, 2013, at 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 12, 2013, at 10 a.m. in room SH–216 of the Hart Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 12, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 12, 2013, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on June 12, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on June 12, 2013, at 10 a.m. in room SR–418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on June 12, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CARPER. Mr. President, I ask unanimous consent that Gohar Sedighi, a fellow in my Senate office, and Susan Corbin and Michelle Taylor, detailees to the Homeland Security and Governmental Affairs Committee, be granted privileges of the floor for the remainder of the first session of the 113th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL APHASIA AWARENESS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 168.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 168) designating June 2013 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 168) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS MONTH

Mr. REID. Mr. President, I ask we move to S. Res. 169.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 169) designating the month of June 2013 as ''National Post-Traumatic Stress Disorder Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 169) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDER TO PRINT—S. 954

Mr. REID. I ask unanimous consent S. 954 be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL

Mr. REID. Mr. President, I ask unanimous consent that the Appropriations Committee be discharged from further consideration of H.R. 2217; that the papers with respect to the bill be returned to the House of Representatives as requested by the House; and when the bill is received back in the Senate it be referred to the Appropriations Committee, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 13, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow morning, Thursday, June 13, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following leader remarks, the Senate resume consideration of S. 744, the Comprehensive Immigration Reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I therefore ask, if there is no further business to come before the Senate, that following the remarks of this distinguished Senator from Delaware, the Senate adjourn under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. CARPER. Mr. President, picking up where I left off, I don't think we, Congress, need to micromanage this process. We don't need congressional enforcement officers, so to speak. Rather, we need to spell out the goals, the priorities for border and port security which this bill does. We need to give the Department of Homeland Security the tools, skills, resources, and flexibility it needs to get this job done, which this bill also does. Then we need to let DHS do its job while at the same time continuing to provide responsible and robust oversight, not just here from Washington but along the border itself.

That is why now in my Committee on Homeland Security that is what my colleagues and I will want to do to be sure this bill is implemented strongly and effectively.

Still, as strong as our border defenses have become and despite how much stronger this bill will make them, we cannot defend our Nation entirely at the border. One of our witnesses earlier this year noted that we often look to our borders to solve problems that originate elsewhere. In other words, we are so preoccupied with the symptoms we are missing the underlying causes which can make finding a solution all the more difficult. We have to address the root causes that are drawing people to our country illegally in order to fully secure our borders and ensure we are not embroiled in the same debate 20 years from now. I am pleased to say this bipartisan legislation addresses the root causes in a way that I believe is tough, is practical, and is fair.

My friend and former Deputy Secretary of the Department of Homeland Security Jane Holl Lute recently told me we have to strike the right balance between enforcing security policies at our borders and ports of entry, to keep bad actors out while facilitating and while encouraging commerce between the United States and our neighbors to the north and south, two of our biggest trading partners. This bill provides, as I said earlier, for 3,500 additional officers to work the our ports of entry—not ports along the water, actually land-based ports where a lot of traffic moves through, a lot of commerce moves through, and 3,500 additional officers actually will make a big difference. We need them.

We also need to modernize our ports so these additional officers have the resources and tools they need to process legitimate travelers and trade while focusing on bad actors.

Here are some of the examples of what we have done to upgrade our ports of entry. I am not going to use all of these, but we will use a couple of

them. This is a before. This is a shot, probably about 6 years before. We had limited, I think, very limited percentage of traveler queries. We had limited technology and we had minimal signage.

This is today. We have nearly 100 percent traveler queries on land borders, the expansive use of RFID-enabled documents and increased efficiency by 25 percent. We have new READY lanes to encourage our use of RFID documents as well.

Here, it is hard—this is like signage, simple, a lot of printed stuff. Here we have gone electronic. We can just stop.

When trucks are coming, when vehicles are coming, we have the ability to read the license plates before they ever get to the officers. We have the ability, if people are coming across, to use devices that read their passports and give us some idea who actually is coming up to the officer, Customs and Border Patrol officer. We use gamma rays. We are able to look inside trucks. We have detection, the ability to detect radiation on any vehicles that are coming through. It is a massive change. We don't just do it because we want to secure the vehicles and make sure what is supposed to be in them is actually in them and not some contraband or drugs or whatever, but we want to be able to expedite the movement of these vehicles.

We want them to have a better throughput because there are huge economic consequences for us and for Mexico. We want to strengthen our borders. One of the reasons why we are making these investments is it is a tool to make them more secure, to keep bad people and bad stuff out, and do a better job of facilitating trade. It is smart business. It is a smart way to do business with the help of this legislation.

I think that is all we are going to look at in terms of these ports of entry. I could move along. I think properly balancing commerce and security is critical because facilitating trade with our neighbors to the south and also to the north not only strengthens our own economy but also strengthens the economies throughout North, South, and Central America.

Why do we care? We want their economies to be stronger so they don't want to come up here and live with us, come here illegally and try to be a part of this country, although we appreciate their desire to do that. We want to make sure their countries are strong economically too.

For most who live in the United States illegally, though, what draws them to our country and enables them to stay here without legal status, as we know, is jobs. We need, obviously, a system that makes it easier for employers to do the right thing and to verify who is eligible to work. Too often today that is not the case. We also need to hold employers who normally break the law hiring undocumented workers accountable for doing that.

I believe, again, the legislation that is before us comes close to achieving those goals. It requires all employers to use a strong electronic verification system, starting with large employers down to small employers over time, but a strong verification system, designed to give employers quick assurance that the new employees are eligible to work, that they are considering hiring. For many workers these will include photo tools that let the employer verify the person applying for the job is indeed the person who applied for the worker eligibility document. The law increases fines for knowingly hiring undocumented workers and increases them by more than tenfold and includes a significant criminal penalty for those who systematically abuse our workplace laws. These new penalties, including jail sentences of up to 10 years, will provide a strong deterrent to unscrupulous employers who seek to exploit undocumented workers for their own gain.

We also need to convince those who want to come here for a better life that the way to do that is through legal rather than illegal immigration. While we crack down on the bad actors who try to hire undocumented workers, we also need to make sure that employers who are playing by the rules have ample access to the talent they need to keep our economy growing—and encourage people from other nations to come here legally when we do not have the talent here in this country able and willing to do some of the work that needs to be done. This legislation does help by modernizing our outdated visa system to supply sufficient workers when needed, particularly in critical areas such as high-skilled and agricultural employment. These approved legal pathways for workers and their families will shrink the flow of undocumented migrants and help our border forces to concentrate on the most serious threats at the border.

Ultimately, I believe the most effective force multiplier, as much as I like the idea of these drones, fully resourced with the VADER systems on them, as much as I like the idea of the C–2006 aircraft with the right kind of surveillance, and as much as I like having the blimps with all the technology they can carry, as much as I want to have helicopters to move our border surveillance up and down the border and have all kinds of surveillance equipment, as much as I think fencing helps and access routes and all these investments help, I still think maybe the most effective force multiplier for protecting our border is to take away the need for people to come here illegally in the first place.

As we address the root causes, we have to address another challenge and that is the 11 million people who are here without proper documentation, living in the shadows today. Ironically, 40 percent came in on a legal status, on a student visa, a tourist visa, a work visa. They overstayed their welcome and overstayed what the law allows.

Some critics argue that the bill before us grants immediate amnesty to those 11 million undocumented people. I don't think that is true. What they get is not amnesty but, rather, a long, I think a hard path toward possible citizenship, one with many hurdles and no guarantees. It kind of reminds me of the trek a bunch of them took through Mexico just to get to the border, getting across the border without getting caught, trying to escape, in many cases, these coyotes who took advantage of them, robbed them, in some cases raped them, and once they got into this country avoiding getting detained. And a bunch got detained and ended up in the detention centers. That is not an easy path.

I don't think the path this lays out ahead for those undocumented today is an easy path. Just to reach the first step, becoming what is called a registered provisional immigrant, individuals would have to clear multiple background checks, pay back taxes, pay a hefty fine. If they committed any kind of significant crime they are disqualified from pursuing legal status.

Once an applicant has cleared the first hurdle, registered provisional immigrants must remain employed, pay even more taxes and fines, learn English, maintain a clean criminal record, and demonstrate they are living not below the poverty line but above the poverty line; they are gainfully employed. Most importantly, these people have to go to the back of the line, not ahead of people who are waiting to get ahead who have played by the rules, but behind them, at the end of the line—behind the folks who are here legally, who are going to get processed, as they should, first. It is going to take about 10 years before those folks who are undocumented will have a chance to even qualify for a green card.

Three years after getting a green card, these immigrants would finally be able to apply for citizenship. We are not talking about 13 weeks or 13 months, we are talking about 13 years. Once again, they have to pass extensive background checks in order to successfully move forward in that process.

So to our colleagues who are suggesting this bill would immediately begin legalizing the 11 million undocumented immigrants in this country right away, I would simply ask: Does that sound like an immediate process to you? It doesn't to me. This is not an easy path, and, frankly, a lot of people won't make it, just as a lot of people who have tried to get into this country have not made it either. I think the process we have laid out over those next 10, 13 years, if you will, is a tough, fair, and practical approach. Call it a lot of things, but I would not call it amnesty.

We also need to make sure the men and women around the world know this Nation is making unprecedented investments to improve and modernize our legal immigration system in addition to making it very difficult for

folks who try to come here illegally. We are dedicating significant resources to detaining and deporting those who try to go around the rules—spending roughly $2 billion a year on this effort. In fact, since President Obama took office, removals have increased from 291,000 people in 2007, or just under 300,000 folks, to more than 400,000 last year, when we returned a record number of people to their home countries.

Our Nation must also work with our neighbors to improve the process and decrease the time it takes to return our detainees to those countries of origin. When we were in Texas recently, I learned we have an agreement with Guatemala where they issue electronic travel documents to their citizens almost as soon as we apprehend them along our border—mostly Texas. This process cuts down on detention times for Guatemalans from 30 days to roughly 7 days.

It has a real positive effect on the Guatemalans we arrest and take into custody because they spend less time in detention—not a pleasant experience. It saves us millions of dollars because we have to hold them, feed them, and give them a place to stay for a shorter period of time. We need to take the Guatemalan model where we dramatically reduce the detention time and see if we cannot replicate their program with our other nations, especially particularly nations such as Mexico.

Finally, I will conclude by admitting this legislation is not perfect. On the other hand, I have not seen a perfect piece of legislation. Even the Constitution we adopted in Delaware on December 7, 1787, to become the first State wasn't perfect either. We amended it again and again. We amended it over 30 times.

While I do believe there is certainly room for constructive criticism and debate about this bill, I am certain this legislation represents an improvement over our current system. I believe we can make it even stronger in the coming weeks, and I hope we will.

I plan to offer some amendments, and my guess is the Presiding Officer will offer amendments as well as our colleagues. We ought to offer them, debate them, and vote them up or down.

We must come to this debate with an understanding that the status quo is unacceptable. If we don't modernize our immigration system to allow employers to fill the jobs our economy needs and our citizens are unwilling or unable to do, we are hurting our children's future while at the same time making our Nation less secure.

As a Nation founded on the principles of life, liberty, and the pursuit of happiness, we simply cannot tolerate a shadow economy of 11 million people who are scared to live freely, who generate black markets to produce false identity documents, and who drive down the wages of U.S. citizens.

To my colleagues who are still uneasy with legalization, I ask this: What is the alternative? It is not practical to find and deport 11 million people. Most of the undocumented immigrants in this country have lived here more than 10 years. Many have children who are U.S. citizens. They have deep roots in our society and contribute meaningfully to our national interests.

I think the American people would want us to be tough, but they also want us to be humane and realistic. I believe this legislation offers that path, that balance, and now is the time to take that path.

In closing, I am reminded of something that binds all of us together. If we actually look above where you are sitting, there are some words in Latin. If we look up there, we will see the Latin phrase ''e pluribus unum,'' which means ''out of many, one.'' It is a phrase that adorns our Nation's seal. It suggests that while we all come from many different places, in the end we are one Nation.

With that thought in mind, I will simply say to our colleagues and to those who are following this discussion tonight, we have a choice. We can work together to make this bill better and adopt it in a bipartisan manner or we can remain in gridlock and let the American people down.

I know what I want to do. I know what the people of Delaware want us to do. They want us to legislate, and I want us to legislate as well. I want us to make our immigration system better. I want to show the American people that Congress can come together—Democrats, Republicans, and a couple of Independents—on an issue of great importance to our country's economy and great importance to our national security. We need to get this done, and I am encouraged with the grace of God we will.

Mr. President, you will be glad to know that I am done, but our work remains to be done. I look forward to working with the Presiding Officer and 98 of our colleagues to get the job done for the American people.

With that, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. on Thursday, June 13, 2013.

Thereupon, the Senate, at 7:02 p.m., adjourned until Thursday, June 13, 2013, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL S. LINNINGTON