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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

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

Let us pray.

O Divine Redeemer, who stands outside the closed doors of human hearts, knocking repeatedly, give our lawmakers the grace to open themselves to You. May they open their ears in order to receive Your wisdom and to follow Your plan. May they open their eyes so that they can see the unfolding of Your loving providence in our Nation and world. Lord, may they open their minds to welcome creative strategies for making America a shining example of Your purposes. May they open their hands, sharing their blessings, to enrich humankind. May they open their hearts so that You can keep them from deviating from the path of integrity.

We pray in Your merciful 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 20, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, following leader remarks, I ask unanimous consent that the Senate resume consideration of S. 744, the comprehensive immigration bill, and that the time until 12 noon be equally divided and controlled between the two leaders or their designees and that I be recognized at 12 noon.

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

SCHEDULE

Mr. REID. Mr. President, I indicated last night that I was going to create a vote at 11:30 this morning, but Senators MIKULSKI and SHELBY have asked that we put that over a little bit, so we are going to do that at noon because they are having an important markup in the Appropriations Committee.

We will continue to work through amendments to the bill today. Hopefully, we could have, at that time—at noon—a path forward on this legislation. We have a number of amendments that are now pending. We hope to have a way of disposing of those, and I hope there is something that can be worked out. Senator LANDRIEU and others have indicated they want some amendments, and I hope we can work that out so we can move forward on the bill.

So we will continue to work through the amendments, as I indicated, today. The first rollcall vote, as I have indicated, will be at about noon today.

Mr. President, we have made some significant advances on the historic immigration legislation that is now before us. I am confident and I am hopeful that we can pass this bill. I have indicated on a number of occasions that we are going to do everything within our power to finish this bill before the July 4 recess.

I have had conversations with the Republican leader and other Republican Senators, and, of course, with my Democratic Senators, and I think that is the goal, and I have no reason that we should not be able to meet that goal.

We have made progress on amendments. I expect and I hope that a group of Republican Senators working with the Gang of 8 will come forward with a way that they think we can move forward on this bill dealing with the border. As I have said all along, I am willing to look at any reasonable amendment—I think we all are—and I hope something can be worked out with my Republican colleagues and the Gang of 8.

I have said before, and I say it again, I appreciate very much the Gang of 8 for their diligent work, both in crafting this legislation and in shepherding it through this transparent and thorough process. It goes without saying that the chairman of the committee Senator LEAHY has been remarkably focused on how to get this done.

One of my favorite Senators I have had the opportunity to work with over the years is CHUCK GRASSLEY, the Senator from Iowa. He is the ranking member of that committee. Even though we disagree on occasion on how to move forward, I never remember having an unpleasant conversation with CHUCK GRASSLEY. So I appreciate his working on this.

As I have indicated, he and Senator LEAHY do not agree on parts of this immigration bill, but that is the way things are and should be on this legislation—all legislation. But he has been cooperative in helping us meet his expectations and move forward.

SEQUESTRATION

Mr. REID. Mr. President, a century ago, a person born in the United States could reasonably expect to live to their late forties. I repeat, 100 years ago, a person born in the United States could reasonably expect to live to their late forties. Today, most people born in the United States can live into their late seventies or early eighties. That is the way it is.

Look how things have changed over these last 100 years. Imagine adding more than three decades to life expectancy just in this period of time. This gift is due to a number of reasons. But the most significant reason is we have had 125 years of research done by one of the great institutions of America: the National Institutes of Health.

Due to their research, fewer people die of cancer, for example, each year than the year before. It is stunning, the advances we have made. If one looks at their personal life, the things that happen in their family, think what it would have been a few years ago, such as with a terrible automobile accident or a dread disease like cancer. Think of the work that has been done by these scientists to help us advance the cause of curing people.

Over the last half century, deaths from heart disease and stroke have fallen by 60 percent. That is just in 50 years. Because of the work done, thanks to the Institutes of Health, scientists understand the heart about as well as any part of your body.

Now these wonderful scientists are beginning to study the brain, which is much more complicated than the heart, but still the heart is very complicated. They are going to begin a study to find out everything they can about the brain. The most extensive research project in the world is dealing with the brain, which is going to be—and it has already started—at the National Institutes of Health.

Because of antiviral therapies developed by NIH-funded projects and researchers, now they have diagnosed HIV/AIDS to the extent that—I was out there on Monday, and I talked to them about that when I first came to the Senate, when someone was diagnosed with AIDS, it was a death sentence. Not anymore because of the work done there. They can count their life expectancy in multiple decades, when in the past it was months.

It would be impossible to count the lives NIH innovation has already saved, and researchers are not close to realizing the limits of modern medicine.

I was fortunate to have the opportunity, as I indicated, to visit the facility on Monday morning. These facilities in Bethesda, MD, are stunningly important to visit, to witness, the fascinating work they do there.

I toured one of the clinics where the best medical researchers in the world are trying to solve the world's most elusive medical mysteries. There are 27 different institutes that make up the National Institutes of Health. They are studying diseases that have yet to be identified, let alone be cured. They have one institute where that is what they deal with. On diseases, they do not know what the cause is.

I met a little girl there who is 7 years old—a beautiful child. They are trying to figure out why she has the problems she has. They have made some progress, but they do not know yet. Once they identify—and they have. They have found reasons why in that young lady and others certain things are missing. I am not a scientist and I cannot probably do justice to this, but there are certain things in the body—gene sequencing in the body—where something is missing or something is added, such as a protein that should not be there. Now they can identify this. It is tremendous that they can do that, but on a number of these diseases they are still—even though they have identified what causes it, they do not know for sure how to fix it. That is what they are doing there.

In addition to the work being conducted by the nearly 6,000 scientists who work there—these are labs located on their campus; it is a huge campus—they award not only the work they do there, but they award thousands of grants each year to more than 300,000 researchers across the country. Most of them are university based, but not all of them.

These scientists are seeking the next breakthrough for treatments they can do with drugs and even cures. They are reaching out for the next advancement that will—to borrow Abraham Lincoln's words—add years to our lives as well as life to our years.

But today the crucial lifesaving work at NIH is in jeopardy. The arbitrary, across-the-board cuts of the mean and arbitrary sequester have hit NIH very hard. The institutes have cut $1.55 billion from their budget this year alone.

Think of the work that is not being done there because of that. The little girl who I met there—think of the work that is not going to be done with little girls and boys like her because, this year alone, $1.5 billion is cut from their program.

What that means, among other things, is that NIH will award 700 fewer grants this year than last, putting the next revolutionary treatment at risk, whatever it might be. And faced with diminished funding opportunities and an uncertain future, promising young scientists are abandoning the research field altogether.

The Director of the National Institutes of Health is Dr. Francis Collins, the father of the gene sequencing that we now look to in the future to curing literally every disease. This wonderful man, who could make a fortune by moving out of his scientific endeavors, has decided that is his life's work. Not only does Dr. Collins feel that way, but everyone who works there. They are doing things to help us, our families, our friends, America, and literally the world.

It is very sad to me that these wonderful people, who are dedicating their lives to not how much money they can make but how much better they can make people feel and what they can do to cure diseases, are looking for other places.

The best friend of someone who works for me here in Washington is one of the leading experts, if not the leading expert, in the world on a disease called melanoma—cancer.

He is not applying for grants anymore at NIH because you cannot do this work on a 1- to 2-year basis; it has to be long-term or you would do not the research. It is happening all over. Not only that, people who work there are leaving the institution.

NIH researchers are currently studying cancer drugs that zero in on a tumor more, with fewer sickening side effects. I say that—sickening side effects.

The Capitol physician, Dr. Brian Monahan, is a wonderful man. He was a professor, taught medicine. He is a Navy admiral. He is board certified in hematology, internal medicine, and oncology. As some know, my wife has been through a pretty brutal bout with breast cancer. He told me, when Landra was really sick lots of time—really, really sick—he said just a few years ago that they had to admit women to the hospital because they could not stop vomiting because of the medicine they were taking. We have made progress. That does not happen often anymore. As sick as my wife was, she was not as sick as she would have been a few years ago.

At this wonderful facility, they are developing a vaccine to fight every strain of influenza without a yearly shot, saving money and lives. A man at the institute there, on a blackboard—really a greenboard—with a piece of chalk, drew a picture which showed me and my staff what happens when influenza strikes and the reason we need now a yearly shot for the flu. But we are very close to having one shot to take care of flu all the time.

This flu is not anything to not worry about. In 1918, 100 million people died because of flu around the world—100 million. We have a couple types of flu right now that are potentially very damaging. These scientists are very close to having a vaccine that will take care of the flu with one shot for always.

They are conducting clinical trials to help identify and treat those at risk of developing early-onset Alzheimer's, leading to more successful treatment of this costly and debilitating disease. Many years ago I was at an event in

Las Vegas. Next to me was a physician. I was a new Senator. He said: You and Congress need to do something about Alzheimer's; otherwise, you are going to bankrupt America. With people living longer, there is more Alzheimer's coming all the time. We have made progress. We still have a long way to go.

These innovations have the possibility not only to save lives but to save us all billions of dollars each year on medical care. The NIH is an intellectual and economic leader the world over. Everybody looks at the NIH as the premier research facility for disease.

But the senseless meat ax, unfair cuts we call sequester, puts all that NIH does at risk. As we, this wonderful, great country of ours, are slashing investments in medical research—slashing—our competitors are redoubling their efforts: China, 25 percent increase in medical research; we are cutting billions. In just 2 years, with the sequester deal, we will cut almost $4 billion. China is increasing theirs by 25 percent; India by 20 percent; South Korea, Germany, Brazil, 10 percent. We are whacking ours, cutting these wonderful scientists. These countries, all they are trying to do is duplicate our success, replicate our success. While they are doing that, we are abandoning investments that brought us to where we are.

But medical innovation does not happen overnight. It takes years of research, years of trial and years of error, quite frankly, years of the process of elimination. One of the institute Directors—we talked about spinal cord injuries. They are making progress with something they thought a few years ago worked really well, but further tests said it works only a little bit, not the way they thought it would.

Even when scientists know the cause of a disease—as I have indicated, they have figured out some of this with gene sequencing—it takes an average of 13 years to develop a drug to treat that. These shortsighted cuts in the research funding will cost us valuable cures tomorrow. While these costs may not be felt this month, this year, or even this decade, their long-term consequences will be grave.

Now, we say it may not be felt this month. To the scientists working there, they are going to feel it very quickly because some of them are leaving. Imagine if we had neglected our commitment to finding effective treatments for cancer, heart disease, or stroke a few decades ago. Imagine if we had abandoned investments in treatment for HIV/AIDS in the 1980s and 1990s. Think of the burden that would have been not only on the people who were sick and dying but the burden it would have been on our economy because of the huge cost, the lost time at work, and all the medical stuff. We do not have to worry about that anymore. Imagine lives cut short.

We can all agree that reducing our deficit is a valuable goal. We have done a good job—$2.5 trillion. But we should reduce the deficit by making smart investments, not by the making shortsighted cuts that cause pain and suffering and death. There is simply no price tag you can put on that.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

HEALTH CARE

Mr. MCCONNELL. Mr. President, a few months back one of our Democratic colleagues warned of a huge train wreck on the horizon—the implementation of ObamaCare. Yesterday we received another warning as ObamaCare speeds down the tracks. This one came from the Government Accountability Office, which highlighted a number of missed deadlines that cast doubt on the ability of the administration to even get the law up and running by October 1.

Of course, the GAO is not the first to issue such warnings. Some of us have been sounding a similar call literally for years. What we have said is that ObamaCare is set to become a bureaucratic nightmare. Most of the law's key provisions have not even been implemented yet. Not a single American has signed up for an exchange. Already it is turning into one big mess.

It was not hard to see this coming. We are talking about a 2,700-page piece of legislation. We are talking about a law that has already generated more than 20,000 pages of regulations—literally a redtape tower 7 feet tall. We are talking about an edict that proposes to alter one of the most personal, most private aspects of our lives in a fundamental way. So it does not take an expert to understand what that leads to—reams of paperwork; a massive new bureaucracy; the coordination of numerous, hulking government agencies, including, of course, the IRS.

It cannot be done without the people the government is attempting to regulate—the doctors, the hospitals, States, small businesses, hundreds of millions of Americans—actually having a clue how to comply. Nobody knows how to comply. The law is maddeningly complex. So, of course, ObamaCare is going to be a mess—going to be a mess. We said it would be. Actually, it already is. Yet earlier this month the President said that ObamaCare was ''working the way it is supposed to.'' That is literally what he said.

Maybe that is why just yesterday a survey of Americans showed that only 19 percent—fewer than one in five—believe ObamaCare will make their family better off—only 19 percent. It found that a much greater number—roughly half of Americans—worried about losing the health care coverage they already have.

There was another survey released too, a survey of small business owners. It found that 41 percent of small business owners said they had frozen hiring, literally quit hiring people because of ObamaCare—41 percent of small businesses. About 20 percent said they had already reduced their workforces because of it. Forty percent quit hiring people and 20 percent reduced their workforce because of ObamaCare. Remember, this is a law that is still being implemented, and many businesses already seem to be laying people off. I hope that is not a preview of what we will see once ObamaCare actually comes online. But given the evidence thus far, it is hard to draw a different conclusion.

The Kentucky Retail Federation recently cited ObamaCare as the thing having the most impact on their businesses' ability to grow. As the leader of that group put it, the companies in his federation are hesitant to take on new staff or to invest in their own business growth until they know how much health care reform is going to cost.

So if this is the law that is ''working the way it is supposed to,'' then it is obviously a very bad law. It is Congress's duty to repeal bad laws. I hope that it will. I hope my Democratic friends here in the Senate will finally work with us to do just that because we cannot do it without them. They have the majority. If they can muster the will to admit their mistake, I hope they can also find the will to work with us to start fresh on health care. This time, I hope they will actually work together with Republicans to get something done for the American people. In my view, that means pursuing effective, step-by-step reforms that cannot only lower costs but they can also be implemented effectively and understood completely by the constituents we were sent here to serve. I know my constituents back in Kentucky would expect as much of us, and frankly they should expect that much of us.

SENATE RULES

Mr. MCCONNELL. Mr. President, as I have talked about repeatedly over the last few weeks, there is a cloud hanging over the Senate, an unease throughout the Senate entirely on the Republican side and some on the Democratic side as well, and that is this: We had a discussion at the beginning of this Congress about what the rules of the Senate would be for this Congress this year and next year. After that bipartisan discussion, we passed two rules changes and two standing orders. The majority leader said we had determined what the rules of the Senate were going to be for the next 2 years. He gave his word that we would not break the rules of the Senate in order to change the rules of the Senate—the so-called nuclear option. Yet he has continued to hint that maybe that was not what he had in mind.

So what my colleagues and I are asking the majority leader to do is to

stand by his word. Your word is the currency of the realm here in the Senate. We expect the majority leader to keep his word. His word was given unequivocally in January of this year. In fact, it was given in January 2 years before that for the next two Congresses.

So it is time to lift this cloud which is hanging over the Senate so all the Members of the Senate can understand what the rules are for this Congress because we already made that decision back in January. We await the majority leader finally addressing the matter and making it clear that his word is good.

I yield the floor.

RESERVATION OF LEADER TIME

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

BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 744, which the clerk will report.

The assistant 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.

Boxer/Landrieu amendment No. 1240, to require training for National Guard and Coast Guard officers and agents in training programs on border protection, immigration law enforcement, and how to address vulnerable populations, such as children and victims of crime.

Cruz amendment No. 1320, to replace title I of the bill with specific border security requirements, which shall be met before the Secretary of Homeland Security may process applications for registered immigrant status or blue card status and to avoid Department of Homeland Security budget reductions.

Cornyn amendment No. 1251, Requiring Enforcement, Security and safety while Upgrading Lawful Trade and travel Simultaneously (RESULTS).

Leahy (for Reed) amendment No. 1224, to clarify the physical present requirements for merit-based immigrant visa applicants.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until noon will be equally divided between the majority and the minority.

The ACTING PRESIDENT pro tempore. The Republican whip.

AMENDMENT NO. 1251

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 45 minutes between now and the time our vote is scheduled this morning on my amendment.

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

Mr. CORNYN. I won't be taking all of that time right now. I will reserve some time and hopefully other colleagues will come down to the floor and engage in a discussion.

As you know, the past few days I have been talking about the importance of border security in this immigration bill. To remind anybody who happens to be listening, I come from a State, Texas, that has the longest common border with the country of Mexico, 1,200 miles.

While many of our colleagues or some of our colleagues come from States such as California where in San Diego they have the fence there that they view as restricting illegal immigration and entry into the country, Tucson, Arizona, has a little different situation because much of the land is Federal land. In Texas, our 1,200-mile common border with Mexico is largely private property on the Texas side. It also is enormously diverse. You can go out to West Texas near Alpine where Big Bend National Park is where you will see huge cliffs that go some 1,000 feet down to the Rio Grande River. While some have said we need a fence across the entire border, I daresay that putting a fence on a 1,000-foot cliff is not going to enhance border security much. What I have argued for from the beginning is the need for a comprehensive border security plan and for Congress to make a sincere and enforceable commitment to follow through on that plan.

I do believe, in the 6 years since the last time we debated immigration reform in 2007, there is an emerging consensus in the country. Many people are mad, and they deserve to be mad, about the Federal Government's failure to live up to its promises when it comes to our broken immigration system.

We can go back to 1986 when Ronald Reagan, the father of modern conservatism in the Republican Party, signed an amnesty for 3 million people. His rationale was we are going to enforce our immigration system so this will be the first and last time any President will have to sign an amnesty.

We know the enforcement component didn't work, that promise was not kept, causing a lot of deeply seated skepticism in the American people as to whether Congress and Washington can be depended upon to keep their commitments when it comes to enforcing our laws and securing our borders.

My amendment that we will be voting on perhaps as early as noon today is designed to turn border security rhetoric into reality. More specifically, what it adds is a trigger. We have been talking about triggers to the Gang of 8 bill, the underlying bill, but it would require the Federal Government to have 100-percent situational awareness of our border, the southwestern border. We can do that from Border Patrol, radar, ground sensors, and using all of the magnificent technology the Defense Department and our military have produced—amazing American innovators—that our military has used effectively in places such as Iraq and Afghanistan.

I don't believe there is any doubt, and I know our Gang of 8, the people who wrote the underlying bill, believe that 100-percent situational awareness of our border is possible and attainable if we have the political will to make it happen and if our law enforcement authorities are provided the appropriate resources to do it. And 100-percent situational awareness is one of the requirements.

The second is operational control. Right now we don't have control of our southwestern border. The latest Government Accountability Office estimate is only about 45 percent of our southwestern border is under operational control.

For example, a few weeks ago I was in South Texas in Brooks County in deep Rio Grande Valley, the Rio Grande Valley sector of the Border Patrol, visiting with them. On 1 day they detained 700 people coming across the southwestern border in the Rio Grande sector and 400 of them came from countries other than Mexico. Some of the rescue beacons they have down there for people who are in distress—immigrants coming from Central America, coming from around the world through our southwestern border into the United States—the rescue beacons they have down there that I saw with my own eyes, where if people get in big trouble and they realize they may lose their life unless they call the Border Patrol in to help them, are in English, Spanish and, get this, Chinese. Chinese. This is in the Rio Grande Valley in Texas.

I asked the local law enforcement authorities, why Chinese? They said: Well, for a while, we got a whole lot of Chinese immigrants coming across the border, being smuggled across into the United States.

I said: What is the going rate you have to pay the coyotes, as they call them, the smugglers?

They said: About $30,000.

For $30,000 somebody from China can get somebody to smuggle them into the United States, which is the reason why those rescue beacons were in English, Spanish, and Chinese.

Indeed, the Border Patrol statistics reveal we have people who have come across the border in the last year from 100 different countries around the world. A couple of years ago I had the opportunity, as a member of the Armed Services Committee, to ask the Director of National Intelligence James Clapper and the head of the Defense Intelligence Agency whether this porous border was a national security issue. Both of them said it was, which is pretty obvious.

We know if people from 100 different countries can penetrate our southwestern border because of a lack of appropriate security there, if they have the money and they are determined enough, they can come from anywhere in the world, including countries that are state sponsors of terrorism. Operational control of the border is very important.

Third, my amendment offers a real trigger that requires a nationwide biometric entry-exit system. That sounds a little obscure. Basically, what happens when you come to the United States from another country is you are required to give fingerprints. That is a biometric identifier because you can't use phony documents or a fuzzy picture to claim to be somebody you are not and get into the country illegally.

The importance of the biometric entry-exit system was noted particularly by the 9/11 Commission, because several of the people who were involved in the plot to kill 3,000 Americans on September 11, 2001, entered the country legally, but they never left. Hence, the importance of a biometric entry-exit system to document not just when people come to America as tourists or students or whatever, but that they actually leave when their visa is expired.

Right now, 40 percent of illegal immigration is a product of a failure to have an effective entry-exit system because people come legally and they simply stay and melt into the great American landscape. Unless they come into contact with our law enforcement officials, commit a crime—driving while intoxicated, domestic violence, or the like—they are never going to be caught.

Fourth, my amendment requires nationwide E-Verify. E-Verify is the name given to a system with which all Federal offices have to comply. For example, when somebody wants to be hired in my Senate office, either in Texas or up here in DC, we are required by law to run their name through the E-Verify system to verify this person is legally eligible to work in the United States. That is an important part of the provisions in my amendment that provide real triggers.

Let me talk a moment about triggers, because you are going to hear a lot of discussion about a trigger. A trigger is more than a promise. We know there is a litany—indeed, there is a trail of broken promises—when it comes to our immigration system that dates back to at least 1986.

What a trigger means is there is an enforceable mechanism that will prevent people from transitioning, in the case of my amendment, from probationary status to legal permanent residency until the objectives set out in the underlying bill, 100 percent of situational awareness and operational control, are met, together with a biometric entry-exit system and nationwide E-Verify.

I wish to emphasize that my amendment uses the same standard, metrics, and targets as the underlying bill. The difference between my amendment and their bill is their bill promises the Sun and the Moon when it comes to border security, E-Verify, and entry-exit, but it has no enforceable mechanism.

I ask the question, why should the American people trust Congress? Why should the American people trust Washington to enforce this part of the essential bargain, the security part of the bargain, if it has failed to do so in the past?

I would suggest to you that given the current trust deficit here in Washington, with scandals everywhere, that we can't reasonably expect the American people to rely on ''trust us.'' We need something enforceable, which is what my amendment provides.

The trigger in my amendment is not designed to punish people. It is designed to realign incentives. Everybody from conservatives to liberals to people in the middle of the road—Republicans, Democrats, you name it—everybody is incentivized to hit the standard set out in the underlying bill, 100-percent situational awareness and operational control.

Over the past few days I have cited a number of experts. We in the Senate have a lot of experts. We have people from different States, some of whom, to be honest, know more about the subject than others. I have cited a couple of experts, including the former head of Customs and Border Protection and the former Under Secretary for Border and Transportation Security at the Department of Homeland Security, all of whom believe the border security requirements in my amendment—and again I stress in the underlying bill—are reasonable and realistic.

No fewer than three members of the Gang of 8—Senator BENNET of Colorado, a Democrat; Senator FLAKE of Arizona, a Republican; and Senator MCCAIN, a Republican from Arizona—have said the 90-percent apprehension rate for illegal border crossers is a perfectly attainable goal.

Senator MCCAIN 2 days ago said he had talked to the head of the Border Patrol who said this is a perfectly realistic goal, 100-percent situational awareness and operational control. I agree with that.

If the goal is attainable, why not make it mandatory? Why not make it go beyond the usual promises and platitudes and demand actual results? That is what my amendment does. It demands results, and it creates a mechanism that ensures those results will be delivered.

Again, this is designed to realign all of the incentives so all of us are absolutely focused like a laser in ensuring that the executive branch and the bureaucracy will do what the bill promises will be done. If we are able to accomplish that—I believe the American people are a compassionate people and understand we have a very difficult hand to play here because we haven't enforced our immigration laws for many years now. If they believe sincerely this will end the illegality in our broken immigration system, if this will return law and order to our broken immigration system, I believe they will accept dealing with the 11 million people here in a humane and compassionate way.

If you think our immigration system is broken, as I do, and if you think the status quo is unacceptable, that doing nothing is not the answer, then I strongly urge my colleagues to support this amendment. It is the only way, I believe, to get truly bipartisan and, even more important than that, truly effective immigration reform.

Mr. President, may I ask the Chair how much time I have remaining.

The ACTING PRESIDENT pro tempore. Thirty minutes.

Mr. CORNYN. I thank the Chair.

As I mentioned a few moments ago, I wish to spend a few additional minutes talking about a portion of my amendment that hasn't received much attention because we have been focused so much on the border security component. Indeed, I think most Americans would be shocked to learn the underlying bill—the Gang of 8 bill—would allow eligibility for immediate legalization of people with multiple drunk driving convictions. Indeed, the bill even legalizes drunk drivers who have already been deported, amazingly enough.

Just for perspective, in the year 2011, Immigration and Customs Enforcement deported nearly 36,000 people with DUI—driving under the influence—convictions. The problem is especially bad in Houston, TX, where I was born. Just last month, a Harris County Sheriff's Office sergeant named Dwayne Polk was killed by an illegal immigrant drunk driver who had previously been arrested for driving under the influence and illegally carrying a weapon. After his earlier arrest he was deported, but he eventually came back to Houston and once again drove while intoxicated, with the tragic results of SGT Dwayne Polk losing his life.

In May of 2011, Houston police officer Kevin Will was killed by an illegal immigrant drunk driver who had been deported to Mexico on several occasions. In August 2007, an illegal immigrant drunk driver, with a blood alcohol level three times above the legal limit, killed three people on a Houston area freeway, including a husband, a wife, and their 2-year-old son. The driver who killed them was out on bail at the time of the accident after having been arrested for domestic violence.

For that matter, not only does the underlying bill legalize immigrants with multiple drunk driving convictions, it also legalizes people with multiple domestic violence convictions—domestic violence convictions. That is mind-boggling.

I realize some people, when they hear the word ''misdemeanor,'' think we are talking about jaywalking or a speeding ticket or something similar to that or driving a car without a functioning taillight, but the truth is—and the former prosecutors in this Chamber know—the technical difference between a misdemeanor and a felony can be as little as 1 day additional time in prison.

Typically, a misdemeanor is punished, potentially, with up to 1 year in

jail. Anything over that is traditionally called a felony. More clearly, felonious conduct is often pleaded down to a misdemeanor, particularly in instances such as domestic violence, where the victim is either married to or lives with the assailant and there is difficulty getting cooperation. Sometimes the only thing the prosecutor can do, even in a case of a very serious physical or other assault, is to get a misdemeanor conviction, even though the underlying circumstances are very serious indeed.

There are numerous States that classify certain domestic violence crimes as misdemeanors, and there is a lot of variety in this, but that doesn't mean the conduct at issue is any less of a domestic violence offense. By my count, 23 States have specific misdemeanor domestic violence offenses. These include California, Hawaii, Illinois, Iowa, Minnesota, Rhode Island, and South Carolina.

Minnesota, for example, defines misdemeanor domestic assault this way:

> Whoever . . . against a family or household member: (1) commits an act with intent to cause fear and another of immediate bodily harm or death; or (2) intentionally inflict or attempts to inflict bodily harm upon another.

As I am sure my colleagues from Minnesota know, crimes that qualify as misdemeanor domestic violence under Minnesota law include domestic abuse with a deadly weapon—even domestic abuse with a gun. While it is called a misdemeanor in the statute books, it is obviously a very serious underlying offense.

I would love it if some Member of this Chamber would explain why conduct such as this should not be a bar to the generous opportunity afforded in the bill to obtain probationary status and eventually earn a pathway to citizenship. Why should we include people such as this, who have shown so much contempt for our laws?

We are not just talking about people who have come here to work in violation of our immigration laws, we are talking about people who have come in violation of our immigration laws and who have also committed serious offenses. We should have zero tolerance for anyone who enters our country and commits such a heinous act.

America has always been a deeply compassionate and understanding society, and nothing has changed, but when it comes to granting legal status to people who have violated our immigration laws, our criteria should be very clear: no drunk drivers and no violent criminals, period. My amendment guarantees that, which is just one more reason why this Chamber should embrace it.

For now, I wish to conclude by saying I read in the press, including the New York Times, a story by Ashley Parker, dated June 19, 2013, that says, ''Two GOP Senators are close to a deal on border security.'' It cites the efforts of my colleagues BOB CORKER of Tennessee and JOHN HOEVEN of North Dakota, who have been working behind the scenes to try to improve the border security component of the underlying bill.

I applaud them for their efforts, and I applaud them for moving the underlying bill in a more positive direction when it comes to border security. I am going to wait to pass final judgment until I actually see language because the devil is so often in the details on things such as this. But I would point out that just before their efforts, which now reportedly would include an additional 20,000 Border Patrol agents, the underlying bill had zero additional Border Patrol agents—zero additional boots on the ground.

My amendment adds 5,000 Border Patrol agents. Reportedly—and, again, we need to see the details of the proposal—Senators CORKER and HOEVEN would add 20,000 additional Border Patrol agents.

To show what a dramatic change that has been, Senator SCHUMER, one of the chief architects of the underlying bill, in a speech on June 12, said: Whatever CBO—the Congressional Budget Office—says, 6,500 border agents is a multibillion-dollar proposition, unpaid for, which is why I know my colleagues on the other side rue the day when we vote for unpaid obligations.

Again, he said—and this is on June 12—how can you manufacture 3,500 new personnel and say it doesn't add to the cost and will be reallocated? I want to know where it is going to be reallocated from.

Similarly, my colleague Senator MCCAIN said: But those who think we need more people, we do need more people to facilitate movement across ports of entry, but we have 21,000 Border Patrol agents. Today there are, at the Mexico-Arizona border, people sitting in vehicles in 120-degree heat.

He said, in a speech on June 18: What we need is not more people. He went on to say: But the fact is, we can get this border secured, and the answer, my friend, is as is proposed in the Cornyn amendment; that we hire 10,000 more Border Patrol agents. He said: That is not a recognition of what we need.

Finally, he said: No expert I have talked to, to say 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.

So I point out those comments by Senator SCHUMER and Senator MCCAIN, two of the leading members of the Gang of 8—their comments on June 12. So if it is true, as reported in the New York Times and elsewhere, that Senator CORKER and Senator HOEVEN have moved them off the zero additional Border Patrol agents to doubling the size of the Border Patrol agents, that is a substantial movement in terms of boots on the ground.

I will conclude, for now, by saying this: I am looking forward to seeing the language that is being proposed, the alternative language. But for now, I believe my amendment deserves the support of the Members of this Chamber because I believe it is the only way we have available to us to ensure our constituents, to look them in the face and say: We know we have broken promises in the past when it comes to border security. We know we promised 17 years ago there would be a biometric entry-exit system, when President Clinton signed that into law. But you know what, we didn't do it. But we are serious about doing the enforcement and security measures now and, in fact, we have put a provision in the bill which will guarantee it.

That is what my amendment will do.

I reserve the remainder of my time, and 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. CORNYN. 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.

Mr. CORNYN. Mr. President, I ask unanimous consent that the time during the quorum calls be equally divided among the Democrats and Republicans in the Chamber.

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

Mr. CORNYN. Again, Mr. President, 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. INHOFE. 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.

Mr. INHOFE. Mr. President, we are looking at a lot of amendments right now, and I just want to call attention to one that I think is significant. It is one where, when people find out about it, they are just outraged that something like this could happen, and it is something that could be corrected with a very simple amendment.

My amendment addresses the 2001 U.S. Supreme Court decision of Zavidas. There, the Court held that immigrants admitted to the United States and then ordered removed couldn't be detained for more than 6 months. So something has to happen after a 6-month period.

Four years later, the Supreme Court extended the decision to people here illegally as well. That is what we are talking about today. As a result, the Department of Justice and Homeland Security had no choice but to release thousands of criminal immigrants into our neighborhoods. The problem with these decisions is that the criminal immigrants ordered to be removed can't be deported back to their country if

that country refuses to issue the necessary travel documents. In other words, if the country doesn't want to take them back, they don't have to take them back. Yet we have to release them.

More importantly, these decisions have a serious impact on public safety, as recent cases have illustrated.

Six years ago, a Vietnamese immigrant was ordered deported after serving time in prison for armed robbery and assault. He was never removed because this Supreme Court decision handicapped our authorities. Our immigration officials couldn't deport him without the cooperation of the Vietnamese Government—which they did not—and his deportation was never processed. Now, this same immigrant, Binh Thai Luc, is suspected of killing five people in a San Francisco home in March of 2012.

The story of Qian Wu puts this situation in perspective. Qian Wu felt a little safer after the man who had stalked, choked, punched, and pointed a knife at her was locked up and ordered removed from the country. The man, Huang Chen, was a Chinese citizen who had illegally entered the United States. As has been the case at least 8,500 times in the last 4 years, Mr. Chen's home country refused to let its violent criminal return home.

Frankly, you can understand how this could happen—and it did happen. So, handcuffed by the Supreme Court decision, immigrant officials released Mr. Chen back into the community, here in the United States, when they had nowhere else to send him.

As you can imagine, the story also does not have a happy ending. Upon his release in 2010, Huang Chen murdered Qian Wu, the very person that was concerned during this time.

As you can see, this is a real problem with serious consequences. There are others like these people out there. According to statistics provided by the Department of Homeland Security, there are many countries that are not cooperating or that take longer to repatriate their nationals. Countries such as Iran, Pakistan, China, Somalia, Liberia are on the list.

The Supreme Court, in making their decision, said Congress should clarify the law. My amendment No. 1203, which I hope is going to be voted on in the next short while, does exactly what we need to do by creating a framework that allows immigration officials to detain dangerous criminal immigrants such as Binh Thai Luc and Huang Chen.

Specifically, immigrants can be detained beyond 6 months if they are under order of removal but can't be deported due to the country's unwillingness to accept them back if several conditions are met, including if their release would, one, threaten national security; or, two, threaten the safety of the community and the alien either is an aggravated felon or has committed a crime of violence.

I understand that the ACLU is scoring against my amendment. I view that as a badge of honor and an additional reason to support my amendment. It seems that the ACLU is only concerned with protecting the rights of criminals. It is time that we stop this nonsense. Again, all you have to do is go out in public and tell people that we have this situation where we are forced to release these criminals into our society merely because their country will not repatriot them.

So I ask support of my amendment No. 1203.

Mr. President, I yield the floor.

Mr. BLUMENTHAL. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. KING. 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.

Mr. KING. Mr. President, I ask unanimous consent to speak in morning business for up to 12 minutes.

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

Mr. KING. Mr. President, I quote:

> He has endeavored to prevent the population of these States; for that purpose obstructing the laws of Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

That is the language of the Declaration of Independence.

One of the grievances against King George III, in the immortal words of Thomas Jefferson, was limitations on immigration: ''Endeavoring to prevent the population of these States.'' That was an original formulation, an original idea at the heart of the United States.

Looked at in the context of our history, this debate we are having this week is somewhat disappointing but not surprising. It is serious in its particulars, but it is amazing in its totality.

Here we have a roomful of descendants of immigrants arguing about the conditions of immigration. Sure, most of our ancestors in this room entered the country legally, but that was because there were virtually no laws about immigration for the majority of our history. For most of our history, if a person could pay the cost, a person could enter the country. That is the fundamental premise of America.

What are we afraid of? Are we afraid of people with courage, people with imagination, people with initiative, people with perseverance?

Before coming to this body, I taught at Bowdoin College in Maine a course on leaders and leadership and we attempted to define the qualities of leadership. At the end of the course each year we took an analysis of what we had seen, and people with courage, imagination, initiative, and perseverance are leaders. Those are the people we want in this country. That is what it takes to come here. That is what it has taken to come here throughout our history.

And why are they coming? They are coming for opportunity. They are coming for freedom. They are coming for a better life for their children, the same reason our ancestors came here. Isn't this what we all want—opportunity, freedom, and a better life for our kids?

Does this discussion affect the State of Maine? Well, yes, it does. We have migrants and immigrants picking our crops in northern Maine, blueberries and potatoes and broccoli. We have a vibrant refugee and asylum-seeking community in Portland, ME, and in Lewiston. Many of those from Africa come here with very different cultures. We have 52 languages spoken in the Portland public schools. Yes, we have strains and difficulties adjusting one culture to another. But we are making it work and it is making our State richer spiritually, culturally, intellectually, and, yes, financially. It is working.

But isn't this discussion all about amnesty? I keep hearing about amnesty. The mail I get says, Don't let them get amnesty. No, it is not about amnesty. In my book, amnesty is a free pass. Amnesty is a ''get out of jail free'' card; it is a forgiveness. If a person is convicted of what we call in our State OUI—other places call it DWI—if a person is convicted of driving under the influence, that person pays a fine, loses their license, and sometimes they spend a few days in jail and they are under a suspension or a probationary period for several months or perhaps even several years. But when it is all over—when a person has paid their fine and had their suspension—they get their license back and they move on with their life and go from there. Nobody calls that amnesty when a person gets their license back at the end of that period after they have paid their debt to society.

I would argue that a fine, which is contained in this bill, and 13 years of what constitutes probation is not amnesty. It is not amnesty in anybody's book. People who are talking about calling it amnesty—that is not accurate.

Why is this debate so important? Why is this issue so important? Why is this bill so important? In my view, immigration is the mainspring of America. It is our secret sauce. It is what has made us who we are. No other country in the history of the world has been built the way this country was built. Except for the African Americans who were brought here against their will and the Native Americans who were here when the Europeans arrived, everybody else here came by virtue of immigration, and that immigration is, I believe, what has separated us from the rest of the world. It is the

constant flow of new energy, initiative, and ideas, different cultures, different religions, different backgrounds, and different creative energies that have made this country what it is today. If we unduly limit it or cut it off, we are sunk.

We are living in a negative demographic timebomb. Last year, I believe for the first time in American history, we had more deaths than births of White Americans. One doesn't have to be a mathematician to know if that continues, we will shrink and shrivel as a society. We need immigration to add to our population, to add to the ideas and creativity.

What would we lose if we unduly limited immigration in this country? Well, I am standing in the shoes of Olympia Snowe, the daughter of Greek immigrants. Before Olympia Snowe, the holder of this office was George Mitchell, the son of immigrants. Before George Mitchell it was Ed Muskie, one of the great legislators of the 20th century in America and the son of an immigrant Polish tailor. We have among our number now a brilliant young Senator from Texas who himself is the son of an immigrant.

Immigrants are always going to be different and a little scary, and that has been true throughout American history. We have had waves of immigrations: Italians, Germans, Scottish people, Chinese, Irish. It is hard for us to believe, but a lot of the same sort of uneasiness about new immigrants was applied to those groups. In New York in the 1800s, if a person went to apply for a job there might be a sign in the window of the store that said ''employees needed, jobs available,'' and then in parentheses it might say in big letters, ''NINA''—N-I-N-A. NINA stood for ''No Irish Need Apply.'' So uneasiness and fear and, yes, some prejudice against immigrants has been a part of our history. But in the end, those people are the very people who have built this country, literally, and who have made this country what it is.

It is who we are.

There is also talk I have heard about wages and how all of these new people are going to depress wages. Indeed, a couple of weeks ago I had a meeting on my schedule in Maine with a union group and all it said was ''union group to discuss immigration.'' I thought, These folks are going to be worried about wages and they are going to tell me this is a bad idea. Just the opposite. What they said was, We support the bill, Senator. We want immigration reform because now we have millions of people in this country who are in the shadows who don't have the benefits of the labor protections and that is what is drawing wages down. That is what is providing a downward motion on wages and benefits. When an employer knows he or she has that kind of leverage over an employee—if a person doesn't take the low salary or sometimes no salary at all—they may say, I am going to report you; you will be gone and deported, and that is an inherently uneven and unfair playing field.

That is why I believe, and I think the CBO report has confirmed, that fixing this problem—putting the people who are here on a pathway to earn citizenship—will actually be a gigantic stimulus to our country.

So what we are doing here is very important. Yes, I know, we need controls, we need border controls. We need to control terrorism and criminals coming into our country. And, yes, I know we shouldn't reward breaking the law. But 13 years of probation and a fine is not rewarding law-breaking. Again, we have to ask, Why did these people break the law? They broke the law for the same reason our ancestors came here, and the only reason they didn't break the law was there was no law to break at that time. But they came here for opportunity and for a better life for their children.

I have quoted Mark Twain before on this floor and I will probably do so repeatedly because he captures so many thoughts so succinctly. In this case, what he said was: ''History doesn't always repeat itself, but it usually rhymes.''

This discussion we are having here today is nothing new in American history. It has arisen time after time. It arose in the 1840s and 1850s when indeed a whole political party came up that was designed to keep people out. It was called the Know-Nothing Party. The reason it was called that was because when people asked the members of the party what they stood for, the members of the party would say they didn't know anything about that because they didn't want to talk about it. But they were antiforeigner and anti-Catholic and it was designed to lock in the ethnic and cultural society as it stood in 1850.

Abraham Lincoln was asked, when he was a member of the Illinois legislature—I wish he had been a member of the Maine legislature but I have to concede him to Illinois—how he felt about the Know-Nothings and whether he in fact was a Know-Nothing. Here is what he said:

> I am not a Know-Nothing. How could I be? How can anyone who abhors the oppression of Negroes be in favor of degrading other classes of white people? Our progress in degeneracy appears to me to be pretty rapid. As a nation we began by declaring ''all men are created equal.'' We now practically read it, ''all men are created equal except Negroes.'' With the Know-Nothings in charge it will read, ''all men are created equal, except Negroes and foreigners and Catholics.''

He ended pretty toughly. He said:

> When it comes to this I should prefer emigrating to some country where they make no pretense of loving liberty—to Russia, for example, where despotism can be taken pure and without the base alloy of hypocrisy.

I am not suggesting hypocrisy on the part of the people who are debating this bill, but I do think this is not a new debate and we can't fear new people coming into our country.

I believe this bill represents a fair-minded resolution of the current conflict over immigration: control of the border to stem the tide of illegal immigration; penalties applied to those who broke the law; but an opportunity to earn citizenship after paying the penalty and a lengthy period of what amounts to probation.

I don't think this debate is about fences and fines and learning English. It is about America itself: confusing, chaotic, creative, at times unsettling, but always erring on the side of freedom and opportunity.

We have young people coming to this country who want and will achieve an education and then we send them home. In my view, we should staple a green card to every diploma of every foreign student the moment they walk through that graduation line so they can bring their ideas and creativity to our society.

The constant infusion of new blood, new people, and new ideas isn't a threat, it is who we are and it is what made us what we are—again, in the words of Abraham Lincoln—''the last, best hope of Earth.''

I yield the floor and 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.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

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

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

Mr. CORNYN. Mr. President, I would ask notice from the Chair after I have expended 10 minutes of my 12-minute time so I know I have a couple of minutes remaining, please.

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes remaining.

Mr. CORNYN. I thank the Chair. I wish to get a 2-minute notice, please.

The ACTING PRESIDENT pro tempore. The Senator will be notified.

Mr. CORNYN. Mr. President, I have been here numerous times over the last couple of weeks to talk about why the essential bargain that needs to underlie this bill has to be one that is not based on phony promises such as the ones made in the past about restoring legality and order to our broken immigration system. It actually needs a mechanism that will compel results and realign all of the incentives for people across the political spectrum, Republicans and Democrats alike, to make sure Congress, and the executive branch in particular, keep their promises when it comes to border security. That is what my amendment is about and that is what we will be voting on perhaps in the next half-hour.

The underlying metrics contained in my amendment are derived from those in the underlying bill: 100-percent situational awareness and 90-percent apprehension. Some people may question

that and say, How can we have 100-percent situational awareness? The fact is by using the technology currently deployed in places such as Afghanistan and Iraq. Technology such as that was featured in a Los Angeles Times article a few weeks ago called the VADER, a type of radar pilot that was being tested on the western part of the border. With it we can do a comprehensive job of seeing the border.

I am not talking about a Border Patrol agent seeing three people coming across the border and not seeing a handful of others who scamper across in some other place. I am not talking about that sort of imprecision. I am talking about using available technology such as that, for example, demonstrated by AT&T. AT&T recently came in and demonstrated in my office the use of fiberoptic cable to create, in essence, an acoustic system which will identify people crossing the border and which then will trigger cameras to focus on the individual coming across to make sure it is not a deer or a javelina, that it is actually what the Border Patrol should be focused on; that is, people crossing the border illegally.

They could basically lay that cable down the entire U.S.-Mexican border for, I think they told me, somewhere on the order of $80 million. It is a lot of money, but it is not too much when it comes to securing our border.

Likewise, I mentioned the VADER technology. I know there are fixed towers and radar systems and camera systems that are being used by the military that need to be used by the Department of Homeland Security when it comes to protecting our border and keeping our commitments to keeping America safe.

There are dirigibles, I will call them, blimps that are used successfully in places such as Afghanistan and which should provide an ability to see a huge stretch of the border, using, again, radar and cameras. So this idea of situational awareness—that that is somehow not possible—simply ignores the technological advances that have been made and deployed by our U.S. military in Afghanistan and Iraq and which could be deployed if we had the political will to make it happen along the southwestern border.

I do not think it is too much to ask that of the people you actually see, that the Border Patrol ought to detain 90 percent. Right now, according to the Government Accountability Office—in 2011—our border is only 45 percent under operational control—45 percent. So that means, if you do the rough arithmetic, out of the 350,000 people who were detained coming across our border last year maybe the Border Patrol seizes and detains half of the people. Who knows what it is. We are guessing. We know the enumerator, but we do not know the denominator. So we need to deploy the technology and assets we have in order to meet that goal.

Again, I would refer to the New York Times article I talked about a moment ago of June 19. The headline: ''Two G.O.P. Senators Are Close to a Deal on Border Security.'' This refers to the efforts of our colleagues Senator CORKER and Senator HOEVEN. I have applauded them publicly, and I will do so again in making sure under their agreement—which we have not yet seen, and we understand we will see language maybe tonight—they have helped make sure that we focus more assets on the border security issue. I think they have added very constructively to this process, but I think the problem is—and we will have to wait until we see the language—under this pending agreement it says they have agreed to make the 90-percent apprehension rate a goal rather than a requirement—a goal.

Well, the American people will not be fooled. When Congress says to the American people, on something as important as border security: Trust us, it reminds me of the old sort of lame joke that the most feared words in the English language are: I am from the government, and I am here to help.

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. CORNYN. We are saying, in essence, on border security: We are from the government. Trust us. We have an aspirational goal to actually secure the border, but you have no guarantee that it will be done.

That is why my amendment is so important, because what it does is not create any sort of punitive effect, but it realigns all of the incentives for people across the political spectrum—Republicans and Democrats alike—to make sure the executive branch and the bureaucracy keep their commitments when it comes to border security. Then I believe the American people, demonstrating their typical generosity and compassion, will say: Yes, we need to find a humane way to deal with the 11 million people who are here.

Mr. President, I have a sheet in front of me entitled ''What They Are Saying About Border Security Metrics.'' This sheet has excerpts from a number of experts in the border security area who talk about the importance not just of measuring inputs—how many Border Patrol agents, how many drones, how many radar; I call those inputs—what they say is that we actually need outputs, we need results, and we need metrics or measuring sticks to be able to show we are making progress toward the intended goal.

I ask unanimous consent that this document citing these experts be printed in the RECORD at the conclusion of my remarks.

I hope my colleagues will vote to take up my amendment. I understand the majority leader will likely move to table it in short order. I hope my colleagues will vote no on that motion to table because I think this is an important building block in terms of restoring Congress's and the Federal Government's credibility when it comes to our broken immigration system.

Mr. President, I yield the floor and reserve the remainder of my time.

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

WHAT THEY ARE SAYING ABOUT BORDER SECURITY METRICS

''Immigration reform proposals need to identify clearer goals for border security and ways to measure success rather than simply increasing resources.''—Greg Chen & Su Kim, Border Security: Moving Beyond Past Benchmarks (Amer. Immigration Lawyers Ass'n, Jan. 2013), at 1.

''Strategic planning is necessary if [DHS] is to carry out its border-security missions effectively and efficiently. As part of that, DHS leadership must define concrete and sensible objectives and measures of success.''—Henry Willis, Joel Predd, Paul Davis & Wayne P. Brown, Measuring the Effectiveness of Border Security Between Ports-of-Entry (RAND Corp.: Homeland Security and Defense Center, 2010), at xi.

''At present, evidence of significant improvements in border control relies primarily on metrics regarding resource increases and reduced apprehension levels, rather than on actual deterrence measures, such as size of illegal flows, share of the flow being apprehended, or changing recidivism rates of unauthorized crossers. The ability of immigration agencies and DHS to reliably assess and persuasively communicate border enforcement effectiveness will require more sophisticated measures and analyses of enforcement outcomes.''—Doris Meissner et al., Immigration Enforcement in the United States: The Rise of a Formidable Machinery, (Migration Policy Inst., Jan. 2013), at 6.

''Consternation and skepticism have been among the main reactions to the Border Patrol's new border security strategy. The Border Patrol's failure to define what was really new about the strategy, the plan's lack of details, and the absence of any metrics to measure the agency's progress underscored existing concerns about the Border Patrol's fuzzy strategic focus and lack of accountability.''—Tom Barry, The Border Patrol's Strategic Muddle: How the Nation's Border Guardians Got Stuck in a Policy Conundrum, and How They Can Get Out (Center for Int'l Policy, Dec. 2012), at 8.

''For two decades, the only issue for border security has been 'how much more?' shift in the debate is overdue. Congress should be demanding the best answers on what all those enforcement dollars have purchased, and insist on better performance measures in the future.''—Edward Alden, Time to Measure Progress at the Border With Mexico (Geo. Washington Univ. Homeland Security Policy Inst.) May 2012.

''Congress should direct the administration to develop and report a full set of performance measures for immigration enforcement . . . Better data and analyses—to assist lawmakers in crafting more successful [border security] policies and to assist administration officials in implementing those policies—are long overdue.''—Bryan Roberts et al., Managing Illegal Immigration to the United States: How Effective is Enforcement? (Council on Foreign Relations, May 2013), at 3, 52.

''[C]learer metrics for border security must be established so we can ensure limited resources are directed to where they can best protect the nation.''—Eric Olson & Christopher Wilson, Defining Border Security (Politico, Feb. 10, 2013).

Mr. CORNYN. May I ask, Mr. President, how much of my time remains?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CORNYN. 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. LEAHY. 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.

Mr. LEAHY. Mr. President, this legislation has been pending on the floor since the beginning of last week. We should have started disposing of amendments during the first week the bill was on the Senate floor. But we have seen objection after objection by those who are opposed—and they are very much in the minority—to this legislation. They objected to proceeding to comprehensive immigration reform. That cost us several days. To show that they are a minority, we finally ended that filibuster so we could proceed to the bill with 84 Senators voting to proceed.

I realize some would rather not have any votes one way or the other. That allows someone to go home and say, whether they are for or against it, yes, I am working on that because I voted maybe. Well, is there any wonder why we are at such a low level of approval in the American people's eyes, the whole Congress? They expect us to vote yes or no. Sometimes you have to vote for something that is unpopular. Well, we are elected to 6-year terms. We are supposed to do that. We are supposed to represent over 300 million Americans, 100 of us. The American people do not want us to delay and delay so we do not have to vote, so we can go back home and say: Oh, I am on your side, no matter what your side is. No. They expect us to vote yes or no even though it may be controversial.

Last week and this week I have been working closely with the majority leader and Senator GRASSLEY and others to make progress. We started voting on amendments in an orderly fashion, but we still faced objections. There have been 250 amendments filed to this bill. So far, we have considered 11—11 votes, endless delays. We could be spending months on it. The American people expect us to have the courage to vote yes or no.

A lot of Senators who are not on the Judiciary Committee have amendments. Some of these amendments are noncontroversial. Many have widespread support. There ought to be a way to just adopt those. Some of these amendments are controversial. Well, then, let's vote on them. In the Judiciary Committee, we considered a total of 212 amendments over an extensive markup, 35 hours of debate. More than half of the amendments considered were offered by Republican members of the committee. We adopted 135 amendments to improve this legislation. All but three were passed with both Democratic and Republican votes.

I hope Republicans will join me in making an effort to dispose of the many noncontroversial items. The amendments, including the managers' amendment, are noncontroversial. They have widespread support. They have been filed by Senators on both sides over the past two weeks, and many have already been discussed at length on the Senate floor. The package contains bipartisan amendments to improve oversight of certain immigration programs. It also contains noncontroversial technical amendments.

I see the distinguished majority leader on the floor. I am going to yield the floor. I am going to speak on this further, but my whole point is that we have all kinds of noncontroversial amendments cosponsored by Republicans and Democrats alike, both Republicans and Democrats on the same amendment. We ought to be adopting them and not stalling because a stall says: I want to vote maybe. I do not want to vote yes or no, I want to vote maybe.

I have served in this body longer than any current Member. I have served here with nearly one-fifth of the Senators who have had the privilege of serving in the body since the beginning of the country. I have known great Republicans and great Democrats who must be wondering—in the past—what are we doing?

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I have not heard all of my friend's statement. We have a list of 27 amendments that the chair has come up with that are noncontroversial. One of them I was surprised we could not put on the list because a Republican Senator objected because they thought it was controversial that we should do things in this bill, the immigration bill, for the best interests of the child. That is controversial. That surprised me.

Mr. LEAHY. You know, I hear a lot of speeches that we should support family values, as both the Senator from Nevada and I do, but when you try to put it in a bill—that it is obviously a family value, protecting children—then we have an objection. Well, if you do not like the amendment, vote against it. Let's vote on it.

Mr. REID. While Senator LANDRIEU was here on the floor last night, we had a colloquy back and forth for a little bit. My friend the chairman of the committee and I can lament about the days when we would bring a bill to the floor and—the Energy and Water appropriations bill. The two of us have been longtime members of the Appropriations Committee. Senators BENNETT, JOHNSON, and I, PETE DOMENICI, when he was the ranking member with me—we would do the Energy and Water bill in a couple of hours, a bill that was extremely important for the country. It provided security for nuclear weaponry. But now we do not do that anymore. We have 27 amendments here. It is a sad commentary on things. But these things would be accepted not in a managers' amendment, they would just be done by unanimous consent. But, anyway, we cannot do that.

Mr. President, I call for regular order with respect to the Cornyn amendment No. 1251.

The ACTING PRESIDENT pro tempore. The amendment is now pending.

Mr. REID. I move to table the Cornyn amendment. I ask unanimous consent that there be 2 minutes equally divided prior to the vote on my motion to table.

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

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The Republican whip.

Mr. CORNYN. Mr. President, the majority leader has moved to table my amendment which provides a guarantee of actual results rather than false promises, which have been the sad litany of most of our history when it comes to immigration reform and border security.

Starting in 1986, when Ronald Reagan signed an amnesty for 3 million people premised on enforcement, the American people, in their typical generosity and compassion, accepted that based on the representation it would never happen again. In 1996, 17 years ago, President Bill Clinton signed into law the requirement for a biometric entry-exit system, which would address the 40 percent of illegal immigration that occurs because people enter legally, simply stay, and melt into the great American landscape, unless they happen to commit a crime or are otherwise caught by law enforcement.

We cannot ask the American people to trust us because of this litany and sad story of broken promises when it comes to immigration reform. That is why we need real enforcement, why my amendment needs to pass and not be tabled.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I support the tabling of the amendment. There may be some good parts in it, but most of it is bad. The billions of additional taxpayer dollars I cannot support, with all of the billions we already have in here.

The biggest reason I will not support it is because it imposes new unrealistic triggers. It says to people, we want to give you the pathway to citizenship, but, guess what. We are going to keep the door closed. You can pretend you are going to get citizenship, but we are going to make it impossible as we have a fully biometric entry-exit system at all air and seaports as a trigger.

Most airports will not be able to do this, certainly not the little airports many of us use to fly in and out. That is unrealistic.

I appreciate the effort the Senator from Texas has put into this amendment. But I must strongly oppose it.

This amendment would impose new, unrealistic triggers that must be met before the pathway to citizenship becomes a reality.

To take one example, the amendment includes a fully biometric exit system at all air and seaports as a trigger before those in provisional status can earn green cards. But this presents extensive technological and infrastructure challenges that could take many years to fully address. U.S. airports were not designed to accommodate immigration exit lanes, where biometrics could be collected.

This approach will not work. An attainable pathway to citizenship is a central component of this bill. It is how we will bring people out of the shadows so that we know who is here and can focus instead on who is dangerous—a critical step if we are serious about national security.

The triggers in this amendment will have the opposite effect. They are unrealistic. People will not come forward and register if they believe that they will remain in limbo.

In addition to making the triggers unattainable, the amendment also makes the pathway to citizenship unfair and irrationally difficult. It would make immigrants ineligible for Registered Provisional Immigrant (RPI) status if they have been convicted of a single misdemeanor offense related to domestic violence and child abuse.

I know this may sound reasonable on its face and we all agree that domestic violence is unacceptable and that abusers should be punished for their crimes. I am concerned, however, that this amendment may have the unintended consequence of harming the very victims it seeks to protect.

When we considered a similar proposal in committee, more than 150 organizations who work with the victims of domestic violence expressed their concerns that such a measure would have a chilling effect on reporting, and could even lead to victims getting caught up in the criminal justice system. That's why the committee rejected the proposal.

The amendment would also dramatically increase the cost of the bill. It would require billions of additional taxpayer dollars be spent on the border each year. At some point, we must simply say that is too much. This amendment reaches that point.

This amendment does have some good provisions in it. It takes steps that would help facilitate cross-border travel and commerce by improving land ports of entry. I would welcome the opportunity to work with the Senator from Texas on a few of those proposals.

But overall, the amendment goes much too far, and I cannot support it.

I strongly oppose this amendment, and I would vote to table the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Idaho (Mr. RISCH).

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—54

Baldwin	Gillibrand	Murphy
Baucus	Graham	Murray
Begich	Hagan	Nelson
Bennet	Harkin	Paul
Blumenthal	Heinrich	Reed
Boxer	Heitkamp	Reid
Brown	Hirono	Sanders
Cantwell	Johnson (SD)	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Landrieu	Stabenow
Coons	Leahy	Tester
Cowan	Levin	Udall (CO)
Donnelly	McCain	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Flake	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—43

Alexander	Cruz	Moran
Ayotte	Enzi	Murkowski
Barrasso	Fischer	Portman
Blunt	Grassley	Pryor
Boozman	Hatch	Roberts
Burr	Heller	Rubio
Chambliss	Hoeven	Scott
Chiesa	Inhofe	Sessions
Coats	Isakson	Shelby
Coburn	Johanns	Thune
Cochran	Johnson (WI)	Toomey
Collins	Kirk	Vitter
Corker	Lee	Wicker
Cornyn	Manchin	
Crapo	McConnell	

NOT VOTING—3

Klobuchar	Risch	Rockefeller

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the managers of this bill and floor staff are working to try to come up with a path forward on this legislation.

We have a number of Senators who are concerned about amendments that they feel are not controversial, and that is one track we are trying to come up with.

The other track is a number of Senators are working with the Gang of 8 to come up with a major amendment dealing with, as I understand, border security and a number of other things. I am also told that amendment is being drafted by legislative counsel. So I hope we can have that amendment soon so people can look at it, and I hope we can do something with the noncontroversial amendments.

In the meantime, we have to understand this is not easy to do. But I think we have a path forward. I am grateful to everyone for being as understanding as they are, because legislation is not easy, especially on a major piece of legislation such as this.

But I do say this: This is not one of those bills that suddenly appeared on the Senate floor. People have been working on this legislation for months. For months the Gang of 8 has been working on this. We had one of the most thorough markups in recent history in the Senate. Hundreds of amendments were considered, scores were accepted—Democratic amendments, Republican amendments. So this legislation we have on the floor is not as if suddenly it is here and not much has been done about it.

Again, I repeat what I said before: We are trying to find a way forward.

Mr. President, in the meantime, I ask unanimous consent that Senator TOOMEY, Senator LANDRIEU, and then Senator CRUZ be recognized for 10 minutes each in the sequence I just mentioned.

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

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I wish to begin by commending my many colleagues who put a lot of time and effort into this bill and attempts to refine it through this amendment process. But I have to say, with all due respect, I think a great portion of the debate we have been having in this body misses the fundamental point, the most important aspect of what we ought to be addressing in immigration.

We have spent a lot of time working on and talking about what we do with the people who are here illegally, and there is a path to citizenship in this underlying bill for these folks.

We have talked an awful lot about border security. And border security is an important issue. But I am strongly of the view that while that is important, border security reform is not sufficient to solve the immigration problem we have. I would point out that however high we choose to build a wall on our border, someone can always build a ladder that is 1 foot taller.

I think the most important part of this whole debate ought to be about, What do we do about the next wave of immigrants, the next group of people who want to come to this country—future immigration that is certainly going to happen? I think to address that we have to think about what drives the immigration that has been happening, much of which has been illegal.

I think what drives it is poor people who have very meager prospects who want to come to a rich country where there are great opportunities. It is people who want to work hard and build a better life for themselves and their families. It happens to be the exact same thing that drove every previous wave of immigration.

I think about the 25-year-old Mexican guy in central Mexico who lives in a poor community where prospects are grim and the standard of living is miserable. He wants to come here to build a better life, and he does so in the same way my grandparents in Ireland and my great-grandparents in Portugal wanted to come here, for the exact same reason.

My ancestors had very little education and no skills. They came to this country to work, and that is what they did. When they did that, they didn't weaken America, they didn't weaken our economy. They helped to build this country, they helped to build this economy, as all of our ancestors did. That is true of immigrants who want to come here and work, and we ought to have a legal avenue that allows these people who want to build a better life for themselves and, in the process, will build a better America—we ought to allow that to happen.

In my view, this bill doesn't go nearly far enough in accommodating the legal immigration we could and should have in this country, especially with respect to low-skilled workers.

I will be the first to say the bill makes a lot of progress for high-skilled workers in two big areas: the H–1B visa. The cap that has been too low for too long is significantly raised. And although we have created hoops that people have to go through that are probably unnecessary, it is progress that we have a much higher cap.

There is also a new opportunity for graduate students in the STEM fields to get green cards, in time, and that is very constructive. These people come here with a great deal of human capital, intellectual capital, they are trained in fields where we need these skills, and the last thing we should do is send them home to compete against us. It is terrific that this bill addresses that by welcoming these folks.

But for the category of low-skilled nonagricultural legal immigration, this bill is wildly inadequate. I say that because the visa that is created to accommodate these folks I think has terribly low caps. In the first year, the cap is a mere 20,000 people. The next year it is 35. It goes up to 75 eventually. These are absurdly low numbers by any reasonable measure. Frankly, you could consider this the anti-immigration bill because these numbers are so low, and this is the category where there is the greatest interest in immigrating.

I would point out that early in the last decade, according to the Pew Hispanic Center, there were 800,000 people coming here every year. In 2007, the Kennedy-McCain immigration reform bill was reported out of committee with the support of Senator Kennedy, and that allowed for 400,000 guest worker visas each year.

Yesterday or the day before, the CBO came out with a score of this underlying bill, and interestingly they predict that fully 75 percent of all future illegal immigration that is expected under current law will occur under this bill. I think part of the reason is because we are not providing an adequate legal avenue for people who want to come here and work hard.

So I have an amendment. I will have more to say about this later, but I want to mention this to my colleagues and urge their consideration. It is an amendment that lifts the cap each year. The first year it takes the cap up to 200,000. It then goes to 250,000, 300,000, and finally 350,000 in the fourth year.

I would point out that these caps on the W visas—the low-skilled worker visas—would still be lower in the fourth year than Senator Kennedy agreed to in the first year, a few years ago. It doesn't change the wage protections that are in the underlying bill. A worker would still need a sponsoring employer. All of those provisions stay the same. But we at least would increase the opportunity of people who want to come here legally and work hard to build a better life.

I know some of my friends, especially on the other side, are going to oppose this. But I will tell you, if we do not raise the caps for the low-skilled workers who want to come to this country, then the next wave of illegal immigration is guaranteed regardless of what we do at the border. Anybody who thinks more legal immigration of people who want to come here and work hard for themselves and their family is harmful to our economy or to America and we need to keep those people out, as, I am afraid to say, this bill does, that is a profound misreading of American history. Throughout all of our history, from before we even became an independent Republic, the story of America has been one wave of immigrants after another. And while millions of people were coming to this country, what was happening to America? We were becoming richer. Wages were rising, our economy was growing, our standard of living was increasing. That is what happens when people come here to work; they increase the size of our economy.

We shouldn't view our economy as a pie where we are all fighting for a slice and we don't want somebody else to get a bigger slice, because what happens when people come here through a legal system to work hard is they increase the size of the pie. They are consumers, they become investors, they become contributors to our economy and to our country, just as every single wave previous to them—including my grandparents and all of our ancestors—did as well.

I think this is the central challenge: Fix the broken immigration system so we won't have the next wave of illegal immigration, so we can continue to build a stronger economy that these folks will help to build. I think we need to address these caps as a part of the process of doing that.

I want to thank my colleague, Senator JOHNSON from Wisconsin, for cosponsoring this amendment. I know a number of other colleagues are interested in sponsoring this. I will have more to say about this later in the week or next week, but I think this is a very important topic that we need to address in this debate.

Mr. President, I appreciate the time and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I came to the floor to speak about and follow up on a 2-hour debate we had last night on the floor about amendments pending to this bill that are uncontested.

But before I do, let me acknowledge the leadership for allowing Senator TOOMEY to come to the floor and offer his amendment. It is not one—although he has made some good points—that I can agree with or others will agree with. But at least he had the opportunity to come to the floor, present his amendment and ideas, make his arguments, and hopefully at some time the Senate can vote on that amendment. That is the process.

In the underlying bill, these quotas and goals and numbers of visas were carefully and very fragilely compromised among Democrats and Republicans that serve as the basis of the underlying bill. So any major adjustments to that would undermine a comprehensive immigration bill.

The bill we have to consider is not the perfect bill. We could have all written it differently. But the overriding objective to fix a system that is broken, to secure the border, to require taxes be paid, English spoken, behind the line after people who have come here legally, close these borders, improve technology, and give an economic impact to this country overrides, in my view, these important but not major issues.

Having said that, there is an issue that I think deserves a tremendous amount of attention, and it is not just one amendment, it is 27 amendments. The issue is there are currently 278 amendments filed, including Senator TOOMEY's amendment. So besides his, there are 277 amendments pending to this bill.

Senator HARRY REID has said actually for 6 weeks now that he wants this bill finished by July 4. Because the leadership has not been able to negotiate—which is very difficult, I understand; some of these are very controversial amendments and who is going to get votes on what, et cetera, et cetera—it has really slowed us down.

I am not new to the Senate. I have seen this happen before. I am not whining about it; I am acknowledging that is the world in which we live. There is no magic button that can be pushed to fix this, but what we can do is come together in a trusting way to pass uncontested amendments—amendments that are not contested on the Republican side and that are not contested on the Democratic side. I am aware of about 27.

The staff, both Republicans and Democrats, has been working through the night to identify off the list of 277 amendments besides that of Senator TOOMEY, some of those that are actually really good ideas that Republicans and Democrats agree to, that do not upset the balance of the bill, do not spend any major additional funding or minor funding, that are in the principle and scope of the bill. It is our responsibility as Senators to legislate. That is what we are trying to do.

I would like to read this list of amendments that to my knowledge have no contest. No one is opposing them. This is a list that was put together by Republicans and Democrats. Perhaps there is another list of which I am unaware. My only goal is to get the Senate to accept amendments that are uncontested, that improve the bill, because that is what we are sent here to do.

I see the ranking member on the floor. I will yield in a minute, but I am going to take my full time and I will stay on the floor until we can resolve these things.

But I point out that there are only 17 members of the Judiciary Committee. I am not one of them. Those 17 members of the Judiciary Committee, led by Senator LEAHY and ably by Ranking Member GRASSLEY, met for 2 weeks, morning, noon, and night, hours and hours. Senator GRASSLEY himself filed 77 amendments, and 38 were considered, 16 were adopted, and 22 were rejected. Senator GRASSLEY as the ranking member is entitled to more amendments than anyone. The chair gets the most, the ranking member gets the second most, and I think that is actually what happened.

The problem for those of us who are not members of the Judiciary Committee, who are not authorized to offer amendments at the committee level because we are not on the committee—although we can informally work with members, and I did that, as many Members did because we know what our job is around here—the only way we can have input into this bill acting on behalf of constituents who have come to us with very good ideas.

Let me say the best ideas come not only from the little group here in Washington. We have very smart people out in the rest of the United States who follow things very carefully. They call their Senators and Representatives—elected officials, nonprofit groups, citizens, businesspeople—and say: I read the bill. I am thinking this might be a better idea.

We get our staffs to work on it, and, voila, that is how many amendments come forward.

What I am so angry about—and I will use the power I have as a Senator to push this point—is that when these ideas come and we have Republicans and Democrats supporting them, we cannot even get a process to get these uncontested good ideas forward because we give all the time and attention to the most controversial amendments. They are usually the ones that have no chance of passing whatsoever, that are message amendments for both sides, that undermine the bill we are trying to work on, and our ability to legislate has gone out the window. I am not going to be a Senator with that window closed, so I plan to open it. I am going to use all the power of my office to open the window of opportunity to legislate.

I am going to ask for 3 more minutes to read something into the RECORD. I have a list of amendments in front of me, starting with Senator BEGICH, 1285; Cardin and Kirk, 1286; Carper, 1408; Carper-Coburn, 1344; Collins, as modified, 1255; Coats, 1288; Feinstein, 1250; Hagan, 1386; Heinrich, 1342, Heller, 1234; Kirk and Coons, 1239; Klobuchar and Coats, 1261; Landrieu, 1338; Landrieu, 1382; Leahy and Hatch, 1183; a Leahy technical amendment that has no number; Leahy, EB–5 clarification that has no number but is technical; Murray-Crapo, 1368; Landrieu, 1341; Landrieu-Cochran 1383; Nelson, 1253; Reed, 1223; Schatz and Kirk, 1416; Shaheen, 1272; Stabenow, Collins, and King, 1405; Udall, 1241; and Udall, 1242.

To my knowledge, none of these amendments are contested. Some of them are Democratic amendments, and some of them are Republican amendments. At some point I am going to ask for these amendments to be included in the base of this bill. I am not going to ask that at this exact moment, but I am going to ask—well, I might ask the chair and ranking member, is this a list the Senator recognizes? If not, is there another list I could see, observe, and put into the RECORD for this discussion? I ask the ranking member of the committee, the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Has the Senator yielded the floor? I don't think I want to speak until I have it.

Ms. LANDRIEU. No, I have not. I understand these amendments to be noncontroversial. It is my understanding that there is no Republican opposition to the substance of these amendments. I could be wrong. If someone can tell me what the substantive objections to these amendments are, I will go back to work. I am happy to work on this all day. It is very important. We have several days to finish this. If somebody could tell me either in writing or verbally what are any substantive objections to these amendments, I promise I will do the work necessary to see what can be done to work them out.

I am going to ask because no one has come to me. I filed this list, talked about this 2 hours last night. Everyone knows these amendments. Everyone has had a chance to look at them. No one has come to me to say they object to any of these amendments. I am going to simply ask unanimous consent for them to be added to the bill.

Let me say that after these are added to the bill, we still will have—let me do my math—we still will have 251 amendments to fight about. So, you know, we will really enjoy the fight. I can fight as tough as the next guy. But could we possibly get amendments that Members have worked together on?

How fascinating that Democrats and Republicans actually worked together to answer constituent letters and phone calls and concerns about immigration and found a way to work together and put an amendment together. But, you know what. We go to the back of the line while everybody who has not worked, who just wants headlines—and I am not speaking of Senator GRASSLEY. He has done a great job in his leadership. But there are others who want to have press conferences and headlines. I do not. I just want to legislate on behalf of the constituents who have sent me here now for three terms.

I am going to ask unanimous consent to agree to these uncontested, to my knowledge, amendments.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Is there a time limit for me to speak?

The PRESIDING OFFICER. The Senator from Louisiana had 10 minutes, which has now expired. The Senator from Iowa has no time allocated to him.

Mr. GRASSLEY. Reserving the right to object, and I probably will have to object, but let me explain first of all that this is a rare moment that Senator LANDRIEU and I might be on the opposite side of the fence. And maybe when this is all done, we will not be on the opposite side of the fence because 99 percent of the time that she and I have conversations, it is about foster care and adoption and all those things. But let me speak to my reservation.

First of all, we have had this list that she speaks of since at least this morning and maybe even earlier than this morning and we have been going through it. I will give a bottom line, but I want further opportunity to explain.

There is now to the chairman's staff a counteroffer that we have that I would like to have Senator LANDRIEU and other Senators take a look at. I had an opportunity last night to spend some time speaking with Senator LANDRIEU about this, trying to get a process in place. I guess that process is in place now. We went through these amendments. But let's say, first of all, when there are noncontroversial amendments presented to us by the majority party, it means they have stated that they are noncontroversial and we go through the list. We may have a different judgment on some of them because it is my conclusion that not all of the 27 so-called noncontroversial amendments are, in fact, noncontroversial. Some of them are in

another committee's jurisdiction, and we always take the leadership of other committees, when they are under other jurisdictions, into consideration.

Normally amendments like this would take place in a managers' amendment that comes near the end of the process because it takes time to go through. We could have 100 amendments on a list that somebody thinks are noncontroversial, so it takes some time to clear.

Despite what has been said, many of these on the list of 27 are not necessarily easy, but we worked on them, we presented an alternative, and I ask for that to be discussed. In the meantime, then, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. GRASSLEY. Yes.

Ms. LANDRIEU. Is there a physical copy of the list you have presented to the Democrats? Could it be submitted to the RECORD?

Mr. GRASSLEY. The chairman's staff has it, and I ask the Senator to consult the chairman.

Ms. LANDRIEU. I would like to ask that that list be read into the CONGRESSIONAL RECORD.

Mr. GRASSLEY. I will not submit that list until after the chairman responds.

Ms. LANDRIEU. I ask unanimous consent for that list to be submitted to the RECORD.

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. LANDRIEU. Mr. President, do I have the floor?

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. LANDRIEU. I ask unanimous consent that the time until 2 o'clock be equally divided between the two leaders or their designees and that the majority leader be recognized at 2 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask that I take the Democratic leader's time for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU. Well, I am next because there was just a Republican on the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Texas is in order to be recognized.

Ms. LANDRIEU. What is the next order, please, after the Senator from Texas?

The PRESIDING OFFICER. There is no order.

Ms. LANDRIEU. I ask unanimous consent to speak for 10 minutes after the Senator from Texas.

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

The Senator from Texas.

SYRIA

Mr. CRUZ. Mr. President, I rise today to express my strong concern about President Obama's decision to arm the rebels in Syria. That decision was signaled last week by Deputy National Security Adviser Ben Rhodes. According to Mr. Rhodes the United States will start supplying arms to selected rebel groups.

I fully understand the seriousness of the situation in Syria. Bashar al-Asad is a brutal dictator. Syria has been on the State Department's state sponsor of terrorism list since 1979. For 2 years this brutal civil war has raged, leaving at least 93,000 dead—100 reportedly through chemical weapons attack. The humanitarian situation in Syria is a calamity. Millions of people have been displaced.

Iran and Russia stand to gain a major strategic victory if Asad remains in power, and we have to be concerned about the danger this war poses to our allies Israel and Jordan.

All Americans would like to see secular, democracy-minded forces in Syria come to power, but President Obama's failed policy over the last 2 years has left us with no good options at this time. In the beginning of the uprising, there was a moment when the peaceful protesters could have used the vocal energetic support of the United States. Instead, the Obama administration stood by for months apparently in the hopes they could make Asad see reason. Before long, military hostilities broke out, but President Obama chose not to act, hoping instead to lead from behind.

In the course of the war, Asad has benefited from weapons from Iran, Russia, and fighters from Hezbollah. Our repeated entreaties to the Russians to help us resolve this crisis have fallen on deaf ears—most recently this week when President Obama tried to reach a diplomatic solution with President Putin, to have him once again refuse to be the good-faith partner the administration seems to think he could be.

Meanwhile, the most effective, organized Syrian rebels are affiliated with al-Qaida. There are two main al-Qaida entities active in Syria: Jabhat al-Nusra and the resurgent al-Qaida in Iraq. While recent plans to merge them have foundered, they are both powerful and well armed.

In recent weeks a training video has been posted on an al-Qaida Web site showing young rebel recruits in Syria singing not only about overthrowing Asad, but how ''the World Trade Center was turned into rubble.'' To commemorate the 65th anniversary of the founding of Israel on June 6, al-Qaida leader Ayman al-Zawahiri released a video calling for Syrians to unite, bring down the Asad government, and to create a radical Islamic state.

On June 9, Zawahiri posted a letter on Al-Jazeera announcing that Jabhat al-Nusra would be acting on his direct orders. As many as seven of the nine rebel groups that have been identified may have ties to al-Qaida. Yet these murky connections make them all the more difficult to properly vet.

As is normally the case when al-Qaida moves in, more and more stories are spreading about the desecration of churches, kidnappings, rapes, and beheadings. These forces are engaged in a deadly struggle with the Asad regime, and President Obama has chosen this moment to signal that it is now suddenly in our vital national security interests to intervene in Syria. It seems far more likely a recipe for disaster.

We are told the United States will provide only small arms and ammunition and only to the more secular democracy-minded rebels, and that they will not fall into the hands of those who attacked us on September 11—not to mention more recently in Fort Hood, Benghazi, and Boston—although there are no details as to how the President plans to differentiate between good and bad actors.

Even if we could clearly identify the good rebels, so to speak, we would be backing the weakest of the factions in Syria, and the support the Obama administration has proposed will not be sufficient to bring down Asad and put them in power. Once committed to this path, we risk either being forced to incrementally increase our support or face the humiliation of losing to either al-Qaida groups or Asad or both, which would delight both Iran and Russia. We could also see the factions of the opposition use our weapons to turn on each other and see Asad triumph in the chaos.

It is far from clear we could get the weapons to the so-called good rebels, even if we could figure out who they were. President Obama has just announced another $300 million in humanitarian aid for Syria, but only about half of the aid already pledged has been delivered. The other hasn't been delivered because of logistical issues and the challenges of keeping these resources out of the hands of bad actors. How on Earth can we expect to deliver guns if we cannot even get MREs into the country?

Regardless, let me suggest a simple rule: Don't give weapons to people who hate us. Don't give weapons to people who want to kill us. U.S. foreign policy should be directed at one central purpose: protecting the vital national security interests of the United States. Arming potential al-Qaida rebels is not furthering those interests, but there is something that is: preventing Syria's large stockpile of chemical weapons from falling into the hands of terrorists.

We know Asad has used these weapons, and there is good reason to suspect the al-Qaida affiliated rebels would use them as well if they could get their hands on them. This poses an intolerable threat not only to our friends in the region but also to the United States. Right now we need to develop a clear, practical plan to go in, locate the weapons, secure or destroy them,

and then get out. We might work in concert with our allies, but this needs to be an operation driven by the mission, not by a coalition.

The United States should be firmly in the lead to make sure the job is done right, but our British allies, for example, are actively bolstering the units that could be used for chemical weapons removal. President Obama needs to assure us that the dangerous, arbitrary cuts to our defense budget caused by sequester have not eroded our ability to execute this vital mission.

News reports suggest that what planning has gone on involves outsourcing parts of this work to the rebel groups. This makes no sense. Moreover, it is deeply disturbing that President Obama has chosen not to communicate his decision directly to Congress or the American people and, I would note, communicating not through a junior staffer or a spokesperson. He, himself, needs to communicate to the American people.

According to a Pew poll taken over the weekend, 70 percent of Americans oppose arming the Syrian rebels—quite sensibly. In a case where his policy is so at odds with the will of the people, it is beholden on the President to make his case and persuade us this proposed intervention is necessary. But just yesterday in his long speech on national security at the Brandenburg Gate, President Obama did not even mention his planned intervention in Syria. He told us he is a ''citizen of the world,'' but he is also President of the United States, and he owes the American people an explanation.

President Obama needs to explain why arming the Syrian rebels is now worth our intervention when it wasn't 2 years ago. He needs to explain how he has established which rebels are the appropriate recipients of this support. He needs to explain how this limited support will make a material difference in Syria, and he needs to assure us that his team is proactively planning to protect our national security by keeping Syria's chemical weapons out of the hands of either Hezbollah or al-Qaida. But we don't know any of these specifics. We are apparently just supposed to trust the President to manage Syria policy more effectively than he has over the last 2 years and more effectively than he has managed events in Iran, Libya, and Egypt.

During the Green Revolution in 2009, the Obama administration stood by and allowed the Supreme Leader of Iran to brutally suppress his people as they protested in the streets. Four years later, we have witnessed the installation of the Supreme Leader's most recent selection for President of Iran. Some of the mainstream media refer to him as a ''moderate,'' but he is a man who has referred to Israel as ''the great Zionist Satan,'' and who vows to continue Iran's nuclear program. That is some moderate.

During the uprising in Tahrir Square in Cairo, President Obama cheered on the demonstrators but refused to take a leading role in helping Egypt make the difficult transition to democracy, thereby opening the door to a Muslim Brotherhood regime that is now taking systematic steps to hollow out that country's fragile constitution while turning a blind eye to the persecution of Christians and the discrimination against women. Just like the rebels in Syria, President Obama is also working to arm the Muslim Brotherhood in Egypt.

During the revolution in Libya, President Obama decided removing Muammar Kaddafi was a vital national security issue, and he participated in NATO's mission to overturn him. But his strategy of leading from behind meant Kaddhafi's weapons stockpiles went unsecured and had been transferred to militants from Lebanon to Mali. The new government in Libya, however well intentioned, proved incapable of managing the security threat from terrorist militias in the country, and tragically 9 months ago four U.S. personnel were brutally murdered in a terrorist attack. We have yet to track down and punish any of the terrorists who killed our personnel in that attack in Benghazi. With this track record of incoherent and indecisive action resulting in setback after setback to the United States, we are supposed to just trust President Obama to do a better job managing the situation in Syria?

It seems to me if we are determined to confront Iran's nuclear program, we would do so better in Iran. Even if Hezbollah is defeated in Syria, there is little prospect that this would halt Iran's nuclear program.

I am also concerned about our ability to successfully negotiate what seems to have become a Sunni-Shiite civil war in Syria. It seems to me we have no business in the middle of such a civil war. From what we know of the President's policy, it seems we are backing into an intractable crisis where there are no good actors but plenty of bad outcomes for America.

Let me close with two simple observations: No. 1, don't arm al-Qaida. Don't arm those who hate us, and don't arm those who want to kill us. That is basic common sense.

No. 2, when it comes to matters of vital national security, the President of the United States needs to come to the American people. We, the people, hold sovereignty in this country, and it is not acceptable for the President to simply send out staffers to pass on his decision. He needs to come before Congress and the American people and explain those decisions.

All of us have deep concerns about arming the rebels in Syria, and I hope the administration will reconsider its policy.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, before the Senator from Texas leaves the floor, could I ask a question unrelated to his speech? I am sorry I didn't get to hear most of it. I stepped off the floor temporarily.

The Senator has been so active on the debate on immigration, I wonder if the Senator is aware of a list of 27 noncontroversial amendments that are from both Republicans and Democrats. Has the Senator from Texas had a chance to look at that list? And if not, could the Senator look at it? If he has looked at it, does the Senator have any objections to the amendments on the list?

Mr. CRUZ. I thank my friend from Louisiana. I was handed that list about an hour and a half ago today. I looked at the titles on the list but I have not had the time to study the specifics. I don't know if I have any substantive objections to those specified amendments.

Ms. LANDRIEU. I thank the Senator for his answer. I ask the Senator and any other Senators who have not had a chance to look at this list that has been widely circulated to take the time to look at the list. I know my colleague is very busy and has many important issues to debate on this bill, but these are important amendments to colleagues on both sides of the aisle.

Again, I thank the Senator from Texas for agreeing to look at the list and let us know.

I am going to come back to the floor in a few minutes and ask unanimous consent for this list of amendments. I want to read the amendments into the RECORD. These are noncontroversial amendments. What I mean by noncontroversial is, to my knowledge, is they are uncontested. They are Republican and Democratic amendments that seek to improve the bill in response to communications from our constituents at home. It is not just people around Washington and the beltway who have good ideas about immigration issues. I am sure people in New Mexico have great ideas, and people have very good ideas in Louisiana. The way they get their ideas into the debate is by calling their Member of Congress, calling their Senators' office, writing letters, sending e-mails, giving us suggestions. This list represents some of that communication. That is why we come here, to represent those interests and to say: Look, this was an idea I had; it will strengthen the bill. One of these ideas which I am very excited about came up through our small business roundtable for small businesses. They said: Senator, why don't you mandate a mobile app for us, particularly in rural areas, because we don't have high-speed Internet. We can't run back 200 miles to check the local Internet to do this E-Verify. Why doesn't Homeland Security have a mobile device for the iPhone which everybody is carrying—either iPhones or BlackBerrys—where a person hits a button or a mobile app for E-Verify. What an amazing, wonderful idea.

This bill is going to spend billions and billions and billions of dollars securing the border. Could we spend just a little bit of effort helping every small businessperson in America to use the E-Verify system smartly and efficiently? It would be such a relief to them to know they don't have to put themselves at risk hiring people who don't have the right certification. They can just go to the mobile app and pull it up. That is what we are hoping.

We have 3 years to put this system into place. No small business is mandated to use the E-Verify system under the bill until these new systems are in place. That is one of our amendments. There is no one who has come to me to say: We hate the mobile app idea. We don't want to do the mobile app idea. It is a terrible idea. So let's put it in the bill.

There are some other amendments in here—I don't know all of them because only some of them are mine. Let me read one from TOM UDALL. I don't know it specifically, but it says it makes $5 million available for strengthening the border infectious disease surveillance project.

I know $5 million is a good amount of money, but compared to the billions of dollars we are spending in some of our rural States—including New Mexico, Colorado, Arizona, and Louisiana is rural—I don't think there is anybody objecting to spending $5 million to strengthen the border infectious disease surveillance project. That kind of smart investment—I am sure the Senator has done his homework. That kind of smart investment could save taxpayers and the livelihoods of farmers everywhere. What a wonderful idea. We can't even get that adopted by a voice vote because we have broken down the trust and respect of the Senate. I am going to do my very best, as calmly as I can, to try to get that trust and respect back.

One of the other amendments prohibits the shackling of pregnant women. Now, we shackle a lot of people—and this is Senator MURRAY's amendment—when they do wrong things. But I think people can understand the benefit of expressing some strong views to not put shackles on the ankles or wrists of a woman who is pregnant. It is a very stressful situation. We want to support healthy births even in conditions where the mother may not have all the legal paperwork. I think we can understand why that would be a sensitive thing to do, and I don't think there is any Republican who would object to that. I don't think there is a Democrat who would object to that. That is on the list.

There are a lot of people who wish to speak, so I will just take 5 more minutes.

There is a great amendment by Senators KLOBUCHAR and COATS that requires certification of citizenship and other Federal documents to reflect the name and date of birth determinations made by a State court in the situation of intercountry adoption. Some of our parents are getting really hassled, American parents are getting hassled by American courts because they have done God's will, adopted children from overseas. They have followed all the rules, all the laws, at tremendous expense to themselves, trying to help a child who is orphaned or unparented, only to come back to the United States and because of some technical difficulties with our law, their birth certificates are not honored.

This isn't right. I realize the Judiciary Committee cannot spend their time talking about this matter. In the scheme of things, it is minor. But let me tell my colleagues as an adoptive mother, to an adoptive American parent who has spent thousands of dollars and days and months trying to do what their pastors and ministers asked them to do, to take in the orphaned, this is an outrageous situation, and with one breath—just a breath—this could be done. But we don't have the breath anymore because we have just completely fallen apart.

This can be fixed. There is nobody objecting to it, and that is what I am going to stand here and argue for.

How much time do I have remaining?

The PRESIDING OFFICER. There is no set amount of time.

Ms. LANDRIEU. I see my colleague so I am going to wrap up in 30 seconds and then yield the floor.

I will come to the floor again this afternoon and talk about these amendments.

These Members have worked very hard, Republicans and Democrats, amazingly, together, coming up with amendments that improve the bill. Some of these amendments are from Senators who are going to vote no on the bill; some of these amendments are from people who are going to vote yes on the bill. It is not going to change the outcome of the vote. That is why I am so aggravated. If it did, then I could understand not taking them up. The acceptance of these amendments, yes or no, is not going to change the outcome of this bill, but it will change the outcome of situations on the ground that are not good for American citizens.

We are here to fix things, to help, to streamline, to save money, to improve, to relieve pain, to help and expand opportunity. I am tired of being around here and not being able to do that. So I am going to ask for this list—of course, it has been circulated widely and publicly. It is on our Web site. It is on several Web sites. People can look at what we are talking about. If anybody on the Senate floor has an objection, let us know.

Let me say one thing in closing. The counterlist that I am still not in physical receipt of but have seen, but it is a part of the CONGRESSIONAL RECORD because I required it to be, is a list of seven amendments that are very controversial. So the Republicans have given us a list of seven very controversial amendments. That is not the list I am looking for. Maybe Senator LEAHY is looking for that. Maybe Senator REID is looking for that. I am not in charge of controversial amendments. I don't even know how we are going to vote on those controversial amendments. I am not on the committee. I am not the leader of the floor. I don't know—I will take that and I will be happy to give it to the leadership.

I am just here on a list of noncontroversial amendments that I think Republicans and Democrats can agree to that will not change the outcome of the bill, that will improve the bill. I hope we can make progress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

NUCLEAR ARMS REDUCTIONS

Mrs. FISCHER. Mr. President, I rise today to express great concern about the announcement regarding plans to drastically reduce the U.S. nuclear deterrent by over one-third.

The strategic basis for this reduction is entirely unclear. The President must provide Members of Congress additional information on the basis and the implications of his announcement. General Chilton, then-commander of U.S. Strategic Command, testified before the Senate Foreign Relations Committee in 2010. He said the New START treaty gave the United States ''exactly what is needed'' to achieve its national security objectives.

Given the assessments of our commanders, I am highly skeptical and gravely concerned about such dramatic reductions in a world of increasing danger and proliferating threats. Regardless of how one feels about these particular force levels, I believe there is broad concern about any unilateral reductions in U.S. nuclear forces.

Mr. President, 2½ years ago, after lengthy deliberation and contentious debate, this body ratified the New START treaty which reduced deployed U.S. nuclear weapons from between 2,200 and 1,700 to no more than 1,550. This debate was good for the Nation and produced a bipartisan consensus on arms control and nuclear modernization. Now this administration is calling for reducing U.S. nuclear forces by one-third, and it remains an open question if the Senate will even have a chance to weigh in on this decision. I sure hope we have the opportunity.

As Commander in Chief, it is the President's prerogative to adjust nuclear forces. But as Vice President BIDEN, then serving in this body as chairman of the Foreign Relations Committee, wrote in a 2002 letter to then-Secretary of State Colin Powell:

> With the exception of the SALT I agreement, every significant arms control agreement during the past three decades has been transmitted pursuant to the treaty clause of the Constitution . . . we see no reason whatsoever to alter this practice.

Secretaries of Defense Panetta and Hagel also testified before Congress

that nuclear reductions, if undertaken at all, should be the product of negotiated, bilateral, verifiable agreements.

I believe a change of this magnitude must be reviewed by Congress and such dramatic reductions must only be made in concert with other nuclear powers and the input of our allies.

Moreover, I believe it is premature to announce such dramatic reductions when the United States has yet to fulfill its obligations under the New START treaty. Currently, our nuclear force levels exceed the New START limits. Instead of providing a plan to implement the reductions required to comply with that treaty—something I and numerous other Members of Congress have repeatedly asked for—the President opted to promise the world massive additional cuts.

I wish to repeat: We don't know how we are going to go from about 1,650 to 1,550 warheads—a reduction of about 100. But instead of answering that question, the President has stated his intention to get rid of another 500 or so warheads. That is one-third of our arsenal.

What is more, the President has apparently disregarded the advice of Congress, the bipartisan 2009 Perry-Schlesinger Commission, and his own Nuclear Posture Review that additional nuclear reductions address the dramatic imbalance of Russian tactical nuclear weapons. Congress has expressed its view on this subject several times, and the National Defense Authorization Act for fiscal year 2012 clearly stated the sense of Congress that:

> If the United States pursues arms control negotiations with the Russian Federation, such negotiations should be aimed at the reduction of Russian deployed and nondeployed nonstrategic nuclear weapons and increased transparency of such weapons.

While the announcement mentioned these weapons, their reduction was clearly a separate afterthought, not the primary arms control objective this body insisted it be.

In closing, I must remind my colleagues that the Senate approved the New START treaty on the condition of modernizing our aging nuclear deterrent. Although the promise was made before I entered the Senate, it was a promise made to this body and to the American people, and it is a promise I will make sure is kept. Modernization funding is more than 30 percent below the target set by the President during New START's ratification. That is unacceptable.

I hope the President will address these issues in the coming days and focus on building a strong bipartisan consensus on these issues and pursuing commonsense objectives. Rushing toward dramatic reduction is a bad policy. It is a bad policy for any President, and it could have grave consequences for our national security.

Thank you, Mr. President. I yield the floor.

Mr. ISAKSON. Mr. President, I want to commend the distinguished—oh, I am sorry.

Mr. UDALL of New Mexico. I say to Senator ISAKSON, I think I am next in order.

Mr. ISAKSON. I apologize.

Mr. UDALL of New Mexico. No problem. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I rise today to speak about comprehensive immigration reform. I believe the Senate is engaged in a crucial debate to see if we can fix the system that we all know is broken.

It has been a long road, not just because of the partisan climate here, but because of the complex challenges we face—the challenge of 11 million undocumented immigrants who live and work and raise families in communities across our Nation kept uncertain in the shadows; the challenge of children brought here through no fault of their own, who love this country as their own; and the challenge of securing our border.

The majority of Americans know these challenges have to be met. Immigration reform has to be comprehensive. That is the reality of any long-term solution.

It is also a reality that such reform will not be perfect, will not satisfy everyone in every case. That is what compromise means. That is what bipartisan effort requires. But the American people are not asking for perfection, they are asking for results; for an immigration system that works, that makes sense, that secures our borders, that strengthens families, and supports our economy.

I commend Chairman LEAHY and the bipartisan authors of this bill for their leadership.

The committee made sure the process was open, was transparent, and was inclusive. Many of the amendments adopted had bipartisan support, and over two-thirds of the committee voted for this bill. I hope the full Senate will follow their example.

America has a rich history of immigrants helping to create a culture and economy that is the envy of the world. I am proud to come from a State where we celebrate our diversity. Native American, Hispanic, and European traditions define my State.

We are a border State, and New Mexicans understand what is at stake with border security. They know how important comprehensive immigration reform is.

This bill has the essential elements of that reform. It creates a pathway to earned citizenship for undocumented individuals. This is not an amnesty. Folks have to pass criminal background checks, pay back taxes and penalties, learn English, and must go to the back of the line behind those who came here legally.

This road to citizenship takes 13 years—not an easy road but one that will bring millions of people out of the shadows and into the hope and promise of the American dream.

This legislation also makes securing our border a priority. Much of the debate has centered on this issue. In my opinion, the record is clear. As Senators from a border State—and I know the Presiding Officer, Senator HEINRICH, also from my great State of New Mexico and a border-State Senator—we have seen firsthand how things have changed.

Over the past 12 years we have made some real progress. Is the job finished? Of course not. But that is not a reason to oppose this bill. It is a reason, in fact, to support it.

We spend a lot of resources on immigration and customs enforcement—more than all other Federal criminal law enforcement combined. We have more Border Patrol agents on our southern border than ever before. Illegal crossings are near their lowest levels in decades. We have ramped up law enforcement and are deporting more criminals than ever before.

This legislation will build on that progress with a strong plan and with the money to pay for it. It does not just call for 90 percent apprehension of illegal border crossings, it provides $6.5 billion to do it.

Commitment to border security is real, and this bill will improve on it with new technology and targeted resources. It makes a difference. It changes the game plan. This is not conjecture, not pie in the sky. For example, Congress appropriated $600 million for emergency border security in 2010, and the effectiveness rate increased from 72 percent to 82 percent a year later.

So there is a proven record here, an impressive record. With border security, this legislation has clear goals, has committed resources, and builds on a demonstrated success. But for some on the other side, this is not enough. They demand absolute effectiveness or toss out the path to citizenship.

But let's be clear. No border can be completely secure—not ours, not anyone else's. So some may still cross illegally, may slip through.

We can do more. I believe additional border security should focus on violent drug and firearms traffickers and should do more at ports of entry. But most undocumented immigrants come here to work. This bill will change that dynamic with an effective universal employment verification system and crack down on employers who hire undocumented immigrants. This is as crucial as fences and checkpoints, as crucial as agents patrolling the border or drones scanning the horizon because the lure of illegal immigration is jobs, and the jobs will not be there.

There is still work to be done. No one is arguing this bill is perfect. I have filed and cosponsored several amendments. I will just mention a few of them. Several of them, I know, are on the list that Senator LANDRIEU talks about as noncontroversial amendments. I know Senator HEINRICH, the Presiding Officer, has an amendment on that list also.

The first adds a Federal district judge in New Mexico. In the committee markup, a bipartisan amendment was adopted to add Federal judges to the southwest border States. Unfortunately, New Mexico was not included, even though it has a significant immigration caseload, one that will increase with the additional enforcement provided by the bill. My amendment remedies this oversight.

I have also filed an amendment to expand the Border Enforcement Security Task Force units in the four southwest border States. BEST units are teams of Federal, State, and local law enforcement focused on disrupting serious border-related criminal activity, such as drug smuggling and human trafficking.

Finally, I have filed an amendment that provides resources to all 20 border States for vital early warning infectious disease surveillance. This Federal funding program was created in 2003 to detect, identify, and report outbreaks of infectious diseases at the borders. But this important funding has ceased. We need to restore it.

I would urge the bill managers and authors to work with me on these amendments to improve this bill and to protect New Mexico's interests as a key border State.

I again commend the members of the Judiciary Committee. I saw Senator GRASSLEY in the Chamber a moment ago. I want to congratulate him and our chairman, PATRICK LEAHY. This legislation arrived on the Senate floor with support from both sides of the aisle. I hope it will move forward in the same spirit of cooperation.

This bill is a historic moment for families, for our security, and it will benefit our economy. As the nonpartisan Congressional Budget Office just reported on Tuesday, this bill would reduce our deficit by $197 billion over the first 10 years and by at least $700 billion in the second decade.

This bill speaks to the best of our traditions and our values. This is our opportunity to govern, to fix an immigration system that is broken, and to move our Nation forward in the 21st century.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have refrained from being on the floor during this debate, as I listened to it and watched, and I would compliment my colleagues in trying to solve a very difficult problem. But I just heard a speech by my colleague from New Mexico that quotes all sorts of statistics that are not accurate.

I am the ranking member on Homeland Security. Here is what we know: We have estimates, and that is all we have. But we do not know the total attempts to cross our border. We do not know what they are. So when somebody quotes 70 percent to 80 percent, and you have no idea what the denominator is, you do not know what the numbers are.

Here is what the Council on Foreign Relations says about our border. How did they get this data? They went out and interviewed 6,700 illegal immigrants to find out their frequency of attempts, whether they have gone home, what their difficulty was, what their communities were like. Here is what they say right now is the control of our border: It is somewhere between 40 and 65 percent.

So we have the administration that says one thing, but when you ask them for details—as I have, as ranking member on Homeland Security—you cannot get the facts because we do not know.

So I applaud my colleagues for bringing this bill forward. I would love to get to yes on this bill.

I also want to raise the issue on the CBO scoring. What the CBO scoring said was we are still going to have 7.5 million people in the next 10 years come across the border under this plan. So in reaction to that, we have people who—other than one person on Homeland Security who actually has sat through the hearings, who knows what is going on with Homeland Security—we are going to come forward with a bill that is going to increase Border Patrol by 20,000 people. I can tell you, we do not need 20,000 Border Patrol agents. What we need is a coherent, smart strategy, with transparency, in the agency, Homeland Security, so we as Members of Congress can actually see what is going on.

All we have to do is listen to what the administration says and then listen to the people who are actually doing the work—who are the Border Patrol agents, who are the ICE agents, who are the USCIS agents, who are the CBP agents. When we talk with them, we get a totally different story.

Why is it that the people who are actually doing the work are telling us a different story than what the administration is telling us? There is a disconnect there, and we need to understand what that is.

So I look forward to reading the details of the supposed border security amendment. But ask yourself the question: Is it possible to secure our border? If we were to have a terrible outbreak on either our northern or southern border that had a high fatality rate, a high infectious rate, and we decided we were going to close the border tomorrow, could we do it.

There are great things in this base bill that will eliminate a large portion of the draw coming into our Nation through illegal immigration. Those are creating a decline in the attitude of those coming. They know if they come across, they are going to have to be able to prove they are a citizen to be able to get a job. I think that is absolutely right. There is some increase in the work visa programs and the special visa programs—probably not enough.

But if you think, let's just believe the administration, let's believe what people say about this bill, if you can cut it down to 8, 9, 10 percent, then the people coming across the border are not the people looking for a job. The people coming across the border are the people who tend to hurt our society—the drug runners, the human traffickers, the terrorists.

So the question I would ask is, Shouldn't we know that what we are doing as we establish a border security amendment will actually send confidence to the people of this county that, in fact, we are going to secure our border?

The vast majority of people in this country want to solve this problem. I want to solve this problem.

The way we are going to go about it is we are going to get to see an amendment sometime late tonight and then on Saturday we are going to have to vote on whether to proceed with that amendment, not having had the full time to actually consider what the outcome of the recommendations of that amendment are.

So some of the mistakes have been made as we have brought this bill forward. This bill came through the Judiciary Committee. But almost every other major thing that is of controversy in this bill is under the purview and the control of the Homeland Security and Governmental Affairs Committee which got no sequential referral on this bill.

Where we are hung up on this bill is because we did not do regular order. We did not allow the process to work. We did not let the knowledgeable members of the Homeland Security and Governmental Affairs Committee have an opportunity to impact this bill in a committee process. So now we are hung up with people who are not on that committee writing an amendment for Homeland Security.

We can write a good amendment for Homeland Security. I told CHUCK SCHUMER and other Members of the Gang of 8 that. But we cannot do it in 2 weeks. We cannot do it with one amendment. What we are going to get is waste, loopholes, and problems. The last thing we need to do is waste another $5 or $6 billion on things that are not going to have a difference in terms of solving the real problem, but we are going to claim it solves the problem so we can pass a bill.

So I wish to get to yes on this bill. I wish to get to a way where we solve this problem and do not create it again in the future. But my concerns are both process and factually; that we are claiming things that are not true. All you have to do is sit before the committees or go talk to the leadership of the Border Patrol, ICE units, CPB, go talk to them. They are sitting there in amazement.

Three weeks ago, I had breakfast with Janet Napolitano. She said she would send me their border control plan by area, by region, the next day. A piece of paper came, but there was no border control plan. So the question I have is, where is the plan?

Of all the good recommendations that are in this bill, it is all going to be

contingent on execution of what is in there. So we are going to pass a bill and pass an amendment and then we are going to ask the very committee that was excluded from making proper recommendations of the bill to oversight it. We will oversight it. But the fact is we will not have any control to control it. So we will be raising the questions and the ineffectiveness. Yet we will not have accomplished what we are telling the American people we are going to accomplish.

What is that? It is that we are going to solve the problems with the illegals who are here. We are going to decrease the demand and draw across our border. We are going to control our border, even though we will not put that as a condition for granting people a movement from the shadows to the open. We will not put that as a condition, even though now with the supposed new border amendment the Border Patrol says they can get us to 90 percent. We will not make that a condition.

So my feeling is, right now, there is a great attempt by eight of my colleagues to try to solve this problem because we are in a hurry and we are in a time crunch. We should not be because the House is not going to take up this bill, but they are going to bring their own. So we ought to do it right. I have a lot of amendments. I would love to have votes on them, would love to have them considered. I understand we cannot call up amendments right now, which is the same dysfunction the Senate has been operating under for the last 7½, 8 years.

People who are knowledgeable on the committees of jurisdiction do not have the opportunity to improve the bill, to raise questions about the bill through their amendments, to refine the bill. It means we just want to get a bill passed. It does not mean we truly want to solve the problem. I look forward to a time to be able to come back to the floor and offer amendments that will actually improve this bill, that will give transparency to the American public about what we are doing, that will give transparency on how we are going to spend all this money that we are going to take from the very people we are trying to move out of the shadows, and we are not just going to throw money up against a wall and saying we did something when, in fact, we are not going to accomplish the very purpose that we put forward in this bill.

People who come to this country—and I would put myself in the same category. If I was caught in the lack of economic opportunity, I would try any way I could to get into this country of opportunity. But what makes this country a land of opportunity is the rule of law. What we are doing is we are saying—the irony is the people who come here and break the law to get the opportunity from the rule of law, if we do not fix it to where that does not happen again, we are going to unwind the rule of law in this country.

That is the glue that holds this Nation together. It goes something like this: If they do not have to abide by the law, neither do I. So we get an unwinding of the fabric and the confidence in the rule of law in this country. We ought to be very careful with what we do as we say laws do not apply. That is what we are saying with this bill, to a certain group of people, the laws we had on the books are not going to apply. We ought to make sure that does not happen again.

I wish to come back at some time when I can present the ideas of a lot of people who actually have a lot of experience and a lot of knowledge on homeland security and how it operates and how the different divisions within homeland security operate.

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. REID. 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. REID. Mr. President, I ask unanimous consent that the time until 4 p.m. be equally divided between the two leaders or their designees and that I be recognized at 4 p.m.

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

Mr. WICKER. Mr. President, I was scheduled to come in at 2 o'clock. I appreciate the leader accommodating me 5 minutes early. There is talk about an imminent compromise among the Gang of 8 and perhaps a couple of others that would move this bill along. I have made it clear that the bill, as currently written, is flawed and would not be something that would get my vote. So anything that would move us toward a better solution, toward better enforcement of the border, such as 20,000 additional security agents on the border, would be a positive step.

I do wish to make it clear, however, that the bill as written would not stem the tide of illegal immigration. The bill as written would not provide a solution to our broken immigration system. Without further amendment, my understanding of the new compromise that is about to come forward also would be deficient.

I appreciate people working toward a consensus. I look forward to reading the amendment as it is presented, if it is indeed presented later this afternoon or later this weekend. But there are still changes that need to be made so we can improve the bill. I would point out to my colleagues that a Congressional Budget Office report released the day before yesterday indicates that border security components of the immigration bill as written will not stem the tide of illegal immigration in a meaningful way, because large numbers of people are projected still to overstay their visas.

Should the legislation pass in that form, even the Congressional Budget Office, a bipartisan, independent call-it-by-the-numbers office, predicts that the reforms agreed to by the so-called Gang of 8 would reduce illegal immigration by only 25 percent, far short of what the bill's supporters have contended.

Dependable border security and interior security are crucial to the success of the entire immigration system. This means putting in place the proper infrastructure and technology, including a national E-Verify system for employers. I congratulate and commend and encourage the junior Senator from Ohio Mr. PORTMAN for his efforts to move toward a consensus in that very important area of the bill too. These steps, securing the border and strengthening E-Verify, should proceed efforts to grant legal status. I think most Americans agree with that.

I have offered a number of amendments. I wish to take these few minutes to make my suggestions about how to improve this bill. But first and foremost, I wish to urge my colleagues, urge the leadership of the committee on both sides of the aisle and the leadership of this Senate to give this Senate an opportunity to speak on the issue of sanctuary cities.

Most people are aware that one of the great ways to flout the law, as it has been, has been for a local jurisdiction to say to people who have overstayed their visas, to people who have come here illegally or stayed here illegally: Come to our city and we will provide you sanctuary. Come to our city and we will ignore the law of the land and make sure we do our part that it is not enforced against you—so-called sanctuary cities.

As a Member of the other body, I voted for legislation and amendments to crack down on this.

If this bill works as it should work, then there should be no illegals in the country seeking sanctuary in a sanctuary city. My legislation to prohibit the practice of sanctuary cities, in my view, should be accepted by consensus. If the authors of this bill believe it is a solution to our broken immigration system, then there should be no need for a city to say we are going to take in people who are not here legally because, by definition under this bill, we will have said the system is fixed.

Under my amendment, these jurisdictions would be denied State Criminal Alien Assistance Program funds if they insist on continuing to be sanctuary cities. We would deny, under my amendment, law enforcement grants from the Departments of Homeland Security and Justice for the continuation of so-called sanctuary cities.

My amendment would also encourage information-sharing by law enforcement officials and stipulate that individuals who violate the immigration law should be included in the National Crime Information Center database. Why would that be the least bit controversial? It would also ensure States have access to Federal technology that is helpful in identifying immigrants

who are not here by permission and who are deported.

I would say to my colleagues, any bill that comes out of the House of Representatives will almost surely have a sanctuary cities provision. We need a vote on this Senate floor so our constituents back home and our individual States can know where we stand on this issue.

I would again emphasize if we believe the law will work, if we believe this new plan will fix the broken system, then there should be no need for any jurisdiction to call itself a sanctuary city.

Secondly, I have a separate amendment that would double penalty fees. It would double from $1,000 to $2,000 the fee illegal immigrants must pay at various steps of the process. We all know $1,000 amounts to far less than what is often paid to so-called coyotes who smuggle people across the border. Penalties are supposed to hold people accountable for breaking the law and not serve as merely an inconvenience.

I have a second amendment that would increase the penalty in the legislation from $1,000 to $2000.

I have a third amendment that would require the Secretary to adjust these statutory fees and penalties for inflation, index them for inflation. What could be simpler than that? A $1,000 penalty in 2013 might not amount to the same degree of penalty in 2015 or 2019. We index many of our amounts and figures under statute according to inflation. My third amendment would simply allow for annual inflation adjustment.

Fourthly, I have an amendment that would strike the ability of illegal immigrants to apply for provisional legal status if they have previously filed a frivolous application for asylum, one that has been determined by the authorities to be frivolous. By law those who have knowingly filed a frivolous application, for example, containing statements that are deliberately fabricated, or responses that are deliberately fabricated, should be permanently barred from receiving any benefit under the new act.

Another amendment I have would expedite removal proceedings of illegal immigrants with serious criminal offenses. What could be simpler and more straightforward than that. It would require the Secretary of Homeland Security to initiate expedited removal proceedings against those who are deemed ineligible for provisional legal status, for example, by law, because they would belong to a gang or they have committed an aggravated felony, committed an offense against a child or a domestic violence offense. It would seem to me this sort of an amendment should be the sort of amendment the Senator from Louisiana, Senator LANDRIEU, was speaking about only a few moments ago that should be accepted by consensus through a voice vote.

Finally, I have an amendment to ensure that those found ineligible have their provisional legal status revoked. If an application is submitted and the duly constituted authorities under this new act determine the individual is not entitled to the relief requested, then provisional legal status should be revoked. For example, this would be if he or she is found to be ineligible, if he or she used fraudulent documentation or did not fulfill the continuous physical presence requirement of the bill, then that status is denied and the individual should then have conditional status revoked.

I conclude by saying I appreciate the good-faith effort that has been made by the leadership on both sides of the aisle, by the leadership of the committee, and by people acting ad hoc as a self-appointed group of 8 or group of 10. We need to make it clear that any agreement announced with great fanfare this afternoon, or perhaps this weekend, is not the end of it.

We have a lot of time left for excellent ideas to improve this bill, to bring it around to the point where people such as myself could vote for it, where people such as my constituents back home can feel that it is, in fact, a solution to a broken system, and we can forward this legislation on to the House of Representatives with a national consensus behind it.

No great changes have been made in the Congress to broad policy disagreements without bipartisan consensus. I hope that amendments such as the six I have described, particularly my amendment with regard to sanctuary cities, would be adopted so we can move toward a consensus that we do not have at this point.

I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from North Dakota.

Mr. HOEVEN. I appreciate the comments of the distinguished Senator from Mississippi.

I rise to speak on immigration reform and to discuss an amendment I will be introducing to S. 744, the comprehensive immigration reform legislation the Senate body is carefully considering and debating. That amendment is the Hoeven-Corker border security amendment. It is being finalized, and I plan to introduce it this afternoon, along with the Senator from the great State of Tennessee, Senator BOB CORKER, who is here with me. I want to thank him for the tremendous work he has done on this legislation. He has been absolutely inspirational to work with, a great leader, and somebody who is working to do immigration reform the right way, to get a bipartisan solution that truly addresses the challenges we face with immigration reform and to get it done the right way.

In addition to Senator CORKER and myself, other sponsors include Senator JOHN MCCAIN, Senator LINDSEY GRAHAM, Senator MARCO RUBIO, Senator JEFF FLAKE, Senator KELLY AYOTTE, Senator DEAN HELLER, and others who are joining us on this legislation. I believe a number of them will be down here to provide their comments as well.

I believe the first order of business for immigration reform is to secure the border. I will repeat that. I believe the first order of business for immigration reform is to secure the border. Americans want immigration reform, of that there is no doubt, but they want us to get it right. That means, first and foremost, securing the border.

In 1986, President Ronald Reagan and the Congress granted legalized status to between 3 and 4 million illegal immigrants. The intent was to once and for all resolve the illegal immigration problem, but obviously it didn't. Here we are today with more than 11 million illegal immigrants in this country. Here we are today with a border that has still not been secured.

Ironically, illegal immigrants continue to come into our country because we have not secured the border at the same time—at the same time—our immigration laws do not meet the needs of our modern-day workforce for STEM-trained workers, other specialty and high-demand areas. In fact, one of the strengths of the underlying bill, the underlying legislation drafted by the Gang of 8 on a bipartisan basis, along with amendments that have already been added in committee, one of the strengths is it includes provisions that will help us with our workforce needs. These provisions were adopted from legislation myself and other Senators fostered, such as legislation led by the esteemed Senator from Texas JOHN CORNYN, which would allow an increased number of college graduates, postgraduate degreed individuals with degrees in STEM—science, technology, engineering, math-trained individuals—and other highly skilled, highly trained people who could stay in this country. These are people we need to help grow our economy and to help create jobs.

We also want people who can bring capital and job-creating opportunities to come to our country. I believe the underlying bill has captured these concepts. The immigration innovation legislation I was proud to cosponsor with Senators HATCH, KLOBUCHAR, COONS, and others is included in this bill.

We are not done. We must do more to secure the border in this legislation. That is exactly what we are offering here today. It is a very straightforward way to secure our border and to do so before allowing a pathway to legal permanent residency for those who came here illegally.

Furthermore, it will ensure that we do not repeat the error we made before, failure to secure our border while at the same time fixing our immigration laws. It builds on what is already in the underlying bill, and it provides objective, verifiable standards and metrics to do so.

Our legislation will provide significantly more resources to secure the border, more manpower, more fencing, more technology. Those resources must

be fully deployed and operational before green card status is allowed. The legislation provides five specific conditions which must be met before anyone in RPI status, registered provisional immigrant status, can be adjusted or transitioned to LPR, lawful permanent resident status, green cards.

These conditions are: First, we are including a comprehensive southern border security plan right in the legislation. This is a $3.2 billion high-tech plan. The plan is detailed border sector by border sector, and it includes combinations of conventional security infrastructure such as observation towers, fixed and mobile camera systems, helicopters, planes, and other physical surveillance equipment to secure the border.

The plan also includes high-tech tools such as mobile surveillance systems, seismic imaging, infrared ground sensors, and unmanned aerial systems equipped with infrared radar cameras, VADER radar, and long-range thermal-imaging cameras. The Secretary of Homeland Security, together with the Secretary of Defense and the Comptroller General of the United States, the GAO, must certify to the Congress that this comprehensive southern border security strategy is deployed and operational. That means in place and operating, other than routine maintenance. That is the first requirement before the adjustment to LPR status.

Second, DHS must deploy and maintain 20,000 additional Border Patrol agents on the southern border. That is in addition to the number of Border Patrol agents on the border now, which is right at about 20,000. So we will double the number of armed Border Patrol agents to detect and turn back those individuals who would try to cross our border illegally.

Third, DHS must build 700 miles of fencing. That is double the amount required in the underlying bill, which calls for 350 miles of fencing. So 700 miles of fencing—that compares to about 42 miles of fencing we have in place right now.

Fourth, the Secretary of Homeland Security must verify that the mandatory E-Verify system has been implemented to enforce workplace laws so that illegal immigrants are not employed.

Fifth, the electronic entry-exit identification system must be in place at all international airports and seaports in the United States where U.S. Customs and Border Protection officers are currently deployed.

So these are the requirements. These are the requirements, and they must be met before lawful permanent residency is allowed. No green cards, other than for DREAMers and blue card ag workers, until these requirements are met.

Once again, simply put, we must secure the border first. That is what Americans demand, and that is what we must do to get comprehensive immigration reform right. That is what this legislation does, and it does it with objective and verifiable methods. We ask our colleagues on both sides of the aisle to join with us and pass this legislation.

Madam President, at this point I would like to turn to my distinguished colleague from Tennessee, whom I want to thank again for his tremendous work, which is ongoing. I can't say how much I appreciate his good efforts and his good faith on a bipartisan basis. I turn to him now for his comments as well as to then enter into a colloquy with our colleagues who have worked so hard and played such a leadership role in this legislation.

Mr. CORKER. Madam President, I thank the Senator from North Dakota for his outstanding leadership. One would expect that from someone who served in such a distinguished way as Governor of his State. He has done an outstanding job on this issue, and I thank him for being a greater partner.

I know we still have some work to do. The fact is that we still have to introduce this amendment, and work is underway right now, but I want to thank him, his staff, and those all around him for the way he has dug into this issue, solved the problems that I think Americans are looking at relative to security issues, and for working with us in the way he has. So I thank him very much.

I thank the Gang of 8 for the work they have done over the last multiple months to bring us to the place we are, where we have an opportunity to do something America needs; that is, solve the immigration issue we have and also ensure that in doing so we absolutely have secured the border.

One of my colleagues called this amendment—and again, it is being vetted right now. We hope to introduce it a little later today. There is a broad agreement about what the content is, and it is being vetted and will be introduced later today.

Some people have described this as a border surge. The fact is that we are investing resources in securing our border that have never been invested before—a doubling, again, of the Border Patrol and $3.2 billion worth of technology that the Chief of the Border Patrol says is the technology he needs to have 100 percent awareness and to secure our border; dealing with the exit program and dealing with E-Verify. So all these things are in place.

I thank Senator CORNYN of Texas, who began the process of focusing on border security. I realize his amendment failed earlier, but I think what he helped us do is build momentum toward an amendment that I consider to be far stronger and even better. But his efforts in looking at a border security measure helped us in this regard.

I am not the kind of person who speaks for a long time—I think people understand that—but I want to say that the Senator from North Dakota has done an outstanding job of laying out the many elements of this amendment that hopefully will be voted on in the very near future. And I do think the American people have asked us, if we pass an immigration bill off the Senate floor, to do everything we can to be sure we have secured the border. That is what people in Tennessee have asked for, that is what people in North Dakota have asked for, that is what people in Arizona have asked for, and that is what this amendment does.

This amendment has the ability, if passed, to bring a bipartisan effort behind immigration reform that would then send the bill to the House. Look, I do wish this amendment had some other measures relative to interior security, but I think the House can improve this. I think a conference can improve this. So I hope we have the opportunity down the road to see that occur.

I thank all those involved in crafting an amendment that tries to deal with the sensibilities on both sides and at the same time secures our border in such a way that we can put this issue mostly behind us and we can have an immigration system in our country that meets the needs of a growing economy—the biggest economy in the world—and that focuses on making our country stronger, not weaker, and hopefully we will put this debate behind us.

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

Mr. CORKER. Yes.

Mr. MCCAIN. First of all, could I say that all of us who have had the honor of working with the Senator from Tennessee and the Senator from North Dakota are greatly appreciative of the work they have done. If there is going to be broad bipartisan support for the final product, it will be because of what the Senators from Tennessee and North Dakota have done, and I am very grateful for that.

I think it is important—wouldn't the Senator from Tennessee agree—that people understand that this is a very tough bill, and it required a lot of cooperation from our friends on the other side of the aisle to go along and agree with this. I think they have shown a great deal of compromise in order to reach this point and agree with us on this legislation, for which clearly we need bipartisan support.

But I would like to ask the Senator for a couple of specifics because, again, I think it is important that we understand how tough this legislation is. Is it not true that we know already that E-Verify must be used by every employer in the country before anyone under this plan could be eligible for a green card? Isn't that true? It is already there?

Mr. CORKER. That is correct.

Mr. MCCAIN. And the electronic entry-exit system at all international airports and seaports has to be up and operational before anyone is eligible for a green card; is that true?

Mr. CORKER. That is correct.

Mr. MCCAIN. Now, thanks to the Senator from Tennessee and the Senator from North Dakota, is it true that

additional technology must be deployed and operational in the field—and that includes new VADER radar systems, integrated fixed towers, unmanned aerial systems, fixed cameras, mobile surveillance systems, ground sensors—to the point where the head of the Border Patrol has assured us that if these technologies are in place and operational, we can have 100 percent situational awareness and 90 percent effective control of the border?

Mr. CORKER. That is correct.

Mr. MCCAIN. So to put the final piece of this puzzle together, is it not true that the Senator from Tennessee and the Senator from North Dakota have called for 350 miles of additional border fencing in addition to the 350 miles already there and that 20,000 new, full-time Border Patrol agents be hired and deployed before someone is eligible for a green card? Is that a fact?

Mr. CORKER. That is correct. I don't know of anybody who has proposed a tougher measure, when we look at it all combined, than the measure that hopefully will be on the floor in the very near future.

Mr. MCCAIN. I wonder if the Senator from North Dakota would like to respond to that.

Mr. HOEVEN. Well, I appreciate the esteemed Senator from Arizona again emphasizing these points. That is what this is all about. This is about securing the border. And all of the things the Senator from Arizona just identified are in the bill. They are requirements. The plan itself, this $3.2 billion comprehensive southern border strategic plan, is detailed border sector by border sector. And again, this puts everybody in the same place saying that we are going to secure the border first because there are no green cards until we secure the border.

Mr. MCCAIN. And is it not true, I say to my two colleagues—Madam President, I ask unanimous consent to engage in a colloquy with both the Senator from Tennessee and the Senator from North Dakota.

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

Mr. MCCAIN. Is it not true, I say to my friends, that on our side of the aisle there is understandable skepticism—and well-founded skepticism on the part of my friend from Texas—because we have seen this movie before. In 1986 we gave amnesty to 3 million people and we said we would secure the border. Then in 2006 we passed a border security appropriations, and there was going to be plenty of money. Yet it was never funded.

So for those of us from the Southwest particularly but people all over America, is it not true that there is understandable skepticism that we would not pass legislation that is binding? And is it not true that we can't make this, as far as border patrol and as far as miles of fencing, any more binding than it is in my colleagues' amendment?

Mr. CORKER. Absolutely.

Mr. HOEVEN. I would like to add that it is not just all these things that we are putting on the border and that we are requiring that these things be in place and certified and operating before we go to green card status, but also it is about eliminating the incentive to try to get across the border. When we put E-Verify in place and we have a proper guest worker program, we take away the incentive to try to get across the border. So we secure the border, but we also take away the incentive to come across because someone can come across legally through the guest worker program. And if they come across illegally, we are going to find them and they can't get a job. So it is both. That is what we mean when we talk about comprehensive border security and a comprehensive approach.

Mr. MCCAIN. I would ask my colleagues one more question. With all due respect to every Member of this body, when we look at this legislation and we look at these triggers and the technology that is going to be required, which, if operational, the head of the Border Patrol has said will give 100 percent awareness and 90 percent effective control, plus this increase in fencing, plus Border Patrol agents and the already existing in legislation E-Verify—and I think the Senator from North Dakota is very correct. If we remove the incentive, if people know they can't get a job in this country unless they have the proper documents, then people will stop coming illegally. It also addresses the issue of the 40 percent who are here who never crossed our border illegally but came on a visa and overstayed it.

So I would just ask for maybe a subjective opinion. Is it possible that one could ever argue against this legislation now by saying that it does not give us a secure border?

Mr. CORKER. I think it would be very difficult. And I thank the Senator from Arizona for raising this issue. If the issue one has is securing the border, with this immigration bill, if this amendment passes, which I hope it will, I don't know how anybody could argue that the reason they are not supporting this legislation is because we haven't addressed securing the border. We have addressed that. We have addressed that in spades in this legislation.

Again, I thank the Senator from North Dakota for his leadership on this issue and the other side of the aisle for working with us. I don't think anyone who votes against this bill could argue as their reason, if we pass this amendment—and we need to get it to the floor. We are still working out some issues, and hopefully we will be done in a few hours. But I don't know how anyone could argue that we haven't dealt with the issue that many people have been concerned about, many people in Tennessee, and that is we have—if this legislation passes in the form it is, with this amendment as we have agreed, we have secured the border.

Mr. CORNYN. Would the Senator yield for a question?

Mr. MCCAIN. Could I have the Senator from North Dakota finish answering this question?

Mr. HOEVEN. I would respond to the good Senator from Arizona and say, look, all of the ideas that have been brought forward to secure the border we have worked to include in this package. We have tried in a bipartisan way to listen to everybody and say: What can we do? What can we put on the border to secure the border? We have tried to bring all those resources to bear.

To the good Senator from Arizona I would say we want to bring in our Senator from Florida, who has worked so hard, along with the Senator from Arizona, to provide truly the right kind of leadership for comprehensive reform on a bipartisan basis. I also want to reach out to the good Senator from Texas. A lot of the ideas in this bill came from legislation he put forward. Look, this is about all of us putting our ideas into securing this border. We have tried to include everybody's ideas in this effort. That is exactly what we did.

I would yield for the Senator from Texas.

Mr. CORNYN. Madam President, I honestly respect and value the work the so-called Gang of 8 has done on this legislation, as well as the contributions made by my colleagues from North Dakota and from Tennessee. I think they have moved this bill in a constructive direction to give people more confidence that we are actually serious about dealing with border security.

But I want to ask them to distinguish, if they will, between the provision I know they both supported in my amendment that was tabled earlier which makes the progress from probationary status to green card contingent upon 100-percent situational awareness of the border and a 90-percent apprehension rate which is defined as operational control. How does their amendment differ from that?

I know it hasn't been completed yet, but my understanding is Senator SCHUMER and the Democrats would not agree to that. I know they object to it. Senator SCHUMER has been quite clear in his telling me that. But my impression is this is a promise of future performance, and there is no contingency in the same sense that there was a trigger that prohibited the transition from probationary status to legal permanent residence.

Could the Senator please clarify?

Mr. HOEVEN. Madam President, I appreciate very much the question from the Senator from the great State of Texas. I thank him for the work he did and the work we did together, and the fact that we absolutely tried here to build on concepts the Senator put forward. It is not the same, but we tried to build on those concepts.

In terms of the actual border security plan, the comprehensive southern

border security strategy, the $3.2 billion plan that includes technology, helicopters, planes, all these different things I detailed, that is exactly what the Senator was talking about in his legislation. Physically we do deploy all the things the Senator laid out in his legislation, and then we add to it 20,000 agents, and an additional 350 miles of fence on top of the 350 miles of fence called for in the underlying bill. We put all of the physical resources out there, and then we add all of the fencing and all the manpower to make sure we accomplish exactly what the Senator was laying out. In terms of the trigger, all those things are triggers before going to a green card.

It is different in that the discussion was, How do we set up verifiable metrics? And that is what we are doing by clearly delineating all these things we are putting in, and then we actually add to what the Senator had in the legislation.

Mr. CORNYN. I have one last question, because I know there are others who want to talk and it is not my intention to interfere with their colloquy here.

The 20,000 additional Border Patrol agents, here is an area where the movement has been pretty dramatic, because we started with zero additional Border Patrol agents. My amendment was disparaged by the distinguished senior Senator from Arizona and the distinguished senior Senator from New York as being a budget amendment buster, 5,000 Border Patrol agents. I was told we don't need more boots, we need technology. Now I find, to my shock and amazement, the distinguished senior Senator from Arizona saying we need 20,000 more Border Patrol agents. How much is it going to cost? That is the question.

Mr. HOEVEN. And if I may respond to that. Again, that makes my point.

I say to the Senator from Texas, I want to thank him for his work. That is a great example of how we have built on the foundation he laid. That was a great example. He asked for 5,000 Border Patrol agents and we got 20,000. So this is a great example. It is all paid for, and this is important.

Mr. CORNYN. I would repeat my question: How much is it going to cost?

Mr. HOEVEN. That is where I am going right now.

Remember, in the CBO score, in the first 10 years, $197 billion. We use about $30 billion to make sure that border is secure. But overall, this bill with this amendment creates border security and more than pays for itself.

Here is the other point. Remember, in that CBO score it showed $197 billion in terms of revenue creation. So we used $30 billion of that to add the border agents and secure the border.

But here is the other thing we have to look at in that CBO score. It said without our amendment, with the underlying bill, we would have 7 million more illegal immigrants in this country in 10 years. Without the bill we would have 10 million more. So what does that say? It didn't get the job done on border security. That is exactly why we are adding this amendment, and it will get the job done.

Mr. CORNYN. Let me express my appreciation to the Senators for their answer to the question.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator from Texas for his engagement.

As usual, the Senator from South Carolina has a very busy schedule. I ask unanimous consent that he be allowed 10 minutes and then I regain the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAHAM. I thank all who made this better.

To Senator CORNYN's question about cost: I never objected to more Border Patrol agents. I didn't know how we would pay for the bill. I hoped it would be deficit neutral. Boy, did my hopes come true. It is not deficit neutral. According to the Congressional Budget Office, we reduce the deficit in the first 10 years by $190 billion and over a 20-year period $700 billion. So the reason I didn't want to agree to 5,000 agents without somebody showing me how we would pay for it, we are borrowing enough money from our grandchildren and great-grandchildren to run the government. We don't need to do any more borrowing unless we absolutely have to.

The good news is the bill we have written will create economic growth in the country at a time when we need economic growth. It will allow employers access to labor they don't have today so they won't be tempted to cheat in the future. This bill helps the economy. Don't take my word for it, take CBO's word for it.

If you had some more money to spend in this bill, how would you want to spend it? Let me tell you what Senator GRAHAM would wish to do. He would wish to hire 20,000 Border Patrol agents to let everybody in the country know I get it when we say we have got to secure the border.

You are right, we have had two waves of illegal immigration. We don't need a third. And why are we doing this? Why 20,000 Border Patrol agents? That is three brigades of troops. That is taking the equivalent of three brigades of Army troops, trained law enforcement officers, to supplement the 20,000 we have. We will have a Border Patrol agent every thousand feet on the border 24 hours a day, 7 days a week. It costs over $20 billion, but I can tell you this: It is money well spent, because it makes the border more secure, which helps us with our sovereignty.

Why are we hiring 20,000 agents on top of the 20,000 we have? Because our country can't control who comes in. We cannot maintain our sovereignty if every 10 and 20 years 3 million to 11 million illegal immigrants come into our country. If you want the border secure, as I do, your ship has come in. The 20,000 are now affordable and they are needed. The 700 miles of fence will be built because it is needed. The $3.2 billion of technology that has been proven to work in Iraq and Afghanistan will go to the border because it will help back up the Border Patrol agents.

As to my good friend from Texas: How do we know all this works? The bill requires us to hire the agents and put them on the border before you can transition to green card. It is not talking about hiring the agents, it is not talking about training them. You have got to hire and deploy.

The bill also says the fence has to be built. The bill says the $3.2 billion of new technology that worked in Iraq and Afghanistan has to be purchased, deployed, and operational.

Here is my belief: If you hire the Border Patrol agents and you put them on the border, they are not going to read a comic book. They are going to do their job. You don't need to prove to me they are going to do their job. You just need to get them on the border so they can do their job.

And if you have the 18 drones versus the 6, you don't need to prove to me somebody will fly them. They will fly them. If you have the technology deployed and operational in addition to the drones, the VADER radar and the sensors, people will look at the radar because they want to protect our country.

What has been missing is capacity. This is a border surge. We have militarized our border, almost. Why? Because we have lost our sovereignty. We have lost the ability to control who comes into America.

My belief is if you can't get a green card until all of this is purchased and deployed, that is enough. There will come a point to where it is enough.

Ladies and gentlemen, I have been working on this for almost a decade with Senator MCCAIN. I can look anybody in the eye and tell them that if you put 20,000 Border Patrol agents on the border in addition to the 20,000 we have—that is one every thousand feet—that will work. If you buy technology that helped us fight and create success in Iraq when we did the surge, that will help the Border Patrol agents. If you build a fence, that all helps. So I don't need any more than getting it in place.

Finally, to my good friend from Tennessee and my good friend from North Dakota: The bill when we wrote it I thought was good, but they have made it a lot better. To anybody in America who believes border security should be robust and it is a national security priority, we have in every sense of the term ''reasonable'' met that goal. We couldn't have done it without more people.

To the Gang of 8 Members, it has been a joy to work on this bill.

To our colleagues who have weighed in and tried to get the bill better and get to yes, you are doing this country a great service.

I hope Monday night we will pass legislation that will mandate that 20,000 additional Border Patrol agents will be on the border working before you can get a green card; that the technology that worked in Afghanistan and Iraq will be up and operational before you can get a green card; the fence will be built before you get a green card. And to me, ladies and gentlemen, that is enough. That is enough.

The people we are talking about deserve a hard-earned process to get into America. They need to pay a fine, learn our language, get in the back of the line, and they need to earn their way into good standing. But they are people.

I am very pleased to support what I think is the most dramatic amendment in the history of our country to secure our border at a time when we need it secured.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. SESSIONS. What is the order, if I might ask?

The PRESIDING OFFICER. The order was to recognize the Senator from Arizona after the Senator from South Carolina.

Mr. MCCAIN. I thank my friend from South Carolina for his usual eloquent exposition of what this situation is all about.

I have other colleagues who are waiting to speak, but I want to say again, the Senator from North Dakota and the Senator from Tennessee have shown the best of what this institution can be all about. Not only did they reach agreement between the two of them, not only did they reach agreement with I believe a significant number of our colleagues but they also reached agreement with my colleagues on the other side of the aisle. In this day and age, that is a signal success. I thank them for not only what they produced but the many compromises they had to make along the way.

I won't try to embellish what the Senator from South Carolina said, except to say I come from a State that has probably been torn apart more than any other by this issue. We passed legislation in reaction to our broken borders, where ranchers in the southern part of my State were actually murdered; where our wildlife refuges were destroyed; where people died in the desert by the hundreds, their bodies were found months later; where coyotes bring people across the border and then hold them in drop houses in Phoenix for ransom under the most unspeakable conditions; where drugs are brought freely across the border and guided by guides on mountaintops, guiding these drug cartels as they bring the drugs to Phoenix. The drug people will tell you that Phoenix, AZ, is still the major drug distribution center in the United States of America.

So I take a backseat to no one, even from the great State of Texas, of the enormous challenges and controversies associated with illegal immigration.

We tried before and we failed. I won't go into why we failed and all the people who were responsible. I will take responsibility. I didn't do a good enough job in selling my colleagues on the absolute need for immigration reform. The fact is 11 million people live in the shadows, they live here in de facto amnesty, and they are being exploited every single day.

Should not it be for a nation founded on Judeo-Christian principles to bring these people out of the shadows? Yes, punish them because they committed crimes by crossing our border illegally. But isn't it in our Nation to come together and pass this legislation and not manufacture reasons for not doing that? Isn't there enough of a penalty? Isn't there enough border security now, thanks to my colleagues from North Dakota and from Tennessee—isn't there enough now?

All I can say is I urge my colleagues to vote overwhelmingly in favor of this hard-fought, well-crafted amendment and let's move on to other issues that face this Nation. Then I believe we can look back years from now and say to our children and our grandchildren that we did the right thing.

I yield floor.

The PRESIDING OFFICER (Mr. DONNELLY). The Senator from New York.

Mr. SCHUMER. Mr. President, I understand that both my colleagues from New Hampshire and Florida wish to speak. I will be happy to have each of them speak for 5 minutes and then me speak for 5 minutes, if that is OK. I ask unanimous consent: 5, 5, and 5.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and, the Senator from New Hampshire is recognized.

Ms. AYOTTE. Mr. President, I thank my colleague from New York for giving us that courtesy. I rise in support of the amendment that will be offered by my colleagues from Tennessee and North Dakota. I appreciate the hard work they have done to enhance the border security provisions in the current pending immigration bill on the floor. To all of us, securing our border is very important to preventing another wave of illegal immigration in this country.

But what they have done is incredibly important. It is very strong, the strongest measure that I think this body has considered—20,000 Border Patrol agents, essentially doubling those agents that will be along the southern border; in addition to that, significantly increasing the fencing. In fact, at least 700 miles of fencing will have to be completed along the southern border, almost doubling what was already in the bill for fencing and specifying what types of technology the Department of Homeland Security will have to deploy, including the best technology, using sensors and drones, to make sure we can apprehend those who are illegally trying to cross our border and then making very sure we prevent a further wave of illegal immigration, along with the strong reforms in this bill to our legal immigration system, making sure we can keep the best and the brightest here to help us grow our economy, to make sure we have the workforce we need to ensure that we will create jobs here.

Let us not forget we are a country of immigrants. I daresay for most of my colleagues either their parents or their grandparents came from another country and worked very hard in this country. We need legal immigration that works for our country, that makes sure our economy continues to grow and that we have people here who want to work hard and live the American dream. But we also cannot ignore securing our southern border.

That is why I am proud to cosponsor the amendment that will be offered by Senator CORKER and Senator HOEVEN. This doubles the number of border agents, doubles the amount of fencing, specifies the type of technology that is required, and gives the resources to finally secure our border.

To my Republican colleagues, I think there was an op-ed in the Wall Street Journal today that is worth mentioning. I share their concerns about securing the border, but I hope—with the strong enhancements that have been put in this amendment to double the amount of border security, to strengthen and double, almost, the amount of fencing, to make sure the right technologies are in place to secure our border, this will prevent another wave of illegal immigration—they will not use border security as a ruse not to vote for a bill to fix an immigration system that is absolutely broken.

The status quo is not working for anyone. None of us wants to find ourselves, another 5 years from now, debating this issue again and finding that we have a larger population of illegal immigrants and we have legal immigration that is not working for our country and is not making sure we have the right people here, people who are working hard, living the American dream to grow our economy and great American jobs.

I think today the Wall Street Journal has said this border security issue cannot be used as a trick not to want to support a strong bill which is on the floor—and this amendment will make it very strong on the border security provisions—and finally work in a bipartisan manner to fix a broken immigration system that is not working for anyone and not working for our country.

I yield the floor for my colleague from Florida. I commend my colleague from Florida who has worked—along with the other Members of the group, the Senators from Arizona as well as the Senator from South Carolina—but the Senator from Florida, I know how focused he is on making sure our borders are secure. I appreciate his strong leadership in fixing this broken immigration system and making sure we do

not have another wave of illegal immigration in this country.

Mr. INHOFE. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. INHOFE. My inquiry is it was my understanding we were getting equal time back and forth. My question is, is this based on party, so Democrats and then Republicans will alternate time; is that correct?

The PRESIDING OFFICER. There is no agreement for alternation.

Mr. INHOFE. There is no agreement? Because all I have heard in the last hour is those in support of the bill. My question is, when can someone be heard who is not in support of the bill?

The PRESIDING OFFICER. The time is equally divided between majority and minority, not between proponents and opponents.

Mr. INHOFE. I see.

Mr. SESSIONS. There you go.

Mr. INHOFE. All right.

Mr. SESSIONS. Inquiry. Was that by unanimous consent?

The PRESIDING OFFICER. It was.

Mr. SESSIONS. That explains it, then.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I appreciate this opportunity and I will be brief. My colleagues have already stated what this entails and the details of it. I think that is important.

I got involved in this issue earlier this year after spending the better part of my first 2 years in the Senate thinking about this issue because, frankly, not just from being from Florida but living in south Florida I am surrounded by the reality of it every single day. When I started this effort, I became deeply convinced this is something that needed to be fixed and needed to be dealt with, but from the very beginning, the early days of my involvement, I made clear border security was an essential component of it.

This is not against anybody. Border security is not an anti-anyone effort. That is not what it is. We understand that America is a special country. It is so special that people want to come from all over the world and they do. One million people a year come here legally, every single year.

We also understand it is so special, unique, some people are willing to risk their lives to come here illegally. As compassionate people, we understand that reality and our heart breaks at the stories of what people are having to go through to come. But we also understand the United States of America is a sovereign country. Every single sovereign country on the planet, every single one, tries to or does control its borders and who comes into the country and who leaves. Every country in the world does that. The United States of America should not be any different.

At the end of the day, that is what this issue is about. It is that we have a sovereign right to protect our border and we have a crisis on the southern border of the United States. For many different reasons, people have chosen to cross that border illegally, consistently, for the 20 or 30 years, and the results are obvious to all of us. That is why border security is such an important part of this bill and this measure.

When we introduced our bill, the bill said basically the Department of Homeland Security would be given some money, and they would get to decide what the border security plan looked like. Many people in the public and many of our colleagues were unhappy with that proposal. They raised valid concerns that we were turning over border security and deciding what the plan would be to people who claim it is already secure. What this amendment does is it takes that back and it says that we, instead, we in the Senate, will decide what that plan is after we get input from border agents and others about what will work.

What this amendment reflects is what we know will work. We know that adding border agents, doubling the size of the U.S. Border Patrol, that will work. We know that completing fence work will work. We know an entry-exit tracking system, since 40 percent of our illegal immigrants are those who overstay their visas, will work. We know E-Verify will work. It is something many of my colleagues in my party have asked for, for the better part of 10 years. It will work because it takes away the magnet of employment.

We know these new technologies that were not available to us in 1986 or 2006 or even 5 years ago will work. What this bill says is you must do all of those things, and it is linked to legal permanent residence. In essence, someone who has violated our immigration laws cannot become a legal permanent resident in the United States until all five of those actions happen. That is the guarantee this will happen.

Let me close by saying I understand the frustration. I truly do. I know these promises have been made in the past. In a moment, the Senator from Alabama whose position on this is well stated will point out these promises were also made in 1986. By the way, in 1986, I was 15 years old, and I have to tell you immigration was the last thing on my mind at that time. But here is the reality of it. The choice before us is to try to fix this or to leave it the way it is. What we have is a disaster of epic proportions. We have 10 or 11 million human beings living among us. We don't know who they are. They are working but not paying taxes. There are criminals among them. That has to be solved. A legal immigration system built on the 19th century? We need to fix this and this is our chance to fix it.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleagues, first from New York and Tennessee, for the good work they have done. My Gang of 8 colleagues—seven of the Gang of 8 colleagues who are my colleagues, we are working real hard to get a bill done and it is not easy. It is one of the hardest things I have ever done as a legislator. But we keep making progress and we keep improving. Today I think is a breakthrough day.

Let me go over it. First, speaking on behalf of the Democratic Members of my bipartisan group, let's say this. There is still some drafting of the legislative language to be completed. We are continuing to inform all our allies on our side about the contours of the proposal. But barring something unexpected, we are extremely enthusiastic that a bipartisan agreement is at hand.

I know there have been a number of news reports this morning. It is accurate. We are on the verge of a huge breakthrough on border security. With this agreement, we believe we have the makings of a strong bipartisan final vote in favor of this immigration reform bill.

From the beginning of the floor debate on this bill, we have known there were a group of our colleagues on the other side of the aisle who were inclined to vote for immigration reform but first wanted to see a strengthening of the bill's border security section. That makes sense because most Americans will be fair and apply common sense toward the 11 million in the shadows and future immigration if and only if they we will not have future flows of illegal immigration.

We took those concerns seriously. Our bill is tough on this stuff. We wanted it tough. The amendment makes it tougher still.

Last week, Senators CORKER and HOEVEN emerged as leaders of the group of like-minded colleagues from the other side of the aisle seeking a tougher approach. My friends Senators GRAHAM and MCCAIN and I sat down with them and we began talking, along with Senator MENENDEZ. We began meetings with them ourselves this week.

For us on the Democratic side, it has been an important bottom line throughout this process that the path to citizenship not be put in jeopardy. The path is tough, as it should be, but must always be fair. So we could not go along with efforts, such as in the bill of my colleague from Texas, that would tie the path to citizenship to unachievable benchmarks for the border. Senator CORNYN's amendment, which was defeated on this day, went too far in that regard, and I was not sure whether the new negotiations would produce agreement either. As recently as Tuesday night, Senator HOEVEN and I had an extended phone conversation that lasted 45 minutes. It would probably best be described as spirited. But about 24 hours ago we had a breakthrough. The idea that broke the logjam is the so-called border surge plan.

The border surge is breathtaking in its size and scope. This deal will deploy an unprecedented number of boots on

the ground and drones in the air. It would double the size of Border Patrol agents from its current level to over 40,000. It will finish the job of completing the fence along the entire 700-mile stretch of the southwest border, and it will enumerate, on a sector-by-sector basis, lists of cutting-edge tools and equipment that will boost surveillance and apprehension efforts, including sensors, surveillance towers, and more unmanned drones. In other words, the border surge plan calls for a breathtaking show of force that will discourage future waves of illegal immigration.

This compromise will inundate the southwest border with manpower and equipment. It not only calls for finishing a literal fence, it will create a virtual human fence of Border Patrol agents. Under the border surge, the Border Patrol will have the capacity to deploy an armed agent 24 hours a day, 7 days a week to stand guard every 1,000 feet from San Diego, CA, to Brownsville, TX.

We came up with this idea of the border surge Wednesday morning after the CBO report was released. My colleague from Texas asked: Why not a week ago? We didn't have the CBO report. We didn't know we had the dollars. We have them now, and we still keep to our goal of not costing the Treasury a nickel. The CBO report was the game changer. It gave us the budgetary flexibility to consider massive new investments in border security that we didn't think we could previously afford.

The surge shows the commitment to border security our colleagues have been asking for. I was heartened to see that our friend the junior Senator from Illinois already announced that based on this agreement he is prepared to support final passage of the bill. This is a significant development considering Senator KIRK initially opposed the motion to proceed. It is safe to say this agreement has the power to change minds in the Senate.

This agreement on border security continues the spirit of bipartisan compromise that has marked this legislation from the beginning. In fact, in the forthcoming Corker-Hoeven amendment, it will be a vehicle for accommodating some other compromises in other areas of Republican concern as well.

With this agreement, we have now answered every criticism that has come forward about the immigration bill.

First, critics expressed worry that the process would be closed and that no amendments would be allowed. The bill was available for perusal weeks before we went to committee. Under Senator LEAHY's leadership, the committee was an open process, with 300 amendments filed, and now we are spending weeks on the floor trying to move as many amendments as possible. Some on the other side of the aisle have blocked that from happening as quickly as we would like—as well as some on our side too—but we are moving through these amendments.

The next criticism was that it would cost a fortune. CBO debunked that one pretty well. This adds to the Treasury. It cuts the deficit $900 billion over the next 20 years, $175 billion over the next 10 years.

Finally, the last argument: We have to secure the border. Securing the border is vital before anyone could support the bill—or some could support the bill. We have answered that resoundingly with the Corker-Hoeven amendment.

We have much more work to do, but I am more confident than ever before that the Senate will pass a strong bipartisan immigration reform bill and that it will ultimately reach the desk of the President for signature. It is a great day for the cause of immigration reform and for the Senate.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent to speak for up to 15 minutes.

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

Mr. SESSIONS. Madam President, I know Senator SCHUMER and the Gang of 8 have worked hard on this legislation. I respect their efforts and goals. I share their goals, and I share many of the principles they stated. But what we learned is that the legislation came nowhere close to fulfilling those goals. That is why, here in the middle of the debate after the bill has been exposed, after it has been hammered for failure after failure, they have come up with a bill that says: Don't worry now. We are going to throw 20,000 agents at the border, and now you all have to vote for it because we fixed it. Now you got what you wanted.

I say to my colleagues, too often the phrase ''border security'' has been used to include all legal and illegal activities that occur. What we know is that not only do we have problems at the border, 40 percent of the people who are here illegally today are visa overstays. CBO's report, which just came out, indicates that is going to grow—as I had predicted it would—in the future. We are going to have twice as many people come to the country on visas, and they are coming to take jobs—jobs that Americans need to be prepared to take. We need to get them prepared if they are not already prepared. We need to get them off of welfare and into self-sufficiency so they can make good wages that allow them to pay for their health care and have a retirement plan with enough left over to take care of their families. That has not been happening. Wages for average American workers have been declining since 1999, and it is a serious problem. I thought perhaps initially with the Republican agenda that this was a temporary thing and might bounce back, but we have seen that sustained.

Senator SCHUMER referred to the Congressional Budget Office score, but he didn't refer to this: This bill will accelerate that decline. Wages will drop more than they would have if the bill didn't pass. CBO found that unemployment would go up. They found that although there would be some increase in the economy, with millions of people coming, per capita, per person, the GDP would decrease. So this is a real problem we need to be honest about.

How large a flow of people can we sustain and create jobs for? Do we want to invite good people to come to America to take jobs and then they are not here for them? Do we want to bring in so many people that wages for American workers decline or Americans can't get the jobs? But somebody who comes from a very poor country, willing to work at the lowest possible wage—won't that pull down the wages of Americans who were hoping to get a pay raise instead of a pay cut?

I submit that this is a serious issue, and that is why Professor Borjas at Harvard has said it will adversely impact the wages of American workers, particularly low-income American workers. They will face the most adverse economic impact. This fact has not been disputed so far as I can see.

Now, the Senator says the bill is paid for. Know what they do? They count the off-budget money. This is what happened. Under the score the Congressional Budget Office gave to us, they found that it would increase the on-budget deficit by $14 billion. It will increase the on-budget debt of America by $14 billion over a period of 10 years. But they say they have a surplus over 10 years in the off-budget accounts—some $200 billion. They have counted that up and said: We have a net surplus. Hallelujah.

What is the off-budget money? What are we talking about for the off-budget money? That is Social Security money. Everybody who pays into Social Security, when they get ready to retire, is going to draw out that money. It doesn't add to the net financial benefit of America if a person who is here illegally is given a Social Security card, starts paying into Social Security, and will end up drawing from Social Security.

We cannot count the off-budget money. That is how this country has been going broke. We have been using that budget gimmick for way too long, and that is not correct. We should not be doing that, and it is not going to improve the deficit over 10 years. The statement of the Congressional Budget Office and their important report are quite clear about that.

It says some other things. With regard to wages for American workers, the Congressional Budget Office report says that if this bill passes, wages will go down. It says that if this bill passes, unemployment will go up. That is their analysis of it. It has a chart in there that shows that for over 10 or 20 years per capita GDP is below what it would be if the bill had not passed and that wages are going to be low for years to come.

Why in the world would we as Americans want to dramatically increase the legal flow of immigration above our current generous rate and double the guest worker program? In addition to legalizing the 11 million people who would be legalized under the legislation, there are 4.5 million people who will be given speeded-up allocation under the chain migration system. So there will be 4.5 million accelerated under the chain migration as a result of lifting limits on those individuals and the people who are here illegally. In addition to that, we will have a large flow of other workers.

Now, I have an amendment. This is a number of pages of it, some 30 pages, very similar to what the House is working on today. It deals with the visa overstay issue. It deals with people who get into the country legally but don't go home and don't cross the border. It is a growing percentage of the illegality we see today, and it will soon be over half of the illegality, and it certainly will be if this legislation is passed. Does this legislation Senator SCHUMER refers to fix that problem?

With the amendment, does this legislation solve the complaints of the Immigration and Customs Enforcement agents? They have written us multiple times. They pleaded to be allowed to meet with the Gang of 8 and to be able to explain the realities of enforcement difficulties in America. We are having an impossible time making enforcement work. Why is this administration blocking them from actual enforcement of the law as they are sworn to do? They voted no confidence in their supervisor, Mr. Morton. They filed a lawsuit against Secretary Napolitano, and they asserted to her that she is blocking them through regulations and policies from enforcing the law they are sworn to enforce. The matter has been in the court, and the court is considering this lawsuit. I have never heard of Federal agents suing because they are not allowed to enforce the law. That is going on in America today. The ICE agents have written us a letter, and they said this legislation will make it worse. They said it will endanger national security.

What about the other part of the immigration process? Citizenship and Immigration Services is a group of officers who have to review the amnesty applications, review applications from abroad, and do those sort of things. Well, what do they say about it? They say the bill will make the situation worse, it will make it impossible for them to do their job. They do not have the capacity to process the 11 million people who are going to be asking for amnesty. It is not going to work. It will make the system worse. They have not been listened to in this process either.

Now, Senator SCHUMER said—and I hope everybody heard it—we have a plan. Don't worry. We are going to throw 20,000 agents at the border, and now you can quit complaining, you complainers, and just be happy and vote for our bill.

Well, then he said something like: Well, we don't have it written yet. We don't have it written yet, and we are working on it. We are sharing it with our allies, and we have not shown it to anybody else yet. But trust us, we have a bill that will work.

That is what they said when the bill was originally filed. They said they had a sufficient fencing system at the border. We read the bill, and there was no requirement in the bill to build any fences at the border. It was totally up to the Secretary. So now he seems quite happy—not having been able to run that past the Senate, having been caught on that deal—he is now willing to enhance some fencing. But current law, the law we passed a decade ago, required 700 miles of double-layered fencing, which would actually be very effective. This bill now, after having had the bill endangered, they ran out and said, well, we will do 700 miles of single-layer fencing, which is quite less secure and not what we voted on in the Senate 10 years ago. President Obama voted for it and Vice President BIDEN voted for it and former Secretary of State Hillary Clinton voted for it. That has never been done. We promised to do that too. We passed a law, we even passed funding for it, and it never got built. Only 30 miles of the 700 miles of double-layer fencing was ever built.

So this is a problem we have, along with the American people. So I say to Senator SCHUMER: I want to read this Corker amendment. Who is writing it, Senator CORKER, Senator HOEVEN, or Senator SCHUMER? Senator SCHUMER is telling us what is in it. He is saying he is still working on it. He is saying he is sharing it with his allies but not with those who have doubts about it. I would like to see this bill we have heard so much about. Also, will it deal with other issues?

So we know this: We know the legislation gives amnesty first. We were told originally by the Gang of 8 we were going to have border security first, right? They finally had to acknowledge that isn't so. That is a pretty big promise.

Border security first. Not so in the bill, not so in the Hoeven-Corker amendment. The toughest enforcement ever. Clearly, the bill was weaker than the 2007 bill. Members of the Gang of 8 have acknowledged that. It is nowhere close.

On visas, current law requires that under the visa policy of the United States, we have entry-exit visas, biometric at land, sea, and airports. What does this bill say? This bill says, well, we will have electronic entry-exit visas at air and seaports but not at land ports. And if we don't have the land ports in the mix, then we never know who came into the country if they left by land.

The 9/11 Commission says the system will not work. The system will not work.

Proponents of the bill said an individual would have to pay back taxes. That is so ridiculous. That is utterly unenforceable. It is just a talking point. It has no reality whatsoever.

They said a person has to learn English. Not so. A person can be in a English course 6 months before their time comes up. They don't have to complete the course. That is all it requires.

They say no welfare benefits, but there are benefits as scored by the Congressional Budget Office, the largest of which I suppose is the earned-income tax credit.

They said it would end illegal immigration, and the Congressional Budget Office report, amazingly—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. I ask unanimous consent for 1 additional minute.

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

Mr. SESSIONS. Amazingly, the Congressional Budget Office said the bill that is before us would only reduce illegal immigration by 25 percent. So we are going to give amnesty for the toughest bill ever, and all of this. Then the bill gets in trouble on the floor and they scurry around and they get an amendment that throws in, say, 20,000 agents who are going to be hired somewhere on the border in the future. We promise. We are going to give amnesty first, though, and we promise that these agents will all be hired and the problem will be fixed. They promised to build a fence in 2008. It never happened.

So we are going to read this Hoeven-Corker amendment. We are going to evaluate it fairly. It seems to me it doesn't come close to touching all of the issues necessary to have a lawful system of immigration that serves the national interests in a way that Americans can be proud of.

We believe in immigration. We want to be compassionate and helpful to people who have been here a long time, but we have to have a system we can count on in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, yesterday we received some very positive news about the future potential impact of this bill that is being debated on the floor today from the Congressional Budget Office regarding the expected economic impact of this bill. I think it is worth repeating. It has been discussed and debated, but I think it is worth repeating for the benefit of those who are watching and for the benefit of those who are crafting a path forward.

The CBO report details how successful reforms to our immigration system called for in this bill will, in fact, boost our economy not only in the next 10 years but in the 10 years to follow. Specifically, the report details how immigration reform will cut the deficit by nearly $200 billion—I think it is $197

billion over the next decade—and then $700 billion in the following decade. CBO projects over 20 years, nearly $1 trillion in savings.

While economic growth and deficit reduction are both great things and important for our country, what is particularly interesting and valuable about this bill is that the growth and jobs, according to CBO, will be experienced by Americans all across the country and all along the labor spectrum. The CBO report is consistent with a statement last month from the Social Security Administration that this bill would create over 3 million jobs in the next 10 years. Simply put, this is a jobs bill.

The immigration bill before us creates jobs in a number of different ways that I think are worth taking a minute to look at. First, the bill creates jobs by making needed investments, as we have heard at great length today, in border security. The brave men and women who defend our country's borders will get the support they need to reduce illegal immigration and save lives. Many of these men and women, in fact, will have served honorably and previously in our Armed Forces abroad, and this bill provides a specific opportunity at which our heroes will excel.

The bill also creates jobs by creating and enhancing immigration programs that encourage investment in American companies and in American workers.

The permanent authorization of such demonstrated programs such as EB–5 and the new INVEST visa, which build upon years of demonstrated success and create years of jobs through targeted investment capital, is another benefit of this bill.

In the last Congress I worked with a bipartisan group, including Senators WARNER, RUBIO, and MORAN, in crafting something called the Startup visa, and I am thrilled this includes the INVEST visa, quite similar to the Startup vise idea, that encourages foreign nationals with capital who are entrepreneurs to come to the United States and invest in job growth in our country.

New companies create new jobs, and the contributions of immigrant entrepreneurs are well known in every corner of this country, including in my own home State of Delaware. By encouraging rather than limiting immigrant entrepreneurs, this bill will ensure the American dream remains alive and well for future generations.

This bill also, in my view, will create jobs in the short term and in the long term by encouraging companies to invest in growth in the United States rather than abroad. It balances the need to attract and retain high-skilled foreign-born individuals, many of whom are currently trained at American universities at public expense, while also ensuring that companies recruit Americans for open positions in high-skilled jobs—typically those who focus in the engineering and science, math and technology areas.

The reforms in this bill to our employment-based visa system are long overdue. It does a wide range of things, including clears backlogs, eliminates the per-country caps, and permits so-called dual-intent for students. I think all of these are positive for improving the quality and the availability of the American workforce. I think we should get this done.

At the same time, this bill makes an important contribution to the health and welfare of American workers by cracking down on unauthorized illegal employment and bringing workers out of the shadows and into our open economy. I am particularly happy this bill includes clear guidance that immigrants authorized to work in this country are able to provide services in all parts of the economy by accessing appropriate licensure standards. This provision will ensure that once legally authorized to work, immigrants who abide by the same laws and safety measures as Americans will be able to bring their full skills and talents into our economy.

For the long-term health of our economy, this bill also contains an important investment in training our children. I had the pleasure of working with Senators HATCH, RUBIO, and KLOBUCHAR on a STEM fund concept in our immigration innovation bill, and I am glad to see the inclusion of that STEM education fund that will improve the science, technology, engineering, and math education of U.S. national children in schools across this country.

At a time when we have to make difficult decisions about how best to cut the deficit and grow the economy, this bill is perhaps the best chance we have at making significant, bipartisan progress while also making our country more fair, more just, and more secure.

If I might for another few minutes, I wish to also speak about what it means to make our immigration system more just.

America has earned its place in the world in part because of the immigrants who have come before us bringing their culture, their passion, their ideas, and their skills to our shores. When I ask Americans what they expect of our immigration system as we try to fix this badly broken system, they say they want one that keeps us safe from foreign threats, from terrorism, and dangerous individuals. They want a system that protects the American workforce and that grows our economy. They want a system that is fair and transparent and that reflects our most basic values.

It is clear to me, as it is, I suspect, to the Presiding Officer and many of our colleagues that our current immigration system just isn't consistent with our most sacred values. We are failing to resolve legal disputes through a judicial process worthy of our world-renowned justice system, and we are failing to safeguard taxpayer dollars which we are needlessly wasting with a slow and inefficient and poorly managed immigration legal system.

Our immigration system jeopardizes our values and mistreats those who would adopt them as their own. So I think we must act.

Fortunately, this bill before us today better aligns our immigration system with our most basic values. It is not perfect, but it is a vital and needed step forward. It makes critical progress, for example, in the treatment of children who are forced into our immigration courts. Under our current system, children as young as 8 years old—often with limited English language skills—are forced to stand in front of immigration judges and argue whether they have some basis to remain in our country. These children aren't represented by counsel. The proceeding is adversarial. The judge is an employee of the same agency as the prosecutor. This, in my view, doesn't look anything like America, and in some essential ways it must change.

By expanding access to representation for children, this bill will not only seek better justice for immigrant children, but also help administer cases in a more efficient manner. In our immigration courts where immigrants are regularly brought before judges without information central to their own cases, this bill will ensure immigrants have access to their own case files before they appear in court. In our own civil and criminal court systems, this sort of basic information exchange is the bare minimum.

This is an improvement that reflects our values, by letting people understand the consequences before them when they step into a courtroom. It is also a commonsense way to save money by expediting immigration proceedings where dockets are currently backlogged not just weeks and months but years. While immigration courts deal with mounting backlogs, many immigrants remain in detention at enormous cost to taxpayers.

Finally, this bill also proposes a rational detention policy that keeps immigrants who pose a real threat to society in detention while recognizing the value, the capability of modern technology to provide alternatives to detention when the only concern is appearing for a hearing. Our values tell us that individuals who pose no threat to society don't belong in protracted detention, and technology has allowed us to exercise better alternatives.

By addressing the backlog of cases through improvements to the court system and by making steps toward a more rational detention policy, I believe this bill in its current form will save money while reflecting our shared values.

I wish to draw the attention of my colleagues to one amendment that raises concerns for me on this exact point. It is amendment No. 1203, and Senator INHOFE is the lead sponsor. It would, in my view, require essentially mandatory indefinite detention of

those who are currently detained in the American immigration system for whom we can find no country that would accept them, but with no pathway, no alternative to discretion for an immigration judge to choose to use technology to allow them out of detention while ensuring that they pose no threat to security for our communities. I think this takes away necessary opportunities for immigration judges to exercise discretion as to who belongs in detention for very long periods of time at great public expense. It is my hope my colleagues will act to defeat this amendment.

In closing, in my view, it is critical for the future of our country that we address all of these issues now. I look forward to the passage of this legislation. When our laws are so inconsistent with our basic values, we should act without delay. When we have right in front of us an opportunity to reduce the deficit and to grow jobs, to make this country safer, stronger, fairer, and more prosperous, we should act in a bipartisan and progressive way.

With that, I thank the Chair, I yield the floor, and I 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. VITTER. I would ask unanimous consent to vitiate the quorum call.

The PRESIDING OFFICER. Without objection.

Mr. VITTER. I would ask to go to regular order to the Leahy amendment.

The PRESIDING OFFICER. Without objection.

The amendment is pending.

Mr. VITTER. Great, Madam President.

AMENDMENT NO. 1507 TO AMENDMENT NO. 1183

At this point, I would send a second-degree amendment to the desk to make that pending.

The PRESIDING OFFICER. The clerk will report.

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

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1507 to amendment No. 1183.

The amendment is as follows:

(Purpose: To ensure that aliens convicted of crimes of violence against women and children are ineligible for registered provisional immigrant status)

On page 945, between lines 20 and 21, insert the following:

''(III) an offense, unless the applicant demonstrates to the Secretary, 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, that—

''(aa) is classified as a misdemeanor, in the convicting jurisdiction; and

''(bb) involved—

''(AA) domestic violence) (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or

''(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));

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. HEITKAMP). Is there objection?

Mr. LEAHY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. 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. REID. Madam President, what is the pending amendment?

The PRESIDING OFFICER. The Vitter amendment No. 1507 to the Leahy amendment No. 1183.

Mr. REID. I raise a point of order against the Vitter amendment that it is improperly drafted to the Leahy amendment.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

Mr. REID. The Vitter amendment falls; is that right?

The PRESIDING OFFICER. It falls.

Mr. REID. Madam President, I now ask unanimous consent that there be a period of debate only until 6:30 p.m., with the time equally divided between the two leaders or their designees, and that I be recognized at 6:30 this evening.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I don't know if there is any particular order. I see other colleagues on the floor. I am not in a particular rush. I would be happy for them to speak, but I wish to speak for 5 minutes as in morning business.

I thank the Senators.

I know the leadership—Senator LEAHY and Senator GRASSLEY—are working very hard to negotiate some very controversial and serious amendments to the underlying bill, and there have been negotiations going on all day on the immigration bill, and actually for weeks, both in the Judiciary Committee, where 17 Members serve, and then here on the Senate floor, where the rest of us have our only opportunity to engage and to be part of legislating a bill that is likely to pass. There is no guarantee, but it looks as though it is moving in that direction.

The bill has been strengthened as it has gone on, and we have had a very vigorous debate. But I have come to the floor several times only to say this: There is a series of amendments that are completely uncontested. In other words, there is no opposition to them. The list is approximately, from what we can tell at this point, potentially around 30 to 35. It could be more, but there are clearly 30 to 35 amendments that have been filed by Republicans, by Democrats, and some of these amendments are cosponsored by Republicans and Democrats, each together.

I have been talking about this for a couple of days because I think we have to get back to trusting each other and working together across party lines on major bills such as this and actually working to pass amendments that nobody objects to. Wouldn't that be amazing. We used to do that routinely through a practice called the managers' amendment. In the last couple of months or years everybody is so angry and aggravated at the end of the debate there is no managers' package. So I have decided to start early identifying amendments while the leadership is focused on the more controversial amendments both sides are still arguing about that are significantly meritorious. I have been focused on amendments that are very good ideas, and to which, to my knowledge, there is literally no opposition.

I want to adjust the list and remove from the Landrieu list Collins amendment No. 1255. There has been some objection on our side to that. Heller No. 1234, there has been some objection to that. Now, this is not final. I am not managing the bill. I am just saying, to be honest, we have heard objections as to these two.

There are additional amendments that come to our attention that may not have any opposition that I may want to add to this list. One is Toomey No. 1236 which clarifies that personnel, infrastructure, and technology used in the comprehensive border security strategy is procured through existing or new programs. It is a clarification to the underlying bill. I don't think anyone objects to that.

Senator GRASSLEY has an amendment No. 1306 that he is well aware of that authorizes the Attorney General to appoint counsel to represent an unaccompanied alien child with serious mental disabilities. I most certainly would support that. He and I have worked together on many pieces of child welfare legislation. There is no one opposing that amendment.

Johanns amendment No. 1345 requires CBO to report on revenues and costs generated by the bill and requires the DHS Secretary to generally adjust fees under the bill to cover costs that are not fully offset. As the cosponsors of this bill have said, this bill will not cost taxpayers any money. It is offset by fees. This amendment is simply clarifying that statement. It would be a good amendment. I think that is an example.

Senator COATS' amendment No. 1372 requires, similar to Senator GRASSLEY, to consult on children coming through with mental disabilities to make sure they have legal counsel. No one would object to that.

Finally, Senator FLAKE, amendment No. 1472, requires the GAO to study the use of non-Federal roads by Customs and Border Protection.

These amendments are not striking lightning anywhere, not upsetting

Western civilization. These are perfecting amendments that we came here to legislate on behalf of our constituents because there are people or groups or entities in our States that are following the big bill and the big controversies of it, but some people are actually following the specifics and want to make suggestions to make the bill better. So people who are going to vote against the bill can still vote against it. People who are going to vote for it can still vote for it. But we can make the bill better. That is what we are here to do.

I can't, under the order, have any motions, but I will just bring it to the attention of the Senate that I am going to submit this to the RECORD. If there are any objections to those that I have talked about, please let us know.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Ohio.

Mr. PORTMAN. Madam President, I rise today to talk about a couple amendments that I hope will make it on the Landrieu list. I think they are entirely consistent with what she has talked about; that is, amendments where there should not be any controversy, where we can come together as Republicans and Democrats and support them, in order to improve this underlying piece of legislation on immigration reform.

I do think it is important for us to resolve this issue of an immigration system that is broken—a legal system that fails to actually uphold the laws within it.

As the Presiding Officer knows, and I talked about it yesterday, I still have concerns about the legislation in a number of areas.

One is the internal enforcement of the legislation, particularly with regard to the workplace. I think the magnet of work that encourages illegal immigration can be addressed through a stronger and more comprehensive E-Verify system, and we plan to offer an amendment to that effect, and will work with both sides of the aisle.

I also have concerns about Federal benefits going to noncitizens. I know that Senator HATCH has been working diligently on that issue as have Senator RUBIO and others, and I am hopeful that we will be able to work something out to address that issue.

Border security, of course, is an issue which we have talked a lot about today. It is important, but the provisions concerning it are not sufficient, in my view.

Finally, I do have concerns about the eligibility for legal status of convicted criminals. That is what I want to talk about today.

Again, Senator LANDRIEU has talked about supporting a number of uncontested amendments that will improve the underlying bill. I think these two amendments that I am going to talk about today fit well into that category.

These amendments would apply a uniform and fair standard to anyone convicted of a felony. I think that is, at a minimum, what we have to be doing. If you are convicted of a felony crime, there ought to be a fair standard applied, and you ought not to be able to obtain a legal status. They would also ensure that dangerous criminals who prey on the most vulnerable among us are not given legal status under this legislation.

Yesterday I talked in general terms about what these amendments would accomplish. One problem I identified is that the underlying bill requires an applicant for legal status to have served at least 1 year in prison in order to make that person ineligible, regardless of the crime, even if the crime they committed was a felony.

I think it is also important to understand the kinds of criminal convictions that, under the current bill before us, would not prevent someone from beginning the process of becoming a citizen, so I am going to give a couple examples. These are the kinds of incidents that we see on the nightly news and that fill us with disgust and outrage. They are not hypothetical:

A man convicted of felony child abuse for beating his children ages 6 and 8 with a riding crop, shooting them with BB guns and bottle rockets, and choking and burning them with cigarettes; a woman convicted of aggravated child abuse for giving alcohol to an 8-pound, 7-week-old infant to the point that its blood alcohol level was more than four times the legal limit for an adult; a man convicted of felony domestic violence when he broke into the home of his ex-girlfriend, choked her, pulled out her hair, and beat her to keep her from getting help.

All of these criminals were convicted of felonies; none of them served the full year imprisonment required to be inadmissible under S. 744, the underlying bill. So if somebody were convicted of these horrible crimes, they could still be admissible to go into legal status because they didn't serve that 1 year minimum.

By the way, this can result from several different factors. One is the disposition of the sentencing judge. Another is the recommendation made by prosecutors, possibly for reasons that were valid such as to get more information out of these criminals. It could also be because of overcrowding in our State prisons, which, unfortunately, is endemic in this country.

So I think making decisions based on time served is not the right way to go. It means that if two individuals are convicted of the same crime of violence—in this case domestic violence—but one serves 1 year in prison, and the other is sentenced to 6 months; the first person is barred from citizenship while the second would still be eligible. It is unfair, it is illogical, and it is not in keeping with the spirit of the legislation before us to treat all violent felons in the same manner.

My very simple amendment would ensure that those convicted of domestic violence, stalking, or child abuse, who could have been sentenced to not less than 1 year imprisonment for the crime at the time of conviction, are not eligible for citizenship.

My second amendment ensures that crimes against children involving moral turpitude—things like child abuse, child neglect, and contributing to the delinquency of a minor through sexual acts—are not subject to the discretionary authority of the Secretary of the Department of Homeland Security and the immigration judges with respect to removal, deportation, or admissibility of an individual. Crimes involving moral turpitude look past a conviction and the elements of a crime because these acts are conclusively against our values as a people.

This amendment would continue the standards we have always had enshrined in our immigration system. For that reason, just like the previous amendment, I believe, in a sense, that this is just a clarification that is necessary to make this underlying law work.

A quirk in the bill before us would change that. It weakens the laws designed to protect our kids. That is the kind of reform we don't need.

Discretionary authority has its place, I acknowledge that, but there is no excuse for committing acts of violence against children, and those who would do so are not worthy of citizenship. But under the legislation as currently written, someone who commits a felony assault—for example, a man who gets in a bar fight with another man—would be deported, but a father who goes home from that same bar and beats his children or hits his wife would not necessarily face the same consequences.

I can't believe that this was the intention of this legislation or that anybody in this Chamber would find that acceptable.

We want to make sure that this immigration bill only benefits those who are worthy of it. This bill is for the men and women who have come to this country to build a better life for themselves and their families, not those who would abuse them. It is for those who are willing to work hard, not for those who have served hard time. It seeks to open the door to American citizenship for those who share our values of respecting and protecting human life, not those who would commit crimes against the most vulnerable among us.

The debate on immigration reform has been long and at some points it has been difficult. I saw that on the Senate floor earlier today. And many of the amendments that have been offered have been highly contentious.

Again, I will be offering some amendments on ensuring that there is proper enforcement of the legislation later in this process. But I would say that these amendments we have offered, which are before the Senate, amendments Nos. 1389 and 1390, are amendments that shouldn't be contentious. They are intended only to protect our children and

to ensure that the creation of a path to citizenship does not leave the victims of domestic violence as second-class citizens.

There will be hard votes in the days to come. This is not one of them. I urge my colleagues to support both of these amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, I appreciate the recognition, and I ensure my colleagues I will be brief. I appreciate very much the work of the Senator from Ohio on this bill.

I wanted to come to the floor this afternoon to talk about the agreement that we have reached with Senators CORKER and HOEVEN that will significantly increase security measures taken at our borders.

We have spent a lot of time talking about this issue over the last months with some proposals that would have simply gone too far by sacrificing the path to citizenship, perhaps completely, in some of these proposals.

I thank Senator CORKER, Senator HOEVEN, and the other Senators who have been involved in this discussion for striking the balance in a different place and giving us a path to another bipartisan agreement that has required compromise—principled compromise—on all sides throughout this process.

A number of us have said that this bill is not the bill each of us would have written left to our own devices. But the nature of this place, when it is working, is that it is a place where people make principled compromises and come together.

I want to thank Chairman LEAHY, who is on the floor today, for the process that he led in the Judiciary Committee to get us here. There were over 300 amendments considered. I think there were 141 amendments adopted by both Democrats and Republicans.

This is the way Colorado expects the Senate to work—a State that is one-third Democratic, one-third Republican, and one-third Independent, and doesn't care very much about what labels people put on each other or themselves but would like the institutions in Washington to actually reflect their priorities and reflect the way they do business, which is by coming together and figuring out how to deal with principled disagreements.

So while we have said this bill isn't the bill that I would have written alone, it is a good bill. It is a bill that has gotten stronger in the committee and stronger on the Senate floor. That is the way it is supposed to work.

People at home know that doing big things means we are going to have to be willing to come together from time to time on compromised solutions, and that is what we are doing here. We are protecting the principles the eight of us laid out when we started this process, which includes ensuring a pathway to citizenship that is real and attainable, in addition to preventing future illegal immigration through, among other measures, securing our borders.

Our agreement had additional support for securing the border even after the improvements we have seen over the last 10 years. But now what we have before us is what some have called a border surge plan that will significantly expand resources at the border beyond what is already in the bill.

It will double the number of border agents—an agent, it has been estimated, every 1,000 feet on the border. It will significantly expand fencing. It will implement new technology and resources such as fixed towers, surveillance cameras, and aerial surveillance units. It will provide for full monitoring of our southern border.

We have already dramatically increased security at the border. This bill will double the number of border agents on our southern border. And while these items will add more cost to the bill, we know such costs are offset by fees and fines on visas throughout our bill.

Yesterday's news from the Congressional Budget Office that the bill as written would achieve nearly $900 billion in deficit savings over the next 20 years—coupled with the gigantic steps we are already taking at the border, along with the growing coalition of support for fixing our broken immigration system—is leaving opponents with less and less to undercut the bill. The case is simply slipping away for maintaining the status quo that is holding back our economy, keeping us less secure, and tearing apart families.

At home, people actually think securing the border is a virtue. They support securing the border at home. People at home think a pathway to citizenship that resolves the question for the 11 million people working in this shadow economy, in this cash economy, is a virtue. People at home believe both of those things would be positive. In Washington, somehow it becomes a trade: border security for citizenship, depending on which side you are on.

I want to say how grateful I am to the other Members of the Gang of 8, particularly to Senator MCCAIN, Senator GRAHAM, Senator RUBIO, and Senator FLAKE, my Republican colleagues, and to Senator HOEVEN and Senator CORKER for creating the opportunity for us to have a big bipartisan vote on this Senate floor next week; to be able to show the American people there is hope, that we can finally resolve not just the issue for the 11 million, but we can also begin as a country to have the talents of people from all over the world who want to contribute to our economy, who want to build their businesses here.

I thank them for legislating in such a constructive way, so as we move forward, to have the chance for each of us to vote to reaffirm two essential principles that make our country so special: One, that we are committed to the rule of law and the other that we are a nation of immigrants.

I yield the floor. I thank the Senator from Utah for his patience.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, I ask unanimous consent to set aside the pending amendment and call up an amendment, No. 1207.

Mr. LEAHY. Madam President, I object.

Mr. BENNET. I object.

Madam President, I did not know that was the purpose of the Senator rising, so I will keep going on another topic.

Through the Chair, does the Senator from Utah want to speak?

Mr. LEE. Through the Chair, the Senator from Utah would like to speak.

THE FARM BILL

Mr. BENNET. Through the Chair, two sentences, which are: Our farmers and ranchers in Colorado have been suffering through the worst drought that we have had in a generation. This is the third year in a row of that drought. We have passed a bipartisan farm bill twice on the floor of the Senate, I think with over 70 votes. It is not perfect. There are things in it I would change. It is the only bipartisan deficit reduction, other than the immigration bill, that has been achieved by a committee in this Congress, either on the Senate side or House side—the only one.

We make important reforms to our conservation title. We end direct payments to producers. The Senate bill is not a perfect bill, but it is a good bill. Today the House of Representatives voted their own bill down. Farmers and ranchers in Colorado who are working hard to try to support their families, to create a condition where they can leave their farms and ranches to the next generation of Coloradans, are left to scratch their heads once again why Washington cannot get its work done.

I urge the House of Representatives to pass the bipartisan Senate farm bill so our farmers and ranchers can get the relief they need.

I yield the floor.

Mr. LEAHY. Madam President, will the Senator, before he yields the floor, yield for a question?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. BENNET. I yield.

Mr. LEAHY. Madam President, I believe the Senator is aware of this. I ask, does he know when we passed the farm bill last year by a huge bipartisan margin, and again this year, that on the Senate committee are several former chairs of that committee in both parties as well as a former Secretary of Agriculture, and we came together as Republicans and Democrats to pass a bill that saves $23 to $28 billion? I believe the Senator is aware of that.

Mr. BENNET. Through the Chair, I am aware of that. I appreciate the Senator from Vermont, the former chair of the committee and now the chair of the Judiciary Committee, reminding the

Chamber that the Senator from Vermont has been here longer than I have been, just being honest about it. But I wonder sometimes what it would have been like to serve in this body when it did not have a 10-percent approval rating. The chairman was here when the Congress did not have a 10-percent approval rating. I don't know why anybody in the world would want to work in a place that had that level of approval.

I came down to the floor once with a slide that tried to find other enterprises that had the kind of approval rating we have in this Congress. It is very hard to do. The IRS had a 40-percent approval rating. There is an actress who had a 15-percent approval rating. Eleven percent of the American people say they want the country to be a Communist country—I don't, by the way. I think Fidel Castro had a 5- or 6-percent approval rating.

We have to start working together. That is what the American people want. That is what the people in my State want. They know we are not always going to agree on everything, but they expect us to actually get things done. One of the matters we have in front of us, this immigration bill, is an excellent example of Republicans and Democrats coming together to do their work.

The chairman is exactly right. The Senator from Vermont is exactly right. We have differences on the Agriculture Committee sometimes, but they are not partisan differences. They are not differences between Republicans and Democrats. They are regional differences, and we find a way to hash those out. We were able to pass this bill on the floor with broad bipartisan support. That is what we should do with this immigration bill and that is what the House of Representatives should do with our Senate farm bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, I certainly share the concern of my friend and colleague from Colorado, and I thank him for his remarks. We do, as an institution, have an alarmingly low approval rating. I have even said we are slightly less popular in America than the Castro brothers and slightly more popular than the influenza virus, but the virus is gaining on us rapidly.

There are many reasons for this. One thing is we are trying to gain too much control over too may aspects of the lives of the American people. There is so much of what the American people do that is governed, even micromanaged by the Federal Government and by what it does every single day. So much of their wealth has to go to pay their taxes to the Federal Government. So many of their communications are potentially susceptible to being monitored. So much of what they do is in one way or another restricted by the Federal Government.

I would like to discuss amendment No. 1207, which would address one of the many implications of the fact that we have a Federal Government that is simply too big. It deals specifically with the ownership of Federal land.

In my State, the State of Utah, the Federal Government owns about two-thirds of the land. That is two-thirds of the land that has to be managed by bureaucrats, bureaucrats ultimately working out of Washington, DC, who, for the most part, don't tend to share the same values or the same interests in land development as do people from my own State. That is land we cannot tax and land we therefore cannot access as a resource. It is land that, because it cannot be taxed, cannot provide tax revenue for local governments to fund fire departments, police services, and schools.

It has other implications too when the Federal Government owns this much land. It is significant that about 40 percent of the land along our border is owned by the Federal Government. It is significant that in a lot of that stretch of border, Federal agents from the Bureau of Customs and Border Protection, or CBP, are not allowed to do their job. Even our own Federal officers cannot do that which they need to do, that which they have sworn an oath to do, at least not very effectively, for the simple reason that this is Federal land and there are a whole host of environmental restrictions that often accompany the use of Federal land or traversing on Federal land of any kind.

This is foreign to many of my colleagues, many of whom come from States where there is very little Federal land. It is significant that in every State in the Rocky Mountains or west of the Rocky Mountains the Federal Government owns 15 percent or more of the land in those States, and in every State east of the Rocky Mountains the Federal Government owns less than 15 percent. In many cases it is much less than that—in some cases ½ of 1 percent.

I don't expect all of my colleagues to sympathize with this immediately, but I hope, in time, when they come to understand what we face in these States where there is so much Federal land ownership, they would be sympathetic to this amendment.

The idea of this amendment is we have a problem. We have a problem when CBP agents cannot adequately enforce the law, cannot adequately enforce the border, protect it for national security purposes and immigration purposes and the like, simply because of the fact the land is federally owned and environmental restrictions get in their way and interfere with their ability to do that.

The net result of this is not environmental protection because, as we have seen, in many of these areas, because coyotes and others who bring people illegally across the border are well aware of these restrictions, they will make sure illegal immigrants come across these very same tracts of land in order to get into the United States illegally. They leave in their wake, in some cases, a trail of destruction or at least a trail of litter as they drop things along the way.

This also, by the way, creates very dangerous conditions for many of these immigrants who are trying to cross very remote sections of land. It makes it difficult, not just for the agents but also for the immigrants alike. It is not good for anyone.

This amendment tries to change that. This amendment would provide immediate access to land at the border for the purpose of maintaining or building roads, fences, also driving patrol vehicles, and for installing surveillance equipment. It is interesting. People are dying on the border as a result of the fact that immigrants very often will cross these very remote sections of land. They run out of water. They run out of food. They run out of other supplies. They get lost.

It is scary. This would happen less if we were adequately enforcing our border. Again, border lands are littered with the trash left behind by these illegally crossing illegal aliens.

This has not gone completely unnoticed in the past. In fact, this has been reported in the press. Just a few years ago, the Washington Post reported, November 16, 2009, the following:

> In a remarkably candid letter to members of Congress, Homeland Security Secretary Janet Napolitano said her department could have to delay pursuits of illegal immigrants while waiting for horses to be brought in so agents don't trample protected lands, and warns that illegal immigrants will increasingly make use of remote, protected areas to avoid being caught.
>
> The documents also show the Interior Department has charged the Homeland Security Department $10 million over the past two years as a ''mitigation'' penalty to pay for damage to public lands that agencies say has been caused by Border Patrol agents chasing illegal immigrants.

Every one of us in this body whom I am aware of has been saying we need to secure the border and that we do. I am here to reiterate that very point. If we are serious about that, as we claim to be, then we have a certain obligation to make sure our CBP agents, officers have the ability to enforce the law; that they are not fighting this battle with one hand or perhaps both hands tied behind their back; that we are not ordering them to make bricks without straw. We have to give them the ability to do their job and certainly not interfere with it.

It is not just that we are placing a minor incidental burden on their ability to enforce the laws, we are talking about 40 percent of the land along the southern border that is federally owned. So we are dealing with an awful lot of land. Everyone knows if we enforce the border in some areas but make it impossible to enforce in others, we are going to drive the illegal immigration traffic toward those areas of the border where enforcement is not ongoing.

That is what my amendment does. This has been debated and discussed in

the House of Representatives. My understanding is that in prior legislation the House of Representatives has even adopted this provision.

I urge each and every one of my colleagues to take a close look at amendment No. 1207, which I hope to call up in the near future, and I hope we will pass this measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, first, let me thank my very good friend from Iowa who graciously allowed me to make a very short statement. I am concerned about this. Several of us have amendments we have been trying to get up for a long period of time. Frankly, I do not know what the current status of the amendments and the bill are right now, whether we will be getting to some votes sooner or later. I have no way of knowing. But I have one amendment that is one I thought would be so acceptable that there would not be any opposition to it. Let me just briefly tell you what it is.

My amendment addresses the 2001 U.S. Supreme Court decision in Zadvydas. This is one where the Court held—we all remember this—that immigrants admitted to the United States and then ordered removed could not be detained for more than 6 months.

Four years later, the Supreme Court came along and extended the decision to people here illegally as well. That is what we are talking about right now. We are talking about illegals who come into this country. As a result, the Departments of Justice and Homeland Security have no choice but to release thousands of criminal immigrants into our neighborhoods. The problem with these decisions is the criminal immigrants ordered to be removed cannot be deported back to their country if that country refuses to accept them back.

Let's stop and think about that. I certainly could not criticize a country for not taking back a hardened criminal into their country, and that is what happens. More importantly, these decisions have a serious impact on public safety, as recent cases have illustrated.

Six years ago a Vietnamese immigrant was ordered to be deported after serving time in prison for armed robbery and assault. He was never removed because the Supreme Court decision handicapped our authorities. Our immigration officials couldn't deport him without the cooperation of the Vietnamese Government, which they didn't get. The Vietnamese Government said, we don't want this guy back. As a result, his deportation was never processed.

This same immigrant, Binh Thai Luc, is suspected of killing five people in a San Francisco home in March of 2012.

The story of Qian Wu puts this situation in perspective. Qian Wu felt a little safer after the man who had stalked, choked, punched her, and pointed a knife at her was locked up and ordered to be removed from the country. She naturally felt better at that time because the guy was behind lock and key and then was going to be ordered back to his country. The man, Huang Chen, was a Chinese citizen who had illegally entered the United States. As has been the case at least 8,000 times in the last 4 years, Mr. Chen's home country refused to let its violent criminal return. So here is a guy who is a violent criminal, ordered to be sent back to his country, but his country didn't want him.

Handcuffed by the Supreme Court decision, immigration officials released Mr. Chen back into the community when they had no place else to send him. They released the guy. As anyone can imagine, this story does not have a happy ending. Upon his release in 2010, Huang Chen murdered Qian Wu. He murdered her. She suspected this was going to happen. As we can see, this is a real problem with serious consequences, and there are others like these people out there.

According to statistics provided by the Department of Homeland Security, there are many countries that are not cooperating or take longer to repatriate their nationals. Countries such as Iran, Pakistan, China, Somalia, and Liberia are all on that list. The Supreme Court, in making their decision, said Congress should clarify the law. I have an amendment that clarifies the law by creating a framework that allows immigration officials to detain dangerous criminals and immigrants such as Binh Thai Luc and Huang Chen.

This is specifically what this amendment does: Immigrants can be detained beyond 6 months if they are under orders of removal but cannot be deported due to the country's unwillingness to accept them back into their country.

There are several conditions that have to be made, including if the release would threaten national security—keep in mind that a determination has been made that they threaten national security, threaten the safety of the community, and the alien either is an aggravated felon or has committed a crime of violence.

I understand the ACLU is opposed to this, and that should make everyone excited about getting this passed. By the way, we are going to hear people say there are no conditions. There are a lot of safeties built into this.

For example, in order for the Secretary to keep someone past 6 months, they will have to certify every 6 months that this is not indefinite and certify the threat is still there. The alien still has access to our Federal courts. So this would be in effect only under the condition of the person being a threat to the safety of the community and that person must have also committed a crime of violence or aggravated felony.

I cannot imagine that anyone would object to this and as a result potentially put all of these people in danger. We have already had some deaths. I think it is very reasonable that we go ahead and take care of some of these things that would be acceptable.

So for that reason, I ask unanimous consent that amendment No. 1203 be brought before us for its immediate consideration.

Mr. LEAHY. Mr. President, I object.

The PRESIDING OFFICER (Mr. COWAN). Objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am not going to make a unanimous consent request. I want to speak about a piece of legislation I hope to introduce before we finish the bill on immigration.

This is a Grassley-Kirk amendment numbered 1299, and I am having a difficult time getting it put in place so we can get it brought up. I believe there is a lack of understanding of what my amendment does. I want to take this time to explain it so everyone can fully understand it and get it to a rollcall vote.

I thank Senator KIRK for joining me on this amendment as a cosponsor.

This amendment would address language in the bill that creates a convoluted and ineffective process for determining whether a foreign national in a street gang should be deemed inadmissible or deported. I offered a similar amendment in committee because I believe this to be such a dangerous loophole that requires closing.

My amendment even had the support of two Members of the Group of 8. Specifically, in order to deny entry or remove a gang member, section 3701 of the bill requires the Department of Homeland Security prove a foreign national: one, has a prior Federal felony conviction for drug trafficking or violent crime; two, has knowledge that the gang is continuing to commit crimes; and three, has acted in furtherance of gang activity.

Even if all of these provisions could be proven under the bill, the Secretary could still issue a waiver. That is just one of many opportunities for the Secretary of Homeland Security to forget about what the legislation says. As such, the proposed process is limited only to criminal gang members with prior Federal drug trafficking and Federal violent crime convictions and does not—can you believe this—include State convictions such as rape and murder.

The trick here is that while the bill wants everyone to believe there is a strong provision, foreign nationals who have Federal felony drug convictions or violent crime convictions are already subject to deportation if they are already here or denied entry as being inadmissible. So the gang provision written in this bill adds nothing to current law and obviously will not be used. It is, at best, a feel-good measure to say we are being tough on criminal gangs while doing nothing to remove or deny entry to criminal gang members.

It is easier to prove someone is a convicted drug trafficker than both a drug trafficker and a gang member. So as currently written, why would this provision ever be used? Simply put, it would not be used.

My amendment would strike this do-nothing provision and issue a new, clear, simple standard to address the problem of gang members. My amendment would strike this do-nothing provision and create a process to address criminal gang members where the Secretary of Homeland Security must prove: one, criminal street gang membership; and two, that the person is a danger to the community. Once the Secretary proves these two things, the burden then shifts, as it should, to the foreign national to prove that either he is not dangerous, not in a street gang, or that he did not know the group was a street gang. It is straightforward and will help remove dangerous criminal gang members.

My amendment also eliminates the possibility of a waiver. Under my amendment, the vast majority of people here illegally who could be excluded based upon criminal gang membership would be able to appeal that determination to an immigration judge. Even if they are found to be a gang member, if they can show they are not a danger to society, they can gain status. This gives the Secretary—in the event they appeal to an immigration judge—the ability to make these two determinations before denying entry or starting deportation. It is a real solution to dangerous criminal gang members who are either here in the country now seeking legal status or who are attempting to enter from abroad.

I urge my colleagues to look at this amendment and hopefully get it on the list of issues we can discuss and vote on before we have final passage.

To summarize, the current bill is simply a feel-good measure that has very limited impact. It will rarely be used because it is written in a way with many loopholes. And, even if it is, the Secretary can waive the deportation.

To a greater extent, we ought to be emphasizing how many waivers there are in this bill, which give too much delegation to the Secretary. We ought to be legislating more in these areas and making more determinations here instead of leaving it up to the Secretary. A vote against my amendment is a vote against commonsense legislation to address criminal gang members.

I am sure somebody is going to argue this might be too high of a burden. My amendment simply requires the Secretary make the initial determination for purposes of admissibility. Under my amendment, the vast majority of people here illegally who could be excluded based upon criminal gang membership would be able to appeal that determination to an immigration judge. So there is review of these decisions to deny status if the Secretary believes the individual to be a gang member.

Criminal street gangs, as everyone knows, are dangerous. They survive by robbing their community of safety. They are involved in drug trafficking, human trafficking, and prostitution. The way the bill deals with criminal gang members would allow gang members to simply say they are no longer a gang member, with no further determination, and they would be able to gain admission.

In reality, it is hard to walk away from a gang, and some will claim they did gain status. The only way to prevent gang members from gaming the system is through my amendment. It provides the Secretary and immigration judges the discretion they need. Even if they are a gang member, if they can show they are not a danger to society, they can gain status. This is a reasonable standard that allows the alien to argue they are not a gang member and/or dangerous.

There is a precedent in the immigration code related to group membership as a bar: namely, membership or association with a terrorist organization. Criminal gangs—although not legally terrorist organizations—can be just as dangerous as terrorists. Why would we not want to give the Secretary this authority?

This bill provides sweeping waiver authority and discretion to the Secretary to make all sorts of decisions. I don't know why the sponsors would oppose discretion to the Secretary to deny gang member admission. A vote against this amendment—if it is brought up—is a vote to allow dangerous gang members a path into our country.

Some may argue that it should be tied to some sort of criminal conviction. Well, criminal gang members are not often convicted of a crime of gang membership. In fact, the Federal crime of being a gang member is almost never used. To only limit gang member restrictions to those convicted would be a huge loophole given the difficulty of prosecuting someone for simply gang membership. The underlying bill doesn't even consider State-level convictions for gang membership as my amendment would.

Simply put, my amendment will help prevent gang members from getting into this country, and the bill will not. I hope we can get this amendment on the list to be voted upon.

I yield the floor.

Mr. LEAHY. Mr. President, I 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. LEAHY. 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. LEAHY. Mr. President, I yield to the distinguished Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I rise to speak on my amendment No. 1504, cosponsored by Senators MURRAY, MURKOWSKI, BOXER, GILLIBRAND, CANTWELL, STABENOW, KLOBUCHAR, WARREN, BALDWIN, MIKULSKI, LANDRIEU, SHAHEEN, and LEAHY. I ask unanimous consent to set aside the pending amendment.

Mr. LEAHY. Mr. President, I object.

Ms. HIRONO. Mr. President, the immigration bill clearly and inadvertently disadvantages women who are trying to immigrate to the United States. The bill, S. 744, reduces the opportunities for immigrants to come under the family-based green cards system.

The new merit-based point system for employment green cards will significantly disadvantage women who want to come to this country, particularly unmarried women.

Many women overseas do not have the same educational or career-advancement opportunities available to men in those countries. This new merit-based system will prioritize green cards for immigrants with high levels of education or experience. By favoring these immigrants, the bill in effect cements into U.S. immigration law unfairness against women. That is not the way to go.

The bill inadvertently restricts the opportunities available to women across the globe. Currently, approximately 70 percent of immigrant women come to this country through the family-based system. Employment-based visas favor men over women by nearly a 4-to-1 margin as they place a premium on male-dominated fields such as engineering and computer science. But across the globe women do not have the same educational or career opportunities as men.

Immigrant women make many contributions and positive impacts to communities. Economically, women are increasingly the primary breadwinners in immigrant families. They often bring additional income, making it more likely for the family to open small businesses and purchase homes. In addition, women provide stability and permanent roots, as they are more likely to follow through on the citizenship application process for themselves and their families.

Ensuring that women have an equal opportunity to come here is not an abstract policy cause to me. When I was a young girl, my mother brought my brothers and me to this country in order to escape an abusive marriage. My life would be completely different if my mother wasn't able to take on that courageous journey. I want women like her—women like my mother—who don't have the opportunities to succeed in their own countries to be able to build a better life for themselves here.

The Hirono-Murray-Murkowski amendment evens the playing field for women. This amendment would establish a tier 3 merit-based point system

that would provide a fair opportunity for women to compete for merit-based green cards. Complementary to the high-skilled tier 1 and lower skilled tier 2, the new tier 3 would include professions commonly held by women so as not to limit women's opportunities for economic-focused immigration to this country. This system would provide 30,000 tier 3 visas and would not reduce the visas available in the other two merit-based tiers, while maintaining the overall cap on merit-based visas.

This amendment is supported by We Belong Together: Women for Common-Sense Immigration Reform; the Asian-American Justice Center; the National Domestic Workers Association; the Leadership Conference on Civil and Human Rights; Church World Service; Family Values at Work; National Asian Pacific American Women's Forum; MomsRising; National Immigration Law Center; American Immigration Lawyers Association; National Organization for Women; Center for Community Change; Lutheran Immigration and Refugee Services; the Episcopal Church; Unitarian Universalist Association; United States Conference of Catholic Bishops; Catholic Charities USA; Caring Across Generations; Coalition for Humane Immigrant Rights of Los Angeles; American Federation of State, County, and Municipal Employees; Sisters of Mercy; Asian Pacific American Labor Alliance; AFL–CIO; the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America; the National Council of La Raza; the United Methodist Church; National Queer Asian Pacific Islander Alliance; Hispanic Federation; Service Employees International Union; Immigration Equality Action Fund; Out4Immigration; Sojourners; and Communications Workers of America, AFL–CIO.

I believe our amendment would address the disparities for women in the new merit-based system, and the dozens of organizations I mentioned believe likewise.

Let's work together to improve the new merit-based immigration system and make this bill better for women.

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

Mr. LEAHY. Would the Senator withhold, please.

Ms. HIRONO. Yes.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I wish to speak about the immigration bill as we approach the end of this week because we are obviously hearing from many people outside of the building who are concerned about this issue, and I think it is important to make a few things clear as we head into next week and what I hope will be final passage of this measure.

First, let me describe how this program works because immigration is complicated. It can sometimes even be confusing. We throw around these terms here, and we assume everybody understands what they mean, so I want to explain. The way I will explain it is how this bill will work if we pass the amendment filed by Senators HOEVEN and CORKER, which I believe will pass and should pass with significant bipartisan support.

First, let's describe the problem we have today. No. 1, we have a broken legal immigration system. We have a system of legal immigration. About 1 million people a year come here legally. But the system is broken because it is designed, for example, solely based on primarily family reunification, which, by the way, is how my parents came in 1956. The problem is that the world has changed, and as a result, because we live in a global economy where we are competing for talent and not just workforce, we need to have more of a merit-based and career-based immigration system, and this bill would move us in that direction.

We have a broken legal immigration system, by the way, because it is cumbersome and complicated and bureaucratic. One really has to lawyer up to legally immigrate to the United States, especially in certain categories.

If we look at the agriculture sector, there is no reliable, sustainable way for agriculture to get foreign labor. By and large, while there are Americans who will do labor in the agriculture industry, there is a significant shortage of Americans who will work in the agriculture industry. And we don't have a program for agriculture that works for people to come legally here, but the jobs are there, so people are coming illegally.

So we have a broken legal immigration system, and that has to be fixed and modernized, and this bill does that. That is why we haven't heard a lot of discussion about it.

The second problem we have is that our immigration laws are only as good as our ability to enforce those laws. If we want to get to the heart of the problem we are facing in terms of opposition to the bill, it is because in the past, both Republicans and Democrats have promised to enforce the immigration laws and then have refused or have been unable to do it. Part of it has just been an unwillingness, to be frank.

We have talked about 1986 and 2006 and other efforts. In the past, people have been told we are going to enforce the immigration laws, and then we don't do it. As time goes on, the problem gets bigger and people say: We have been told this before, and we are not going to do it again. That really is standing in the way of more support for this measure.

Another problem we have is the systems we use to enforce the law are broken. For example, on the border there are sectors that have dramatically improved, and so from that experience we have learned what works, but there are sectors that have actually gotten worse or have not improved significantly. So to say the entire southern border has been secured is not true, and we really shouldn't say that to Americans, especially those living near that border who understand that is not true.

We also have a problem with visa overstays. What that means is people come into the United States legally on a tourist visa, and then when it expires they don't leave. So they came in legally—they didn't jump a fence or cross the border—but then they get here and they stay. That is a visa overstay. That is 40 percent of our problem. We don't have a system to track that. Even though it is mandated by law, we do not have a system to track that. We track people when they come in, but we don't track them when they leave in real-time, so we don't have a running tally of who has overstayed their visas, leading to 40 percent of our illegal immigration problem.

The third problem we have is the magnet that brings people here. I am not saying every single person who comes here illegally is coming looking for jobs and opportunity, but I am saying the enormous majority of people who come here are coming because they believe there is a job in the United States for them so they can feed their families. That is a magnet. We have jobs and we have people willing to do those jobs, and those two things are going to meet. They are going to come. The choice we have is, do they come through a legal process that is organized and secure or do they come in a chaotic way that contributes to illegal immigration? And that is how they are coming now.

So that is why in this bill we have an entry-exit tracking system but also have something called E-Verify, which simply means that employers—any business, any company, anyone who hires someone, when they hire them, they have to ask their name. The employee has to produce their identification. The employer runs that name through the Internet on a system called E-Verify, and it will confirm whether that person is legally here. If they are hired after that person says they are illegally here, we double and sometimes even triple the penalties for employers who do that.

So those are important measures this bill takes. And that is the second problem we face.

The third problem we face is even more fundamental. As we speak, as I stand here before my colleagues today, estimates are there are upwards of 11 million human beings living in these United States who are here illegally. They have overstayed visas, they were brought as children, they crossed the border, they are here. They don't qualify for welfare, they don't qualify for any Federal benefits, but they are here. They are here and they are working. They are working for cash. They are working under someone else's identification, but they are here. The vast majority of them have been here for longer than a decade. They are here.

Let me tell my colleagues, that is not good for them because when a person doesn't have documents, they are unprotected. When a person is here illegally, that person can be exploited, and that happens. But it is also not good for the country. It is not good for this country to have that many people. We don't know who they are. They are not paying taxes. They are working, but they are not paying taxes. We have no idea—the vast majority of them are not criminals, but a handful of them are, and we don't know where they live, who they are, how long they have been here. We know very little about them. That is not good for our country either. We have to deal with that.

That is my point. If we don't do anything—let's say this bill fails or let's say we pass it and the House doesn't do it or let's say we decide not to do anything at all on immigration. All of those things I just described stay in place. If we don't do anything, the border stays the way it is, we still don't have E-Verify, we still don't have an entry-exit tracking system, and we don't have any idea who the 11 million people are, and we still don't have an immigration system that works. That is what happens if we do nothing.

That is why I got involved in this issue. It isn't politics, and I disagree with my colleagues who have said this is about politics. This is not about saving the Republican Party or anybody else. This is about correcting something that is hurting the United States of America.

I can certainly say it is not about my personal politics because this is an issue that makes a lot of people unhappy, a lot of people who have supported me and support me now, people whom I agree with on every other issue. If you pull out a list of issues facing this country, I agree with them on every other issue, but they disagree with me on this issue, and I respect and understand why. They are frustrated because they have been told in the past that this is going to get fixed, and it hasn't, because they feel and see and know that this is the most generous country in the world on immigration, and it has been taken advantage of and they are frustrated by it.

I have seen some describe opponents of immigration reform as haters and anti-Hispanic and anti-immigration. That is just not true. It is not true.

These are people who are just frustrated that the laws have not been followed and they do not want to reward it. I honestly do understand that. What I would say to them is, look, I get it. I do. I do not like this either.

I do not like the fact that we have 11 million people here illegally. I do not like the fact that people have ignored our laws and crossed our borders or overstayed visas. I do not like it either. But that is what we are going to get stuck with if we do not do anything about it. That is what this bill tries to do. Let me explain how it does it.

First we outlined—because when we filed this bill, what was said was, Department of Homeland Security, here is $6.5 billion. Go out and design a border fence plan and a border plan. Submit it to Congress. Issue a letter of commencement. And then you can begin the process of identifying these people who are here illegally. That was our bill.

Then I went around my State, sometimes the country—and my colleagues did as well—and people told us: Look, we don't trust the Department of Homeland Security. These people say the border is already secure, and you are going to tell them to design a plan?

I thought that was a good point. So now we have an amendment before us by Senator HOEVEN and Senator CORKER that actually defines the plan. Let me describe this new plan because I think it is the most substantial border security plan we have ever had before any body of Congress.

No. 1, it does not say you can, it does not say you should, it says you must have universal E-Verify for every business in America, and you have to wrap that up within 4 years. It starts with the big businesses, until it gets to ag and the small businesses. The reason why you need 3 to 4 years is because for a really small business, it is going to take them time to buy the technology to do this. That is No. 1.

No. 2, it says you have to finish the entry-exit tracking system. After this bill was amended in committee, it says that eventually the 30 major international airports in this country will have it biometrically—this entry-exit tracking system.

The third thing it says is that you have to deploy upwards of $3 billion in technology. This is technology that was not around in 1986. This is technology that was not around in 2006.

Let me describe that technology: radar, sensors on the ground, night vision goggles, motion detectors, even unarmed drones—things that allow you to see people, and even if they get past you at the first stop on the border, you can follow them and then apprehend them a few miles down the road. This technology did not used to exist.

We go further than that in the amendment. We do not just say you have to deploy this technology, we tell you where you have to deploy it. We do not even leave that to DHS. And those ideas did not come from Senators, they came from members of the Border Patrol on the frontlines. They have told us: Here is where we need this stuff. So in a level of detail unprecedented in the history of this body, we actually say: 50 goggles in this sector, 100 radar in this sector. That is the third thing this bill requires you to do.

The fourth thing it requires you to do is to double the size of the Border Patrol, adding 20,000 new border agents. This is a dramatic increase in the number of people because cameras and sensors are great, but if you do not have people to actually do the apprehension, it does not work.

The last thing it says is that you have to complete this fencing. That includes, where it is practical, where it is possible, getting rid of these vehicle barriers because one of the things they did with the fencing is they would put up some barrier on the road and say that is a fence. The problem is that may keep a vehicle out, but it does not keep somebody from climbing over it. We actually say that, where it is possible, where the terrain allows it—there are places where the terrain does not let you build a fence, but where the terrain allows it, you have to put a fence there. In some places the fence is doubled, especially in urban areas. It has been very successful in San Diego.

These are five things we require. We do not say you can, you might—you must. You must do these five things before anyone who has violated our immigration laws can even apply for permanent legal residency in the United States of America—10 years from now, by the way.

One of the criticisms people have said is that this bill is legalization first. It is not that simple. Real legalization is permanent legalization; it is what we call a green card. You have to have a green card before you can apply to become a citizen of the United States.

Under this bill, illegal immigrants cannot get a green card, cannot even apply for a green card until 10 years have passed and these five things I have just described—E-Verify, entry-exist tracking system, full technology implementation, 20,000 new border agents, finishing the fence—all five of those things have to happen.

People say: Well, why are you linking the two things?

Here is the answer: Because of the problems we had in the past. The only way we can make sure that a future President or a future Congress does not go back on these promises is if we tie it to something we know people want. That is why they are linked.

So no one who is here illegally—they cannot apply for that permanent residency until these five things happen, and that is the trigger that is going to guarantee that this happens.

Their argument is, though, legalization first because you are allowing the people who are here illegally now to stay in the meantime.

Let me tell you the problem with that issue. The problem with that issue—first of all, we are talking about 11 million people who are already here. They are already here. We are not talking about 11 million new people. We are not talking about people who are outside the country who might come in in the meantime. We are talking about people who are already here. More than half of them have been here longer than a decade, so that means the chances are they have children who are U.S. citizens. They are definitely working because somehow they are eating. They do not qualify for Federal benefits because—we do not even know who they are. OK. They are already here. You have to do something about them in the meantime.

You cannot build a fence and you cannot hire 20,000 border agents in 6 weeks. It takes a little bit of time. It does not take 10 years, but it takes some time to do that. So here is what we do. We say: If you are illegally here and you have been here for—you could not have come last week or even last year—if you have been here for a while and you are illegally here, you have to come forward. You are going to have to pass a national security background check. You are going to have to pass a criminal background check. You are going to have to pay a fine because you broke the law. You are going to have to start paying taxes and working. And the only thing you get—to the extent you get something, the only thing you get is you get a work permit that allows you to do three things: work, travel, and pay taxes. When you get this work permit, you do not qualify for food stamps, you do not qualify for welfare, you do not qualify for ObamaCare subsidies, you do not qualify for any of these things.

People may say: Well, we are rewarding them. But I want people to think about this for a second. They are already here. They are already working. We are not going to round up and deport 11 million people, so it is basically de facto amnesty. The only thing that is going to change in their lives is they are going to start paying taxes, they are going to have to pay a fine, and we are going to know who they are.

By the way, this work permit is not permanent. It expires every 6 years. So if you come forward and get this work permit, which is temporary, in 6 years you have to go back and apply for it again. If it is not renewed because you have broken a condition, you are illegally here, but now we know who you are, and you will not be able to find a job because of E-Verify. And when you go back and renew it after 6 years, you are going to have to pass another background check, pay another fine, pay another application fee, and you are going to have to prove that in the previous 6 years you have been here working and paying taxes. You are going to have to prove that, that you are self-sustaining, that you are not dependent. This whole time, you do not qualify to apply for permanent status, not to mention citizenship.

After 10 years have gone by in this status—not 10 years after the passage of the bill, 10 years after you, the applicant, have been in this status—then—and only if those five things I talked about—E-Verify, entry-exit tracking system, the technology plan, the border fence, and the 20,000 new agents—only if those five things have happened, then you can apply for a green card through the green card process.

That is another mistake people are making. They think, all right, 10 years is here, you made the five conditions, they are going to hand you a green card. Not true. You can apply for it. It is not awarded to you.

Now, is this perfect? I do not think this problem has a perfect solution. But I can tell you, if we do not do anything—let's suppose immigration reform fails. Suppose we do nothing. We are still going to have the 11 million people here. We are still not going to know who they are. They are still not going to be paying taxes. They still will not have undergone a background check. And you will not have E-Verify. You will not have border security. You will not have the agents. You will not have the technology. You will not have the entry-exit tracking system. You will not have any of that.

Life is about choices. Legislating is about choices. And the choice cannot be between what you wish things were like and this bill. The choice is between the way things are and this bill—or some alternative to it. Again, if we defeat it, then we are stuck with what we have. And what we have is a disaster. It is a disaster.

I want to make clear another point. People have said: Boy, all this border security is overkill and so much stuff. Look, the United States is a special country. That is why people want to come here. A million people a year come here legally—1 million people a year. There is no other country in the world that comes close to that. Do you understand what that means? Other countries do not want people coming or people do not want to go. When is the last time you heard of a boatload of American refugees arriving on the shores of another country? People want to come here. We understand that. In fact, this country is so special that there are people who are willing to risk their lives to come here and willing to come illegally to come here. We are compassionate. Our heart breaks when we hear stories about that.

But I also have to remind people that we are also a sovereign country. Every country in the world secures their border or tries to. Many of the countries that people come here from secure their border—sometimes viciously. We are not advocating that. We have a right as a sovereign country to secure our border. We have a right to do that. While we are compassionate, no one has a right to come here illegally.

So I will close by saying that I know this is a tough issue. I do. I really do. I understand that on the one side there are the human stories of people you have met. And this issue really changes when you meet somebody. It is one thing to read about 11 million people who are here illegally; it is another thing to meet one of them: a father, a mother, a son, or a daughter, someone whom you know as a human being and you know about their hopes and dreams and how much they are struggling. It is one thing to know about that. It changes your perspective.

But I also understand the frustration people have—that they have heard all these promises before, that people have violated our laws, they have ignored them, and that is wrong, and we should not reward that. I do understand that. But ultimately I ran for the Senate because I wanted to make a difference. I know I could have just stayed back on this issue and come to the floor and—I am not making any criticism of anybody else, but that I could have just come to the floor and offered up what I would have done instead and be critical of efforts that others were making. That was an option for me, but I could not stand it. I could not stand to see how this problem is hurting our country and leaving it the way it is. How is this good for us?

We have to do something about this. That is what we are trying to do. With this new amendment, we will do more for border security than anyone has ever tried to do before. All I would ask my colleagues and members of the public to do is to think about that. Think about it. What do you want? Do you want things to stay the way they are or do you want to try to fix it? I will just say to you, our country desperately needs to fix it.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

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

TAX REFORM

Mr. BAUCUS. Mr. President, just outside this Chamber is a bust of President Theodore Roosevelt. When I walk past it, I am often reminded of one of my favorite T.R. quotes, which is, ''Far and away the best prize that life has to offer is the chance to work hard at work worth doing.''

For the past 3 years, I have been working with my colleagues on the Senate Finance Committee on comprehensive tax reform. It has been hard work, but it has certainly been work worth doing. We have had more than 30 hearings. We have heard from hundreds of experts about how tax reform can simplify the system for families, help businesses innovate, and make the U.S. more competitive.

Our efforts have been ramping up over the past several weeks, and we are starting to build momentum. Senator HATCH and I have been working very closely with members of the Finance Committee on a series of 10 discussion papers, examining key aspects of the Tax Code—each of the discussion papers on a different aspect of the Code. We began back in March, with a discussion on simplifying the system for families and businesses.

There have been nine others. We then met as a full committee every week the Senate has been in session to go through different topics, presenting a range of options, and sitting around a table asking questions of staff, what about this and that, and asking questions of each other. It is a very informative process that is bringing us even closer together, establishing trust and confidence in what we are doing and learning a lot more about what the code is and is not.

We concluded these meetings this morning with a discussion on non-income tax issues; for example, payroll taxes and excise taxes. That is not income taxes. The meetings have been very beneficial. We are building trust and getting everyone's buy-in. I also speak weekly with the Treasury Secretary about tax reform, getting his ideas and what seems to make sense for him and for the administration.

I have been working for quite some time with my counterpart in the House, Chairman DAVID CAMP. In fact, we have been meeting weekly, Chairman CAMP and I, face to face for more than a year now discussing matters that apply to the Finance Committee, as well as Ways and Means, but especially tax reform. He is working just as hard on his side in the other body.

Our shared goal is to make the code more simple, to make it more fair for families to spark a more prosperous economy. I believe very strongly if we can simplify the code, as well as other measures that need to be taken, people will feel better about it. They will not think the other guy has a big loophole that he cannot take advantage of. It will help people feel better about themselves. It will certainly help small businesses because the code is so complex for small business. I think that in and of itself will help create some innovation, some entrepreneurship and energy for more jobs.

Together, Chairman CAMP and I have also recently launched a Web site. It is called taxreform.gov. The site will enable us to get even more ideas and to hear directly from the American people, not people in Washington, DC, but from around the country. People all around can tell us what they think. We want to know what people think, what they think the Nation's tax system should look like, how we can make families' lives easier, and how we can ensure a less burdensome Tax Code.

We have received a lot of hits, if you will, to the Web site. Over 30,000 so far, 10,000 submissions. That is ideas people have from every State in the Nation. People are overwhelmingly—I must tell you, if you were to categorize the character of the submissions, overwhelmingly they are calling for a much more simple code. People want the code a lot more simple. It is too complex.

For example, a fellow named David from Redmond, WA, wrote:

I'm a retired lawyer and I cannot prepare my own tax returns—

Why—

because of the technical and incomprehensible language of the code. I commend you and hope you are successful.

That is just an example. Richard, from my hometown of Helena, MT, noted that the current Tax Code is outdated and does not work effectively or efficiently. He said, ''It needs to be simple, effective, and fair.''

Again, another representative submission. I think Richard and David hit the nail on the head. Over and over, that is what we are hearing: simple, effective, and fair.

Chairman CAMP and I are going to be making a big push in the coming weeks to further engage our colleagues in Washington, as well as people all across America. How are we going to do that? Well, we are going to travel. We are going to travel to other cities, Chairman CAMP and I together. We are going to travel outside of Washington, DC, where the real Americans reside. We are going to talk to individuals, we are going to talk to families, business owners, big and small, to hear directly what the people have in mind.

Again, we are doing this because we want to hear directly from the American people, not just people in Washington, DC. We will be announcing our first visit outside of Washington, DC, next week. We want to hear what people think.

Momentum is building. Now is the time to do reform. I might say, in my view, if we cannot get tax reform passed in the Congress, I do not think we will ever be able to address the issue for maybe 3 years. I doubt we will do it next Congress because that will be a Presidential election year. We will have to wait for the new President. It is going to take a long time. That is critically dangerous because the last time the code was significantly reformed was 1986.

The world has changed dramatically since 1986. The code is too dated. I might say this: Since 1986, the last time the Tax Code was reformed, there have been 15,000 changes to the code—15,000. No wonder it is complex. No wonder people want it more simple and more fair. I think working together we in Congress can improve the code and update it to the 21st century.

This comes down to working together. It comes down to building trust on both sides of the aisle, both bodies. It is going to help the American people when we do reform the code in this Congress. I do not know how many months it is going to take, but we are going to do all we can. As Teddy Roosevelt said: Hard work is worth doing if it is for a good cause. This is clearly hard work, I can tell you that, but it is also for a good cause.

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

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

Mr. CORNYN. Mr. President, I know things seem like they are speeding by us at the speed of light on this bill. We received an announcement of a breakthrough on the part of some of our colleagues that is going to give this bill the momentum to pass and come out of here with a bunch of votes. But I think there are some questions we need to ask.

First of all, I see the distinguished chairman of the Finance Committee. I know he has probably looked at this. The underlying bill provides that $8.3 billion is immediately appropriated as emergency spending to fund the trust fund that will fund at least some of the operations in this immigration reform bill. But when I started to look at it a little more closely and consider the fact that even though the underlying bill had zero funds for new Border Patrol personnel, this new bill—this new proposal, I should say, that we have yet to see—supposedly it is going to come around 6 o'clock—has an additional 20,000 Border Patrol. That is doubling the size of the Border Patrol.

Senator HOEVEN, the distinguished Senator from North Dakota, said earlier in response to a question I asked him, that would cost an additional $30 billion. So we have $8.3 billion, if my arithmetic is correct, and $30 billion. That is $38 billion.

I noticed on page 48 of the Congressional Budget Office cost estimate, the CBO estimates that implementing this bill, the underlying bill, would result in net discretionary costs of about $22 billion more. That is starting to be real money, it seems to me, $60 billion. I know we have been having some spirited debates about whether the 85 or so billion dollars that was sequestered under the Budget Control Act was something we could live without or not, or whether it had to be made up through additional revenue. But this strikes me as very significant that we are talking about $60 billion of additional deficit spending—or additional spending, adding to the deficit, which has not been paid for, if my numbers are correct.

I would welcome anyone else to come help me figure that out.

Now, one of the rationale, as I was talking to our colleagues—they looked at the original score and said this actually generates additional revenue because people who come out of the shadows and are working will begin to pay Social Security taxes. But the $211 billion in the score is Social Security trust fund money, which, of course, must someday be paid in terms of benefits to these very same people.

So it appears that there is double counting going on here. Our colleagues are saying: Hey, we have additional revenue because of the negative score. But that is money that is going to require an IOU to the Social Security trust fund and will have to be paid back at some point in the future.

So, as Senator SESSIONS, the ranking member of the Senate Budget Committee pointed out, the on-budget deficit will increase by $14.2 billion. That is before you add the additional $30 billion for 20,000 Border Patrol and $22 billion in additional spending to fund this underlying bill.

So my only point is I think we need to take a deep breath. First, we need to read the proposal that is coming out supposedly at 6 o'clock. But already

there is talk about what the end game in the Senate is. Potentially, the majority leader will file cloture on this Corker-Hoeven amendment. Then we will have a vote on Monday or maybe Tuesday. I think it is extraordinarily important when you are talking about numbers like this, and a bill this big, that we take our time and are careful and we know exactly what the impact of this bill is because if, in fact, what is happening is double counting, which is my suspicion based on my review of this CBO documentation, that is a serious matter, indeed, because that money is going to need to be paid back.

On another but related note, I would say we have been told this surge that is going to be funded under the Corker-Hoeven amendment, and the additional 20,000 Border Patrol agents and a whole bunch of new technology and other assets, that this will be sufficient to secure our borders and make illegal immigration a thing of the past. We have been told that supporters of the bill welcome a robust and extensive debate over its provisions. Yet when we look at the way this is happening, where people are announcing breakthroughs, people are saying, well, I am going to cosponsor that, only to find out the bill itself has not even been written or released, it seems to me we have the cart ahead of the horse. We better be careful about what we are doing.

We have Members of the Chamber calling for a vote this weekend on an as yet unreleased amendment. I know, I, for one, and others, I suspect, would like to read it and know what is in it.

I commend our colleagues—I mean this in all sincerity—for trying to do their best to improve this bill. But I worry their solution amounts to throwing more money at the problem without any real system of accountability. We have talked about how important it is to have inputs into the bill. But really what we all want are results or outputs. And what we have under this amendment, as I understand it and as I asked the distinguished Senators from Tennessee and North Dakota, they conceded that because our colleagues on the other side of the aisle object to any sort of contingency between the probationary status and legal permanent residency based on accomplishing the situational awareness requirements in the underlying bill or operational control, because they object to that, then all we have are more promises about future performance.

I must say our record of keeping our promises when it comes to immigration reform are beyond pathetic, starting back in 1986 with the amnesty and promise of enforcement, then in 1996 where, as I mentioned earlier, President Clinton signed a requirement of a biometric entry-exit system which has still not been deployed at the exits, at airports and seaports even though the 9/11 Commission noted that some of the terrorists who killed 3,000 Americans on September 11, 2001, included people who came into the country legally but simply overstayed their visas, and we lost track of them because we had no effective entry-exit system. The 9/11 Commission said this is something we need to fix. That was 2001. Still it has not been done.

Until today, our colleagues on the so-called Gang of 8 argued that it was too expensive and too impractical to add even 5,000 Border Patrol agents, to say nothing of 20,000 agents. As I pointed out earlier in asking some questions of our distinguished colleagues, Senator MCCAIN from Arizona, and Senator SCHUMER, the senior Senator from New York, it is amazing how quickly their tune changed.

Their underlying bill had zero Border Patrol agents. When my amendment had 5,000 Border Patrol agents, they said that was a budget buster. Imagine my surprise when their amendment comes out with 20,000 Border Patrol agents, doubling the Border Patrol, $30 billion.

I wish to know whether the proposals that have been made here are being sufficiently vetted. I don't know exactly what all the new border patrol is going to be doing. While I think it is important we get the advice of the experts in terms of what sorts of new technology can be deployed here, I worry that by being overly prescriptive about both the number of the boots on the ground and the technology they are going to use that we are going to freeze in place legislatively a solution that will quickly become antiquated and become inefficient.

That is why I prefer, and why I think it is much better, an output for a result metric we could look at. Let the experts—let the Border Patrol, let the Department of Homeland Security, let the technology experts who developed great technology we have already paid for and deployed in places such as Iraq and Afghanistan through the Department of Defense—advise us and the Border Patrol what they need in order to accomplish the goals in order to meet the mark. Let's not let a bunch of generalists such as ourselves, who are not expert in this field, prescribe this solution for a 10-year period of time when it will become quickly outdated.

From everything I have heard and everything I have read—and I think it was confirmed by the Senators this afternoon—the Hoeven-Corker amendment creates a border security trigger based on inputs rather than outputs. It is, I think it is accurate to say, aspirational. In other words, they promise to try to meet those goals.

Ten years from now, I daresay half the Members of this Chamber will not even be here. Since 2007 we have had 43 new Senators. The promises we make today in exchange for the extraordinary generosity toward the 11 million people—to provide them an opportunity to gain probationary status and then potentially earn legal permanent residency and citizenship—that extraordinary offer made in the underlying bill—we have no idea whether the border security, whether the entry-exit system or the E-Verify will actually work and accomplish the goals we all hope they will accomplish.

Once again, Washington is saying trust me, trust us. We mean well. We are going to try.

Do you know what. We have no means to compel the bureaucracy and the executive branch to actually do what we say they should do here. This is why we need a trigger, a hard trigger, to realign the incentives so that all of us, from the left to the right, Republicans and Democrats, join together in putting the focus on the problem like a laser and making the bureaucracy hit those objectives.

We have promised a lot of things. We have had 27 years of inputs into our immigration system since the 1986 amnesty, and we still don't have secure borders. There were 350,000-plus people detained at the southwestern border last year.

GAO says we have about 45-percent operational control of the border. Who knows how many people actually made their way across—although we do know that among those who made it across who were detained, they came from 100 different countries, including state sponsors of international terrorism.

I am not suggesting there are massive incursions of terrorists coming from other countries, although I am saying the same porous borders that will allow people to come into this country from other countries around the world can be exploited by our enemies. It is a national security issue.

When I go home to Texas, people tell me they simply don't trust the Federal Government when it comes to securing our borders. Why would they? Based on the historical experience, there is no reason for them to do so. Three decades of broken promises have destroyed Washington's credibility. The only way to regain that credibility is to demand real results on border security and create a mechanism that incentivizes all of us to make sure it happens.

I am afraid this amendment, the Corker-Hoeven amendment, no matter how well-intentioned—and I do believe it is well-intentioned; everyone is eager to find a solution to the broken immigration system, including me. The status quo is unacceptable, and it benefits no one.

In the rush to try to come up with something that seems good at the moment, in failing to take the care to look at the detail, whether it is financial or whether it will actually produce results, and based on text we haven't even seen yet, I think we are rushing to judgment here. I think it is something we ought to reconsider.

Looking beyond border security, I am eager to know whether the proposed amendment includes other issues that were contained in my amendment that was tabled earlier today.

I know, speaking to Senator HOEVEN and Senator CORKER, they did include a border security component. As I understand it, there are other Senators who

are coming to them and saying we want to be included in your amendment, so we don't know what subjects are also included in that amendment.

I wish to know whether it includes things such as does it prohibit illegal immigrants with multiple drunk driving convictions from receiving legal status? What about people who have been guilty of multiple instances of domestic violence? What about immigrants who fall into one of those categories and have already been deported?

Believe it or not, under the underlying bill, people could have actually been deported for committing a misdemeanor and be eligible to reenter the country and register for RPI status. I think that would be shocking to most people if they think about it, if they knew about it. Under the Gang of 8 bill, all of the people I have just described are available for immediate registered provisional immigrant status.

Earlier this year, I mentioned a remarkable statistic, at least it is to me. In fiscal year 2011, Immigration and Customs Enforcement, ICE, deported nearly 6,000 people with DUI convictions, driving under the influence. I challenge any Member of this Chamber to come down to the floor and explain why drunk drivers and people who committed domestic violence should be eligible for immediate probationary status. I doubt anyone will take me up on that challenge, because who would want to defend the indefensible?

As I have said before—and I will conclude my comments with this because I see other Senators on the floor who want to speak. As I said before, the American people are generous, they are compassionate, but they don't want to—it is the old adage: Fool me once, shame on you. Fool me twice, shame on me. They don't want to be fooled again when it comes to unkept promises in fixing our broken immigration system.

I know we are committed to finding a reasonable, responsible, and humane way to solve the problem of illegal immigration, but we should never ever grant legal status to people with multiple drunk driving or domestic violence convictions. I don't know, but I will certainly be careful to read and learn whether the proposed alternative to the amendment that was tabled earlier today contains some of these provisions that were in the tabled amendment. If they don't, we will be filing—we have filed separate amendments, on which we will urge an up-or-down vote.

I yield the floor.

Mr. SESSIONS. Mr. President, would the Senator yield for a question?

Mr. CORNYN. I yield to the Senator.

Mr. SESSIONS. I think the Senator was very wise in raising the question of the budget score. Our colleagues have been blithely asserting that this bill is going to pay for itself. The CBO produced a report. They have cited that report that says it will pay for itself. That is not exactly what the report says, it seems to me. This is the line in the report the CBO prepared: Net increases or decreases in the deficit resulting from changes in direct spending and revenue from the bill. How will it impact increasing the deficit or not? The on-budget deficit, even before the 20,000 new agents, adds billions of dollars in costs. Netted out, it would add $14 billion to the on-budget debt. That is negative. It makes more debt.

Then there is the other one, the off-budget. What is the off-budget? The off-budget is Social Security and Medicare. This is the trust fund money that comes out of your payroll taxes. People pay payroll taxes. The average age of the legalized group is about 35, so most of them aren't going to be drawing Social Security right away. They pay into this and the government gets some extra money. They are counting that money as the money to show the bill is paid for.

Let me ask the Senator one simple thing. If the individuals who are now given legal status are immediately given a Social Security number, immediately eligible to compete for any job in America, isn't the money they will be paying for Social Security and Medicare going to be used by them when they start drawing it? Aren't they going to be eligible now for Social Security and Medicare? Won't this money be available for them? Isn't it double counting to say it is going to be available for their Social Security and then available to pay for all the spending in their bill?

Mr. CORNYN. Mr. President, I would say to the Senator from Alabama that he reads it the same way I read it. You can't do both. You can't raise the money to pay for the bill and say you don't have to pay Social Security benefits. These very same people are going to expect some day that they will get those benefits. What happens, as I understand it—and the distinguished ranking member of the Budget Committee can correct me if I am wrong—when we borrow money, in essence, from the Social Security trust fund, there is an IOU there that is going to have to be paid back.

It does appear to me there is double counting here. I would say the $14.2 billion on-budget deficit, that is before you add in the $30 billion of additional cost for 20,000 Border Patrol agents.

As I read page 48 of the CBO, they estimate that implementing the underlying bill would result in net discretionary costs of about $22 billion over the 2014-to-2023 period. It sounds to me as if the costs keep mounting and there is double counting going on. I think we have to get to the bottom of it. Given our rush, we need to slow down, understand the numbers, and understand the financial impact, because that is not going to go away if we get it wrong.

Mr. SESSIONS. I couldn't agree more. The truth is, that is how this country is going broke. There are two ways the counting is done in our budget. One is a unified accounting process, and the other one shows these numbers in the fashion you and I put forward. They assume the money that comes in for the newly legalized people, Medicare and Social Security, is going to be available for their Social Security and Medicare. They can't then assume it is available to spend on something else. The weakness in our system has been manipulated before. We need to stop it.

I thank the Senator for raising that.

Of course, I remember well how many good years you spent on the Budget Committee, and the Senator understands it very well.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Maine.

Ms. COLLINS. Mr. President, the United States has always been a country of refuge for the persecuted, a protector of life and individual freedoms. This is evident in the entire purpose of our Nation's asylum program under which foreign nationals who can show a credible fear of persecution in their home country may apply for and receive shelter here. But flaws in the asylum program leave it vulnerable and open to exploitation by those who mean us harm. I have, therefore, proposed two amendments to the immigration reform bill, amendments No. 1391 and 1393, that are designed to lessen those flaws by giving asylum officers the tools they need to dismiss frivolous claims and, more important, to ensure that derogatory information about applicants who may wish to harm us is reviewed during the application process.

Before I outline those amendments in detail, I would like to discuss the circumstances under which the suspects in the Boston Marathon terrorist attack came to be in the United States and how that terrible attack underscores the need for reform of our asylum process.

According to media reports, the younger of the two Tsarnaev brothers came to the United States on a tourist visa in 2002 and was granted asylum on his father's petition shortly thereafter.

As I mentioned before, asylum is supposed to be only available to those who can show a credible fear of persecution in their home country.

Curiously, and notwithstanding his supposed fear of persecution back home, the father came to the United States with only one of his four children, leaving his wife and three other children behind in the land he claimed to fear.

I can't help but wonder whether the asylum officer who reviewed Mr. Tsarnaev's application was aware of that fact and to what extent this was considered in determining whether he met the burden of proving a credible fear of persecution by his country, since, after all, he had left his wife and three of his four children behind.

Whatever the circumstances that caused Mr. Tsarnaev to seek asylum in 2002, after the Boston Marathon bombing, the international media caught up

with him back in the land where he came from and now lives.

Even more curious are the questions surrounding the grant of asylum to another Chechen immigrant, the individual who was shot dead while being questioned by the FBI agents and local law enforcement regarding his association with the Tsarnaevs and a 2011 triple homicide. After his death, reports indicated this individual came to the United States in 2008 on a J–1 visa, the type of visa intended to promote cultural understanding that allows foreign students to work and study in our country, and that individual was granted asylum sometime later that year in 2008.

The way in this particular case the visa operated is he was supposed to work for 4 months and then travel for 1 month in our country, but that is not what happened. Last month, I was contacted by the Council on International Educational Exchange, or CIEE, a J–1 visa sponsor organization located in my home State of Maine. CIEE told me they had learned this individual had come to the United States through their program, arriving in June of 2008. From the start, it appears he had no intention of complying with CIEE's J–1 visa rules and, thus, on July 29 of 2008, CIEE withdrew its sponsorship of him because he failed to provide the required documentation with respect to his employment.

That very day, CIEE, which is a very responsible organization, instructed him to make immediate plans to leave the country because they could not verify his employment, a key condition of the J–1 visa rules. CIEE then recorded this information in the Student and Exchange Visitor Information System, or SEVIS, the database used by the Department of Homeland Security and the Department of State to keep track of foreign visitors who travel to the United States on exchange visas.

As I understand the facts, CIEE did everything right. It followed the rules. When this individual was clearly out of compliance with the conditions of his visa, it alerted DHS and the State Department he was out of compliance. I have spoken to the President of CIEE, who told me his organization was shocked to learn this individual had been granted asylum and later given a green card.

I find this very curious. How is it that a young man from Chechnya comes to the United States to participate in a cultural exchange program, immediately violates the conditions of that program, is told to leave our country but then is able to be granted asylum? The fact that he was out of compliance with his visa was correctly recorded in the SEVIS database. Did the asylum officer who approved his application review that information? Did he check the database for derogatory information? Were any other databases, such as that maintained by the National Counterterrorism Center, consulted during the review of this asylum applicant? When and where was his asylum application reviewed and approved and by whom?

More than 2 weeks ago, I asked these fundamental questions of the Department of Homeland Security through staff and by letters I personally sent to the Office of Legislative Affairs and to Secretary Janet Napolitano. Despite repeated phone calls and e-mails from my staff, the Department has still not provided me with the answers. Instead, what I have received are excuses, despite the fact the subject of my inquiry is dead and my questions are directly relevant to the asylum provisions in the immigration bill before us.

Think about the failure of the DHS to provide the basic information I have requested. I have not asked about the individual's relationship to the terrorist attack in Boston, nor have I asked about his alleged connection to the triple homicide. The questions I have asked relate only to when he applied for and received asylum, whether the information related to his violation of his visa requirements was available and reviewed by the officer who granted him asylum, and I have asked who made the decision to grant him asylum.

We know from media reports his asylum application was acted on in 2008, 5 years ago. Is the Department saying, through its silence, that information related to this individual's asylum application did, in fact, foreshadow the terrorist attack in Boston in April and his ultimate death last month? Why was his application approved? Why didn't the Department deport him from our country when it was clear he was no longer in compliance with his J–1 visa?

The basic question is: Why wasn't this individual deported from our country when it was clear he was no longer in compliance with the requirements of his J–1 visa? Instead, what happens? He is granted asylum and then later given a green card.

I can only take the Department's refusal to provide answers as a tacit admission that a flawed asylum process allowed a dangerous man to get into our country on false pretenses and to stay. That possibility, that likelihood, underscores the importance of the two amendments I am offering.

The first of my amendments, No. 1391, would require that before an individual can be granted asylum, biographic and biometric information about that individual must be checked against the appropriate records and databases of the Federal Government, including those maintained by the National Counterterrorism Center. In addition, this amendment requires the asylum officer find that the information in those records and databases supports the applicant's claim of asylum or, if derogatory information is uncovered, that the applicant is still able to meet the burden of proof required by law.

The second of my two amendments, No. 1393, would provide asylum officers with the authority to dismiss what are clearly frivolous claims, without prejudice to the applicant, and requires asylum officers and immigration judges to obtain more detailed information from the State Department on the conditions in the country from which asylum is sought.

In other words, what we have discovered is this is another example of one department not talking to another department. It is very difficult for an asylum officer to make a correct decision if he or she lacks information about conditions in the originating country.

This amendment also calls for increased staffing for the Fraud Detection and National Security Directorate at asylum offices funded through fees in this bill.

We can never know for sure whether the reforms I am calling for in these two amendments would have kept these dangerous individuals out of this country and perhaps even prevented the terrorist attack in Boston and the triple murder in another town in Massachusetts.

But the way in which they use the asylum process clearly demonstrates that it can be and will be abused. My amendments will give asylum officers the tools they need to help prevent that kind of fraudulent use of a very important and worthwhile system, and it will help to protect the American public from those who would do us harm.

With these modest reforms, America's asylum process will continue to shelter those who legitimately fear persecution in their home countries, but it will be less easily taken advantage of by those who seek to harm us.

I urge my colleagues to support these commonsense amendments.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the period for debate only be extended for 1 hour, until 7:30, with the time equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am happy to report that there has been a lot of progress made in the last few hours on the package of amendments that are completely uncontested and there is no objection on any side.

I wish to thank the Members who have been attentive and supportive of trying to get back to a more normal way of operating, which is, simply, we can argue about the big controversial issues. There are always going to be those on every bill we debate. But there will be some amendments that absolutely have no opposition because they are very well-thought-out ideas that do not generate any heartburn on either side, that people can reason and say it helps the bill; it does something that improves the bill.

We used to do that all the time around here. We have gotten away from it, and it is hurtful. It is not just hurtful to the individual Members, it is hurtful to our constituents who would like their ideas brought up for consideration.

As I said earlier in the day—and before the Senator from Maine leaves the floor, I wish to make this perfectly clear. I am not holding up the debate on any controversial amendments. I am not objecting to any controversial amendments. Anybody who wants to debate an amendment, whether it is 60 votes or 50 votes, that is the leadership's job, and they are managing this bill very well. I have no complaints or criticism about it at all.

But as they are managing these very controversial amendments that are part of any debate, what I am simply saying is that of the hundreds of amendments that have been filed—and we have been spending a lot of time on this with Republican and Democratic staff—there are potentially about 25 to 30 amendments that have absolutely no objection.

The list has changed a little bit, and I am not going to go over all the details. I have put it in the RECORD. There could potentially be 7 Democratic amendments, 5 Republican amendments, and 10 bipartisan amendments that have no known opposition. All I am asking is sometime between now and when the leadership managing this bill calls cloture, we have these votes en bloc, by voice. There would be no reason to have any more debate on them. No one is objecting to them. So we could take them en bloc, by voice. It will improve the bill. Then people can vote on the bill.

Many people already know they are going to vote against the bill. Some people are going to vote for the bill. That is the process. I think it would be very healthy for the Senate to get back to this kind of negotiation. But for these amendments that are noncontroversial, that simply have been worked on across the aisle in good faith, to be held hostage until somebody can get a vote on an amendment that causes one side or the other lots of political difficulties is not right.

There are 350 amendments filed on this bill. I am only talking about 35 or less. All the other amendments have pros and cons; people are for them, people are against them. I don't know how the leadership is going to decide on how we vote or dispense of those, but I am not managing the bill. Senator LEAHY is doing a very good job of that with Senator GRASSLEY, Leader MCCONNELL, and Leader REID. But there are approximately 35 amendments, maybe a little more, that have bipartisan support that people have really worked on—people such as myself—who are not on the Judiciary Committee. The Senator had his hands full with the 17 Members he has on the committee. There were 228 amendments filed on the Judiciary Committee. Senator GRASSLEY himself filed 34, and he had 13 that passed and 21 that failed. That is a lot of amendments.

Some of us who are not on the Judiciary Committee have been very fortunate. At least I have had one of my eight, which the Senator from Vermont helped with adopting.

Mr. LEAHY. Would the Senator yield?

Ms. LANDRIEU. I would love to.

Mr. LEAHY. Mr. President, the Senator has several excellent amendments which I support and agreed to.

We have given the other side over and over again a list of amendments that under normal circumstances would be agreed to in about 5 minutes by voice vote, including a number of the amendments of the distinguished Senator from Louisiana. I keep hoping we might do that.

We had more than 200 amendments in the Judiciary Committee that were voted on. Of those that were adopted, all but three passed with bipartisan votes. We demonstrated we were willing to do this on a bipartisan basis.

To assure the Senator from Louisiana—who is a wonderful Senator and dear friend—that I support these, I keep trying to get them accepted. I hope, after 2 weeks on this bill—and realizing we did the very extensive and open markup in the Judiciary Committee—that we can get to the point where we could start accepting a number of amendments—both Democratic and Republican—that we all agree on, including those from the Senator from Louisiana.

I am sorry to interrupt her. But she has worked so hard on this. She has gotten bipartisan support. She has talked to all of us. At some point, she should be allowed to have her amendments.

I yield the floor.

Ms. LANDRIEU. I thank the Senator from Vermont, and I appreciate his support.

But actually, having started out wanting to get a vote on my amendments—and I still do—I am now more focused on this principle of getting uncontested amendments adopted because I am not the only one in this vote. I have friends such as Senator BEGICH, Senator CARPER, Senator HAGAN, Senator HEINRICH, Senator COONS, Senator KIRK, Senator COATS—from both sides of the aisle—Senator HATCH, Senator SHAHEEN—I could go on and on—who are in the same boat I am.

We fashioned amendments with bipartisan support. We have done our due diligence with the leaders of the committee of jurisdiction, which is what you are supposed to do, which is normal. We have gotten their blessing, if you will. We have published the details of our amendments. We have circulated the amendments. There is no opposition.

So to the Senator from Vermont, I wish to be very clear. I have four amendments on this list. I am not here just arguing for the four Landrieu amendments. I am here arguing for all amendments by anybody, Republican or Democrat, that are noncontroversial, uncontested, germane to this bill. They should go on the bill.

We need to get back to legislating in the Senate. This is not a theater. It is a legislative body, and I came to legislate. It will be 18 years that I have been here at the end of this term, a long time. There are Members who have been here longer than I have. But it has been a while now, 2 or 3 years, that we just sort of stopped legislating. We give speeches. We do headlines. We posture. We position. That has always been a part of the Senate. I have no problem with it. What I do have a problem with is doing that and nothing else. That is where I have a serious problem. Those of us who did not come here to be on the stage have had to sit on the sidelines and watch this theater for a long time. The people I represent are tired of it.

We should know that, since the rating for Congress is now at 10 percent, I think the lowest level ever or at least in the last 50 years, ten percent—this could have something to do with it.

Contrary to popular opinion on the floor, many people in America are very interested in this bill and are actually sending suggestions in through e-mail, through telephone, through all sorts of communications saying, look, I read the bill. You all should think about this. This could be improved. Some of us actually take those suggestions, work with Members on the other side of the aisle, and fashion them into amendments. The people we represent deserve respect.

If anyone thinks my amendments are controversial and you cannot vote for them because they upset the balance of power in the world or upset Western civilization, then come tell me. I will work with you on it. I will take the amendments off the list. I will put my amendments on a list to be debated.

But the days of us coming to the floor and absolutely not accepting bipartisan amendments so we can spend all of our time talking about partisan amendments that have no chance of passing are over with because I have enough power—just as Senators on the other side have enough power to push us the other way, I have enough power to push back and I plan to use it. Those days are over.

When we come to the floor, you can have all of your controversial amendments. We can set aside as many hours of the day to vote on controversial amendments, an equal number on both sides or none. But the uncontroversial amendments, the ones Members actually do the work of the Senate—research, writing, talking, debating privately, and coming up with good ideas—no longer are those going to be swept under the rug. It is not respectful to our constituents, it dishonors the Senate, and it causes the public to

have serious doubts as to whether anybody around here is actually working in a bipartisan way to improve the bill.

These are minor amendments. None of these amendments undermine the bargains, the tough negotiations by Republicans and Democrats, on this bill. I wish to give a lot of respect to the Gang of 8. They have taken on the tough big issues, very controversial. Those are not these. These are amendments that would help parents who are trying to adopt children. Now I have to wait for a bill to come to the floor to help these parents. They may be waiting 10 years. They are American citizens. They have a right for Senators to represent their interests and I intend to do it. There are amendments here that would make sure children with mental illness or who are mentally disabled—this is not my amendment but it is a good one—make sure they have a lawyer. Why can't we do that? Because we are so angry with each other that we will not help a child? That is cruel and it is not correct.

I am going to end here. There are other Members who want to speak. I have no idea when the cloture vote will be. I am not sure. But if these noncontroversial amendments are not adopted by voice vote or by rollcall vote, en bloc or separately, before cloture, all of them will fall away, which means we will not be able to consider any of them. That is because after cloture they are no longer germane because we cannot get them pending. OK?

So this is the problem. I thank my colleagues for being understanding. I actually think it might help us move forward.

I yield the floor and I will be back when the cloture motion is propounded.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to make a few points in response to the Senator from Louisiana who has been pushing to get a number of so-called noncontroversial amendments adopted. There have been a number of misrepresentations. A major incorrect point made is that our side responded with only a list of controversial amendments. The fact is we sent over, for consideration by the other side, a number of amendments on our list but we did not hear that we could just get a vote. But in addition to sending back a list of noncontroversial amendments we did ask if we could have a vote on a number of our amendments. So talk about breakdowns, we cannot even get a vote on our amendments.

In regard to some of the amendments the Senator from Louisiana has suggested, they are not as easy as appears. Some are badly drafted, so we tried to fix them and send them back. We have not heard yet. The list we sent over does not say we will not agree to more amendments later, but we have to work through these and fix those that are messed up, frankly.

The latest problem is that the Democrats want to pick which Republican amendments we can vote on. I have, for instance, an anti-gang amendment the Democrats do not want to vote on. Their bill allows gang members to become citizens. We should get votes on our amendments in addition to this whole process of approving a list of noncontroversial amendments that can be adopted en bloc.

I yield the floor.

Ms. LANDRIEU. Mr. President, may I respond?

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, as I said many times, I have the deepest respect for the Senator from Iowa. He and I hardly ever disagree so this is quite unusual. We cosponsor so many amendments together for foster care, adoption—his work is legendary. But I do want to say this. I have tried to be extremely constructive here. Again, this is not about our list or their list. I am not even in charge of our list or their list. I literally am not a floor manager of this bill. I am not even a member of the committee. I do not even have access to our list or their list. I don't want it. I do not want to review the 200 amendments that are pro-gay, anti-gay, pro-fence, anti-fence. I am not interested—I am interested, but it is not in my lane. I have issues that I have to focus on as chair of Homeland Security. I am not a Gang of 8 Member, I am not on the Judiciary Committee, but I am a Senator and I came here to legislate.

There are amendments. I am not sure this list is perfect but I promise you, out of 350 amendments filed, just by the nature of averages, at least 10 percent of them have to be noncontroversial. Not every amendment that is filed is going to arouse suspicion or concern or violate any principles we hold. Just by nature you are going to have 10 percent or 15 or 20 percent of all amendments that actually, with a little bit of work, should be adopted.

What Senator LEAHY said is absolutely correct. We used to do that when we trusted each other, when we respected our constituents.

I intend to push this body back to that place. I may be unsuccessful because I am only one Senator, but Senators have a lot of power, if you haven't noticed. We have been held up for weeks over one Senator because they did not get everything they wanted every day.

Again, I want to say to my colleagues, I am not fighting for Landrieu amendments. I am fighting for a principle and a process that is vital to the functioning of this body. I am going to continue to fight and hope we get a breakthrough.

Please, the other side, do not send me your list or the Democratic list. I am not interested. I am interested in a list of amendments that I believe, based on conversations with Senators, are not controversial and would improve the bill. We were sent here to do that. I intend to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I take the floor today to speak in support of the Hoeven-Corker amendment that will soon be filed. Let me say the goal of the so-called Gang of 8 has always been to bring forward from Congress a solution to our broken immigration system. We introduced our bill knowing full well it was to be a starting point for this legislative process.

We had, under Senator LEAHY and Senator GRASSLEY's purview, a great markup in the Judiciary Committee. It went on for days. There were more than 300 amendments filed, more than 100 adopted. We had a full-throated debate in this Chamber already on this bill.

Out of this vetting and this debate we have had, we have had several consistent messages on things that need to be improved in the legislation. What we are doing right now is going a long way to deal with these concerns.

We have heard that we have allowed too much discretion to write the strategy for the border security plan. We have given too much to the Department of Homeland Security, that they will simply spend the billions of dollars that will be appropriated eventually. This amendment includes a detailed list of technologies that will have to be put in place by the Department. We will set a minimum floor of what they have to do. Then they can go beyond that.

In the underlying legislation, we require that a strategy is deployed in the underlying legislation, that an entry-exit system for all airports and seaports be in place, and that E-Verify be up and running for all businesses in the United States before anyone is granted legal permanent residency.

There are persistent concerns that that still will not be sufficient to ensure a secure border, that we need more incentive there. This amendment filed by Senators HOEVEN and CORKER will require 700 miles of fence be completed and that we have double the number of border agents that we currently have. These things have to be done before anybody in provisional status adjusts to get a green card.

This is important. This amendment dramatically increases the trigger that will have to be met in order for anyone, as I said, who is in provisional status to adjust to get a green card.

This is a product of the ongoing scrutiny this bill has received, scrutiny it deserves. We said from the very beginning this bill deserves debate, due process through committee and on the floor in this Chamber, and it is receiving that today and it is a better bill for it. It is going to be considerably improved, particularly after the Hoeven-Corker amendment is introduced and hopefully adopted.

I hope in the coming days we will also have as much scrutiny on the positive aspects of this bill. State and local

governments currently deal with a sizable undocumented population; all of them, particularly in Arizona. Businesses are looking for a legal workforce they simply do not have access to right now. Right now the best and the brightest come here, we educate them in our universities, and then we send them home to compete against us because we will not allow them to stay on a visa.

The U.S. economy overall could use the boost that will come if we can pass meaningful immigration reform.

Again, I support this amendment. I commend my colleagues from Tennessee and North Dakota and all those who are working in the Gang of 8 and elsewhere. There are some who say many people are trying to kill this bill and bring poison pill amendments. For the most part what I have seen is people who want to improve this legislation, to make it better, to deal with this problem in a way that will solve it for good so we do not have to return to this a couple of years from now.

Again, I appreciate my colleagues offering the amendments. I look forward to discussing it either this weekend or next week.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, several Senators have mentioned this legislation has been pending on the Senate floor since the beginning of last week. Now we are here at the end of this week. If everybody here had been in favor of at least getting a vote one way or the other on the immigration bill, we would have started disposing of amendments during the first week the bill was on the Senate floor.

Unfortunately, there are some who do not want any bill, no matter what we write. They will have every objection to every amendment; they will use every delaying tactic possible. But they are a tiny minority. What we ought to do is show the majority—Republicans and Democrats—who is for and who is against the bill. The people who object to it, they objected to proceeding to comprehensive immigration reform—that cost us several days. Then when we proceeded, we got 84 Senators who voted in favor of proceeding. That should tell the American people something.

This week I have been working closely with the majority leader and the ranking member, Senator GRASSLEY, and others to make progress. But every time we try to bring matters up and get them passed we face objection. So far, there about 350 amendments that have been filed. In a week and a half we have gotten to 12. That is not progress. That is not. No wonder the American people wonder what is going on. If we continue at this rate, we are going to be singing Christmas carols as we come to the end of this legislation and we will have done nothing else. Some would like that. They would like to have this take up all the time. We do not do judges, we do not do the budget. The other side objects even going to a conference on the budget, which would have more Republicans on it than Democrats. What is this? If people are that opposed to government at all, to any form of democratic government, let them set up an alternative government. But this is ridiculous.

We have a system. The people who claim ''we are for the Constitution''—let the Constitution work. Let people vote up or down. This is important. It is long overdue legislation to repair our immigration system. Let's vote on it.

Senator LANDRIEU came to the floor last night. She came again today to talk about the delays we have had. I agree with her. Senators on both sides of the aisle worked hard on the amendments that were filed on this legislation. Senators who are not on the Judiciary Committee have been waiting for their opportunity to contribute to this bill.

Many of the amendments are bipartisan and ought to be heard. Many of the amendments are noncontroversial and have widespread support. Some of the amendments are controversial, but the amendments that have been proposed to me as noncontroversial all are intended to improve and strengthen this legislation.

In the past we would take them up quickly and vote them all through. Except we have some who give great speeches about worrying about people coming into this country, but they are determined not to let anybody into this country. The Presiding Officer and I—and virtually everybody in this body—would not be here if these had been the rules when our parents or our grandparents or our great grandparents came to this country.

Let's vote. The Judiciary Committee considered a total of 212 amendments over an extensive markup that involved more than 35 hours of debate, and we made sure it was public. We streamed it live. People all over the Nation watched it. About half of the amendments considered were offered by the Republican members of the committee. I went back and forth, one Democrat, one Republican, one Democrat, one Republican. We adopted over 135 amendments to this legislation all but three were bipartisan votes.

We set a gold standard. This body should do the same thing the 18 of us did.

I filed a managers' amendment that combines a number of the noncontroversial amendments that have been offered to this legislation. I hope the Republicans and Senator GRASSLEY, the Judiciary Committee's ranking member, will join with me in disposing of these noncontroversial amendments. We did it in the committee. Incidentally, when the bill finally came out of the committee, it was by a bipartisan vote.

Look at what the managers' amendments includes. They are noncontroversial and have widespread support. They have been filed by Senators on both sides of the aisle over the last 2 weeks. Many have been discussed at length on the Senate floor. We improve oversight of certain immigration programs.

There is an amendment from the chair and ranking member of the Committee on Homeland Security and Government Affairs, Senators CARPER and COBURN, to establish an office of statistics within the Department of Homeland Security. There is an amendment by Senator COCHRAN and Senator LANDRIEU, chairwoman of the Appropriations Subcommittee on Homeland Security, that requires increased reporting on the EB–5 program. There is an amendment by Senator HELLER requiring DHS to report to Congress about an implementation of the biometric exit program that was added to the bill in committee by Senator HATCH.

There are bipartisan amendments offered by Senators KIRK and COONS to support the naturalization process for Active-Duty members in the Armed Forces who receive military awards. Who could possibly disagree with that? It contains a trio of amendments championed by Senators COATS, LANDRIEU, and KLOBUCHAR to ease the process for international adoptions. There is an amendment by Senator HAGAN to reauthorize the Bulletproof Vest Program.

Incidentally, that program had begun as a bipartisan program. There is an amendment by Senator NELSON to provide additional research for maritime security. Chairman CARPER has an amendment that requires DHS to submit a strategy to prevent unauthorized immigration transiting through Mexico.

These are sensible, noncontroversial amendments. If we had a rollcall vote of these amendments, they would get 90 or 95 votes, or even 100 votes. Well, let's vote on them. Let's adopt them. Let's show the American people we actually care about having immigration reform.

The Senator from Louisiana and others are right. We ought to take up those amendments where we share common ground. We so often get bogged down by divisive amendments. Why not join together and pass those that we agree on—Republicans and Democrats? If we do that, we might actually fix our immigration system.

The one thing everybody agrees on is that the system does not work today. We are trying to fix it. Let's at least bring up, vote on, and pass those provisions that both Republicans and Democrats support—more importantly, the American people support—and get them passed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the time for debate only be extended until 8:30 and that I be recognized at that time.

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

Mr. REID. And that we would have the time equally divided between the majority and the minority for the next hour.

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

Mr. REID. I would also say this: The amendment we have been waiting for I think is done. We finally got the last signoff just a few minutes ago.

Mr. SESSIONS. Mr. President, could I inquire as to what UC just got agreed to?

Mr. REID. To extend the time for debate only until 8:30 with the time equally divided.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the Senator from Nevada getting this unanimous consent agreement and that it was agreed to. I commend the majority leader for the work he is doing. It is a slow process. It would be an awful lot slower if it wasn't for the very accomplished hand of our majority leader.

I yield the floor.

Mr. REID. Mr. President, I appreciate the distinguished chairman of the committee for saying some nice things about me, but my involvement in this is minimal compared to many other people.

Mr. President, if we have someone suggest the absence of a quorum over the next 2 minutes, I ask unanimous consent that the time be equally divided.

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

Mr. REID. Are there any other questions anyone has?

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I appreciate the majority leader. He speaks softly, and I don't hear as well as I should, so I am not sure what we agreed to or what he propounded.

Mr. REID. Has the Senator from Alabama heard now? It is that we extend the time for debate only equally divided between the majority and minority until 8:30 tonight.

Mr. SESSIONS. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I note the absence of a quorum.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative 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, here we are with an intent to have an amendment that is supposed to solve all the problems of this legislation, and we had it announced earlier this morning, and we have not seen it yet. So we are now here.

Earlier today we thought we had an agreement to have as many as half-a-dozen votes tonight. So we had some today, and we were going to have some more tonight. We have only had nine votes on this legislation as of today. This is really odd.

So we have not seen this bill. We do not know what is in it. Everything has been stopped, waiting on some agreement, as Senator SCHUMER said, among the allies. He said they are showing the bill to allies. Apparently, they have not shown it to Senator LEE, they have not shown it to me. So the allies of the Gang of 8 are going through the bill. I do not know if they are going to have Nebraska kickbacks in it or ''Cornhusker kickbacks'' or whatever else they are going to put in it to get somebody's vote on it. I hope that is not where we are going.

But what I am concerned about, having been around here a few years now, is that we will have a vote on cloture on this amendment—they are going to file the amendment, immediately file cloture, apparently, and then have that vote early next week—and then have a couple more votes, and the next thing you know, we are at final passage and no amendments of significance have been allowed to occur.

I have a number of amendments. The House has done a really good job on working on the interior enforcement weaknesses of our current law. They put together some good language. I have taken a lot of it and put it into an amendment. I would like to have a vote on that. We ought to talk about it because there is some feeling around here that the only thing that matters is the border, but that is not so. Forty percent of the illegal entries into America today come by visa overstays, and that is not dealt with at all or in any significant way that I am aware of in this new amendment which we have not seen.

So I am worried about this whole process. The American people deserve an open process. It was promised. I do not know how many amendments we had in committee, I say to Senator LEE. Lots of them. But we have only had nine now, and we lost a group that we were going to have today. And we cannot tell from our discussions with Senator REID and others if there will be any more amendments next week because, I guess, the powers that be, the masters of the universe, have all gotten together and they have decided this: They have decided that everything is fixed by Hoeven-Corker, and we will just pass that amendment and nobody else will be heard. But that amendment, from what I read in the papers about it, in general, does not fix anything like the loopholes and weaknesses of the legislation.

I say to Senator LEE, I appreciate his elegance on this issue, but I did want to share that I feel as if something is going awry in the open, debatable process we thought we were going to have for a day or two. It seems to have jumped off the tracks completely.

Mr. LEE. It does indeed. I was disappointed by the fact that in the Judiciary Committee, on which the Senator and I both serve, we had a lot of amendments. I do not remember exactly how many votes we had in the committee, but it was in the dozens, if not scores, and we had extensive discussion. Now, not all the votes turned out the way the Senator and I wanted them to, but the important thing is we had a lot of discussion, we had on-the-record debate, we had amendments proposed and discussed and debated, and that is not how it has happened this time.

To my understanding—I was not here, unlike my friend from Alabama, in 2007, the last time we had a comparable discussion of a bill like this one, but my understanding is that there were 50-something, perhaps 53 amendments that were debated, discussed, and received votes in 2007. To my understanding, this time around we have had nine votes and maybe two or three that were taken by voice vote. That is not enough, and it certainly is not enough when we are talking about a bill that is more than 1,000 pages long, a bill that is going to affect many millions of Americans, and it is going to do so for many generations to come.

The American people deserve more. They deserve more than just debate and discussion, rollcall votes that can be measured in the single digits. They call this the greatest deliberative legislative body in the world, and yet we make a mockery of that description when we do things like this, when we allow a 1,000-page bill to be rammed through in a matter of days with only a small handful of amendments debated, discussed, and amended.

So through the Chair I would like to ask my friend and my distinguished colleague from Alabama whether he has seen anything like this in his career, whether this is something I should anticipate moving forward. As I look forward to my years in the Senate, is this something I should expect on a regular basis with legislation such as this, of this complexity, of this level of importance? Is this something that is just par for the course?

Mr. SESSIONS. I am afraid it is becoming par for the course. I remember we had a bill, a bankruptcy bill, a fourth of this in size. I think it was on the floor 3 weeks, and we had maybe nearly 100 amendments. Everybody had their chance to speak, and we ended up passing the bill with well over 80 votes.

But the point is that in this new mood in the Senate we have a situation in which the majority leader too often fills the tree and controls even the amendments that are brought up.

Does the Senator think it odd, as a new Member of the Senate and as a student of law and Washington governmental processes, that a Senator cannot come to the floor and offer an amendment without seeking permission of the majority leader? And he says: No, I will not take your amendment; I will only take this amendment. Does that strike the Senator as contrary to what his understanding is historically as to how the Senate should operate?

Mr. LEE. Yes. In fact, I find it appalling. I find it repugnant to the system of government under which we are supposed to be operating. I find it even repugnant to article VI in the Constitution, which makes clear that there is one kind of constitutional amendment that is never appropriate. You cannot amend the Constitution to deny any State its equal representation in the Senate. If at any moment we end up with a situation in which we have second-class Senators, Senators who may submit and propose for debate and discussion and a vote an amendment—if we have to go to the majority leader and say: Mother may I, then perhaps we have lost something, perhaps we have lost the environment in which each of the States was supposed to receive equal representation.

It also seems to me to take on a certain character, a certain banana republic quality that we are asked to vote on legislation in many circumstances just hours or even minutes after we have received it. We take on a certain rubberstamp quality when we do that.

I remember a few months ago, in connection with the fiscal cliff debate—as we approached the fiscal cliff on New Year's Eve, we were told by our respective leaders: Just wait. Something is coming. Go back to your offices. Watch your televisions. Play with your toys. Do whatever it is you do, but, you know, be good Senators, run along and stay out of trouble. We are taking care of this. We will send you legislation as soon as we are ready.

Well, at 1:36 a.m. we received an e-mail, and attached to that e-mail was a 153-page document. That was the bill on which we would be voting. That bill was one we would be called to vote on exactly 6 minutes later, at 1:42 a.m. So to my utter astonishment and dismay, Senators flocked into this room and with very, very little objection ended up passing that legislation overwhelmingly.

This is just one of many examples I can point to in the 2½ years since I have been here when Members have been asked to vote and did, in fact, vote enthusiastically, willingly, and hardly without a whimper of objection to legislation that they had never seen, to legislation that they were familiar with only to the extent it had been summarized for them.

That brings us back to this legislation. We have had this in front of us in one form or another for the last couple of months, but for a long time before we even had it, what we had was a summary of this. We had a series of bullet points. Those bullet points were very favorable, and for a long time the bullet points were all we had. The bullet points—I exaggerate slightly to prove a point, but they read something like this: Is this bill outstanding? Yes. Will this bill solve all of our immigration problems? Absolutely. Is there anything wrong with the bill? Heavens no. That is how the bullet points read.

It was on that basis that groups around the country supported and some Members even of our own body decided they would vote for S. 744, even before S. 744 even existed. We had groups across the country, some even in my home State, that came out strongly in favor of the yet-to-be-released Gang of 8 bill, saying: We are going to support it, and anyone who does not vote for it in the U.S. Senate is a backward fool. Well, they had not read it. They could not have read it because the bill did not yet exist.

Now, in some respects, what happened with this is very similar to what we are now facing with the yet-to-be-released Corker amendment. I have not seen it. But I will tell you what I have seen. I have seen a set of very brief bullet points about the Corker amendment.

The bullet point reads something like this. Is this amendment outstanding?

Yes.

Will this amendment solve our border security problems?

Absolutely.

Is there any problem presented by this amendment?

Absolutely not.

So I say to my friend from Alabama, if this is what I can expect in my career in the Senate, I am a little bit troubled. But I would ask my friend from Alabama if there is anything we can do about this, if there is any way we can right this ship, if there is any way we can turn this around, this disturbing trend? Separate and apart from the policies underlying this bill, is there anything we can do to make this a real legislative body and not a rubber stamp, the kind of legislative body that actually does debate and discuss things?

We do not really have a true deliberative legislative body unless have we enough time to debate things before we vote on them, to where the Members can actually read them before they come up?

Mr. SESSIONS. Yes, we can do that if we just follow the traditional rules of the Senate. The Senator is exactly right. Here we are being told this legislation, this 1,000 pages, is all decided because somebody has an amendment somewhere that nobody has seen—at least nobody who has any skepticism about it has seen. That is going to solve all of the problems. It is just rather remarkable.

On the fundamental question the Senator raised about the Senate, I do believe that we need to begin to appeal across party lines and think more clearly about what has happened. I talked with one of the great historians of the Senate, someone I have known and has been here, worked on the floor, and has written a book about it. He said he hated to say it, but it is kind of getting like the old Russian Soviet Duma where a group of people met in secret and put out the word, then they all went in and voted 990 to 10 for whatever it was their little group decided.

I am worried that has too much relevance to what has been happening here. I really do. A Senator, as the Senator said, is equal to any other Senator. The majority leader has the power of first recognition, but it was never intended that the majority leader should say: You cannot get your amendment, Senator from Alabama; only the one from Maine can get their amendment, and actually be able to execute that.

It is rather stunning. That was not the way it was when I came. This filling-the-tree process started maybe not long after I came. Both parties have used it. But it has now gone to an extent which we have never seen before, and it adversely impacts the whole Senate. I think the Senator is right about that.

I just saw Senator PORTMAN from Ohio. He had worked extremely hard on a very significant amendment dealing with E-Verify in the workplace. He is not sure he is going to get a vote on it. He thought he was going to get a vote on it. It is very frustrating for him that will not be the case.

What is this? We are not going to be in session tomorrow, apparently. Nobody gets their amendments. Maybe, virtually, no more amendments get brought up of significance.

So I am concerned about it. I have a couple of key amendments. I know Senator CRUZ has an amendment too. The Senator may have amendments. Amendments are valuable in that they point out weaknesses in legislation. They provide a fix for that weakness. Why would we want to deny people the right to make a piece of legislation better?

Mr. LEE. One of the distinguishing characteristics of a democracy is that you have choices, you have options. I am not intimately familiar with the inner workings of the Soviet government. But I have it on good authority that they had elections in the Soviet Union. But the big difference was the government decided who was on the ballot. They decided that very carefully. Only those candidates who had

been very carefully screened by the Communist Party officials could appear on the ballot.

So people had choices. It was just the choices were very limited. They were limited so as to guarantee a certain foreordained outcome.

Now, if you will forgive the analogy, what we have here makes sense. It makes sense that all of the 50 States are represented but only if, in fact, we are presented with actual legitimate choices, with actual legitimate options.

One of the reasons we have seen legislation pushed through at the very last minute, and our colleagues in this body vote for that legislation overwhelmingly, is they are told at the moment they have no other option: You have a binary choice. You can vote yes or you can vote no, but you do not really have the option of making any changes. So a lot of times people vote for something, even if it is a bill they otherwise did not like, or if it had a lot of problems with it, they will vote for it because they conclude that on balance, voting yes is better than voting no. The problem is, we are supposed to have more options than that. In this body, we are supposed to have the opportunity to propose amendments and in theory to have unlimited debate and discussion.

Unlimited debate and discussion necessarily entails more or less unlimited opportunities to amend, to make it better. That is what real compromise is. Real compromise involves allowing all of the stakeholders to come together and explain what is important to each member of the group, to each stakeholder. We do not have that here. We are supposed to have that in the Senate. Historically, it has existed.

I know that not from my service here, but I know it from reading books and from talking to colleagues who have been here a little bit longer than I have. But it is time to restore that. It is time we restore what once existed but has since been lost so that our democratic system of government actually functions as it was designed.

Mr. SESSIONS. The Senator led a press conference this afternoon with a group of tea party patriots. Jenny Beth Martin and a number of other people were there. They came to Washington and had a number of people who had immigrated to America. They spoke from their hearts about laws and rules and proper procedure. Maybe the Senator could share with our colleagues and those who might be listening the gist of that.

I thought it was very moving to have people who came to America, some from countries where they had been persecuted and were so proud of the rule of law, who felt deeply that we need to be careful about what we do in the Senate to preserve the rule of law here.

I thank the Senator for leading that press conference today and letting those individuals, those Americans, speak their minds. Just in general, I would say that whole tea party movement, which many have tried to demean, came right from the heart of America. It represented a deep concern that people in Washington were out of touch, were not connected with the real world, were not following the constitutional processes, were meeting in secret with special interests and trying to win elections and not serving the people in effective ways.

I thought it was good to have them speak out today as they did in opposition to this monstrosity.

Mr. LEE. That is exactly right. The movement described is a spontaneous grass roots movement that started in 2009 in response to an observation that swept across the country that the Federal Government has become too big and too expensive, in part because it is doing too many things it was never designed to do, in part because it has lost sight of the fact that it was always created at the outset to be a limited-purpose government, one in charge of just a few basic things: national defense, establishing a uniform system of weights and measures, declaring war; otherwise providing for our national defense, protecting trademarks, copyrights, and patents granting letters of mark and reprisal, which are fascinating instruments. Basically, you get a hall pass issued by Congress in the name of the United States that entitles the bearer to engage in state-sponsored acts of piracy on the high seas.

So regardless of how long I might serve in the Senate, I do want to get a letter of mark and reprisal someday. I am going to be a pirate. I hope my friend from Alabama and my friend from Colorado will join me.

Among those other powers was a power to establish uniform laws governing naturalization, what today we would perhaps more broadly call immigration. That is one of our jobs. So it was appropriate at this gathering today, where we were joined by a lot of supporters of this grass roots movement—we had some immigrants to this country, people who came here legally, people who sacrificed much, put a lot at risk in order to come to this country.

They explained that one of the things that attracted them to this country, one of the unifying reasons all of them came to the United States, despite the sacrifices they had to make to get here and the risks they undertook in coming here, was the fact that they loved the rule of law. They see the difference, as all of us do anytime we travel to a country where the rule of law is absent, that the rule of law makes all the difference. You can tell almost immediately after you step off the plane whether you are in a country where the rule of law is respected, where it is honored. There are relatively few countries in the world where it is. Fortunately, this is one of them. It is our job to make sure it continues to be that way.

Many of these immigrants commented on the fact that they find it distressing that while they expended the time and effort and resources to make sure they immigrated legally, they are disturbed about the fact that under this legislation, well-intentioned as it may have been, under this legislation 11 million people who came here illegally, for whatever reason, will eventually find themselves in a position of not only being able to stay here, not only being able to keep their current jobs, maintain their current circle of friends, they will actually become citizens.

This reminds me of a letter that I received not too long ago from a schoolteacher in Utah, a schoolteacher who explained that she had come here on a visa, a visa that will expire in 2017. She explained to me that she has every expectation that she will be unable to renew and extend that visa. So, she said: I expect effectively to be deported in 2017 because I do not intend to break the law of the country whose laws I promised to uphold if they would grant me this visa. She said: It is very distressing to me that meanwhile people who broke your laws, people who did not respect the rule of law, as I did, people who did not expend a lot of time and money and resources and took a lot of risk in applying for and obtaining the necessary visa to come here, a lot of people who broke all of those same laws will get to stay here, they will get to become citizens. That is not fair.

Mr. SESSIONS. I thought that group reflected those concerns very well. I think the whole grass roots movement did. As I recall, Senator LEE was involved in the election in many ways. It was a ramming through of the massive health care bill that nobody had read. We were told: Well, you have to pass it to find out what is in it. That generated that whole movement. Is this not in many ways similar? In the Senator's view, does it feel the same that we are moving rapidly through a bill, a massive consequence of over 1,000 pages, and there is a lack of understanding fully of what is in it?

Mr. LEE. There certainly are some similarities. I will point out at the outset there are some differences, one of them being we have, fortunately, actually had the text of this for a little bit longer than I think Congress had the text of the Affordable Care Act when it passed. We have had some opportunity to amend it in committee. That has been nice. But, yes, there are a lot of similarities.

Both bills are very lengthy. Both bills involve excessive—remarkably excessive—delegation of authority to decisionmakers in another branch of government, within the executive branch.

There are, by one count, something like 490 instances of delegated discretionary decisionmaking authority. You know, this is a problem because for centuries, great thinkers, including our Founding Fathers but really going

back even before them, have warned that legislative power involves the power to make laws, not the power to make lawmakers.

To a very significant degree, the lawmaking power is not subject to delegation. It should not be delegated to someone else. Obviously, we have to delegate a lot of tasks to the executive branch. It is the executive branch's job to implement, to enforce, to apply the laws that we pass. But on some level there is a difference that we can tell between giving someone the task of implementing and enforcing a law and giving someone else the task of coming up with policy, either policy as embodied in the Code of Federal Regulations or policy as embodied in the exercise of pure discretion that will evolve and over time become its own form of laws.

This law, much like the Affordable Care Act, involves hundreds and hundreds of instances of delegated policymaking authority.

One of the problems with that is when you delegate the policymaking authority to the executive branch, to the executive branch regulatory state, so to speak, you give it to people, however well-intentioned, however well-educated, however wise, who are not themselves elected by the people. They themselves don't stand accountable to the people at regular intervals. They themselves can act in much the same way as despots might have centuries ago.

Sure, their actions could be subject to challenge in court under the Administrative Procedures Act, challenge them in court under a standard that is very deferential and not to the challenger, to the government. One thing that is certain, we can't go to them and say: Look, if you don't change this law, I am not going to vote for you again. They will laugh at us if you tell them that because they don't work for us. They don't ever have to stand for election. That is one of the problems I have with it.

One of the problems it shares in common with ObamaCare is this excessive delegation of authority. It also shares in common with ObamaCare the fact that it is long. It is not quite as long as ObamaCare, but it is still long. Very often we find that long bills go hand in hand with bills that have an excessive delegation of power to the executive branch of government. This is what we have here.

I find it significant that James Madison warned us in Federalist No. 62, it will be of little benefit to the American people that their laws may be written by men and women of their own choosing if those laws are so voluminous and complex that they can't be easily read and understood by those governed by the same laws.

Madison was right to point that out. It is true it is difficult to pick up a law like that, or twice its size, in the case of ObamaCare. It is difficult for the American people to pick that up, read through it and say: Yes, I get it, I understand what my obligations are. I understand what the obligations of government officials are. I can understand it.

It is 10 times worse than that when this is just the tip of the iceberg, when this will be a tiny fraction of the paperwork that will be entailed and the laws that actually implement laws such as this one and laws such as ObamaCare. To put it in Madison's words, it is bad enough when the laws are so voluminous and complex they can't reasonably be read and understood and read by those governed by them. It is that much worse when most of the actual law isn't even made or chosen by the voters.

Mr. SESSIONS. I thank the Senator for sharing those insights. It is important, because we are getting to a situation where we are delegating extraordinary power to unelected bureaucrats. What we have seen with regard to the current administration and their enforcement laws is one of the most dramatic, willful, deliberate failures to enforce the law I have ever seen.

It has resulted in a most amazing circumstance. The ICE agents, the Immigration, Customs, and Enforcement agents, who are out there trying to enforce the law every day, who took an oath to enforce the law, have been so directed by their unelected supervisors to not enforce the law. They have reached the point where they have filed a lawsuit in Federal court against their supervisors. They sued Secretary Napolitano, and they said she is issuing directives and orders that contradict with our sworn duty as law officers to enforce the law and follow what Congress directed. Some of this simply came down to the fact that they are required to deport certain people if they are apprehended doing certain things. They just issue guidelines that say don't deport people.

Think about it. Secretary Napolitano and John Morton, her ICE Director, who has now resigned, were directing these agents to do things that undermined their ability to do the most basic part of law. They filed a lawsuit in Federal court. The judge has heard the lawsuit and heard the complaints. The Department of Justice sought to dismiss the complaint initially, and it has not been dismissed. The judge has let it proceed. He, in effect, as I read the news article about it, basically said the Secretary is not above the law. I thought we learned that from Richard Nixon. No President is above the law. Nobody is above the law in America. This lawsuit is still ongoing.

It is one of the most amazing things I have seen, and how little it has been commented on and how significant that is.

We have the Citizenship and Immigration Services officers. Like the ICE officers, they have written Congress and told us they cannot do what the law requires them to do in this bill. They can't do what the law is requiring them to do now. They are overwhelmed by the requirements that have been placed upon them. They said the law that is being considered today, S. 744, makes the situation worse. Both of those agencies have written to Congress and said it would weaken our national security and place our safety at risk in America. It wouldn't make things better, it would make them worse.

I think we need to say how did we get here? I believe we got here fundamentally because well-meaning Senators decided if you are going to pass a bill—we had to have La Raza happy, we had to have the unions happy, we had to have the business groups happy, and we had to have the chicken processors happy, and they all met with them. They met with their pollsters, their political consultants, and the politicians.

Chris Crane, the head of the ICE officers association, wrote them repeatedly, saying: Let me come tell you what it is really like out there. They refused to hear from him. They refused to hear from him and his ideas. He tried everything he could. He wrote them and asked if they would meet with him, and they wouldn't do that.

The legislation was written by people not connected to how the immigration system actually operates. The people tried their best every day to make this system lawful, make it effective, and make it something we can be proud of.

Even under the legislation, it does not require people who want to be citizens and want to be given legal status in America to have a face-to-face meeting with a single person.

In fact, the DREAM Act, the DACA cases that are out there, they are not meeting with them face to face. They just give papers, read those papers, and process them in a way that they have no capability of ascertaining whether those claims of legality are legitimate.

It is very clear from experts in the 9/11 Commission that face-to-face interviews make a huge difference. One of the hijackers who was supposed to be the terrorist, who was supposed to be on the plane that may have hit the Capitol of the United States or the White House, the one that went down in Pennsylvania, one of those was identified in a face-to-face meeting by an alert officer. He held him up, and he was not on that plane. Who knows, one more terrorist on that plane might have enabled them to control that plane and succeed in wreaking devastation on Washington, DC. Maybe those patriots who brought that plane down, giving their lives to save this Capitol, may not have been able to do so had there been one more terrorist on that plane. I have to say this is important material. I don't know what the language is about the border and how many agents they have there.

I know this, we have had testimony from witnesses and the 9/11 Commission that we need an entry-exit visa system. We already have most of it. When you come into the country, they

take your fingerprints, and you are clocked into the country. We are not clocking people out of the country.

The 9/11 Commission, in a followup meeting of that commission to review how America had complied with their original suggestions, repeated their concern that we need this entry-exit visa system. The current law that has been passed, about six times, and is current law today, says we should have a biometric entry-exit visa system at all air, land, and sea ports.

This legislation guts that requirement. It eliminates the biometric, which means you don't use something like a fingerprint, which would be the most common thing to use. It would be some sort of an electronic system that is recognized to be weaker, and it doesn't require it to be in place at the land ports. The 9/11 Commission explicitly reviewed that, and they said the system won't work because people can fly in to Houston, fly in to Los Angeles, go back across the border, fly in to New York and exit through New Mexico. They can do these things and, therefore, the system won't work. We don't know who overstayed and who didn't overstay.

What we learned was it is not too expensive. They claimed it was going to be $25 billion. Where did this figure come from? It was raised in committee, you may remember. Senator SCHUMER said it will be $25 billion. What we found was they did a pilot project in Atlanta and I believe Philadelphia. People came through to get on a plane to depart America. They put their fingerprints on a machine. They go right on by, and those who are in violation have warrants out for their arrest or are on a terrorist watch list, are picked up.

Amazingly, amazingly, in Atlanta they did 20,000 people as a pilot project. They failed 134, I believe, who had warrants for their arrest and got hits on the watch list. Some of these could be serious offenders.

I think that is one more example of weaknesses in the legislation that apparently are not being addressed. This is one more proof that the bill before us today weakens current law, directly weakening our entry-exit visa system that the 9/11 Commission has said we must complete.

There are a lot of things I am concerned about in the legislation. This is one of them. It has to be fixed. I am afraid we are not on the path to do that. Special interests have opposed that over the years. It has been debated, debated, and debated. Finally a decision has been made. Multiple times Congress has directed this to occur, but it still has not occurred.

I wanted to share that. Maybe the Senator has other thoughts he wishes to share.

Mr. LEE. The Senator mentioned a few moments ago that in some circumstances there has been some indication that perhaps the Secretary of Homeland Security believes she is above the law. In some respects, when reading through this bill, we can conclude that if it passes she will become the law. She will be the law. With hundreds and hundreds of instances in which she will be given vast discretion to make all kinds of determinations about who stays and who doesn't, what happens under what circumstance and what program, she actually sort of becomes the law. This becomes an active administrative discretion, rather than an act that helps bolster the rule of law. That certainly is a concern we have over time.

We do wonder at times also why it is we have legislation that remains secret for so long. In other words, we have commented on the fact that we have been waiting for this mysterious amendment. We have wondered why we haven't seen it. I wonder if the reason why we haven't seen it is because they are still negotiating in secret trying to sweeten the pot so they can ram it through. It makes me wonder whether we can anticipate another ''cornhusker kickback,'' another ''Louisiana purchase,'' yet another parallel between the Affordable Care Act and this legislation we have before us today. It is another concern I have.

I am also concerned about the same talking points to which I alluded earlier, the same talking points we have had since before we even had this bill—the talking points I alluded to earlier that I described as being to the effect of saying: Is there anything wrong with this bill? No. Is this bill excellent? Yes, absolutely it is. Those are the same talking points that convinced a lot of people to come out and support the bill before the bill even existed.

Mr. SESSIONS. If the Senator will remember, in committee my able colleague Senator SCHUMER said this was the toughest bill ever, as I recall. And it was tough as nails. But it looks like now we are being told it wasn't so tough because we have added an amendment that is going to make it tough.

So is that kind of what the Senator is saying when he refers to the talking points, that we have to go beyond the bill? If it was so tough to begin with, why did they have to pass another amendment now to make it a lot tougher now?

Mr. LEE. I guess it wasn't tough enough and they are trying to make it even tougher. Yes, that is an interesting point. A lot of people got caught up in that kind of mindset even before the bill was released.

The Salt Lake Chamber of Commerce, an institution in my own home State, came out overwhelmingly in support of this bill. But the problem was the bill didn't even exist. They were going off the talking points. And here is the problem: The talking points were wrong. The talking points proved to be grossly misleading.

The talking points told us—and the proponents of the bill have continued to tell us for months, even after the bill text came out and even after we had reason to know better—quite a few things. They told us, No. 1, illegal aliens who would be legalized and who would be put on the path to citizenship under this bill would have to pay back taxes as a condition of their legalization. Did that turn out to be true? Absolutely not.

When we read the fine print, one thing is very clear. They have to pay only those back taxes that have previously been assessed by the Internal Revenue Service. What does that mean? Well, they have to be found due and owing. They have to have been assessed by the IRS. An individual doesn't have taxes assessed by the IRS if, as is often the case for someone who has been working here illegally, they are working off the books.

This is what we call an illusory promise. They offered us the sleeves off their vest. They offered us something that didn't exist in the first place.

We were also told a number of other things about this bill. We were told there would be a lot of people who would be excluded. Yet we discovered there are a lot of people who, even after having committed crimes in this country, even after having illegally reentered the country following a previous deportation, which, by the way, is a felony, many of those people will still be able to get legalized and not just remain in this country and continue working but also continue on the path to citizenship and eventually become voting citizens of this country.

We were told those people who are illegal aliens currently, who would be eligible for legalization and eventual citizenship, would not be eligible during their provisional status, during their interim status, or RPI status, as we call it under the bill, wouldn't be eligible for means-tested welfare benefits.

Did that turn out to be true? No. They are still eligible, for example, for the earned-income tax credit, which some have described as the most generous and largest, in some respects, means-tested program we have.

So these things turned out not to be true. Yet a lot of people are still asking their Members of Congress to support this very same legislation, and not because they have read it, not because any of those promises are true, but because they are still believing the promises contained in the original set of talking points, which most people think are the bill. That is disturbing.

Mr. SESSIONS. It is. I think it is like smelling the sizzling steak that turns out to be shoe leather. It sounds good when they talk about it. I said: Wow, that sounds good. And if it accomplished all the things they promised, I would be intrigued by that legislation. It would have a chance to get my vote.

Well, we made a list, just as Senator LEE did, of some of the things we were told repeatedly about this legislation. We were told it was border security

first. Now, I don't think anybody denies that amnesty is the one thing that will happen. Everything else is going to be promised to occur in the future. So that was not an honest and correct promise.

Then it was said it was going to be the toughest enforcement ever. Well, I would just say to my colleague, this legislation is not as tough as the 2007 bill. As an example, it weakened the standard of enforcement at the border from current law that they are still debating and can't reach an agreement over. It weakens the current law's standard.

As I just established earlier, it weakened the entry-exit visa system absolutely on a key and fundamental point, making the entry-exit visa system not workable; whereas today, if the administration did it properly, it would work.

The Senator just mentioned back taxes. That is a flimflam if there ever was one. We hear that over and over—people are going to pay their back taxes. The IRS is not going to go out and try to run down 11 million people who have been here illegally and have been working and try to find out how much they owe and then collect taxes from them. It is not physically practical. It will never happen. It is a talking point, just as the Senator said, and not reality.

They are going to learn English. That sounds good. We are for making people learn English. But if a person is going to get legal status, a Social Security number, the ability to go to work almost immediately, and 10 years later, if they haven't learned English, under the language of the bill all they have to do is to enroll in a course. They do not have to complete the course or anything. It only occurs when they are at the point of becoming a legal permanent resident. That is 10 years later.

Then no welfare benefits. The Senator just mentioned the biggest is the earned-income tax credit. I offered an amendment to validate the sponsors' promise in the Judiciary Committee, if the Senator will recall, and it was voted down. So they said we are not going to have any welfare, but the Congressional Budget Office—well, it is obvious. The earned-income tax credit is not a tax deduction, it is a direct payment from the U.S. Treasury to people who qualify for this subsidy. So that is one of the biggest ones we have, and it is still protected. They can still obtain it.

Then they say: We will end illegal immigration. That was a firm promise—to end illegal immigration. The toughest bill ever. The Congressional Budget Office report that came out yesterday said it would only reduce illegal immigration by 25 percent. I think it was a difference of we would have 7.5 million people enter the country illegally instead of 10 million people entering the country illegally over the next 10 years. How pathetic is that?

So we are going to give amnesty, benefits, and all of this, and we are going to promise the American people we are going to fix the broken border, but it is not there. The promises aren't there.

We haven't even seen this new amendment. Now we are going to have all these agents, we are going to fix the border, everything is going to be taken care of, and we say: Well, we would like to read your bill. The last time you weren't so accurate, were you? Last time the promises weren't fulfilled in your bill. Now you are scrambling around, your bill is in big trouble, people are asking some real tough questions, you don't have answers for them, and so a group comes together. They are secretly meeting over here today, and now they have the toughest amendment ever, I guess. But when do we read it? When do we see it? We were told we were going to have it at 6 o'clock. It is now 8:30.

So I agree with the Senator from Utah. I don't think talking points are going to cut it. Doesn't the Senator agree the power is in the legislation and not in talking points?

Mr. LEE. Yes. Yes.

One of the most galling aspects of this entire debate and what has occurred today, as this amendment is being crafted behind closed doors in secret, we have had dozens and dozens of amendments that are written, that have been filed, that have been prepared, some of which are now pending before the Senate. Have we had a chance to have a vote on those? No. We are told we have to wait for the Corker amendment, which isn't even written.

So those who have been working on this for months and months and months, who have written our own amendments and have aired them publicly, allowed our constituents and people throughout the country to view our amendments, we are shut out. We are shut out and we are shut down and we are told we don't get a vote on them because we have to wait for the Corker amendment. That doesn't seem fair or just to me.

Now, let's look around the room. It is not as though this place is jam-packed with people. It looks like we have kind of been abandoned. A few hours ago we had all of us here and we were ready to vote on those amendments. We could have had a lot of votes. We were told to expect votes. I was hoping to have votes. I had a very important amendment on which I wanted to get a vote. It was a vote on an amendment to make sure the 40 percent of the border owned by the Federal Government could be accessed by our own Border Patrol agents so they can do their jobs.

The Senator referred earlier to a problem we have had with our law enforcement personnel being told they can't do their jobs. This is one of those many instances where they can't. Forty percent of our border is owned by the Federal Government. I am sympathetic to this because two-thirds of the land in my State is owned by the Federal Government, and it is terrible because we can't access most of that land. We can't even walk on that land without saying ''Mother, may I.'' And most of the time, to walk on it, it is like a sand trap on a golf course. You have to walk in with a rake behind you. You rake your way in, rake your way out, and ask permission for everything you do. The border is kind of the same way. There are federally owned areas of the border. We have huge stretches of border—40 percent of it—where they can't enforce the law because it is owned by the Federal Government and there are environmental laws that prohibit these agents from doing their jobs.

It would be one thing if that actually protected the environment, but it doesn't because what happens is those same areas—those same environmentally sensitive, federally owned areas—are the ones illegal immigrants most prefer when they choose to cross into this country. So what do we have? We have a long trail of litter and environmental destruction in the areas where they cross through illegally.

This is just one of many amendments that have been filed, that are already written, that we could have and should have been voting on and we haven't been.

I have a dire prediction to make. I suspect when we come back next week, we might be told, even though the place doesn't seem to be in any hurry right now, all of a sudden we will be in a hurry next week. So much so I fear we will be told we have to pass this bill now. It all has to be passed now. We don't have time for any more of these pesky amendments from these pesky Senators from all over this great country of the United States of America. We have to pass this now.

Well, we have had time to vote on other amendments, and we have squandered that opportunity or we have had it squandered for us. The Senator from Alabama and I, and a number of others, have been ready to vote on our amendments—amendments that have been prepared for a long time, that have been aired for the public to view for a long time—and we haven't been allowed a vote. I have a problem with that.

Mr. SESSIONS. Well, it is going to be that way, it does look like. We have been talking about trying to find out what the plan is and what kind of process we can use to go forward, but the ability to get amendments does seem to be slipping away. And there are a lot of excuses and reasons, but all I would say is we are getting ready to vote on a huge important bill that will change immigration law in America, and the American people deserve to have their Representatives fix it and make it better, if they can.

I truly think there will be no excuse if we get into a rush, as the Senator correctly predicts, I am afraid, next week. That will just slide by if we have

to pass the bill essentially as is, after the experts tell us it has all been fixed now.

So I just would ask the Senator about this border situation. Just as a normal citizen, I would think if the U.S. Government wanted to have the ability to work on the border and do things on the border, it would be easier if the government already owned the land than if it were in the hands of someone else. At a very minimum we ought to be able to protect the border of the United States, our national sovereignty, in that fashion. Not to even be able to use land the government already owns is pretty baffling to me.

The PRESIDING OFFICER. The Senator's time has expired.

There is an order to recognize the majority leader at 8:30 p.m.

Mr. SESSIONS. I thank the Chair. That is correct.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the previous order be extended; that is, that there be 1 additional hour for debate only equally divided between the two parties; and that any quorum calls during this period of time be charged to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, the previous order said I would be recognized when the time ran out. So I ask that it be the case that I be recognized at 9:30.

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, again, I thank the majority leader.

I have heard some talk tonight from some saying they wished there would be votes.

I finally have given up handing long lists of amendments we are prepared to vote on to the Republican side, both Republican and Democratic amendments. Each time, that was rejected. Most of them were amendments with no controversy, Republican and Democratic alike, and would have been accepted.

I think back to the debate we had in the Senate Judiciary Committee where we actually voted on amendments. We brought up 140 or so. All but two or three passed with bipartisan votes. About 40 Republican amendments passed on bipartisan votes. Yet when it came onto the floor of the Senate, my friends on the other side, time and time again, objected to bringing up amendments that would pass unanimously, both Republican and Democratic.

I suppose in one case we have some who don't want any immigration bill, and others are probably waiting for a cloture vote.

I suggest the absence of a quorum, and I ask the time be equally divided.

The PRESIDING OFFICER. That is the order.

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, we have another hour waiting now to get this magic amendment we have been waiting for that is going to cause us all to be able to sleep well tonight, and everything is going to be taken care of if the Hoeven-Corker amendment is blessed. Apparently, they are running people into a secret room trying to get them to sign up to vote for it and vote for final passage and promising them some corn, I guess, a Louisiana Purchase or something to try to line them up and get the system done.

But I would indicate that this side had agreed to about as many as 16 amendments earlier. As this exciting new ''superamendment'' came along, it does seem what has happened is the train jumped the track. The amendments we thought we would be voting on even later in the afternoon got jumped off the track. Now we are all waiting on the favored amendment, the amendment that everyone seems to think has to get preference over everybody else; whereas, we could be voting right this minute on many of the amendments. If we started voting on the ones that had been agreed to and cleared on this side, I think we would even be finished long before now.

I would look to Senator LEE.

Mr. LEE. It certainly would have been the case that had we started voting earlier today, I think we could have gotten through the list.

I was surprised by what our friend from Vermont said a few minutes ago, suggesting that Republicans have held up all this.

My understanding is that last night we were close to a unanimous consent on a proposal to bring some 16 amendments to the floor for a vote. We were getting closer and closer to that.

It was at that point when the senior Senator from Louisiana came to the floor and demanded that all of this cease, unless or until such time as 27 amendments that she was pushing for not only would be brought to the floor for a vote but be passed by unanimous consent.

It was a rather unusual request, from what I can tell. I am still a new Senator. I have only been here 2½ years, but it seems to me to be something that doesn't happen very often. But it certainly was a different sequence of events than what was described by our friend from Vermont a few minutes ago.

Look, we wanted amendments. Some of us have been working on this bill for many months, and we have prepared amendments. We have had those amendments. We have made them available to members of the public for a long time so they can be reviewed. We just want to debate them, discuss them, vote on them, and move on.

I suppose it is important that we proceed, with a matter of legislation as important as this one—this very significant bill that will affect many millions of Americans and will do so for many generations to come. It is important that we proceed with all deliberate speed, meaning we proceed just quickly enough but not so quickly as to blow past important opportunities to consider every option, every possible amendment that needs to be brought forward.

So perhaps it is with that in mind that we have suspended things a little bit, we have slowed things down a little to wait for this one amendment. I still don't understand why we couldn't have been voting on other amendments—amendments that are already written.

But still, just the same, if this is what we need to do—and the place doesn't appear to be in any hurry—we can do it that way. I hope I can take that with some encouragement, as an encouraging indication that this is how we are going to proceed on this bill because it is so important and that is perhaps some indication that next week we will still be able to vote on other amendments, amendments that preceded the Corker amendment in time and in preparation—that we will still get votes on those. Because if we are willing to wait this long for one amendment that is just being written now, we ought to have those other votes on other amendments that are ahead of it in time, that were filed previously, that were made public much earlier.

Mr. SESSIONS. I think the Senator is making a valuable point. I don't believe there is any justification for the process stopping today.

I would say it is convenient to say to the press and the American people: A big development has occurred. Everything is on hold. We are going to move this amendment. It is going to fix everything that you are concerned about.

That is part of the drive, the vision, the message being put out here.

I suspect a number of Senators—maybe in the majority party particularly—felt like they didn't want to vote on these 16 amendments. Some of them would actually make the bill work better. Some of them have some tough law enforcement provisions in them, tough in the sense they are fair and will work and actually tighten this system that is so out of control, and they didn't want to vote on those amendments. So I am sure maybe they complained to the distinguished majority leader and others.

But all I know is that we were moving along. People were saying from the other side let's get some votes. I said I am ready to vote. Let's vote. So agreements were being reached, and all of a sudden it stopped—on one favored amendment. That is what we are all focused on today.

I agree with Senator LEE that somehow all of us are supposed to be equal in this spot, that one Senator is not

supposed to be better than the others, and we all ought to be able to come to the floor and offer a legitimate amendment, debate it, and get a vote.

Mr. LEE. I suppose in that respect all Senators are equal, but some are simply more equal than others. It is disturbing that happens from time to time, when we discover that the equality that is supposed to serve as the hallmark of this institution, that is supposed to separate it from the House just down the hall from us and from other legislative bodies throughout the country and throughout the world is, perhaps, faded a little bit in our public consciousness. Perhaps that is faded a little bit in the way it operates, but it should not be and we ought to be able to restore it. We ought to be able to focus on the real, pressing needs of this country.

Immigration reform is something I think every one of us can agree needs to happen. There is not one Member of this body—at least not one of whom I am aware—who does not want real, robust immigration reform, nor do I believe there is one Member of this body who would dispute that there is a real opportunity for broad-based bipartisan consensus when it comes to immigration reform. I think the best way we could achieve that is to start in those areas in which there is the most broad-based bipartisan consensus.

I have yet to meet a single Senator or single Representative from either political party who is willing to say, for example, that we don't need to bolster border security. Maybe such a Senator or maybe such a Representative exists. If that is the case, I have yet to meet that Senator or that Representative. I have yet to meet a single Senator or Representative from either political party, by the same token, who has said we don't need to update and modernize our legal immigration system, we don't need to review our visa programs—which, as I have said before, are sort of stuck in the Buddy Holly era. These are things we need to do, and I think we could pass bills dealing with each of those. I think we could pass both of them with overwhelming bipartisan consensus.

So that begs the question: Why, then, would you want to wrap those up and tie them up with the single most controversial element of immigration reform, which deals with the pathway to legalization and citizenship? Why do you suppose it is so important that we move directly to that?

Mr. SESSIONS. It does raise a question. It has really not been properly discussed. I believe my colleague makes a reference to the citizenship path? Is that what the Senator said?

I have given a lot of thought to it over the years. In 2007 it was discussed. I reached a serious conclusion. Other people might disagree. This is what I concluded. I concluded that after 1986, when every benefit the Nation could give was given to people who came here illegally and it did not work and we had even more people come and enforcement never occurred, then really a great nation such as the United States, which is in a position to allow somebody legal status in their country, is not required to give every single benefit to somebody who comes illegally as somebody who comes legally.

In fact, I believe it is very important, as a matter of principle, that the United States say, based on our experience in 1986: You come to the United States lawfully, we will allow you to have a path to citizenship; your children born here, they will be citizens. But if you do not come lawfully, we might agree out of compassion, out of concern to allow you to live here the rest of your life and work and give you a Social Security card and allow you to benefit in America, but you don't get everything. You don't get every honor this Nation can give if you did not follow the law when you came here.

I think that is legitimate as a matter of principle, as a matter of fairness, as a matter of the Constitution and law. That is where I am on that subject.

Mr. LEE. Perhaps it is for that reason that for many people the pathway to citizenship component of this bill is perhaps the single most contentious issue. I don't think there is any issue that even comes close to the pathway to citizenship in terms of its ability to divide Americans along partisan lines or along other ideological lines. It makes me wonder why it is so important for us to pack this all in one bill. Why do we need a single thousand-page bill? Why can't we pass this in steps, especially when we come to an understanding of the fact that if we do it in the proper sequence, much of the problem will be easier to resolve? Much of the problem will be more amenable to a more clear solution.

Many of those among us who are undocumented are here in an undocumented state not necessarily because they want to become citizens, not necessarily because they want to live here in perpetuity. In many instances I am told a lot of these people are here year in and year out because they are afraid that if they leave and go home, they will not be able to get back in.

But if we had updated and modernized our legal immigration system—if we could do that, if we could get those laws implemented, I suspect a lot of those people would choose to be able to go back home to their home countries, be with families and loved ones, knowing that the next time they wanted to come back to the United States to work, they would have a fair shot at doing it, that there would be a clear pathway for them to apply for some kind of legal status coming into this country to work for a time. If they had greater certainty that they would actually be able to get back in, perhaps they would not choose to remain here year in and year out. At that point, we might have a different circumstance on our hands. Rather than 11 million people, perhaps the number would be different than that. I am not sure.

But one thing I do know is that if there is one way to make it more difficult to enact immigration reform, if there is one way to make it less likely that we will have broad-based bipartisan consensus for immigration reform, the one way to do that, the one way to ensure that it is going to be as contentious, as partisan, as difficult as possible is to fold it all into one, put it in a thousand-page bill and say: You have to take all of it. You have to take every bit of it, all of it, or you get none of it.

We are told in this town all the time that we have to compromise. It is interesting. I get a lot of phone calls in my office from constituents. Some of those phone calls say: You need to compromise; make sure you compromise. Other phone calls say: Never, ever, ever compromise. Those in the first group are inclined to say: Compromise in a box with a fox in the rain on a train—all kinds of things. Anytime you get a chance to compromise, do it. But both sets of callers making one point or the other are sort of missing the point. Compromise is not an end destination, it is not a substantive end in itself, it is a process.

In the case of a legislative body consisting of more than one person, it is an inevitability. The question is not where to compromise or whether; the point of compromise is under what circumstance are you willing to and, more importantly, under what circumstance are you not willing to compromise.

If the objective is to find those areas where there is the greatest possibility of compromise, what we ought to be doing is passing a series of bills in a proper sequence: one bill dealing with border security; another perhaps dealing with an entry-exit system; another dealing with an update to our existing visa programs. In time, once those things are passed and they have been implemented, I think we will be in a much better position to achieve broad-based bipartisan consensus.

On the vexing, difficult question of how best to treat the 11 million undocumented workers in this country in a manner that is both compassionate and just, I think we can get there. I know we can. And I am equally certain that this bill—this bill that tries to lump everything into one, tries to ram the entire issue right through this body—is not the answer. This is not how we are going to get immigration reform.

If what you want to do is to stall out true immigration reform, then by all means put all your eggs in this basket right here. But if you want real immigration reform, proceed with the step-by-step path. That is where you are going to get bipartisanship. That is where you are going to get compromise. In fact, that is where compromise is to be found because that is where more people will get more of what they want out of government.

Would the Senator tend to agree with that analysis, that we would be better off with a step-by-step approach?

Mr. SESSIONS. I really do. I think the American people would feel better about it. I remember after the immigration bill last time, and the ObamaCare, Senator LAMAR ALEXANDER, one of our more respected Members, said: We don't do comprehensive very well in the Senate. I think that is right because these matters are so complex. For example, I have offered a very detailed amendment dealing with simply how the ICE agents will have to identify and deport people they apprehend who came in violation of the law. That is very difficult. We talked earlier about the entry-exit visa system. We have been working on it for years. The law requires it now. We simply need to go the last distance and get it done. But this bill backs away from it. It would take some time. It really should be a separate piece of legislation to deal with the entire visa system.

Then you have how many people come and what skills they should bring and should they not be more merit-based. The bill claims to make progress in that regard, but it is very—it is really not because the nonskilled percentage goes up even though we do have more skilled workers. But the percentage still is out of whack because most people will be coming without reference to their skills. That really needs a lot of time, thought, and effort.

Then the border itself is a complex issue.

Then, how should we best create a seasonal worker, guest worker program for our agricultural industry, which does need seasonal workers? And we can create something that will work for them, but, boy, that takes a lot of care too.

This bill says people come—many of them in these guest worker programs—for 3 years with their family, and they get to stay another 3 years and maybe another 3 years. Presumably, if they do not have a job, they are supposed to go home. Do you think we are going to try to round up people and deport people who have been here for 6, 9 years, deport them and send them home if they are out of work for a while? It just doesn't sound like a practical solution. So a real temporary guest worker program, it seems to me, should be drafted with great care, and to the extent possible a person would come without family to do a specific job and then return.

There are lots of other examples in the bill that should have fundamentally separate pieces of legislation, thoughtfully considered, with law enforcement officers participating, economists being considered, and studies being conducted to see the best way to serve the American interests. That should be our goal—serving the legitimate national interests of America, including security. That could be the subject of another bit of it, how to enhance our national security from terrorists and other dangerous people who would enter the country.

Mr. LEE. It is interesting. When I have individuals and groups come through my office telling me they would like me to support this bill, I ask them, of course, why. Inevitably they will point to usually just one or two of the countless provisions in this thousand-page bill. It is almost always because of one very discrete component within the bill that they like. Perhaps they like the high-skilled visa reform. Perhaps they like the low-skilled visa reform. Perhaps they like some piece here or there. But it is always one or two very discrete provisions. That is what caused them to say: I want you to vote for this thousand-page bill.

Inevitably I will ask them: Have you read the whole bill? If you haven't read the whole bill, have you at least studied the whole bill? Have you studied each of the constituent parts? Have you studied the implications of all the other provisions for which you would be asking me to vote?

Inevitably the answer is no. It is an unqualified, unapologetic no, and in many cases it is a no that is uttered in a way that makes me realize they have not considered the question. I don't fault them for that. Their job is not to legislate, their job is to advocate. In many instances, they are advocates. In other instances, they are citizen groups who are just expressing their opinions, and they have every right to do so. But my job is to legislate. Before I am asked to vote for a bill, before I am going to vote yes on something to make it law, I have to read it. I have to understand it. And I have to like not just one or two provisions, I have to be convinced that on balance this bill makes sense for the American people and it will do considerably more good than harm. At a minimum, it won't do more harm than good. I can't answer that question that way with this bill. I just cannot get there.

So I invite all of the American people, anyone who might be hearing my voice, to join me in this dialog, to join in this discussion. If you want to be part of the immigration solution, read the bill. If you don't want to read the whole bill, just study the whole bill. At least read a robust summary—not the cheerleading talking points put out by the bill's principal advocates, but read a really robust synopsis that tells you how all the pieces connect together, and then tell me whether you think I should vote for it.

Most of the time, if people do it that way, they are going to come at this with a very different conclusion.

Mr. SESSIONS. I had the pleasure to talk a little with Congressman GOODLATTE, the chairman of the House Judiciary Committee, and have followed some of the work they are doing over there. I think they are doing exactly what the Senator has referred to.

The first piece of legislation they are working on—and they have a large number of experienced House Members who signed on to it: former chairman of the Judiciary Committee, LAMAR SMITH of Texas, JIM SENSENBRENNER, and others such as TREY GOWDY, who was a Federal prosecutor for many years, so he understands the law. They have written a bill that deals with the internal interior enforcement.

They heard from ICE officers, they heard from Border Patrol officers, and they studied the reality of the situation. They carefully worked through it, and they produced a piece of legislation that I believe would be a tremendous asset to the effective enforcement of law in America on the internal side—one of the aspects of reform that ought to be done right if we do reform at all. If we do a comprehensive reform, every part has to be done right.

They can't have a bucket, fix two holes, and leave three more or the water will run out. I think that is where we go off base. If you bite off more than you can chew, it becomes a political thing.

So I am selling a vision. My vision is that my bill is going to end illegality, make everybody happy, make money for America, reduce our deficit, and everybody should thank me. But the bill, as the Senator and I have studied it, doesn't do that. There are too many flaws in it because it is too big.

The Members who worked on this bill are busy Senators. They are involved in tax reform, they are involved in Libya and Syria, they have defense issues, and all kinds of issues. They don't have time to rewrite the entire immigration law of America in a detailed, effective way all at one time. So that is what we have. We have a document that seeks to justify talking points, visions, images, and feel-good approaches.

The Senator from Utah is a good lawyer and the Senator knows that what is in the bill is what counts. Will the words actually and effectively accomplish what has been promised for it?

I was a Federal prosecutor for almost 15 years. My judgment tells me it will not work. It is not what has been promised, and we ought not to have the American people saddled with a bill that promises good, but in reality is not good. So that is my fundamental concern about this.

Mr. LEE. That is one of the reasons why I think if we were to break it up into its constituent parts and debate and vote on each one as a separate bill, I think the American people would be better served. I think more of the American people would get more of what they want out of immigration reform if we were to do it that way.

So in many ways the people who come into my office and tell me: I want you to support this bill, and I want you to support it because I like section 345, or whatever section they are talking about, in a lot of ways they are making my point for me. We ought to address this one piece at a time, just as they are addressing it with me.

They are not really saying: I want you to vote for S. 744. I mean, technically, they are saying that; but in reality what they are saying is, I want you to vote for the section I like. That

is exactly what we ought to be doing. We ought to vote for the section they like, and we ought to vote for it one section at a time, one piece at a time. We will be in a much better position if we do it that way.

I want to commend our chairman who is with us in the Chamber right now. I commend him for the manner in which he conducted the markup within the Judiciary Committee.

After being in the Senate now for just 2½ years, I have been disappointed at the number of instances in which we have debated, discussed, and ultimately voted on the bills on the floor without a lot of opportunities for amendments. Our chairman did a good job in the way he ran the markup. We had countless opportunities to introduce amendments, which our chairman allowed, and I appreciated that. I think he did the right thing by opening that up and saying: Look, if you have an amendment, I, as the chairman of this committee, want to be sure you have the chance to air your amendment. I think that is the way we ought to work here.

It is not the way things have been working here. Perhaps we can take some hope in the fact that since things have slowed down for about 12 hours now with this one single amendment—perhaps that is an indication that our friends in the majority are willing to slow down and give this the time it needs to make sure we all have adequate time for our amendments. Perhaps not to give this much time to all other amendments someone wants to write on the fly, but at a minimum it ought to mean we get enough time to vote on all of those amendments that were prepared before the Corker amendment came to be an issue.

Yet I fear and I worry a little bit that it might not mean that. I worry a little bit, based on what I have seen over the last 2½ years, that come next week, we might all of a sudden transform from a very sleepy Chamber, which we are now—practically vacant and moving very slowly, if at all—to a Chamber that is being told we have to run as fast as we possibly can, that we have to pass this 1,000-page bill in haste, that there simply is not time to consider amendments that have been prepared and aired publicly for weeks because we have to pass it right now.

We will not be given specific reasons as to why we have to pass it right now, but I fear we could be told we have to pass it this week, and it cannot wait a single additional week, it cannot wait a single additional day. At that moment I hope we will remind our friends in the majority—particularly our friend the majority leader—that on days like today, the Senate was moving really slowly, and most of the time the Senate was moving not at all.

I hope he will give us time to air the amendments that the American people deserve to have considered fully.

Mr. SESSIONS. Well, it is now 10 minutes after 9. We were told that this special amendment that is going to fix everything in the bill would be produced at 6 p.m. Apparently, Senators have been going out of the secret room somewhere and being hot-boxed or had their arms twisted or given promises to get them to sign on to this new train that will move rapidly forward. At least that is what it looks like to me.

What we are hearing is—and I don't doubt it—as soon as that amendment is brought forth and filed tonight, some may ask: Why do you want to file it tonight? Well, they want to file it tonight so they can file cloture immediately. They want to file cloture so they can shut off debate immediately so they would be able to move the bill forward early next week. So that is the process, and it is favoring one amendment above everything else.

I am willing to look at it, and I look forward to receiving it, but it is almost past my bedtime. I normally would like to think I was heading to slumberland at this time, if not in the bed, and try to start earlier around here in the mornings.

So here we are, waiting for the bill to be filed. Senators have gone home for the most part. They have already gone home for the weekend. There is no real business or votes going to occur, but they could have if we had started earlier today like the plans were, as I understood it.

I am uneasy, as is my colleague, that this place is not going to be relaxed next week. I think the speed is going to pick up, and we are going to be told: We have to move, move, move, so there is not enough time for your amendment. Sorry.

That is the pattern too often here, and we end up with just a piddly few amendments that are not worthy of the great subject of this debate, and I am just sad about it. I thought for a while there we were going to really get into some amendments this week, and I thought it would be the right thing. We will see what happens.

Mr. LEE. We will see, indeed. There have been just a couple of occasions when I have seen the Senate work as I think it should work and casting a lot of votes. That is how it is supposed to function. That is the kind of body we all thought we were joining when we were elected to the Senate—a body that debates, discusses, and most importantly, votes.

The legislative process doesn't mean a whole heck of a lot if all that happens is we wait for just a few people to emerge from a back room with a document that no one has read, and people are told to vote up or down on this, and this is the only vote we are going to get on this issue, or this is one of only a small handful of votes we are going to get on this issue. It doesn't mean a whole lot.

When it means a whole lot is when we have an opportunity to cast a lot of votes and every Senator is given an opportunity to have an input on a piece of legislation, every Senator is given an opportunity to express his or her mind, and to express the views, the concerns, the needs, of his or her respective constituents from around the country.

Remember a few weeks ago when we were discussing the budget resolution, we stayed here all night. We stayed here until about 5:30 in the morning, as I recall, casting vote after vote after vote. It was exhilarating. It was refreshing. It was necessary. I thought: This is how a republic is supposed to operate.

Mr. SESSIONS. Constituents have a right to hold us accountable. It has become the mood of the leadership—really of both parties—to protect Members from tough votes. Members say: Of those 16 amendments, there are 2 that I don't want to vote on because I will make somebody mad back home. But we are paid to vote. We are paid to be representatives. We are paid to be accountable.

The American people ought to be able to hold us accountable, and if we don't vote, they have a difficult time knowing what we are actually doing up here. They have a difficult time of holding us accountable—as they have a right to do in a democratic republic where elections count—and they need to be able to judge us before they reelect us or vote us out of office. I think this is a big part of this trend to avoid voting to protect Members.

Now Senator MCCONNELL—a very experienced Senator who loves the Senate—used to always say that the burden of the majority was they have to move legislation. They have to actually move bills, and that means they have to subject the bill to amendments on the floor and Members have to vote. They have to be held accountable. There is no avoiding it. That is what they have to do.

The majority has the responsibility—if they are going to be a leader and actually change the country and advance their agenda—they have to bring legislation to the floor, and traditionally then the Senator would be subject to debate, criticism, and amendment. We have curtailed that in a way that I don't think is healthy for the Republic, as well as making the legislation better, which can occur with votes and amendments.

So I think the Senator has raised some valid points there.

Mr. LEE. I think that is an important observation my friend has made. In so many ways, this practice that the Senator has described—a practice that results in minimizing rather than maximizing the number of votes we cast—has as its ultimate objective, not the enhancement of the finished legislative product, but instead the perpetual protection of incumbency.

We were not chosen by our constituents just to come here and stay here for as long as we possibly could. We were chosen by our constituents to come here and to make law, and to make the law as good as we could possibly make it. We were brought here to

improve it to the greatest extent of our ability regardless of the consequences to us personally.

It is interesting what the Senator said just a few minutes ago. We are paid to vote. In a very real sense I think that is right. Wouldn't it be interesting if we were literally paid according to how many votes we cast?

As a lawyer, the Senator is probably familiar with what may well be anecdotal, but some have suggested that one of the reasons why certain types of contracts in olden times were so long is that sometimes lawyers were paid not by the hour but by the word in a contract. Sometimes, as a result, the vestigial remains persist to this very day. They were so long because lawyers were trying to maximize their fee for the contract they were writing up. I am sure that wasn't helpful to clients back then and it wasn't necessarily good for the practice of law, but it did result in a lot of words. I am sure if we were paid according to each vote, if we got paid more for each vote we cast, we would be casting thousands and thousands of votes every single year.

Don't get me wrong, I am not necessarily suggesting that is how it ought to work. I am not necessarily suggesting that is a good way to run things here. But at least in that circumstance, we would have an incentive to do what we were sent here to do, which is to vote. At least in that respect, there would be something to offset what has apparently become an instinct that is inherent in serving in this place, an instinct which at least perhaps the majority shares or the majority leader believes in, which is we should in some cases cast as few votes as possible.

Look, we have known this was a problem for a long time. We have known we have needed to fix our immigration system for a long time. We could have been casting votes this entire week. We haven't. We could have been casting votes throughout much or all of last week and we didn't. So I hope in the coming week we will cast a lot of votes and we will more closely resemble the productive markup we had in the Judiciary Committee thanks to our chairman who has now joined us on the floor.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. KING). The Senator from Vermont.

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

The PRESIDING OFFICER. The time for debate goes until 9:30. The Senator from Vermont has 13 minutes.

Mr. LEAHY. I thank the distinguished Presiding Officer and my neighbor.

I thank the Senator from Utah for his kind words about the markup in the Senate Judiciary Committee. As he knows, we had some 300 amendments before the committee and I brought them up and had them all filed online a week and a half prior to our committee meeting. I called them all up one by one, Republicans and Democrats. We debated them and voted on them. But the difference between what we were able to do in the committee—incidentally, we voted on something like 140 or so amendments. About 40 of them were Republican amendments that were accepted. Of the 140 amendments accepted, all but 2 or 3 were accepted with both Democratic and Republican votes. Then we passed the immigration bill by a bipartisan majority. The difference is people cooperated when we would bring them up.

I have given the Republicans a list of 20 or 30 amendments, both Republican and Democratic amendments, most of which could be accepted by voice vote, if they would allow us to bring them up. There are actually 29 of them. They won't let us bring them up. Talk about regular order in voting.

We have Begich amendment No. 1285 regarding the Social Security Administration. We have Cardin-Kirk No. 1286, providing social service agencies the resources to help holocaust survivors. We have Carper-Hoeven-Pryor No. 1408, preventing unauthorized immigration transiting through Mexico. We have Carper-Coburn No. 1344, establishing a DHS office of statistics; amendment No. 1255, as modified; a Coats amendment No. 1288, changing alternatives to detention programs. We have Feinstein-Kirk No. 1250, authorization for the use of the CIR trust fund; Hagan No. 1386, reauthorizing the bulletproof vest program—something that began as a bipartisan bill, Ben Nighthorse Campbell, a Republican from Colorado and myself. We have Heinrich No. 1342, extending hours of operation at port of entry in Santa Teresa, NM; another requiring DHS to submit a report to Congress on how the 10 airport biometric exit pilots impact wait times. We have Kirk-Coons No. 1239, allows certain naturalization requirements be waived for U.S. Air Force active-duty members to receive military awards; Klobuchar-Coats, adoption amendment; a Landrieu No. 1338 about E-Verify; Landrieu-Murkowski No. 1302, public-private partnerships expanding land ports of entry; Landrieu-Cochran No. 1383, requires reports on EB–5 programs. We have Landrieu No. 1341, requiring DHS to attempt to reduce detention daily bed rate; Leahy-Hatch No. 1183, and I mention that one only because it is cosponsored by the senior Democrat and the senior Republican. Leahy No. 1454, a technical amendment; Leahy No. 1455, EB–5 clarification; Murray-Crapo No. 1368, prohibiting the shackling of pregnant women absent extraordinary circumstance in all DHS detention facilities. Gosh, there is one we can pass unanimously. We have Nelson No. 1253, providing additional resources for maritime security; Reed 1223, increasing the role of public libraries in the integration of immigrants; Schatz-Kirk No. 1416, GAO report on visa processing; Shaheen-Ayotte No. 1272, expands the INVEST visa program; Stabenow-Collins No. 1405, requiring a number of administrative changes; Tom Udall No. 1241, expanding the Border Enforcement Security Task Force; Tom Udall No. 1242, $5 million available to strengthen border infectious disease surveillance.

We have a few others. These are all totally noncontroversial, both Republican and Democrat. Normally—and I hate to sound like here is the way we did it in the old days, but normally on a bill of this complexity, we take all the noncontroversial Republican and Democratic amendments, lump them together, voice vote them, and then start voting on the controversial ones.

There is the list we gave the other side. We said they are all noncontroversial, can't we accept them? It takes 10 minutes, 20 minutes, to do a unanimous consent request and accept them all. They said no. They said, We have to have controversial amendments. Well, why not do the noncontroversial ones and then set up a time for boom, boom, boom, controversial ones. We did it in the committee and it worked.

I see my colleague from Utah. I will yield to him without losing my right to the floor.

Mr. LEE. Mr. President, if I may ask my friend from Vermont, we would love to see us move forward. Why don't we both propose three of our respective side's top amendments, come up with a unanimous consent agreement right now, and there would be six amendments we could take up for a vote.

Mr. LEAHY. I would say to the distinguished Senator from Utah, I made such suggestions to the Republican side. They were unable to accept it, or unwilling. That was not objected to by the distinguished Senator from Utah but by some on his side who have said they won't accept any agreement, and that is why we are here.

It makes me think when the distinguished Republican came to the floor and asked the majority leader: What is holding up the judge from my State?

The leader said: Every single Democrat is prepared to vote for your judge.

And we said, Let's have a unanimous consent and let's bring up the judge that the Republican Senator asked for and we will have a vote on it right now. Now, to his credit, that Republican Senator was perfectly willing to, but he was told no by his leadership. And weeks and months and a long time later we finally voted on that judge. I think it was a unanimous vote.

But we have cleared every one of the amendments I have talked about, Republicans and Democrats. There are 28 or 29 amendments. If we are really serious, let's pass them all and then take whatever is left that is controversial and take them up one by one. I am happy to vote all night long, all day tomorrow, an hour equally divided on each vote. But the fact is, with the distinguished majority leader's concurrence, we proposed 29 or more amendments that could be done in 2 minutes and we were told by the other side they

don't want to bring up any of these amendments.

We have to understand, a majority of Senators in both parties—we had 84 who voted for cloture—want to finish this bill. The fact is there are a small number on the other side who want no immigration law and they will try to stall it forever.

I talked about us all being here in December singing Christmas carols. I hope we can avoid that for two reasons. One, it would be a terrible way to legislate. Secondly, now that we have TV coverage in the Senate—something that wasn't here when I came here—for the American people to be subjected to my singing voice, it would be cruel and unusual punishment. I believe it is something that is prohibited by the Constitution. And as chairman of the Senate Judiciary Committee, I would hate to be the one to violate the Constitution by inflicting such cruel and unusual punishment.

So I would suggest as an alternative we listen to the distinguished majority leader, the senior Senator from Nevada: Get an agreement, go forward, vote on all of these things, avoid my friend from Utah and others having to hear me sing Christmas carols as we wrap this thing up, and do as we did in the Judiciary Committee.

I think it was about this time, the Senator from Utah may remember, or maybe it was a little bit earlier than this, the last evening we were voting and we finished. I had provided so-so pizza in the back room. I think some liked it, some didn't, but it encouraged everybody to finish and we finished. We passed out a bill to the floor.

I see the distinguished majority leader has arrived.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The hour of 9:30 being momentarily here, I ask unanimous consent that the prior agreement that was in effect the last hour be continued for another hour until 10:30. It means I will be recognized at 10:30, that we will—this will be for debate only, the time will be divided between the two sides, and that any quorums called during the hour will be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I 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. 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, before we wrap up, we were told that this special amendment—the one with the highest priority that the leadership all seems to think is so valuable—would be filed at 6 o'clock. Now it is 9:40 p.m. and we still have not seen it. Perhaps they are adding special clauses in to get special Senators' votes before they file it. But I suspect it will be done tonight because the plan, obviously, is to file cloture on it immediately and try to move it to a vote as soon as possible.

I want to conclude my remarks tonight on one subject. The American people are good and decent people. They believe in immigration. They have always supported immigration in this country. But they have been demanding, pleading, praying for this government to develop a good and decent system of immigration that serves our national interests and makes them proud. And for 30, 40 years we have had a situation in which people have been coming in massive numbers illegally, and it is not right. The American people are not happy about it. They are angry with their politicians.

I remember saying in 2007 that the people were not mad at immigrants. They were mad at those of us in Congress and in the White House and in the departments and agencies of government for not doing our jobs.

That is what they are angry about. I saw a poll not long ago that said 88 percent of the people said they were angry at Congress and only 12 percent said they were angry at people who entered the country illegally. I think that is where the American people are. So we promised and promised and promised that we would pass legislation that would end the illegality and that we would make the American people proud of the system we have. It has not happened.

So this amendment claims it has 700 miles of fencing in it, according to the newspapers, although we have not seen the amendment that is about to be here. It was not in the original bill. But now, after it ran into tough sledding—people started reading it, and it began to sink in popularity with the people and with Members of the Senate—they came up with, they say, a bill that adds fencing in it. Not long ago they were saying it was stupid to have a fence. Now we have an amendment that says 700 miles of fencing. Well, let share a thought or two about that.

In 2007, 2008, we passed bills to build fences—700 miles. I was one of the main sponsors. I think I was the sponsor of 700 miles of double-wide fencing. Eventually, it came out of the House, I believe. We did not have money in our appropriations bill to pay for it. We had voted for having a fence, but they did not put up the money. We complained about that and complained about that, so they got embarrassed, and I remember saying: Boy, isn't this clever? You go home and say you voted to authorize a fence, and when it came time to put money up, you did not vote for it. So we put up the money, actually agreed to fund it.

Oh, then they decided: Well, we did not really want to build a fence. We would have a virtual fence. I believe Senator MCCAIN said the other night that we spent $800-and-something million on a virtual fence that never worked. Every bit of it had to be abandoned—some high-tech scheme—and the fence never got built. This was in 2008.

Now, the first bill comes forward, they claim they had fencing in it. But when you read the bill, do you know what it said? Secretary Napolitano was supposed to send forward a plan for fencing—a plan for fencing. But the truth is that Secretary Napolitano is on record publicly—more than once—saying she did not think we needed any fencing. So what kind of plan was she going to submit under this bill?

So we mocked that, made fun of it. But that was their goal. The goal was to pass an immigration bill that pretended to say we are going to build barriers and fencing at the border and not have it in there. That is what the plan was when they offered the bill. But after it hit tough sledding, now we have 700 miles. But it is single fencing, not double, and that is not nearly as good because a person can penetrate a single fence and get by pretty quickly, but if they have to do double-fencing, they have a real problem, and you can run a government vehicle on a roadway between them, and it is very effective.

That was done fundamentally in San Diego a number of years ago. San Diego's area at the border was lawless—drugs, crime, degradation of real estate values, and it was just awful.

They built a good, solid double fence. All of a sudden property values went up, crime dropped, and the area is doing so much better today. So the fences in these kinds of areas are not damaging. Fences can make things better. As they say sometimes, good fences make good neighbors.

I am not impressed with that so much. I do think it is important for us to ask ourselves will it actually get built this time if we pass it. I have my doubts because they do not have the trigger on it, as I understand from the reports; the trigger being you do not get the amnesty until you get the fence built. Then you might get some fencing.

Senator THUNE offered a good amendment. Senator THUNE's amendment said, before we give the first bit of amnesty, we should build at least 350 miles of the double fencing. Then the other 300 has to be built after that. That was voted down. But after the bill got in trouble, now they have 700 miles in there of at least a single fence.

So that is the why this process has worked. I believe the American people are absolutely right to be unhappy with their government because we have not served them well. They have asked us and pleaded with us to produce a legal system of immigration to end the illegality, and we have failed time and time again to do that which they have asked us to do. That is the truth. I have been here. I have seen the amendments.

What happens time and again is amendments that do not make much

difference but sound good, do not work. They pass. But you put up an amendment that would actually have a substantial impact, such as actually building substantial fencing, and it goes down. It gets voted down. It is almost unbelievable. But I have seen it. My first experience of that was when I learned that people who come for visa overstays—it is not same kind of crime that crossing a border is. It is a civil penalty of some kind.

Some people have contended—I do not think correctly because I did a law review article on it—they have concluded, I don't think correctly, that the local police who apprehend somebody for drunk driving or speeding, they find they are here illegally as a result of a visa overstay, and they cannot hold them. They have to let them go, and they cannot turn them over to Federal law enforcement officers.

So I offered an amendment to make it a misdemeanor to overstay your visa. It does not have to be long. But we need to clarify any confusion that arises from that subject. I thought everybody was going to pass it, until, lo, they figured it out. Someone who was watching the legislation said: Wait a minute. If you pass that, it will help them apprehend and deport people. You cannot pass that. All of a sudden the opposition arose and it went down. That would have worked. It would not have cost us any money. It would have given greater power to do the right thing to the law enforcement community. Boom, it went down.

So under President Bush, he reluctantly came along and got more favorable to a lawful system of immigration. After his bill failed, he agreed to establish a 287(g) program. Governor KING may be familiar with that. It was a situation in which local law enforcement officers, people who work in prisons, people at the State trooper headquarters and other officers could go to a Federal training for up to 2 weeks, or maybe more than that, and they would then be trained to properly help the Federal officers do their duty with regard to people who entered the country illegally.

President Bush signed off on it. The program was growing. It was very popular. Alabama was one of the States that sent people to be trained because we did not want to violate anyone's rights. President Obama has basically killed it. They basically ended the program. I will just say to my colleagues, if we do—and at some point I think we will provide legal status for millions of people who are in our country illegally in a compassionate way and try to do what we can—be generous to them, even though they violated the law. If we do that, are we not going to have the ability to enforce the law for somebody in the future who comes illegally?

Is that where we are heading? Because if we do not fix interior enforcement, we are not ever going to be able to do that. We have a larger and larger number each year coming legally by visa and overstaying. Some 40 percent now of the immigrants illegally in our country are here by virtue of overstaying their visa after coming legally. So what do you do about that?

We have to have a system in which we welcome the assistance of State and local law officers. They are not entitled to prosecute people. They are not entitled to deport people. That can only be done by Federal judges and Federal officers. But they have always been able to take somebody who came in across the border illegally, detain them, and then turn them over to the Federal officers for deportation. They do not want that to happen.

This has been blocked systematically. Groups such as La Raza have made this a high priority. Members of the Senate have responded every time they have asked for help and blocked all legislation that would in any way advance the ability of good State law officers to assist the Federal Government in enforcing the law. A State law officer can arrest a bank robber and turn him over so they can be prosecuted in Federal court for bank robbery. They can arrest them on any misdemeanor and turn them over to the Federal Government. They can arrest them on illegal immigration charges and turn them over to the Federal Government. There is no doubt about that.

But the government will not take them, will not come and get them. Ask your local officers what happens if they arrest somebody they know is in the country illegally. They will tell you nothing happens. ICE officers are undermanned. They have policies and rules that do not even allow them to come out and participate. Nobody is participating in the joint Federal-State 287(g) training program anymore. This is over.

In fact, what we have is the Attorney General of the United States suing States that want to be helpful to the Federal Government and try to enforce Federal law. So this is the area to which we have sunk. This is how far we have gotten away from having integrity in the legal process of immigration. The American people are not happy. I hope they are watching this debate because I have spent a lot of time looking at this, this legislation, 1,000 pages.

Who knows what this amendment will be tonight, how many more pages will be added. It will not accomplish what the American people have pleaded with Congress to do. It is focused overwhelmingly, totally has been focused on getting the amnesty first, even though they told us it would be enforcement first. They have to admit it is amnesty first. That is what it is and then a promise of enforcement in the future.

So that is where we are. I wish we could do better. I know we can do better. We can make the border lawful. We can make the entry-exit visa system lawful. We can make the workplace E-Verify system serve the national interests and make it much harder for illegal workers to get jobs.

Remember, under the bill, we will legalize the people who are here illegally. We are talking about people coming here in the future. Are we going to allow them to get jobs? Are we not going to allow ICE to do their job in the future? Are we not going to empower them? Oddly, all of the resources are going to the border but none to deal effectively with the visa overstays.

The Congressional Budget Office that analyzed the bill and gave us a report 2 days ago, the CBO report says this legislation that we have heard is so marvelous will only reduce the number of people entering the country illegally by 25 percent. Can you believe that? Just 25 percent. That is unthinkable, especially after we have been hearing the great promises of how effective it is.

I wonder about that. One of the concerns CBO expresses, the experts whom they have who do the best they can, one of the concerns they express is one I have been talking about since this legislation has hit the floor: We are going to see a great increase in visa overstays if, for no other reason, there are going to be twice as many people coming to America on visas to work under this bill for temporary periods of time than there are today.

Many of them are not going home when they are supposed to go home. That is what the numbers show. Many of them in these programs will come with their families, be able to stay several years, and then they are asked to go home. Fewer of them are going home. They may have children in junior high school. They are not going to go home when the law says, unfortunately. That is the experience we have been seeing. They could go home. They should have every moral obligation to go home, every legal obligation to go home.

A very fine lawyer here wrote a piece I was pleased to read recently. It was the editor of the Yale Law Review, a marine. He said: We tell our soldiers to go and they go. We tell them, go to Iraq in harm's way, 1 year, 15 months, 18 months, and they go. What do you mean, someone comes to America for 1 year should not be made to follow the commitment and the contract we signed? We make our soldiers do it. We are in some sort of deal here. We cannot expect anybody to follow the law. But my experience, and the experience I have seen over the years with immigration is a large number of people are not complying with the law. We can expect that to happen.

So we are going to see a large increase in visa overstays. It is going to be more than the border—over illegal entries at the border. That is going to be a larger and larger part of the problem. CBO basically found that in their recent report. I think that is truly accurate.

This legislation comes nowhere close to fixing it. The key to it is an entry-

exit visa. Current law requires that there be an entry-exit biometric visa that covers air, sea, and land ports. This bill eliminates the biometric fingerprint requirement—eliminates that and says it only has to be effective at air and seaports and not land ports.

This bill is dramatically weaker than current law. We passed six pieces of legislation calling for entry-exit visa systems over the last decade. Never been done. So why should we have enforcement first? That is the reason. We pass a law to build a fence, it does not get built. We pass a law repeatedly that says, let's have an entry-exit visa system. It does not get built. It does not occur.

So we need to put the heat on the people who run this government, including us, to make sure that if we pass something it is going to actually occur. That is why there has been a broad consensus. There needs to be a requirement that enforcement occur before legality occurs. That is why the sponsors were originally saying their bill was enforcement first. There is every reason for the American people to doubt that this Nation will follow through on those commitments.

I am concerned about where we are. I am pleased with the way the House is proceeding. They are moving step by step taking individual parts of our immigration problem and fixing them.

The first one they are dealing with is interior enforcement. I have taken a good bit from their bill, and I have an amendment pending. It will be hugely beneficial to the ability of our ICE officers to enforce law in the United States and help bring this whole system under control. It is a very large part of what we do. I am not sure we will ever get a vote on it. I think I was in the 16 amendments that were going to be approved for a vote.

What is happening? Everything was put on hold today waiting for the favorite amendment. It was supposed to be here at 6 o'clock. Now it is 10 p.m. We still haven't seen it. When are we going to get it? Well, how long will it be? What all will they have in it? We don't know, but it is not going to be a pristine document, I can tell you that.

My staff and I intend to look at it. We are going to evaluate it, and we are going to see if it solves all the immigration problems. We are going to find out if it is great, and we can go home and go to bed at night and know this problem has been fixed. That is what we are being told, but I don't think it is going to show that. Why? Because this bill doesn't, and they said it did. They said it fixed all the problems, but it does not.

They said they didn't believe in a fence. They said the Senator said it was stupid to have a fence. Now all of a sudden we have 700 miles of fence.

They said Senator CORNYN was overreaching. He wanted 5,000 new border agents. Now the bill gets in trouble and they come in with 20,000 border agents and say it is paid for. There is plenty of money to pay for all of this, $30 billion, this article says it is going to go for that. If it was actually needed and it would work out, I would help deal with that.

I have my doubts that this is the best way to spend our money. I think this is a political response to a failing piece of legislation, a dramatic, desperate attempt to pass a dramatic piece of amendment so they can say it does everything you want and more.

We will see. Hopefully it does improve the border. Again, the border is just one part of the overall failure of our immigration system.

The right thing for America to do is to continue to welcome immigrants, to have a legal system that is based on the national interests of America, very much like Canada, where they give points. If you are younger, you get points. If you have more education, you get points. If you speak the language, you get points. If you have special skills, you get points. You get points for that.

I think a majority, maybe 60 percent of Canadian immigration, is based on a merit-based competitive system. People apply, and the ones who are most qualified, the ones who are going to be likely to be the most successful in Canada, are the ones who get admitted—not the ones that aren't able to speak the language, who don't have skills that Canada needs, and who are going to struggle in Canada.

Why shouldn't you choose the ones who have the best opportunity to be successful? This is so basic. We were told this is a move to merit-based immigration.

We have done an analysis of that. I did a speech on it. They said they were moving away from brothers and family connections, and they were going to have a merit-based system. We have looked at it. About 10 to 15 percent of the total flow is based on this merit-based system.

Then we looked at the details of it in this long 1,000 pages. Clever people had written it. If you are two children, two young people in Honduras or Argentina who wish to come to America, one of them has a brother in America, one of them has dropped out of high school, does not speak English, has not held a job before, and has no real skills, the other one was valedictorian of his high school class, he has 2 years of college, speaks English well, studied hard, and is preparing himself to come to America. Let's say he has 4 years, a college degree. Under this merit-based point system, the brother gets 10 points and the young man with the college degree gets 5. It is chain migration by another name. It takes a master's degree to get as many points as having a brother in the United States. We were told we were going to move away from that and more to an honest and competitive system. Even that small part of the bill that focuses on a merit-based, point-based system has huge advantages for people with family connections, and very large advantages for people who come from countries that do not have many people come to America. They get points and things of that nature that don't make much sense, frankly.

I am hopeful the legislation that we are going to have filed tonight, at least we have been promised it will be filed tonight, will enhance enforcement at our border. I am going to read it carefully to make sure it does. Then I am going to be looking very carefully to see if it improves all the other flaws in this system. If it doesn't, I am not impressed. If it doesn't make this system one that is likely to work, I am not impressed. That is not enough, to fix one part of the system.

Finally, let me close by saying what the Congressional Budget Office, our own best advisers on economic matters, told us 2 days ago in their report. This is what they said. They said this legislation that is before us today will reduce the amount of illegal immigration by only 25 percent, not what we were promised, only 25 percent.

They said this legislation that is before us today will reduce the average wage of Americans in this country, reduce wages at a time when wages have been declining regularly. They have said if passed, this bill before us today, and unlikely to be changed by the Corker-Hoeven amendment, would increase unemployment. It would make more people out of work, make more people go on unemployment compensation, go on food stamps, go on SSI, and maybe go on disability if they can get it, because they can't find a job. We will have this very large flow of workers into our country, beyond I think what the country can absorb at a time of high unemployment. Wages will go down. Unemployment will go up. Illegality in this system is only marginally reduced.

I don't think that is a bargain. I don't see how we can go to our constituents and say that is what we are going to pass. I really don't think so.

Let's don't do this, colleagues. Let's stop and push back here. Let's let the House proceed, as they seem to be doing. Let's send our bill back to committee and consider some of these issues such as will it help people get jobs or will it hurt people's ability to get jobs. Will it help their wages go up or will their wages go down. If it is pulling wages down, why are we doing it? This is where I think we are. I believe it ought to be reviewed, reviewed carefully. The American people need to know what is happening here. They are going to have to watch what happens because there is a politically correct movement in this body to move this bill out for all kinds of reasons unrelated to the substance of the legislation.

We are here to pass legislative substance, not some political vision, not some scheme to get votes. That is what we need to be doing. We are not doing that effectively, in my opinion.

This legislation is defective. It should not be passed, and I am confident tonight, if we get an amendment that deals with the border, it still will leave huge parts of this legislation defective and unworthy of support.

Mr. LEAHY. Mr. President, I urge all Senators who say that deficit reduction is important to them to join us and support the Border Security, Economic Opportunity and Immigration Modernization Act as reported by the Senate Judiciary Committee. Our bill will help us achieve nearly $1 trillion in deficit reduction according to the estimation of the Congressional Budget Office, CBO.

To those Senators who are interested in growing our economy, I say join us and support this bill that CBO expects will lead to hundreds of billions of dollars of economic activity, and help increase our gross domestic product by 5.4 percent when its full impact is reached over the next 20 years. If we are able to pass and implement a fair program reflective of American values, the beneficial economic impact should be even better. I think passing comprehensive immigration reform is the right thing to do and will be good for the economy and the country.

One of the themes of the Senator from Alabama throughout committee consideration of the bill and now before the Senate is his contention that bringing undocumented people out of the shadows and into the economy as full participants will hurt the wages of American workers at the lowest end of the pay scale. I disagree because I believe that wages are already being depressed by the reality that undocumented workers are often forced to work for subminimum pay and that already depresses wages and job opportunities for other American workers.

The recent CBO report uses conservative assumptions to estimate that once immigration reform is implemented, average wages would actually increase and be one-half of 1 percent higher than they would be if we did not pass it. That is their estimate of the longer term impact of the legislation.

It is also notable, if not surprising, that opponents of comprehensive immigration reform focus on isolated numbers without acknowledging the overall impact of the bill. Senators need to remember that CBO has estimated that the bill will decrease Federal deficits by nearly $1 trillion when implemented.

Moreover, the CBO report explains that the limited period in which average wages are estimated to be slightly lower is ''primarily because the amount of capital available to workers would not increase as rapidly as the number of workers.'' It concludes, however, that ''the rate of return on capital would be higher under the legislation . . . throughout the next two decades.''

Further, CBO expressly notes that it does not mean to imply what opponents contend; namely, that current U.S. residents would be worse off, on average, under the legislation. Finally, CBO concludes that the legislation would result in raising the productivity of both labor and capital and boost the amount of capital investment in this country.

That is not what the Senator from Alabama said on Wednesday afternoon. Instead, he incorrectly asserted a number of points. In particular, he said that the CBO report indicates that the comprehensive immigration reform legislation ''will reduce the wages of American citizens.'' That is not true. The CBO report does not say that. I wish the Senator from Alabama were more precise in his analysis and his statements.

The CBO cost estimate and report go out of their way to note that the initial estimate is on ''average wages'' and ''do[es] not imply that current U.S. residents would be worse off, on average, under the legislation.'' The estimate is a ''difference between the averages of all U.S. residents under the legislation.''

The report continues to clarify that ''the additional people who would become residents under the legislation would earn lower wages, on average, than other residents, which would pull down the average wage.'' That does not mean that current U.S. citizens will be paid any less than they are currently making or be worse off, which is what the Senator from Alabama was implying.

Here is what I think this all means. Those coming out of the shadows, who had been exploited and working for less than even minimum wage, would as registered provisional immigrants be expected to make more than they had been making.

Adding them to the work force would nonetheless mean that ''average wages'' for the working population would be slightly lower at the outset of the implementation period. Average wages do not mean that any American citizen's wages will be ''reduce[d],'' which is what the Senator from Alabama said. He made it sound like passing the bill will mean a pay cut for citizens. That is not true.

Moreover, the Senator from Alabama either stopped reading or stopped caring when the report went on to say that average wages would increase thereafter. The report goes on to say that ''over time, as capital investment increased,'' ''average wages would be higher than under current law.'' Opponents of the bill should stop trying to use scare tactics and misleading statements to stir up emotional reactions against the bill and against the undocumented immigrants we should be encouraging to come out of the shadows and fully join American life.

America protects the most vulnerable among us, which include survivors of domestic violence and human trafficking, as well as pregnant women, and children. I am proud to report that there are strong protections in this bill for the treatment of kids caught in the broken immigration enforcement system.

I know that some may want to punish the 11 million undocumented people currently living here in the shadows, and the bill specifically contains a steep financial penalty for that purpose. The undocumented also need to go to the back of the line and take classes to learn English, but those tough steps are not enough for those who oppose the bipartisan bill.

While some may want to look like they are being even tougher on the undocumented population, we all need to consider how further punitive measures may deter people from coming out of the shadows. When kids and pregnant women are put at risk by an urge to punish millions of people who are trying to make a better life for their families, we do not live up to our American values and we do not make this a safer country.

I oppose amendments to deny or delay protections for the millions of people who will apply for Registered Provisional Immigrant status. If we are talking about programs that literally feed the hungry or provide vaccinations to children, we hear lectures about how we cannot afford those programs in the current fiscal environment. It is a cruel irony that when some on the other side of the aisle consider programs that help kids who live near the poverty line, they raise fiscal concerns, but they have no problems with massive Government expenditures on fencing and expensive visa exit technology and programs.

The bill we are considering prohibits immigrants in Registered Provisional Immigrant status from access to any Federal means-tested public benefit programs throughout their time in provisional status.

In addition, as a result of the Personal Responsibility and Work Opportunity Reconciliation Act, even qualified Legal Permanent Resident immigrants must wait an additional 5 years after they are legalized to receive any safety net protections. Most immigrants who are working their way through the path to legalization will have to wait anywhere from 13 to 15 years before having any access to safety net programs. Given the penalties and fines they have to pay, it is wrong to further deny these low-income families protections that some may desperately need.

I have seen similarly harmful amendments on the issues of the Earned Income Tax Credit, EITC, and the Child Tax Credit, CTC, which were designed to help hardworking families who pay taxes. The Earned Income Tax Credit is available only to families that are working and paying payroll taxes. The EITC is a core part of the tax code—like any other tax credit that adjusts Federal tax liability based on families' circumstances. It is not, and has never been considered a ''public benefit.''

Yet, amendments have been filed seeking to deny the EITC for all registered immigrants for eternity, even after the individual has obtained legal status. One of these amendments was offered during the committee process, and was rightly rejected. I will strongly oppose any amendment to deny hard working families from participating in these tax credits when they are paying payroll taxes.

While CBO estimates refundable tax credits may total $127 million during the first 10 years after passage of comprehensive immigration reform, those tax credits are more than fully offset by the payment of taxes. Remember that revenues increase and the deficit decreases under our legislation. So when those tax credits are seen in the context of the increased taxes being paid, they are offset by increased revenues every year.

Some who oppose comprehensive immigration reform had raised the false alarm that this immigration bill would drain our Social Security Trust Fund and bankrupt our Medicare system. Nothing could be further from the truth. In an editorial dated June 2, 2013, entitled ''A 4.6 Trillion Dollar Opportunity,'' The Wall Street Journal stated unequivocally that ''Immigration reform will improve Social Security's finances.'' That has now been substantiated by the CBO report, which estimates decreases in the off-budget deficit every year beginning in 2014 following enactment this year.

The goal of this bill is to encourage undocumented immigrants to come out of the shadows so we can bring them into our legal system and so everyone will play by the same rules. If we create a reason for people not to come out and register, then it will defeat the purpose of this bill. Amendments that seek to further penalize the undocumented will encourage them to stay in the shadows. These steps will not make us safer and will not spur our economy.

One of the many reasons we need immigration reform is to ensure that there is not a permanent underclass in this great Nation. As part of this effort, we need to continue the vital safety net programs that protect children, pregnant women, and other vulnerable populations. Too often, immigrants have been unfairly blamed and demonized as a drain on our resources. The facts are—as substantiated by the CBO report—just the opposite. Immigrants reinvigorate and grow our economy.

The bottom line is that enacting our judiciary committee reported bill will significantly reduce our budget deficit and grow the economy. It is the smart thing to do and the right thing to do.

VOTE EXPLANATION

● Ms. KLOBUCHAR. Mr. President, I was unable to cast a vote on the motion to table the Cornyn amendment No. 1251 to S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act. I missed the vote today because I joined my family at my daughter's high school graduation ceremony. Had I been present, I would have voted to table the Cornyn amendment.

We all agree that we need to do what is necessary to secure our border, but I would have voted to table the amendment for several reasons. One of the cornerstones of this legislation is bringing the roughly 11 million undocumented immigrants out of the shadows by creating a fair, tough and accountable path to citizenship. Delaying this pathway by several years would be a disservice to our economy, our safety, and our identity as a Nation of immigrants.

This amendment could delay or even prevent undocumented immigrants from starting on the path to citizenship, and cost taxpayers up to $25 billion. It is important to commit more resources and build on the progress we have already made on the border, and that is exactly what the bill already does. In the underlying bill, the Department of Homeland Security must submit two border security strategies to Congress within 180 days after enactment, one for achieving effective control of the entire southern border and another plan specifically for improving fencing on the border. The bill will immediately appropriate a total of $4.5 billion for these two plans to be implemented.●

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 therein for up to 10 minutes each.

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

REMEMBERING FRANK R. LAUTENBERG

Mr. HARKIN. Mr. President, with the passing of Senator Frank Lautenberg this month, the Senate lost one of its most respected and accomplished members—a great progressive driven by a passion for justice and a deep love for this country.

Indeed, Frank Lautenberg's remarkable life is the American dream personified. He was the son of poor, hardworking immigrant parents who entered America through Ellis Island. He served in the U.S. Army in World War II, attended Columbia University thanks to the GI bill, founded an enormously successful company, and was elected five times to the U.S. Senate.

Senator Lautenberg will be remembered here in the Senate for his tenacity and fearlessness in pursuit of his ambitious legislative goals. Frank was a fighter. Time and again, he took on powerful interests to improve the health and safety of the American people, and countless individuals have led longer, healthier lives as a result of his tireless advocacy.

One of Senator Lautenberg's great early accomplishments came in 1984, just 2 years into his first term. As a freshman Senator in the minority party, he successfully passed legislation establishing a national drinking age of 21. That law alone is estimated to have saved more than 25,000 lives. Sixteen years later, he championed legislation effectively creating a nationwide ban on driving by anyone with a blood-alcohol content of .08 or higher, a change that also dramatically reduced alcohol-related traffic fatalities.

I was proud to work closely with Senator Lautenberg in the fight to combat the public health threat posed by tobacco usage. He will forever be remembered as the author of the landmark 1989 law that banned smoking on all domestic airlines flights—and that law was just the beginning of his efforts to curb smoking in a broad range of public places. In the current Congress, I was proud to join him in an effort to stop tobacco smuggling and to increase and equalize tobacco taxes.

Throughout his career, Senator Lautenberg championed women's health issues. He worked to ensure that students have access to comprehensive sex education; that woman who go to their neighborhood pharmacy to fill a prescription for birth control cannot be turned away because of the objections of the pharmacist; and that Peace Corps volunteers have access to insurance coverage for abortion services in cases of rape, incest, and life endangerment. He also fought for women's reproductive rights internationally and was a long-time advocate for repealing the ''global gag rule'' on federally funded family planning organizations.

Even in his final months as he battled cancer, Frank was unstoppable. He continued the fight to secure relief for victims of Superstorm Sandy. In April, using a wheelchair, he insisted on coming to the Senate floor to cast votes in favor of tougher gun safety legislation. And, to the end, he continued to lead the fight for long overdue legislation to keep Americans safe from thousands of toxic chemicals we encounter in our daily lives, including in furniture, fabrics and cleaning products. I can think of no better way for Senators to honor our late colleague than by passing chemical safety legislation for the first time in nearly four decades.

Frank Lautenberg began his career in public service as a citizen soldier in Europe in World War II. It must be noted that Frank was the last veteran of World War II to serve in the Senate. In January, we lost another distinguished veteran of World War II, Senator Dan Inouye. The fact is, for nearly six decades, this institution has been enriched and ennobled by members of the ''greatest generation''—people like Philip Hart, Bob Dole, George McGovern, Fritz Hollings, Dan Inouye, and Frank Lautenberg—who began their public service in uniform in wartime, and who brought a special dimension to

the Senate. They had a unique perspective on matters of war and peace. They were motivated by a patriotism not of words, but of deeds and sacrifice. And they were determined advocates for veterans, including veterans of our most recent wars.

Here in the Senate and across the Nation, there have been many tributes to our friend Frank Lautenberg. As I said, he was a passionate progressive. He was a tenacious fighter. He was a Senator of many landmark legislative accomplishments. But knowing Frank as a true gentleman and great family man, I can think of no greater tribute than to note that Senator Frank Lautenberg was a man of enormous honor, decency, and graciousness. He was a wonderful friend. May he rest in peace.

Mr. REED. Mr. President, I would like to offer some brief reflections on the distinguished service and accomplishments of Senator Frank Lautenberg.

He possessed an unwavering commitment to our country and its highest ideals of duty and fairness.

His achievements over a lifetime well lived are impressive. He came from very humble beginnings but showed tremendous determination and tenacity as he achieved success in business and politics.

Senator Lautenberg was a World War II veteran—serving honorably in the U.S. Army Signal Corps from 1942 to 1946, posted in Europe with so many other young Americans to fight in a war that had to be fought. In fact, he was the last World War II veteran to serve in the U.S. Senate.

After the war, he like so many benefited from the GI bill and graduated from Columbia University. He had seen the hard work of his parents and began a career in business where he recognized the importance of computer technology well before the advent of many innovations we take for granted today. His success in helping create the Nation's first payroll services company, Automatic Data Processing, could have led Senator Lautenberg anywhere, but it was his desire to give back to his community and to his country that had given him an education and a promising future that led him to the Senate.

When he set his eye on doing something, being on the other side of him meant you were in for a battle. That resolve may be a reason why he had so many legislative achievements. Indeed, he knew how important infrastructure is to the economy, and his work to preserve and improve Amtrak has helped millions of Americans who rely on rail for commuting, travel, and commerce every day. Growing up in an industrial area, he knew how important it was to respect the environment, so he fought, even when the odds were against him, for cleaning up Superfund sites, improving air quality, and ensuring better oversight of toxic chemicals. And when he saw the health damage that smoking can cause, he led the way to ban smoking on airplanes.

The issue of gun safety is where I worked most closely with him. Those efforts to stem the flow of guns to criminals, terrorists, and others who shouldn't have access to firearms gave me a deeper appreciation for the strength of his principles and beliefs. There was no one more engaged in this issue, and I know that as the effort continues to close the gun show loophole, his commitment to reducing gun violence in our country will serve as a true guidepost.

As so many pointed out in the wonderful service remembering Senator Lautenberg, he was tenacious as well as humorous. Indeed, he fought for New Jersey and for what he believed was right each and every single day.

The Senate and our country have lost an important voice on so many issues, but his work will carry on and not be forgotten. Indeed, the benefits to our Nation of all his efforts and dedication will last for years to come.

I extend my deepest condolences to Bonnie; his children, Ellen Lautenberg, Nan Morgart, Lisa Birer, and Joshua Lautenberg; his stepchildren, Danielle Englebardt and Lara Englebardt Metz; and his 13 grandchildren, on behalf of myself, my constituents, and the State of Rhode Island. Their loss is greater than ours because they have lost a husband, father, and grandfather. He will be missed.

Mr. UDALL of Colorado. Mr. President, earlier this month, we lost one of our Nation's most beloved public servants. Senator Frank Lautenberg was a World War II hero, a successful businessman, a statesman—and above all else, a kind and generous man, one that I am honored to have called a friend. Frank will be greatly missed by New Jerseyans, his colleagues in Washington and his family and friends across the Nation.

Much can be said about Frank and the priorities he championed. But what struck me most is that Frank fought for the little guy. His public career was built on the foundation of being a champion for a safe, clean, healthy and economically stable America. In the U.S. Senate, he championed efforts to preserve America's landscape and natural beauty. Like me, he believed that America's precious land and resources should be protected and conserved for future generations to honor and enjoy. Frank knew that we don't inherit the land from our ancestors, we borrow it from our children. And Frank believed in a sustainable American energy system—one that increases energy independence and prioritizes renewable energy efforts such as wind, solar and geothermal. As a leading voice in Congress on climate change, Frank was acutely aware of the harmful effects global warming has on our planet, and he led the charge to ensure Americans—and his colleagues—were aware that the overwhelming science should spur us to reverse this dangerous trend.

Frank's contribution to his State and our Nation extends far beyond his environmental accomplishments. He led policy reforms that are too numerous to catalogue here. For example, Frank fought hard to establish health and safety standards and ensured that public health in America was a priority for legislators. A key player behind landmark legislation establishing a federal blood-alcohol level limit and banning smoking on airplanes, Frank's public health initiatives have improved the lives of millions of Americans. Generations to come will benefit and live longer and healthier lives because of this great American statesman.

Frank was a real champion for the people of New Jersey, but what many people may not know is that he is also a true friend to the state of Colorado, my home State. From the initial planning stages to the final product, the existence of Denver International Airport can be largely attributed to Frank Lautenberg. DIA received an unprecedented amount of Federal financial help, largely in part to Frank's unwavering support of the project. He also publically supported the construction of C–470, maintaining that the major highway was an essential addition to Colorado commerce and industry. Throughout the country, he supported the development of urban public transportation and pushed to strengthen Amtrak. Without Frank's dedication, our national transportation system would have not kept pace with our growing population.

After casting his 9000th vote in 2011, Majority Leader HARRY REID recognized Senator Lautenberg as one of the most productive Senators in the history of this country. Frank's wisdom and tenacity made him an influential figure in the U.S. Senate for nearly 30 years. I am grateful to have served alongside him. His enduring spirit and strong character will not be forgotten within the halls of Congress.

My sincerest condolences go out to Frank's family, including his wife, Bonnie Englebardt; six children and their spouses, Ellen Lautenberg and Doug Hendel, Nan and Joe Morgart, Josh and Christina Lautenberg, Lisa and Doug Birer, Danielle Englebardt and Stuart Katzoff, Lara Englebardt Metz and Corey Metz; and 13 grandchildren.

Mr. BLUMENTHAL. Mr. President, it is a great privilege to rise and honor the late Senator Frank Lautenberg. I think I speak for many of my colleagues when I say he was a true hero to New Jersey and in the Senate, a self-made man, and an inspiration to us all.

I was proud to count Frank as a good friend and mentor. We shared similar backgrounds—children of Eastern European immigrations—and similar convictions. I will never forget Senator Lautenberg's courage when he cast important votes on gun violence prevention just a few months before his death. He had a renewed hope that we could save many lives and prevent more Americans from facing the senseless violence that we all experienced

with the tragedy at Sandy Hook Elementary School. In tribute to Frank, and to the Newtown families, I will continue to fight for gun violence legislation. I am sure that Frank would agree that this battle will be a marathon, not a sprint, and we need to keep pushing forward.

Many have risen over the last few weeks to pay tribute to Frank. I am similarly humbled by his many years of service and the number of accomplishments that we can attribute to his leadership. As the last serving World War II veteran, his bravery in battle will never be forgotten. He was a relentless and unremitting fighter for public health causes, such as controlling the harmful effects of public tobacco use, raising the drinking age to 21, and banning toxic household chemicals. He was determined to witness the effects of his legislative efforts, and many times he did live to see his tremendous work.

Frank was a champion of the rail community for many years, leading transportation safety issues. Throughout his tenure he improved passenger rail systems, protected Amtrak, and pushed for improvements to high-speed rail. Frank was certainly in my thoughts as I chaired a hearing of the Committee on Commerce, Science, and Transportation yesterday on rail safety. I am grateful for his tenacity and proactivity on these issues.

We have lost Frank Lautenberg's stirring presence on the floor, but never in our hearts. For 28 years, he pushed for important changes as a force for good, refusing to give up the public fight for his steadfast convictions. Cynthia and I send our love to Bonnie and the Lautenberg family.

WORLD REFUGEE DAY 2013

Mr. CARDIN. Mr. President, I rise today to mark the 12th World Refugee Day, a day we honor the courage, strength, and determination of those who are forced to flee their homes under threat of persecution, conflict, and violence. Our nation's role as a safe haven for the persecuted is an integral part of our history. The United States was founded as a beacon of freedom and tolerance—freedom of speech and religion, and tolerance of all creeds and cultures. And throughout the years, Americans have fought to ensure that those rights are upheld for all of us.

Too often, we take these bedrocks of our society for granted. We forget that most of the freedoms we now enjoy are still being fought for in too many places around the world.

Today, there are over 43.7 million refugees and internally displaced people around the world. The protracted conflict in Syria has only exacerbated this problem.

To date, UNHCR estimates that 1.6 million Syrians have fled into neighboring Turkey, Jordan, Lebanon, Iraq and Egypt. With the vast majority of refugees—1 million—fleeing within the first 5 months of this year.

This past February I visited the Kilis refugee camp in Turkey, which is currently sheltering over 15,000 Syrian refugees. I was able to witness first- hand the remarkable bravery of the Syrian refugee population. Many of these families relocated several times within Syria before ultimately making the heart wrenching decision to leave their homes and their country, to seek food, medical attention and safety outside of Syria.

But I also recognize the enormous economic strain this influx has caused on host countries. In Jordan, for example, the Syrian refugee crisis has increased the country's overall population by 10 percent, and the crisis has had profound social, economic, and political implications. We know that this is not easy, but we applaud Jordan and other refugee host nations for their actions and we have pledged humanitarian support for these communities.

The Syrian crisis is just one example of a troubling global problem. There are millions of refugees around the world—many of whom have been living in camps and settlements for decades. Whether from Iraq, Afghanistan, Mali or South Sudan, this diverse group, scattered across the globe, has one overarching commonality: they once lived in a place they called home, but by ill-fated circumstances were forced to flee, often with no hope of returning.

I know many of you agree with me when I say that addressing the refugee crisis is not a luxury, it is a necessity. As history has shown us, unstable and poverty stricken countries are very vulnerable to dictators and other extreme forms of government. Therefore it is imperative that our development and foreign assistance programs continue to have the resources necessary to ensure that the United States remains the nation that preserves and protects freedoms around the world, and the nation that supports our friends and allies when they do the same.

As United States citizens we enjoy so much that is rare in other parts of the world. Apart from reminding ourselves of all that we are thankful for, today should also spur us to action. As a global leader, the United States should lead the charge in aiding refugees around the world, and by our example inspire others to do the same.

OBSERVING WORLD REFUGEE DAY

Mr. UDALL of Colorado. Mr. President, I rise today in observance of World Refugee Day. Established by the United Nations on June 20, 2001, World Refugee Day honors the courage, strength, and perseverance of those forced to leave their homes under threat of persecution and conflict, as well as those escaping extreme poverty or environmental degradation. This annual commemoration recognizes the tremendous challenges faced by millions of displaced persons throughout the world and pays tribute to their invaluable contributions to the communities that have provided them shelter.

Ongoing violence and the harmful effects of climate change have forced millions of people across the globe to make the impossible decision between risking their lives at home and leaving behind everything in search of safety. Refugees are individuals and families whose lives have been uprooted, whose communities have been destroyed, and whose future remains unclear. While these displaced people struggle for the most basic services, they are also looking for an opportunity to lay down new roots and provide for themselves and their families.

For over 30 years, Coloradans have welcomed refugees into their communities, offering safety, security, and a place to call home. Our great State has provided them with an opportunity to use their diverse skills and expertise to make meaningful contributions to our way of life in the West. Today, we have over 48,000 refugees who have settled in Colorado from countries all across the globe. I would like to acknowledge this population for adding to our rich cultural heritage, for expanding our understanding of the world, and for strengthening our economy.

While we will never be able to fully understand the sacrifices made by these vulnerable individuals and families, it should be a top priority to remember their struggles and recognize their strength. As a U.S. Senator, I reaffirm the commitment of Colorado and our Nation to the refugees, and I pledge to continue to work to address the underlying causes of refugee flows.

On behalf of a grateful nation and State, I commend those who have risked their lives working individually, or with the multitude of dedicated nongovernmental organizations, to provide life-saving assistance and shelter to those displaced around the world. Let today serve as a reminder of our international responsibility to help our neighbors and of the importance of our shared humanity.

ALPINE LAKES WILDERNESS

Mrs. MURRAY. Mr. President, I rise today to speak about my bill, S. 112, the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act. I have introduced similar legislation in previous Congresses; in fact, this is the third time I have made a legislative push to protect these treasured spaces. It passed the Senate by unanimous consent on Wednesday, June 19, 2013, for the first time, and I wish to thank my colleague from Oregon for all his tremendous work to get a package of public lands bills through the Senate for the first time in over 4 years.

Passage of this bill is a tremendous step forward and is the result of over 5 years of work by me, my staff, and Congressman REICHERT, who has introduced companion legislation in the

House of Representatives several times, and Congresswoman DELBENE, who now represents the lands this bill would protect. We are fortunate to have bipartisan support for this effort, and we are fortunate as Washingtonians to have unique and beautiful natural landscapes that deserve protection from unrequited development and pressure.

This legislation would protect, in perpetuity, over 22,000 acres and provide the protections of the Wilderness Act to a richer diversity of ecosystems and lower elevation lands. These protections will ensure diverse recreational opportunities and protect one of the closest blocks of wild forests to an urban center in the country.

As I mentioned, Congressional action on public lands have been stymied in recent years. I was pleasantly surprised we were able to find a path forward, and today I wish to confirm my support for tribal treaty rights and for access to these spaces to be designated as wilderness for traditional uses by tribal members. I firmly believe the Federal government has a responsibility to uphold the treaties signed by our predecessors with Native American tribes—a fact that has been upheld by the Federal courts. As the author of this legislation I want to reaffirm that regarding lands defined within the bill located in the Mount Baker Snoqualmie National Forest, nothing in this act alters, modifies, diminishes, or extinguishes the treaty rights of an Indian tribe with respect to hunting, fishing, and gathering rights as protected by a treaty.

Again, I wish to thank Chairman WYDEN and ranking member Murkowski for working together to find a path forward to protect public spaces. And I wish to thank Senator CANTWELL for her steadfast support of this proposal. I look forward to working with my House colleagues to protect this important landscape.

I thank the Chair.

TRIBUTE TO COLONEL HAROLD R. VAN OPDORP

Mr. ROBERTS. Mr. President, I rise today to honor a true patriot, and fellow U.S. Marine, Col. Harold R. Van Opdorp. While some know him as ''Odie'' and others as Colonel V, we all know him as Marine. After more than 3 years of service leading the Marine Corps' Office of Legislative Affairs in the U.S. Senate, Colonel Van Opdorp has assumed the responsibilities as commanding officer of the Marine Corps' Officer Candidate School. I would like to recognize Colonel Van Opdorp's distinguished service and dedication to fostering a relationship of mutual benefit between the U.S. Marine Corps and the U.S. Senate.

With more than 2 decades of dedicated service to his country, Colonel Van Opdorp has selflessly given to the cause of freedom across the globe, from Somalia to Iran, from Norway to the South Pacific. His service leading young Marines as a platoon, company, and battalion commander, in garrison and in combat, is emblematic of the caliber of his character. His diverse service reflects the traditions of the Eagle, Globe, and Anchor that he wears and the nature of the Corps.

Over the course of the last 3 years, Colonel Van Opdorp has been instrumental to facilitating the oversight responsibilities of the Senate. Known for his in-depth knowledge of legislative issues and the operational requirements of the Marine Corps, he ensured that Members of the U.S. Senate with an interest in national security were armed with timely information on Operation Enduring Freedom, humanitarian assistance in Haiti, flood relief operations in Pakistan, Marine Security Guards at our diplomatic missions around the globe, and other forward-deployed Marine forces. Colonel Van Opdorp worked hard to ensure all Senators were fully briefed of the programs which make our Corps special, programs such as the Joint Strike Fighter, the Amphibious Combat Vehicle, and the MV–22 Osprey. In 2011, I had the pleasure of working closely with Colonel Van Opdorp during our efforts to recognize the significant contributions of the Montford Point Marines, our Nation's first African American Marines, with the Congressional Gold Medal.

Colonel Van Opdorp's absence will be felt in the Senate. I join many past and present Senators in my gratitude and appreciation for his outstanding leadership and unwavering support of the missions of the U.S. Marine Corps. I know my colleagues on the Senate Armed Services Committee wholeheartedly join me in this tribute. I wish Colonel Van Opdorp and his wife, Rebecca, fair winds and following seas as he continues to serve his Nation, charged with the great responsibility of molding our future Marine Officers. ''Ooh-rah'' and Semper Fi, Marine.

RECOGNIZING PRINCE HALL GRAND LODGE AND THE LOUISIANA ORDER OF THE EASTERN STAR

Ms. LANDRIEU. Mr. President, I rise today to ask my colleagues to join me in recognizing the M.W. Prince Hall Grand Lodge of Louisiana and the State of Louisiana Order of the Eastern Star, who have collectively provided 225 years of continuous service and devotion to the State of Louisiana.

For 150 years and 75 years respectively, the Prince Hall Grand Lodge, formed in 1863, and the Order of the Eastern Star, formed in 1938, have served the State of Louisiana through their tireless leadership and dedication. During this tenure, members of the grand lodge have served in community and elected leadership positions both in the State and throughout the Nation. During the Civil Rights movement, members provided invaluable management, direction, and guidance to countless organizations that contributed to the effort. Throughout their illustrious years of service, the grand lodge has worked with local partners to invest in and improve communities, strengthen opportunities, and expand the impact of public service. The passing of each year brings a greater appreciation for the values of community, education, and civic activism that the grand lodge and order provide to the State of Louisiana.

The Prince Hall Grand Lodge and Order of the Eastern Star inspire noble principles, moral values, and profound convictions in the lives of each individual they touch. Through commitment they teach the principles of family; through charity and volunteerism they teach the values of community and philanthropy; and through honor, integrity, and respect, they teach the convictions of acceptance and compassion. Their teachings and work have provided outstanding support and service to the citizens of Louisiana and will continue to benefit generations to come.

The M.W. Prince Hall Grand Lodge of Louisiana and the State of Louisiana Order of the Eastern Star have been and continues to be an inspiration to all those who have been impacted by their tireless efforts. It is with my heartfelt and greatest sincerity that I ask my colleagues to join me in recognizing the service, heritage, and tradition of the Prince Hall Grand Lodge and the Louisiana Order of the Eastern Star.

ADDITIONAL STATEMENTS

RECOGNIZING JHPIEGO'S 40TH ANNIVERSARY

• Mr. CARDIN. Mr. President, today I wish to congratulate Jhpiego, a nonprofit global health affiliate of Johns Hopkins University, on the occasion of its 40th anniversary and recognize the organization for its tireless service in preventing the needless deaths of women and children throughout the developing world.

Dr. Theodore M. King, the former chairman of the Johns Hopkins Department of Obstetrics and Gynecology, founded Jhpiego in 1973. The original intention was to share the latest technology, skills, and knowledge of women's health with health professionals from Latin America, Africa, and Asia by bringing them to Baltimore for training. But Jhpiego officials realized that they could have a greater impact by educating health care providers in the providers' own countries, so Jhpiego changed its focus to sustainability, to developing the capacity of countries to create a well-prepared network of health care professionals and a strong health system that they can build upon to care for themselves. As a result, Jhpiego and its more than 1,500 employees have brought the resources

and technical expertise of Johns Hopkins to over 150 countries around the globe, creating tens of thousands of health champions who will deliver skilled care for generations to come.

Jhpiego has proudly participated in the U.S. Government's flagship maternal and child health efforts for the past 15 years. The program, now known as the Maternal and Child Health Integrated Program, MCHIP, has made incredible progress in reducing maternal and child mortality, increasing access to reproductive health services and HIV testing and improving immunization and nutrition education in vulnerable countries such as Afghanistan, South Africa, and Rwanda.

For 40 years, Jhpiego has worked in some of the most remote areas of the world—places without hospitals, electricity, or running water. Jhpiego officials and staff know the challenges of working and living in such conditions and use that insight to develop the next generation of extremely low-cost solutions that address many of the leading causes of death, such as cervical cancer, for women in low-resource settings. With regard to cervical cancer, Jhpiego has developed the ''single visit approach,'' SVA, which combines screening and, if abnormal cells are detected, treatment. The screening costs $5, and screening with treatment is $30.

When Jhpiego began its work in Afghanistan in 2002 after the fall of the Taliban, the country's maternal death rate was the second highest in the world. There were only 467 midwives in a country with a population of 22 million and one functioning midwifery school. Today, more than 3,000 new midwives have graduated from 29 accredited, community, and hospital midwifery schools located throughout Afghanistan. This development has helped dramatically improve maternal mortality rates in Afghanistan and bring women into the workforce.

In Mozambique, fewer than 25 percent of Mozambique's 22 million people currently know their HIV status. To address this problem, Jhpiego has helped over 900,000 people to be tested for HIV and counseled on their status by members of local health groups and faith-based organizations in their homes.

Mr. President, I ask the Senate to join me in recognizing the incredible accomplishments of Jhpiego, currently under the outstanding leadership of Dr. Leslie Mancuso, and congratulating the organization on its 40th anniversary. I am proud that Jhpiego is based in Maryland but has a truly global reach with regard to the lifesaving work it does.●

TRIBUTE TO CHUCK CLARKE

● Mr. MURPHY. Mr. President, today I wish to recognize a distinguished and outstanding citizen of the State of Connecticut, Charles J. ''Chuck'' Clarke, on the eve of his retirement from Travelers. In 1958, Chuck joined Travelers as a property casualty underwriter. He has lived and raised a family in the Hartford area since 1963, currently residing in Glastonbury. Chuck's responsibilities grew steadily during his long tenure with the company, as he moved up from the position of underwriter, to vice president, to senior vice president, to president of the Travelers Property Casualty Corp., and most recently to vice chairman of The Travelers Companies, Inc. Chuck is a leader in the insurance industry and a legend among his co-workers at Travelers. For 55 years, he has provided leadership, sound judgment, and a passion for the business of insurance that has benefited Travelers and the State of Connecticut.

I ask my colleagues to join me in paying tribute to this outstanding man. A leader in action and by the example he set for others. A humble man who always referred to himself as ''just an underwriter,'' when those who worked with him knew that he was much more. The State of Connecticut has been enriched by his service, and I truly wish him happiness and enjoyment after his long tenure.●

RECOGNIZING WESTERN IDAHO CABINETS

● Mr. RISCH. Mr. President, some of the most successful small businesses in America originate with an entrepreneur who takes a leap of faith to try something new. Dale Wilson and Brett Hatfield, the owners of Western Idaho Cabinets, had no prior experience working in a cabinet shop. Brett has a degree in production, while Dale has a degree in information studies. Despite their initial inexperience, Western Idaho Cabinets, since its founding in 1993, has grown to be the largest cabinet manufacturer in Idaho. This remarkable story is why I wish to honor Western Idaho Cabinets in Boise, ID as the Idaho Small Business of the Day as part of National Small Business Week.

Western Idaho Cabinets is a great example of job creation and expansion, starting as a two-man shop in Dale's garage to a company whose annual sales will reach nearly $15 million this year. This is the American dream. Currently, Western Idaho Cabinets is the premier kitchen cabinet supplier in the State, housed in a state of the art facility and boasting 170 employees. Last year, the company took first place in four out of seven categories at the 2012 Parade of Homes.

In addition to delivering quality products, Western Idaho Cabinets works hard to streamline the process of manufacturing, optimize usage, and eliminate waste—perhaps Western Idaho Cabinets should teach the Federal Government a thing or two about this. Co-owners Dale and Brett traveled internationally to learn from different countries' manufacturing processes in order to develop the most efficient methods. In doing so, the company was able to cut waste by 60 percent, meaning they could make twice the amount of product with the same amount of labor. They continue to invest in equipment that will automate the production process and help to save money and allow them to meet their customers' demands. This lean production model has led to Western Idaho Cabinets' reputation as the local expert on the manufacturing process and the company is frequently approached by others who want to learn their methods. Western Idaho Cabinets enjoys great success that seemed an improbable feat from the early days of constructing cabinets out of a two-car garage.

With the willpower to achieve success and the commitment to perfecting their business model, Western Idaho Cabinets proves that a small business can start from a basic idea and evolve to be at the top of their industry. Small businesses around the country and globally could stand to learn much from Western Idaho Cabinets and I am proud to honor them today as a part of National Small Business Week.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13617 OF JUNE 25, 2012, WITH RESPECT TO THE DISPOSITION OF RUSSIAN HIGHLY ENRICHED URANIUM—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the

enclosed notice stating that the emergency declared in Executive Order 13617 of June 25, 2012, with respect to the disposition of Russian highly enriched uranium is to continue in effect beyond June 25, 2013.

The risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13617 with respect to the disposition of Russian highly enriched uranium.

BARACK OBAMA.
THE WHITE HOUSE, *June 20, 2013.*

MESSAGE FROM THE HOUSE

At 4:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to 44 U.S.C. 2702 and the order of the House of January 3, 2013, the Speaker reappoints the following individual on the part of the House of Representatives to the Advisory Committee on the Records of Congress: Mr. Jeffrey W. Thomas of Columbus, Ohio.

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–2004. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2013–0002)) received in the Office of the President of the Senate on June 19, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2005. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2013–0002)) received in the Office of the President of the Senate on June 19, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2006. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments'' (RIN3133–AE20) received in the Office of the President of the Senate on June 19, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2007. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Standby Mode and Off Mode for Microwave Ovens'' (RIN1904–AC07) received in the Office of the President of the Senate on June 19, 2013; to the Committee on Energy and Natural Resources.

EC–2008. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Conclusive Presumption of Worthlessness of Bad Debts'' (Notice 2013–35) received in the Office of the President of the Senate on June 18, 2013; to the Committee on Finance.

EC–2009. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Purchase Price Safe Harbors for sections 143 and 25'' (Notice 2013–28) received in the Office of the President of the Senate on June 18, 2013; to the Committee on Finance.

EC–2010. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Small Business Health Options Program'' (RIN0938–AR76) received in the Office of the President of the Senate on June 3, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2011. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Incentives for Nondiscriminatory Wellness Programs in Group Health Plans'' ((RIN1545–BL07) (TD 9620)) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2012. A communication from the Division Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310 (b) (4) of the Communications Act of 1934, as Amended'' (FCC 13–50) received in the Office of the President of the Senate on June 19, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2013. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 15 of the Commission's Rules to Amend the Definition of Auditory Assistance Devices in Support of Simultaneous Language Interpretation'' ((FCC 13–59) (ET Doc. No. 10–26)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2014. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Energy Labeling Rule; Final Rule'' (RIN3084–AB15) received during adjournment of the Senate in the Office of the President of the Senate on June 14, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2015. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Telemarketing Sales Rule Fees'' (RIN3084–AA98) received during adjournment of the Senate in the Office of the President of the Senate on June 14, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2016. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Used Motor Vehicle Trade Regulation Rule'' (RIN3084–AB05) received during adjournment of the Senate in the Office of the President of the Senate on June 14, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2017. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles'' (RIN3084–AB21) received during adjournment of the Senate in the Office of the President of the Senate on June 14, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2018. A communication from the Acting Chief of the Division of Restoration and Recovery, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Marine Mammals; Incidental Take During Specified Activities'' (RIN1018–AY67) received during adjournment of the Senate in the Office of the President of the Senate on June 14, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2019. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's 2012 Annual Report to the President and Congress; to the Committee on Commerce, Science, and Transportation.

EC–2020. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1161)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2021. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1316)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2022. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–0614)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2023. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1109)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2024. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1231)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2025. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Diamond Aircraft Industries GmbH Powered Gliders'' ((RIN2120–AA64) (Docket No. FAA–

2012–1172)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2026. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1068)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2027. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0855)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2028. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0445)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2029. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1072)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2030. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Twin Commander Aircraft LLC Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0393)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2031. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0695)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2032. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Slingsby Sailplanes Ltd. Sailplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0220)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2033. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Spectrolab Nightsun XP Searchlight'' ((RIN2120–AA64) (Docket No. FAA–2012–0221)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2034. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Revo, Incorporated Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0845)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2035. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aircraft Industries a.s. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0456)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2036. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0808)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2037. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1163)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1197. An original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 113–44).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 162. A bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

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 Mr. TOOMEY (for himself, Mr. KING, Mr. THUNE, Mr. HELLER, Mr. BLUNT, Mr. RUBIO, Mr. COATS, and Mr. ROBERTS):

S. 1193. A bill to require certain entities that collect and maintain personal information of individuals to secure such information and to provide notice to such individuals in the case of a breach of security involving such information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself, Ms. MURKOWSKI, Mr. BEGICH, Mr. CRAPO, Mr. ENZI, and Mr. PRYOR):

S. 1194. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the donation of wild game meat; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. PRYOR, Mr. TOOMEY, Mr. CHAMBLISS, Mr. CRUZ, Mr. ENZI, Mr. BOOZMAN, and Mr. SCOTT):

S. 1195. A bill to repeal the renewable fuel standard; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 1196. A bill to amend title 18, United States Code, to provide for clarification as to the meaning of access without authorization, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 1197. An original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mrs. MCCASKILL (for herself and Mr. COBURN):

S. 1198. A bill to amend title XVIII of the Social Security Act to provide for adjustments to Medicare part B and D premiums for high-income beneficiaries; to the Committee on Finance.

By Mr. HOEVEN (for himself and Mr. MANCHIN):

S. 1199. A bill to improve energy performance in Federal buildings, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANDERS (for himself and Mr. WYDEN):

S. 1200. A bill to amend the Energy Policy and Conservation Act to promote energy efficiency and energy savings in residential buildings; to the Committee on Energy and Natural Resources.

By Mr. UDALL of New Mexico (for himself, Mr. LEE, Mr. MURPHY, and Mr. PAUL):

S. 1201. A bill to restrict funds related to escalating United States military involvement in Syria; to the Select Committee on Intelligence.

By Mr. WHITEHOUSE (for himself and Mr. BAUCUS):

S. 1202. A bill to establish an integrated Federal program to respond to ongoing and expected impacts of extreme weather and climate change by protecting, restoring, and conserving the natural resources of the United States, and to maximize government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 1203. A bill to promote permanent families for children, privacy and safety for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the States Responsible Father Registry, and for other purposes; to the Committee on Finance.

By Mr. COBURN (for himself and Mrs. FISCHER):

S. 1204. A bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRANKEN:

S. 1205. A bill to reduce energy waste, strengthen energy system resiliency, increase industrial competitiveness, and promote local economic development by helping

public and private entities to assess and implement energy systems that recover and use waste heat and local renewable energy resources; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN:

S. 1206. A bill to encourage benchmarking and disclosure of energy information for commercial buildings; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. CORNYN, and Mr. BLUMENTHAL):

S. 1207. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Mr. TESTER (for himself and Mr. MORAN):

S. 1208. A bill to require meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. MANCHIN):

S. 1209. A bill to establish a State Energy Race to the Top Initiative to assist energy policy innovation in the States to promote the goal of doubling electric and thermal energy productivity by January 1, 2030; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself, Mr. COBURN, Mr. GRASSLEY, Mr. INHOFE, Mr. RUBIO, Mr. SCOTT, Mr. JOHNSON of Wisconsin, Mr. CRUZ, Mr. LEE, Mr. WICKER, and Mr. BOOZMAN):

S. 1210. A bill to allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mr. HARKIN, Mr. FRANKEN, Ms. MIKULSKI, Mrs. HAGAN, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. CARPER, Mr. CARDIN, Mr. BEGICH, and Mr. SCHATZ):

S. 1211. A bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-9/11 GI Bill to give a false impression of approval or endorsement by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado (for himself, Mr. RISCH, Mr. BENNET, Mrs. HAGAN, Ms. KLOBUCHAR, Mr. TESTER, Mr. BARRASSO, Mr. CRAPO, Mr. THUNE, Mr. BEGICH, Mr. PRYOR, Mr. ENZI, and Mr. HELLER):

S. 1212. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Environment and Public Works.

By Mr. COONS (for himself, Ms. COLLINS, and Mr. REED):

S. 1213. A bill to reauthorize the weatherization and State energy programs, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. Res. 178. A resolution honoring the men and women of the Drug Enforcement Administration on the occasion of the 40th anniversary of the agency; to the Committee on the Judiciary.

By Mr. REID:

S. Res. 179. A resolution to constitute the majority party's membership on certain committees for the One Hundred Thirteenth Congress, or until their successors are chosen; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 180. A resolution making minority party appointments for the 113th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 109

At the request of Mr. VITTER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 109, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 195

At the request of Mr. FRANKEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 195, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 541

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 541, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 568

At the request of Mr. MENENDEZ, the names of the Senator from Colorado (Mr. BENNET), the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 568, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 674

At the request of Mr. HELLER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 674, a bill to require prompt responses from the heads of covered Federal agencies when the Secretary of Veterans Affairs requests information necessary to adjudicate claims for benefits under laws administered by the Secretary, and for other purposes.

S. 742

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 742, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 749

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 749, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 772

At the request of Mr. NELSON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 772, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 789

At the request of Mr. BAUCUS, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 789, a bill to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 824

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 824, a bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes.

S. 842

At the request of Mr. SCHUMER, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maine (Ms. COLLINS) 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. 953

At the request of Mr. REED, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 953, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for undergraduate Federal Direct Stafford Loans, to modify required distribution rules for pension plans, to limit earnings stripping by expatriated entities, to provide for modifications related to the Oil Spill Liability Trust Fund, and for other purposes.

S. 967

At the request of Mrs. GILLIBRAND, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 967, a bill to amend title 10, United States Code, to modify various authorities relating to procedures for courts-martial under the Uniform Code of Military Justice, and for other purposes.

S. 968

At the request of Mr. UDALL of Colorado, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 968, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 981

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 981, a bill to direct the Federal Trade Commission to prescribe rules prohibiting deceptive advertising of abortion services, and for other purposes.

S. 1032

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1032, a bill to amend title 10, United States Code, to make certain improvements in the Uniform Code of Military Justice related to sex-related offenses committed by members of the Armed Forces, and for other purposes.

S. 1114

At the request of Mr. BROWN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1114, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1133

At the request of Mr. BLUNT, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1133, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes.

S. 1141

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1141, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 1154

At the request of Mr. ROBERTS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of 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.

S. 1158

At the request of Mr. WARNER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1181

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1181, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S.J. RES. 15

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S.J. Res. 15, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S.J. RES. 19

At the request of Mr. UDALL of New Mexico, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 172

At the request of Mr. BLUNT, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 172, a resolution designating the first Wednesday in September 2013 as ''National Polycystic Kidney Disease Awareness Day'' and raising awareness and understanding of polycystic kidney disease.

AMENDMENT NO. 1250

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 1250 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1255

At the request of Ms. COLLINS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 1255 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1257

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of amendment No. 1257 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1261

At the request of Ms. KLOBUCHAR, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 1261 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1267

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 1267 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1275

At the request of Mr. CARPER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of amendment No. 1275 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1294

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 1294 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1308

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 1308 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1379

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 1379 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1381

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 1381 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1382

At the request of Ms. LANDRIEU, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1382 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1389

At the request of Mr. PORTMAN, the names of the Senator from New Jersey (Mr. CHIESA) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 1389 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1390

At the request of Mr. PORTMAN, the names of the Senator from New Jersey (Mr. CHIESA) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 1390 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1403

At the request of Ms. HIRONO, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 1403 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1405

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1405 intended to be proposed to S. 744, a bill to provide for

comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1408

At the request of Mr. CARPER, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1408 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. DURBIN (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. CORNYN, and Mr. BLUMENTHAL):

S. 1207. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

Mr. DURBIN. 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. 1207

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 ''Cameras in the Courtroom Act''.

SEC. 2. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

''§ 678. Televising Supreme Court proceedings

''The Supreme Court shall permit television coverage of all open sessions of the Court unless the Court decides, by a vote of the majority of justices, that allowing such coverage in a particular case would constitute a violation of the due process rights of 1 or more of the parties before the Court.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

''678. Televising Supreme Court proceedings.''.

By Mr. CORNYN (for himself, Mr. COBURN, Mr. GRASSLEY, Mr. INHOFE, Mr. RUBIO, Mr. SCOTT, Mr. JOHNSON of Wisconsin, Mr. CRUZ, Mr. LEE, Mr. WICKER, and Mr. BOOZMAN):

S. 1210. A bill to allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. 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. 1210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; PURPOSE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Academic Partnerships Lead Us to Success Act'' or the ''A PLUS Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents; purpose; definitions.
Sec. 2. Declaration of intent.
Sec. 3. Transparency for results of public education.
Sec. 4. Maintenance of funding levels spent by states on education.
Sec. 5. Administrative expenses.
Sec. 6. Equitable participation of private schools.

(c) PURPOSE.—The purposes of this Act are as follows:

(1) To give States and local communities maximum flexibility to determine how to improve academic achievement and implement education reforms.

(2) To reduce the administrative costs and compliance burden of Federal education programs in order to focus Federal resources on improving academic achievement.

(3) To ensure that States and communities are accountable to the public for advancing the academic achievement of all students, especially disadvantaged children.

(d) DEFINITIONS.—

(1) IN GENERAL.—Except as otherwise provided, the terms used in this Act have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.).

(2) OTHER TERMS.—In this Act:

(A) ACCOUNTABILITY.—The term ''accountability'' means that public schools are answerable to parents and other taxpayers for the use of public funds and shall report student progress to parents and taxpayers regularly.

(B) DECLARATION OF INTENT.—The term ''declaration of intent'' means a decision by a State, as determined by State Authorizing Officials or by referendum, to assume full management responsibility for the expenditure of Federal funds for certain eligible programs for the purpose of advancing, on a more comprehensive and effective basis, the educational policy of such State.

(C) STATE.—The term ''State'' has the meaning given such term in section 1122(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332(e)).

(D) STATE AUTHORIZING OFFICIALS.—The term ''State Authorizing Officials'' means the State officials who shall authorize the submission of a declaration of intent, and any amendments thereto, on behalf of the State. Such officials shall include not less than 2 of the following:

(i) The governor of the State.

(ii) The highest elected education official of the State, if any.

(iii) The legislature of the State.

(E) STATE DESIGNATED OFFICER.—The term ''State Designated Officer'' means the person designated by the State Authorizing Officials to submit to the Secretary, on behalf of the State, a declaration of intent, and any amendments thereto, and to function as the point-of-contact for the State for the Secretary and others relating to any responsibilities arising under this Act.

SEC. 2. DECLARATION OF INTENT.

(a) IN GENERAL.—Each State is authorized to submit to the Secretary a declaration of intent permitting the State to receive Federal funds on a consolidated basis to manage the expenditure of such funds to advance the educational policy of the State.

(b) PROGRAMS ELIGIBLE FOR CONSOLIDATION AND PERMISSIBLE USE OF FUNDS.—

(1) SCOPE.—A State may choose to include within the scope of the State's declaration of intent any program for which Congress makes funds available to the State if the program is for a purpose described in the Elementary and Education Secondary Act of 1965 (20 U.S.C. 6301). A State may not include any program funded pursuant to the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(2) USES OF FUNDS.—Funds made available to a State pursuant to a declaration of intent under this Act shall be used for any educational purpose permitted by State law of the State submitting a declaration of intent.

(c) CONTENTS OF DECLARATION.—Each declaration of intent shall contain—

(1) a list of eligible programs that are subject to the declaration of intent;

(2) an assurance that the submission of the declaration of intent has been authorized by the State Authorizing Officials, specifying the identity of the State Designated Officer;

(3) the duration of the declaration of intent;

(4) an assurance that the State will use fiscal control and fund accounting procedures;

(5) an assurance that the State will meet the requirements of applicable Federal civil rights laws in carrying out the declaration of intent and in consolidating and using the funds under the declaration of intent;

(6) an assurance that in implementing the declaration of intent the State will seek to advance educational opportunities for the disadvantaged; and

(7) a description of the plan for maintaining direct accountability to parents and other citizens of the State.

(d) DURATION.—The duration of the declaration of intent shall not exceed 5 years.

(e) REVIEW AND RECOGNITION BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary shall review the declaration of intent received from the State Designated Officer not more than 60 days after the date of receipt of such declaration, and shall recognize such declaration of intent unless the declaration of intent fails to meet the requirements under subsection (c).

(2) RECOGNITION BY OPERATION OF LAW.—If the Secretary fails to take action within the time specified in paragraph (1), the declaration of intent, as submitted, shall be deemed to be approved.

(f) AMENDMENT TO DECLARATION OF INTENT.—

(1) IN GENERAL.—The State Authorizing Officials may direct the State Designated Officer to submit amendments to a declaration of intent that is in effect. Such amendments shall be submitted to the Secretary and considered by the Secretary in accordance with subsection (e).

(2) AMENDMENTS AUTHORIZED.—A declaration of intent that is in effect may be amended to—

(A) expand the scope of such declaration of intent to encompass additional eligible programs;

(B) reduce the scope of such declaration of intent by excluding coverage of a Federal program included in the original declaration of intent;

(C) modify the duration of such declaration of intent; or

(D) such other modifications that the State Authorizing Officials deem appropriate.

(3) EFFECTIVE DATE.—The amendment shall specify an effective date. Such effective date shall provide adequate time to assure full compliance with Federal program requirements relating to an eligible program that has been removed from the coverage of the declaration of intent by the proposed amendment.

(4) TREATMENT OF PROGRAM FUNDS WITHDRAWN FROM DECLARATION OF INTENT.—Beginning on the effective date of an amendment executed under paragraph (2)(B), each program requirement of each program removed from the declaration of intent shall apply to

the State's use of funds made available under the program.

SEC. 3. TRANSPARENCY FOR RESULTS OF PUBLIC EDUCATION.

(a) IN GENERAL.—

(1) INFORMING THE PUBLIC ABOUT ASSESSMENT AND PROFICIENCY.—Each State operating under a declaration of intent under this Act shall inform parents and the general public regarding the student achievement assessment system, demonstrating student progress relative to the State's determination of student proficiency, as described in paragraph (2), for the purpose of accountability.

(2) ASSESSMENT AND STANDARDS.—Each State operating under a declaration of intent under this Act shall establish and implement a single system of academic standards and academic assessments, including the development of student proficiency goals. Such State may apply the academic assessments and standards described under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) or establish and implement different academic assessments and standards.

(b) ACCOUNTABILITY SYSTEM.—The State shall determine and establish an accountability system to ensure accountability under this Act.

(c) REPORT ON STUDENT PROGRESS.—Not later than 1 year after the effective date of the declaration of intent, and annually thereafter, a State shall disseminate widely to parents and the general public a report that describes student progress. The report shall include—

(1) student performance data disaggregated in the same manner as data are disaggregated under section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)); and

(2) a description of how the State has used Federal funds to improve academic achievement, reduce achievement disparities between various student groups, and improve educational opportunities for the disadvantaged.

SEC. 4. MAINTENANCE OF FUNDING LEVELS SPENT BY STATES ON EDUCATION.

(a) IN GENERAL.—For each State consolidating and using funds pursuant to a declaration of intent under this Act, for each school year of the declaration of intent, the aggregate amount of funds spent by the State on elementary and secondary education shall be not less than 90 percent of the aggregate amount of funds spent by the State on elementary and secondary education for the school year that coincides with the date of enactment of this Act.

(b) EXCEPTION.—

(1) STATE WAIVER CLAIM.—The requirement of subsection (a) may be waived by the State Authorizing Officials if the State having a declaration of intent in effect makes a determination, supported by specific findings, that uncontrollable or exceptional circumstances, such as a natural disaster or extreme contraction of economic activity, preclude compliance for a specified period, which may be extended. Such determination shall be presented to the Secretary by the State Designated Officer.

(2) ACTION BY THE SECRETARY.—The Secretary shall accept the State's waiver, as described in paragraph (1), if the State has presented evidence to support such waiver. The Secretary shall review the waiver received from the State Designated Officer not more than 60 days after the date of receipt. If the Secretary fails to take action within that time frame, the waiver, as submitted, shall be deemed to be approved.

SEC. 5. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Except as provided in subsection (b), the amount that a State with a declaration of intent may expend for administrative expenses shall be limited to 1 percent of the aggregate amount of Federal funds made available to the State through the eligible programs included within the scope of such declaration of intent.

(b) STATES NOT CONSOLIDATING FUNDS UNDER PART A OF TITLE I.—If the declaration of intent does not include within its scope part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), the amount spent by the State on administrative expenses shall be limited to 3 percent of the aggregate amount of Federal funds made available to the State pursuant to such declaration of intent.

SEC. 6. EQUITABLE PARTICIPATION OF PRIVATE SCHOOLS.

Each State consolidating and using funds pursuant to a declaration of intent under this Act shall provide for the participation of private school children and teachers in the activities assisted under the declaration of intent in the same manner as participation is provided to private school children and teachers under section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881).

By Mr. UDALL of Colorado (for himself, Mr. RISCH, Mr. BENNET, Mrs. HAGAN, Ms. KLOBUCHAR, Mr. TESTER, Mr. BARRASSO, Mr. CRAPO, Mr. THUNE, Mr. BEGICH, Mr. PRYOR, Mr. ENZI, and Mr. HELLER):

S. 1212. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Environment and Public Works.

Mr. UDALL of Colorado. Mr. President, I rise today to re-introduce the bipartisan Target Practice and Marksmanship Training Support Act with my friend Senator RISCH of the great state of Idaho. We are proud to be joined by a long list of original co-sponsors including Senators BENNET, HAGAN, KLOBUCHAR, TESTER, BARRASSO, CRAPO, THUNE, BEGICH, PRYOR, ENZI, and HELLER. I thank my colleagues for joining me in this bipartisan effort.

This bill would amend the Pittman-Robertson Wildlife Restoration Act to adjust certain funding limitations and provide states with greater flexibility over the use of funds available for the creation and maintenance of public shooting ranges—designated public lands where people can both safely engage in sport shooting and responsibly sharpen their marksmanship skills.

The Pittman-Robertson Wildlife Restoration Act established an excise tax on sporting equipment and ammunition, which provides each state with funds for a variety of wildlife restoration and hunter education and safety programs. Pittman-Robertson funds can also be used for the development and maintenance of shooting ranges. Unfortunately, however, current restrictions in the Pittman-Robertson Act disproportionately underfund the creation and maintenance of shooting range opportunities in comparison with other programs funded by the Act. In addition, opportunities for American sportsmen and women to safely engage in recreational shooting on public lands have significantly declined in recent years.

In an effort to reverse this trend and establish, maintain and promote safe spaces for target practice and sport shooting, this legislation would allow states to allocate a greater proportion of their federal wildlife funds for these purposes.

To be clear, the bill would not allocate any new funding, it would not raise any fees or taxes, nor would it require states to apply their allocated Pittman-Robertson funds to shooting ranges. Rather, this bill gives states the flexibility to allocate their existing Pittman-Robertson funds in the manner they deem most beneficial by reducing the amount of other matching dollars States would have to raise and permits states to ''bank'' Pittman-Robertson funds for 5 years so that they can save enough money to build new shooting ranges.

Hunting and recreational shooting are an integral part of the Colorado way of life. The Target Practice and Marksmanship Training Support Act is designed to promote our western way of life, acknowledging not only the need for safe places for hunters and sportsmen to responsibly practice their sport, but also the jobs and economic growth supported by sport shooters in Colorado and throughout the nation. Hunting and outdoor sports generate billions of dollars each year and support countless American jobs. In addition to the improvements this bill contains, it is my hope that the public land management agencies will continue to work with the states, sportsmen and women, recreational shooting interests, local communities, and others so that these opportunities are safe and available.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 178—HONORING THE MEN AND WOMEN OF THE DRUG ENFORCEMENT ADMINISTRATION ON THE OCCASION OF THE 40TH ANNIVERSARY OF THE AGENCY

Mrs. FEINSTEIN (for herself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 178

Whereas the Drug Enforcement Administration (referred to in this preamble as the ''DEA'') was established by an Executive Order on July 1, 1973, and given the responsibility to coordinate all activities of the Federal government directly related to the enforcement of the drug laws of the United States;

Whereas the more than 9,500 men and women of the DEA, including special agents, intelligence analysts, diversion investigators, program analysts, forensic chemists, attorneys, and administrative support staff, as well as more than 2,000 task force officers and hundreds of vetted foreign drug law enforcement officers, serve our Nation with

courage and help protect the people of the United States from drug trafficking, drug abuse, and related violence;

Whereas the DEA has targeted and brought to justice numerous criminals around the world over the 40 years since the establishment of the agency;

Whereas throughout the 40-year history of the DEA, the agency has continually adapted to evolving trends of drug trafficking organizations by targeting those involved in the manufacturing, distribution, and sale of drugs, including cocaine, heroin, methamphetamine, marijuana, ecstasy, and controlled prescription drugs;

Whereas in the decade immediately preceding the date of agreement to this resolution, DEA special agents seized more than 21,000 kilograms of heroin, 825,000 kilograms of cocaine, 4,500,000 kilograms of marijuana, over 21,000 kilograms of methamphetamine, and more than 50,000,000 dosage units of controlled prescription drugs;

Whereas with 86 foreign offices located in 67 countries, the DEA has the largest international presence of any Federal law enforcement agency, facilitating close collaboration with international partners around the world, including in Colombia, Mexico, and Afghanistan through information sharing, training, technology, and other resources that have resulted in the disruption or dismantling of 216 priority target drug trafficking organizations in Colombia, 20 in Afghanistan, and 108 in Mexico;

Whereas throughout the history of the DEA, employees and members of the agency's task forces have given their lives in the line of duty, including Emir Benitez, Gerald Sawyer, Leslie S. Grosso, Nickolas Fragos, Mary M. Keehan, Charles H. Mann, Anna Y. Mounger, Anna J. Pope, Martha D. Skeels, Mary P. Sullivan, Larry D. Wallace, Ralph N. Shaw, James T. Lunn, Octavio Gonzalez, Francis J. Miller, Robert C. Lightfoot, Thomas J. Devine, Larry N. Carwell, Marcellus Ward, Enrique S. Camarena, James A. Avant, Charles M. Bassing, Kevin L. Brosch, Susan M. Hoefler, William Ramos, Raymond J. Stastny, Arthur L. Cash, Terry W. McNett, George M. Montoya, Paul S. Seema, Everett E. Hatcher, Rickie C. Finley, Joseph T. Aversa, Wallie Howard, Jr., Eugene T. McCarthy, Alan H. Winn, George D. Althouse, Becky L. Dwojeski, Stephen J. Strehl, Richard E. Fass, Frank Fernandez, Jr., Jay W. Seale, Meredith Thompson, Juan C. Vars, Frank S. Wallace, Jr., Shelly D. Bland, Rona L. Chafey, Carrol June Fields, Carrie A. Lenz, Kenneth G. McCullough, Shaun E. Curl, Larry Steilen, Royce D. Tramel, Alice Faye Hall-Walton, Elton Lee Armstead, Terry Loftus, Donald C. Ware, Jay Balchunas, Thomas J. Byrne, Jr., Samuel Hicks, Forrest N. Leamon, Chad L. Michael, and Michael E. Weston; and

Whereas many other DEA employees and task force officers have been wounded or injured in the line of duty, including 91 who have received the Purple Heart Award of the DEA; Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Drug Enforcement Administration on the occasion of the 40th anniversary of the agency;

(2) honors the heroic sacrifice of the employees of the agency who have given their lives or have been wounded or injured in the service of the United States; and

(3) gives heartfelt thanks to all the men and women of the Drug Enforcement Administration for their past and continued efforts to protect the people of the United States from the dangers of drug abuse.

SENATE RESOLUTION 179—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED THIRTEENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID of Nevada submitted the following resolution; which was considered and agreed to:

S. RES. 179

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Thirteenth Congress, or until their successors are chosen:

COMMITTEE ON APPROPRIATIONS: Ms. Mikulski (Chairman), Mr. Leahy, Mr. Harkin, Mrs. Murray, Mrs. Feinstein, Mr. Durbin, Mr. Johnson of South Dakota, Ms. Landrieu, Mr. Reed, Mr. Pryor, Mr. Tester, Mr. Udall of New Mexico, Mrs. Shaheen, Mr. Merkley, Mr. Begich, Mr. Coons

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Rockefeller (Chairman), Mrs. Boxer, Mr. Nelson, Ms. Cantwell, Mr. Pryor, Mrs. McCaskill, Ms. Klobuchar, Mr. Warner, Mr. Begich, Mr. Blumenthal, Mr. Schatz, Mr. Cowan, Mr. Heinrich

COMMITTEE ON ENERGY: Mr. Wyden (Chairman), Mr. Johnson of South Dakota, Ms. Landrieu, Ms. Cantwell, Mr. Sanders, Ms. Stabenow, Mr. Udall of Colorado, Mr. Franken, Mr. Manchin, Mr. Schatz, Mr. Heinrich, Ms. Baldwin

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Carper, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Udall of New Mexico, Mr. Merkley, Mrs. Gillibrand, Ms. Hirono

SENATE RESOLUTION 180—MAKING MINORITY PARTY APPOINTMENTS FOR THE 113TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 180

Resolved, That the following be the minority membership on the following committees for the remainder of the 113th Congress, or until their successors are appointed:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Thune, Mr. Wicker, Mr. Blunt, Mr. Rubio, Ms. Ayotte, Mr. Heller, Mr. Coats, Mr. Scott, Mr. Cruz, Mrs. Fischer, Mr. Johnson of Wisconsin, and Mr. Chiesa.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Coburn, Mr. McCain, Mr. Johnson of Wisconsin, Mr. Portman, Mr. Paul, Mr. Enzi, Ms. Ayotte, and Mr. Chiesa.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Risch, Mr. Vitter, Mr. Rubio, Mr. Paul, Mr. Scott, Mrs. Fischer, Mr. Enzi, Mr. Johnson of Wisconsin, and Mr. Chiesa.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1428. Mr. BLUMENTHAL (for himself, Ms. MURKOWSKI, Mr. LEAHY, Mr. ROCKEFELLER, Mr. BEGICH, and Mrs. GILLIBRAND) 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 1429. Mr. BLUMENTHAL (for himself, Mrs. MURRAY, and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1430. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1431. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1432. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1433. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1434. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1435. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1436. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1437. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1438. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1439. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1440. 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 1441. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1442. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1443. 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 1444. 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 1445. 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 1446. 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 1447. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1448. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1449. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1450. Ms. HEITKAMP (for herself, Mr. HOEVEN, Mr. JOHNSON of South Dakota, and Mr. THUNE) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1451. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1452. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1453. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1454. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1455. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1456. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1457. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1458. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1459. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1460. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1461. 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 1462. 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 1463. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1464. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1465. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1466. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1467. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1468. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1469. Mr. MCCAIN (for himself, Mr. CARDIN, and 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 1470. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1471. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1472. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1473. 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 1474. 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 1475. 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 1476. Ms. HEITKAMP (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1477. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1478. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1479. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1480. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1481. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1482. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1483. Mr. JOHNSON of Wisconsin (for himself, Mr. KING, Mr. BLUNT, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1484. Mr. JOHNSON of Wisconsin (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1485. Ms. HEITKAMP (for herself, Mr. TESTER, Mr. BAUCUS, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1486. 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 1487. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1488. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1489. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1490. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1491. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1492. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1493. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1494. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1495. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1496. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1497. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1498. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1499. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1500. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1501. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1502. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1503. Mr. KIRK (for himself, Mrs. FISCHER, 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 1504. Ms. HIRONO (for herself, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mrs. GILLIBRAND, Ms. CANTWELL, Ms. STABENOW, Ms. KLOBUCHAR, Ms. WARREN, Ms. BALDWIN, Ms. MIKULSKI, Ms. LANDRIEU, Mrs. SHAHEEN, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1505. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1506. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1507. Mr. VITTER proposed an amendment to amendment SA 1183 submitted by Mr. LEAHY (for himself and Mr. HATCH) to the bill S. 744, supra.

SA 1508. 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 1509. Mr. COBURN (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1510. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1511. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1512. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1513. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1514. Ms. WARREN submitted an amendment intended to be proposed by her

to the bill S. 744, supra; which was ordered to lie on the table.

SA 1515. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1516. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1517. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1518. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1519. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1520. Mr. GRASSLEY (for himself and 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 1521. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1522. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1523. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1524. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1525. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1526. Ms. KLOBUCHAR (for herself, Mr. COATS, Ms. LANDRIEU, and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1527. Mr. KING (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1528. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1529. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1530. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1531. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1532. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1533. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1534. Mr. WARNER (for himself, Ms. MIKULSKI, Mr. WICKER, Mr. KAINE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1535. Mr. BROWN (for himself, Mr. ENZI, Mr. CASEY, Mr. BEGICH, Mr. PRYOR, Mr. TESTER, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1536. 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 1537. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1538. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1539. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1540. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1541. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1542. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1543. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1544. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1545. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1546. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1547. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1548. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1549. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1550. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1428. Mr. BLUMENTHAL (for himself, Ms. MURKOWSKI, Mr. LEAHY, Mr. ROCKEFELLER, Mr. BEGICH, and Mrs. GILLIBRAND) 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 1004, between lines 4 and 5, insert the following:

''(F) SPECIAL RULE FOR CHILDREN.—Notwithstanding subparagraph (A), the Secretary may adjust the status of a registered provisional immigrant to the status of an alien lawfully admitted for permanent residence if the alien—

''(i) satisfies the requirements under clauses (i) and (ii) of subparagraph (A); and

''(ii) is under 18 years of age on the date the alien submits an application for such adjustment.

On page 1007, between lines 2 and 3, insert the following:

(2) WAIVER.—Section 334 (8 U.S.C. 1445) is amended—

(A) in subsection (b), by striking ''person'' and inserting ''person, other than a person who received an adjustment of status pursuant to section 245D,''; and

(B) in subsection (f), by inserting ''who received an adjustment of status pursuant to section 245D or an alien'' after ''An alien''.

SA 1429. Mr. BLUMENTHAL (for himself, Mrs. MURRAY, and Mr. KING) 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. _____. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(15) WHISTLEBLOWER PROTECTIONS.—

''(A) PROHIBITIONS.—A person may not discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because such employee—

''(i) has filed or is about to file a complaint, instituted or caused to be instituted any proceeding, testified, assisted, or will testify, or cooperated or seeks to cooperate, in an investigation or other proceeding concerning compliance with the requirements under this title or any rule or regulation pertaining to this title or any covered claim;

''(ii) has disclosed or is about to disclose information to the person or to any other person or entity, that the employee reasonably believes evidences a violation of this title or any rule or regulation pertaining to this title, or grounds for any covered claim;

''(iii) has assisted or participated, or is about to assist or participate, in any manner in a proceeding or in any other action to carry out the purposes of this title or any covered claim;

''(iv) furnished, or is about to furnish, information to the Department of Labor, the Department of Homeland Security, the Department of Justice, or any Federal, State, or local regulatory or law enforcement agency relating to a violation of this title or any covered claim; or

''(v) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act or any other Act, or any order, rule, regulation, standard, or ban under any Act.

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—An employee who believes that he or she has suffered a violation of subparagraph (A) may seek relief in accordance with the procedures, notifications, burdens of proof, remedies, and statutes of limitation set forth in section 1514A of title 18, United States Code.

''(ii) STAY OF REMOVAL.—The Attorney General and the Secretary of Homeland Security, after consulting with the Secretary of Labor and the Secretary of Labor has determined that a claim filed under this section for a violation of subparagraph (A) is not frivolous and demonstrates a prima facie case that a violation has occurred, may stay the removal of the nonimmigrant from the

United States for time sufficient to participate in an action taken pursuant to this section. Upon the final disposition of the claim filed under this section, either by the Secretary of Labor or by a Federal court, the Secretary of Homeland Security shall adjust the employee's status consistent with such disposition. A determination to deny a stay of removal under this clause shall not deprive an individual of the right to pursue any other avenue for relief from removal proceedings.

''(iii) APPEAL.—

''(I) JURISDICTION.—Any person adversely affected or aggrieved by a final order issued under clause (i) may obtain review of the order in the United States Court of Appeals for—

''(aa) the circuit in which the violation, with respect to which the order was issued, allegedly occurred; or

''(bb) the circuit in which the complainant resided on the date of such violation.

''(II) FILING DEADLINE.—A petition for review under this subparagraph shall be filed not later than 60 days after the date on which the final order was issued by the Secretary of Labor.

''(III) APPLICABLE LAW.—A review under this subparagraph shall conform to the provisions set forth in chapter 7 of title 5, United States Code.

''(IV) STAY OF ORDER.—Unless ordered by the court, the commencement of proceedings under this subparagraph shall not operate as a stay of the order by the Secretary of Labor.

''(C) EDUCATION.—Each person, entity, and institution covered by this Act shall—

''(i) prominently communicate to all sectors and ranks of its labor force the rights and responsibilities under this Act; and

''(ii) provide associated education and training to all sectors and ranks of its labor force through notifications, postings, mailings, and training classes, supplemented with publicly accessible online materials on the requirements of, and developments that would affect the implementation of this Act.

''(D) NO LIMITATION ON RIGHTS.—Nothing in this paragraph may be construed to diminish the rights, privileges, or remedies of any person under any Federal or State law, equity, or under any collective bargaining agreement. The rights and remedies set forth in this paragraph may not be waived by any agreement, policy, form, or condition of employment.

''(E) DEFINITIONS.—In this paragraph:

''(i) COVERED CLAIM.—The term 'covered claim' means any claim, petition, charge, complaint, or grievance filed with, or submitted to, a Federal, State, or local agency or court, relating to the violation of applicable Federal or State labor or employment laws.

''(ii) DISCLOSE.—The term 'disclose' means to make a formal or informal communication or transmission.

''(iii) EMPLOYEE.—The term 'employee' means—

''(I) a current or former nonimmigrant alien admitted pursuant to section 101(a)(15)(H)(ii)(B); or

''(II) persons performing or formerly performing substantially the same work as such nonimmigrants in a related workplace.''.

(b) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, and after an opportunity for notice and comment, the Secretary of Labor shall promulgate regulations to carry out the amendment made by subsection (a).

SA 1430. Mr. BLUMENTHAL 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:

SECTION _____. PROHIBITION OF SALE OF FIREARMS TO, OR POSSESSION OF FIREARMS BY, ALIENS NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)(B), by striking ''(y)(2)'' and all that follows and inserting ''(y), is in the United States not as an alien lawfully admitted for permanent residence;'';

(2) in subsection (g)(5)(B), by striking ''(y)(2)'' and all that follows and inserting ''(y), is in the United States not as an alien lawfully admitted for permanent residence;''; and

(3) in subsection (y)—

(A) in the heading by striking ''ADMITTED UNDER NONIMMIGRANT VISAS'' and inserting ''NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE'';

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) the term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).'';

(C) in paragraph (2), by striking ''under a nonimmigrant visa'' and inserting ''but not lawfully admitted for permanent residence''; and

(D) in paragraph (3)(A), by striking ''admitted to the United States under a nonimmigrant visa'' and inserting ''lawfully admitted to the United States but not as an alien lawfully admitted for permanent residence''.

SA 1431. Mr. BLUMENTHAL 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 1421, between lines 12 and 13, insert the following:

''(D) The compensation or terms, conditions, or privileges of employment of the individual.

On page 1422, line 5, strike ''law enforcement;'' and insert ''eligibility requirements for law enforcement officers;''.

SA 1432. Mr. BLUMENTHAL 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. 3722. NOTIFICATION WHEN BACKGROUND CHECK FAILS DUE TO STATUS AS PROHIBITED ALIEN.

Section 922(t) of title 18, United States Code, is amended by adding at the end the following:

''(7) If the national instant background check system notifies the licensee that the receipt of a firearm by such other person would violate subsection (g)(5), the Attorney General shall notify the Secretary of Homeland Security.''.

SEC. 3723. NOTIFICATION AFTER MULTIPLE FIREARMS PURCHASES.

Section 923(g)(3) of title 18, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) Each licensee shall prepare a report of multiple sales or other dispositions whenever the licensee sells or otherwise disposes of, at one time or during any 5 consecutive business days, 2 or more pistols, or revolvers, or any combination of pistols and revolvers totaling 2 or more, to a non-citizen. The report shall be prepared on a form specified by the Attorney General and forwarded to the office specified thereon and to the Department of Homeland Security, not later than the close of business on the day that the multiple sale or other disposition occurs.''.

SA 1433. Mr. BLUMENTHAL 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 970, strike lines 15 through 19, and insert the following:

''(ii) is able to demonstrate—

''(I) average income or resources that are not less than 100 percent of the Federal poverty level throughout the period of admission as a registered provisional immigrant; or

''(II) that average income was adversely impacted due to a violation of applicable Federal, State, or local labor or employment laws.

On page 986, strike lines 11 through 15, and insert the following:

''(ii) can demonstrate—

''(I) average income or resources that are not less than 125 percent of the Federal poverty level throughout the period of admission as a registered provisional immigrant; or

''(II) that average income was adversely impacted due to a violation of applicable Federal, State, or local labor or employment laws.

SA 1434. Mr. BLUMENTHAL 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 1439, between lines 10 and 11, insert the following:

(c) SUSPENSION OF ENFORCEMENT ACTIONS DURING WORKPLACE INVESTIGATIONS OF PROTECTED WORKPLACE ACTIVITIES..—Section 274A (8 U.S.C. 12324a), as amended by section 3101, is further amended by adding at the end of subsection (e) the following:

''(10) SUSPENSION OF CIVIL WORKSITE ENFORCEMENT ACTIONS DURING WORKPLACE INVESTIGATIONS OR PROTECTED WORKPLACE ACTIVITIES FOR PROTECTION OF WORKERS' RIGHTS.—

''(A) IN GENERAL.—To ensure that enforcement actions of U.S. Immigrations and Customs Enforcement are consistent with laws protecting the rights of workers and workplace rights, the Secretary may not initiate or continue a civil worksite enforcement action—

''(i) at a facility where an investigation of violations of workplace rights by another government agency or body is ongoing; or

''(ii) directed at employees who are engaged in a protected workplace activity.

''(B) REQUIREMENTS BEFORE COMMENCEMENT OF ENFORCEMENT ACTIONS.—

''(i) NO INITIATION WITHOUT DETERMINATION.—Whenever the Secretary contemplates

initiating a civil worksite enforcement action, the Secretary shall first determine whether either conditions set forth in clause (i) or (ii) of subparagraph (A) are met.

''(ii) MANNER OF MAKING DETERMINATION.—The Secretary shall make each determination required by clause (i) by all means reasonably available to the Secretary and appropriate under the circumstances, including, but not limited to—

''(I) by contacting the Department of Labor, which shall act as a repository for reports or claims filed concerning protected workplace activity (including reports and claims filed with government agencies or bodies); and

''(II) by reviewing records of the Secretary of previous enforcement actions, if any, at the facility concerned.

''(iii) DEPARTMENT OF LABOR ASSISTANCE.—The Secretary of Labor shall assist the Secretary in making determinations under this subparagraph by providing timely and accurate information to allow for identification of civil worksite enforcement actions at facilities.

''(C) DEFINITIONS.—In this paragraph:

''(i) ENFORCEMENT ACTION.—The term 'enforcement action' includes the civil authority of Immigration and Customs Enforcement to inspect Forms I-9, to investigate referrals received from the electronic employment eligibility verification program of the U.S. Citizenship and Immigration Services, to investigate, to search, to fine, and to make civil arrests for violations of immigration law relating to employment of aliens without work authorization.

''(ii) GOVERNMENT AGENCY OR BODY.—The term 'government agency or body' including any Federal, State, or local government entity.

''(iii) PROTECTED WORKPLACE ACTIVITY.—The term 'protected workplace activity' includes the assertion or exercise of any workplace rights.

''(iv) WORKPLACE RIGHTS.—The term 'workplace rights' has the meaning given that term in section 274A(b)(8).''.

On page 1439, strike lines 11 through 13 and insert the following:

(d) TEMPORARY STAY OF REMOVAL.—Section 274A (8 U.S.C. 1324a), as amended by section 3101 and subsection (c), is further amended—

On page 1439, line 16, strike ''(10)'' and insert ''(11)''.

On page 1442, line 4, strike ''(d)'' and insert ''(e)''.

On page 1442, line 21, strike ''(e)'' and insert ''(f)''.

On page 1443, line 3, strike ''(f)'' and insert ''(g)''.

On page 1445, line 5, strike ''(g)'' and insert ''(h)''.

SA 1435. Mr. BLUMENTHAL 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. _____. DEFINITIONS OF CONVICTION AND TERM OF IMPRISONMENT.

(a) IN GENERAL.—Section 101(a)(48) (8 U.S.C. 1101(a)(48)(A)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) The term 'conviction' means, with respect to an alien, a formal judgment of guilt of the alien entered by a court. An adjudication or judgment of guilt that has been expunged, deferred, annulled, invalidated, withheld, or vacated, an order of probation without entry of judgment, or any similar disposition shall not be considered a conviction for purposes of this Act.''; and

(2) in subparagraph (B)—

(A) by inserting ''only'' after ''deemed to include''; and

(B) by striking ''court of law'' and all that follows and inserting ''court of law. Any such reference shall not be deemed to include any suspension of the imposition or execution of that imprisonment or sentence in whole or in part.''.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) APPLICATION.—The amendments made by subsection (a) shall apply to convictions and sentences entered before, on, or after the date of the enactment of this Act.

SEC. _____. RETROACTIVE APPLICATION.

(a) GROUNDS OF DEPORTABILITY.—Section 237 (8 U.S.C. 1227) is amended by adding at the end the following

''(e) DATE OF OFFENSE.—Notwithstanding any other provision of this section, an alien is not deportable by reason of committing any offense that was not a ground of deportability on the date on which the offense occurred.''.

(b) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182), as amended by sections 2312(d), 2313(b), and 4211(a)(3), is further amended by adding at the end the following:

''(y) DATE OF OFFENSE.—Notwithstanding any other provision of this section, an alien is not inadmissible by reason of committing any offense that was not a ground of inadmissibility on the date on which the offense occurred.''.

On page 1494, between lines 17 and 18, insert the following:

(d) EXECUTION OF ORDER OF REMOVAL.—Section 240(b)(5)(C) (8 U.S.C. 1229a(b)(5)(C)) is amended to read as follows:

''(C) EXECUTION OF ORDER.—

''(i) IN GENERAL.—An order of removal under subparagraph (A) may be executed only after an immigration judge makes findings, by clear and convincing evidence, that—

''(I) the alien's failure to appear was not because of exceptional circumstances;

''(II) the alien received notice in accordance with paragraph (1) or (2) of section 239(a);

''(III) the alien was not in Federal, State, or local custody; and

''(IV) failure to appear was not otherwise due to circumstances beyond the alien's control.

''(ii) NOTICE.—Before the immigration judge enters the findings set forth in clause (i), the alien or the alien's representative shall be given notice and an opportunity to make oral and written submissions regarding the applicability of subclauses (I) through (IV) of clause (i).

''(iii) ORDER OF REMOVAL IN ABSENTIA.—If the judge enters the findings set forth in clause (i), the judge may enter an order in absentia under this paragraph.

''(iv) MOTION TO RESCIND PROCEEDINGS PERMITTED.—Findings set forth in clause (i) shall not bar the subsequent filing of a motion to rescind, including a motion filed at any time based on evidence that the alien's failure to appear was due to a lack of notice in accordance with paragraph (1) or (2) of section 239(a).

''(v) REOPEN PROCEEDINGS REQUIRED.—If the immigration judge does not enter findings, by clear and convincing evidence, that subclauses (I) through (IV) of clause (i) have been satisfied, the judge shall reopen the proceedings.

''(vi) FINDINGS REQUIRED BEFORE REMOVAL.—No alien may be removed pursuant to the authority of an in absentia removal order described in clause (iii) before the immigration judge issues the findings set forth in clause (i).''.

On page 1566, strike lines 7 through 19, and insert the following:

(a) INADMISSIBILITY.—Section 212(a)(2)(A) (8 U.S.C. 1182(a)(2)(A)) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking '', or'' at the end and inserting a semicolon;

(B) in subclause (II), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after subclause (II) the following:

''(III) a violation of section 1541, 1545, and subsection (b) of section 1546 of title 18, United States Code,''; and

(2) in clause (ii)—

(A) in the matter preceding subclause (I), by striking ''(I)'';

(B) in subclause (I), by striking ''when the alien was under 18 years of age, and the crime was committed (and the alien released from any confinement to a prison or correctional institution imposed for the crime)''; and

(C) by amending subclause (II) to read as follows:

''(II) the crime resulted in a conviction for which the alien was incarcerated for a period of 1 year or less.''.

(b) REMOVAL.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in paragraph (2)(A), by amending clause (i) to read as follows:

''(i) CRIMES OF MORAL TURPITUDE.—Any alien who is convicted of a crime involving moral turpitude committed within 5 years (or 10 years in the case of an alien provided lawful permanent resident status under section 245(j)) after the date of admission for which the alien was incarcerated for a period exceeding 1 year, is deportable.''; and

(2) in paragraph (3)(B), by amending clause (iii) to read as follows:

SA 1436. Mr. BLUMENTHAL 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 943, line 2, strike ''**BEFORE DECEMBER 31, 2011,**''.

On page 944, beginning on line 6, strike ''December 31, 2011;'' and insert ''April 17, 2013;''.

On page 944, line 10, strike ''December 31, 2011,'' and insert ''April 17, 2013,''.

On page 944, beginning on line 24, strike ''December 31, 2011,'' and insert ''April 17, 2013,''.

On page 950, beginning on line 8, strike ''December 31, 2012.'' and insert ''April 17, 2013,''.

On page 956, beginning on line 2, strike ''December 31, 2011'' and insert ''April 17, 2013''.

On page 1020, strike line 3 and all that follows through the first 2 undesignated lines after line 5, and insert the following:

(e) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 245A the following:

''Sec. 245B. Adjustment of status of eligible entrants to that of registered provisional immigrant.

SA 1437. Mr. BLUMENTHAL 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 D of title IV, add the following:

SEC. 4416. SHORT-TERM STUDY ON TOURIST VISAS.

Section 101(a)(15)(B) (8 U.S.C. 1101(a)(15)(B)) is amended to read as follows:

''(B) an alien (other than an alien coming to the United States to pursue a course of study exceeding 90 days, to perform skilled or unskilled labor, or as a representative of foreign press, radio, film, or other foreign information media engaged in such vocation) having a residence in a foreign country, which the alien has no intention of abandoning, who is visiting the United States temporarily—

''(i) for business purposes;

''(ii) for pleasure; or

''(iii) to pursue a course of study for up to 90 days at an accredited institution of higher education.''.

SA 1438. Mr. BLUMENTHAL 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. _____. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(15) WHISTLEBLOWER PROTECTIONS.—

''(A) PROHIBITIONS.—A person may not discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because such employee—

''(i) has filed or is about to file a complaint, instituted or caused to be instituted any proceeding, testified, assisted, or will testify, or cooperated or seeks to cooperate, in an investigation or other proceeding concerning compliance with the requirements under this title or any rule or regulation pertaining to this title or any covered claim;

''(ii) has disclosed or is about to disclose information to the person or to any other person or entity, that the employee reasonably believes evidences a violation of this title or any rule or regulation pertaining to this title, or grounds for any covered claim;

''(iii) has assisted or participated, or is about to assist or participate, in any manner in a proceeding or in any other action to carry out the purposes of this title or any covered claim;

''(iv) furnished, or is about to furnish, information to the Department of Labor, the Department of Homeland Security, the Department of Justice, or any Federal, State, or local regulatory or law enforcement agency relating to a violation of this title or any covered claim; or

''(v) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act or any other Act, or any order, rule, regulation, standard, or ban under any Act.

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—An employee who believes that he or she has suffered a violation of subparagraph (A) may seek relief in accordance with the procedures, notifications, burdens of proof, remedies, and statutes of limitation set forth in section 1514A of title 18, United States Code.

''(ii) APPEAL.—

''(I) JURISDICTION.—Any person adversely affected or aggrieved by an order issued under clause (i) may obtain review of the order in the United States Court of Appeals for—

''(aa) the circuit in which the violation, with respect to which the order was issued, allegedly occurred; or

''(bb) the circuit in which the complainant resided on the date of such violation.

''(II) FILING DEADLINE.—A petition for review under this subparagraph shall be filed not later than 60 days after the date on which the final order was issued by the Secretary of Labor.

''(III) APPLICABLE LAW.—A review under this subparagraph shall conform to the provisions set forth in chapter 7 of title 5, United States Code.

''(IV) STAY OF ORDER.—Unless ordered by the court, the commencement of proceedings under this subparagraph shall not operate as a stay of the order by the Secretary of Labor.

''(C) EDUCATION.—Each person, entity, and institution covered by this Act shall—

''(i) prominently communicate to all sectors and ranks of its labor force the rights and responsibilities under this Act; and

''(ii) provide associated education and training to all sectors and ranks of its labor force through notifications, postings, mailings, and training classes, supplemented with publicly accessible online materials on the requirements of, and developments that would affect the implementation of this Act.

''(D) NO LIMITATION ON RIGHTS.—Nothing in this paragraph may be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law, equity, or under any collective bargaining agreement. The rights and remedies set forth in this paragraph may not be waived by any agreement, policy, form, or condition of employment.

''(E) DEFINITIONS.—In this paragraph:

''(i) COVERED CLAIM.—The term 'covered claim' means any claim, petition, charge, complaint, or grievance filed with, or submitted to, a Federal, State, or local agency or court, relating to the violation of applicable Federal or State labor or employment laws.

''(ii) DISCLOSE.—The term 'disclose' means to make a formal or informal communication or transmission.

''(iii) EMPLOYEE.—The term 'employee' means—

''(I) a current or former nonimmigrant alien admitted pursuant to section 101(a)(15)(H)(ii)(B); or

''(II) persons performing or formerly performing substantially the same work as such nonimmigrants in a related workplace.''.

(b) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, and after an opportunity for notice and comment, the Secretary of Labor shall promulgate regulations to carry out the amendment made by subsection (a).

SA 1439. Mr. BEGICH 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. _____. ALIEN CREWMAN.

Section 258(c)(4) (8 U.S.C. 1288(c)(4)) is amended—

(1) in subsection (c)(4)—

(A) in subparagraph (B)—

(i) in clause (i), by inserting ''to file an attestation in accordance with paragraph (1) or subsection (d)(1) or'' after ''failure''; and

(ii) in clause (iii), by inserting ''an entity has failed to file an attestation in accordance with paragraph (1) or subsection (d)(1),'' after ''believe that'';

(B) in subparagraph (C)(i), by inserting ''or failure to file an attestation'' after ''attestation''; and

(C) in subparagraph (E)(i), by inserting ''has failed to file an attestation in accordance with paragraph (1) or subsection (d)(1) or'' after ''an entity''; and

(2) in subsection (d)(1)(A), by striking ''except that—'' and all that follows through ''(ii)'' and inserting ''except that''.

SA 1440. 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 1829, line 8, strike ''20,000'' and insert ''200,000''.

On page 1829, line 9, strike ''35,000'' and insert ''250,000''.

On page 1829, line 10, strike ''55,000'' and insert ''300,000''.

On page 1829, line 11, strike ''75,000'' and insert ''350,000''.

On page 1833, lines 1 and 2, strike ''20,000 nor more than 200,000'' and replace with ''200,000 nor more than 400,000''.

SA 1441. Mr. COATS 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. 3722. BREACHED BOND/DETENTION FUND DEPOSITS.

Section 286(r) (8 U.S.C. 1356(r)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) There shall be deposited—

''(A) as offsetting receipts into the Fund all breached cash and surety bonds, posted under this Act which are recovered by the Department of Homeland Security, and amounts described in section 245(i)(3)(B).; and

''(B) into the Fund unclaimed moneys from the 'Unclaimed Moneys of Individuals Whose Whereabouts are Unknown' account established pursuant to 31 U.S.C. 1322, from cash received as security on immigration bonds and interest that accrued on such cash, that remains unclaimed for a period of at least 10 years from the date it was first transferred into Treasury's Unclaimed Moneys account if the transfer of the unclaimed moneys will occur only after electronic notice is posted for six months and the moneys remain unclaimed after such notice.'';

(2) in paragraph (3), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(3) in paragraph (5)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by striking ''transfers to the general fund,''; and

(4) by striking paragraph (6).

SA 1442. Mr. COATS 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 855, strike line 24 and all that follows through ''(i)'' on page 856, line 23, and insert the following:

(1) PROCESSING OF APPLICATIONS FOR REGISTERED PROVISIONAL IMMIGRANT STATUS.—

(A) IN GENERAL.—Not earlier than the date on which the Secretary submits to Congress a certification that the Secretary has maintained effective control of high-risk border sectors along the Southern border for a period of not less than 6 months, 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 2101 of this Act.

(B) HIGH-RISK BORDER SECTOR DEFINED.—In this paragraph, the term ''high-risk border sector'' means a border sector in which more than 30,000 individuals were apprehended by the Department during the most recent fiscal year.

(2) ADJUSTMENT OF STATUS OF REGISTERED PROVISIONAL IMMIGRANTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), 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 2201 of this Act or described in section 245D(b) of the Immigration and Nationality Act, until the Secretary, after consultation with the Comptroller General of the United States, submits to the President and Congress a written certification that—

(i) the Secretary has maintained effective control of the Southern border for a period of not less than 6 months;

(ii)

SA 1443. 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:

Beginning on page 133, strike line 20 and all that follows through page 136, line 17.

SA 1444. 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:

Beginning on page 397, strike line 11 and all that follows through page 399, line 8.

SA 1445. 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:

At the appropriate place, insert the following:

SEC. ___. STATUS VERIFICATION FOR REMITTANCE TRANSFERS.

(a) IN GENERAL.—Section 919 of the Electronic Fund Transfer Act (relating to remittance transfers) (12 U.S.C. 1692o-1) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) STATUS VERIFICATION OF SENDER.—

''(1) REQUEST FOR PROOF OF STATUS.—

''(A) IN GENERAL.—Each remittance transfer provider shall request from each sender of a remittance transfer, the recipient of which is located in any country other than the United States, proof of the status of that sender under the immigration laws, prior to the initiation of the remittance transfer.

''(B) ACCEPTABLE DOCUMENTATION.—Acceptable documentation of the status of the sender under this paragraph—

''(i) shall be, in any State that requires proof of legal residence—

''(I) a State-issued driver's license or Federal passport; or

''(II) the same documentation as required by the State for proof of identity for the issuance of a driver's license, or as required for a passport; and

''(ii) shall be, in any State that does not require proof of legal residence, such documentation as the Bureau shall require, by rule; and

''(iii) does not include any matricula consular card.

''(2) FINE FOR NONCOMPLIANCE.—Each remittance transfer provider shall impose on any sender who is unable to provide the proof of status requested under paragraph (1) at the time of transfer, a fine equal to 7 percent of the United States dollar amount to be transferred (excluding any fees or other charges imposed by the remittance transfer provider).

''(3) SUBMISSION OF FINES TO BUREAU.—All fines imposed and collected by a remittance transfer provider under paragraph (2) shall be submitted to the Bureau, in such form and in such manner as the Bureau shall establish, by rule.

''(4) ADMINISTRATIVE AND ENFORCEMENT COSTS.—The Bureau shall use fines submitted under paragraph (3) to pay the administrative and enforcement costs to the Bureau in carrying out this subsection.

''(5) USE OF FINES FOR BORDER PROTECTION.—Amounts from the collection of fines under this subsection that remain available after the payment of expenses described in paragraph (4), shall be transferred by the Bureau to the Treasury, to be used to pay expenses relating to United States Customs and Border Protection for border security fencing, infrastructure, and technology.

''(6) DEFINITION RELATING TO IMMIGRATION STATUS.—In this subsection, the term 'immigration laws' has the same meaning as in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).''.

(b) STUDY AND REPORT REGARDING REMITTANCE TRANSFER PROCESSING FINES AND IDENTIFICATION PROGRAM.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine the effects of the enactment of section 919(g) of the Electronic Fund Transfer Act, as amended by this Act.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under paragraph (1) that includes—

(A) an analysis of the costs and benefits of complying with section 919(g) of the Electronic Fund Transfer Act, as amended by this Act; and

(B) recommendations about whether the fines imposed under that section 919(g) should be extended or increased.

SA 1446. 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 979, between lines 22 and 23, insert the following:

''(D) MANDATORY REMOVAL.—The Secretary shall revoke the status of, and commence special removal proceedings under section 238 against, any registered provisional immigrant who is convicted of—

''(i) any felony;

''(ii) a crime of violence that results in death or serious bodily injury; or

''(iii) an offense relating to drug trafficking.

SA 1447. Mr. COBURN 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 967, strike line 22 and all that follows through page 968, line 8, and insert the following:

''(C) CLEARANCES AND OTHER PREREQUISITES.—

''(i) IN GENERAL.—Before any alien may be granted registered provisional immigrant status, the Secretary shall—

''(I) enable all aliens applying for such status to file applications electronically;

''(II) ensure that in addition to the submission of biometric and biographic data under subparagraph (A), an alien applying for such status submits to national security and law enforcement clearances, which shall be paid for with the fees collected under paragraph (10)(A) and shall include—

''(aa) a State and local criminal background check through the National Law Enforcement Telecommunication System, including the exchange of interstate driver license photos, if available;

''(bb) a fingerprint check by the Federal Bureau of Investigation;

''(cc) verification that the alien is not listed on the consolidated terrorist watch list of the Federal Government;

''(dd) screening by the Office of Biometric and Identity Management (formerly known as 'US-VISIT''); and

''(ee) a check against the TECS system (formerly known as the 'Treasury Enforcement Communications System');

''(III) ensure that an official of the agency performing each such clearance documents the results of the clearance; and

''(IV) establish procedures to ensure that a minimum of 5 percent of the aggregate pool of applicants for registered provisional immigrant status at any time are randomly selected for interviews.

''(ii) ADDITIONAL SECURITY SCREENING.—The Secretary, in consultation with the Secretary of State and other interagency partners, shall conduct an additional security screening upon determining, in the Secretary's opinion based upon information related to national security, that an alien or alien dependent spouse or child is or was a citizen or long-term resident of a region or country known to pose a threat, or that contains groups or organizations that pose a threat, to the national security of the United States.''.

On page 971, line 20, insert ''clearances, and other prerequisites required under paragraph (8)(C),'' after ''checks,''.

SA 1448. Mrs. HAGAN 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 1083, strike lines 3 and 4 and insert the following:

''*(C) REGIONAL CONSIDERATIONS.—*

''*(i) IN GENERAL.—In determining the distribution of visas described in subparagraph (A), the Secretary shall consider the needs of various geographical regions and the current and historical demand for agriculture workers evidenced by the usage of each State of the H-2A worker program pursuant to section*

101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) .

''(ii) COORDINATION.—In making the determinations required by clause (i), the Secretary shall annually solicit input from State and local authorities, including State Commissioners, Secretaries, and Directors of Agriculture.

''(D) EFFECT OF 2ND OR SUBSEQUENT DESIGNATED AGRICULTURAL EMPLOYER.—A non-

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SA 1449. Ms. CANTWELL 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 1636, line 18, strike ''$1,000'' and insert ''$2,500''.

On page 1649, line 7, strike ''or'' and insert the following:

(F) providing funding to public institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), to strengthen and increase capacity for computer science and computer engineering programs offered by the institutions;

(G) to support student loan repayment programs for kindergarten through grade 12 mathematics or science teachers who have received baccalaureate or postbaccalaureate degrees in STEM fields from institutions of higher education, as defined in such section 101(a), for the student loans incurred by the teachers for such degrees; or

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SA 1450. Ms. HEITKAMP (for herself, Mr. HOEVEN, Mr. JOHNSON of South Dakota, and Mr. THUNE) 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 1145, strike line 3 and insert the following:

SEC. 2244. BEEKEEPERS IN AGRICULTURAL WORKER PROGRAMS.

(a) IN GENERAL.—Section 4 of the Migrant and Seasonal Agricultural Worker Protection Act (7 U.S.C. 1803) is amended by adding at the end the following:

''(c)(1) In this subsection, the term 'beekeeper' means any person [who is a producer, or who engages in honey production,] as such terms are defined in section 3 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4602).

''(2) The provisions of title I requiring registration as a farm labor contractor do not apply to a beekeeper, for purposes of determining whether the beekeeper or employees of the beekeeper are eligible to participate in a program under section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act, section 245F of the Immigration and Nationality Act, as added by section 2212 of the Border Security, Economic Opportunity, and Immigration Modernization Act, or section 218A of the Immigration and Nationality Act, as added by section 2232 of the Border Security, Economic Opportunity, and Immigration Modernization Act.''.

(b) EFFECTIVE DATE.—Notwithstanding section 2245, this section takes effect on the date of enactment of this Act.

SEC. 2245. EFFECTIVE DATE.

SA 1451. Mr. MURPHY 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 1626, strike line 5, and insert the following:

SEC. 3807. PROTECTION OF DETAINED CHILDREN.

(a) PROHIBITION ON HOUSING CHILDREN IN ADULT DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall not house any child who is younger than 18 years of age in any adult detention facility unless the child is detained pursuant to section 236A of the Immigration and Nationality Act (8 U.S.C. 1226a).

(2) TRANSFER REQUIREMENTS.—Upon any notice or suspicion that an alien in the custody of the Department may be younger than 18 years of age at any time after apprehension, the Secretary shall—

(A) immediately, or as soon as practicable, but in no case later than 24 hours after such notice or suspicion, initiate an age determination assessment in accordance with section 3612, unless the Secretary determines an alien is a child;

(B) release or transfer the child out of any adult detention facility where the child is being housed, as soon as practicable, but in no case later than 72 hours after the determination of the child's age; and

(C) give primary consideration to the best interests of the child and utilize the least restrictive means available in carrying out the transfer or release of the child.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to abrogate or limit any rights, protections, or requirements under section 3612 and 3717(b) of this Act, section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279), or section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232).

(4) DEFINED TERM.—In this subsection, the term ''detention facility'' has the meaning given the term in section 3802, except that family residential facilities and units in which the child is housed with family members shall not be deemed a detention facility for purposes of this subsection.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States, after consultation with the appropriate committees and nongovernmental organizations, shall submit a report to the appropriate congressional committees on the housing and detention practices of children.

(2) CONTENTS.—The report submitted under paragraph (1) shall include an assessment of the Department's compliance with Federal statutes and Department regulations and policies on the housing and transfer of child detainees in and from detention facilities.

SEC. 3808. SEVERABILITY.

On page 1606, between lines 17 and 18, insert the following:

(12) For any alien child who is younger than 18 years of age at any stage in the child's bond and removal proceedings, on at least a quarterly basis—

(A) each facility where the child is being housed;

(B) the duration of the child's stay at each facility; and

(C) the conditions of confinement for the child at each facility housed, including—

(i) whether the child is placed in solitary confinement; and

(ii) whether the conditions of confinement for the detained child meet the applicable policies and standards of the Department.

(13) On at least a quarterly basis, whether each child who has been housed in custody at any point during the child's bond and removal proceedings was represented by an attorney.

On page 1609, between lines 3 and 4, insert the following:

(9) For any alien child who is younger than 18 years of age at any point during the removal process, on at least a quarterly basis—

(A) each facility where the child is being or has been housed;

(B) the duration of the child's stay at each facility; and

(C) the conditions of confinement for the child at each facility housed, including—

(i) whether the child is placed in solitary confinement; and

(ii) whether the conditions of confinement for the detained child meet the applicable policies and standards of the Department.

(10) On at least a quarterly basis, whether each child who has been housed in custody at any point during the child's removal process was represented by an attorney.

SA 1452. Mr. LEVIN 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, strike line 14 and insert the following:

(b) REASSIGNMENTS.—

(1) BETWEEN SECTORS.—The Secretary is authorized to reassign U.S. Customs and Border Protection officers and Border Patrol agents from 1 border sector to another border sector.

(2) CONSTRUCTION.—Nothing in subsection (a) may

SA 1453. Mr. WHITEHOUSE 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 D of title IV, add the following:

SEC. 4416. NATIONAL SECURITY INVESTIGATIONS.

(a) S NONIMMIGRANT STATUS.—Section 101(a)(15)(S)(i)(III) (8 U.S.C. 1101(a)(15)(S)(i)(III)) is amended by inserting ''or national security investigation'' after ''authorized criminal investigation''.

(b) REPORT ON S NONIMMIGRANTS.—Section 214(k)(4) (8 U.S.C. 1184(k)(4)) is amended—

(1) in subparagraph (B), by inserting ''or national security investigations'' after ''prosecutions or investigations''; and

(2) in subparagraph (D), by striking ''successful criminal prosecution or investigation'' inserting ''successful criminal prosecution or investigation, successful national security investigation,''.

(c) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245(j)(1)(B) (8 U.S.C. 1255(j)(1)(B)) is amended by inserting ''national security investigation or'' after ''criminal investigation or''.

SA 1454. Mr. LEAHY 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 852, strike the item relating to section 4409 and insert the following:

''Sec. 4409. F–1 Visa admission fee.''.

On page 852, strike the item relating to section 4509 and insert the following:

''Sec. 4509. B Visa admission fee.''.

On page 892, lines 14 and 15, strike ''Inspector Generals'' and insert ''Inspectors General''.

On page 940, line 23, strike ''migrant'' and insert ''alien''.

On page 941, line 3, strike ''migrant'' and insert ''alien''.

On page 941, line 13, strike ''migrant'' and insert ''alien''.

On page 941, line 14, strike ''migrant'' and insert ''alien''.

On page 941, line 17, strike ''migrant'' and insert ''alien''.

On page 942, line 6, strike ''migrants'' and insert ''aliens''.

On page 942, line 14, strike ''migrant'' and insert ''alien''.

On page 942, line 16, strike ''migrant'' and insert ''alien''.

On page 990, line 24, strike ''(3)(2)'' and insert ''(3)(1)''.

On page 991, line 1, strike ''12102(2)'' and insert ''12102(1)''.

On page 1043, line 18, insert ''is not represented or'' after ''applicant''.

On page 1162, strike lines 7 through 11 and insert the following:

(B) has been lawfully present in the United States, in a status that allows for employment authorization, for a continuous period of not less than 10 years, not counting brief, casual, and innocent absences.

On page 1163, lines 1 and 2, strike ''the effective date specified in section 2307(a)(3) of this Act'' and insert ''the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act''.

On page 1181, line 12, insert ''or lawful permanent resident'' after ''citizen''.

On page 1181, line 20, insert ''or lawful permanent residence'' after ''citizenship''.

On page 1187, line 2, strike ''minute'' and insert ''day''.

On page 1191, strike lines 14 through 16 and insert the following:

(iii) by amending subsection (h) to read as follows:

''(h) SURVIVAL OF RIGHTS TO PETITION.—The legal termination of a marriage may not be the sole basis for revocation under section 205 of a petition filed under subsection (a)(1)(C) pursuant to conditions described in subsection (a)(1)(C)(i). Remarriage of an alien whose petition was approved under subsection (a)(1)(C) or marriage of an alien described in subparagraphs (D) or (F) of subsection (a)(1) shall not be the basis for revocation of a petition approval under section 205.''.

On page 1198, line 24, strike ''(1)(A)'' and insert ''(1)(B)''.

On page 1200, line 9, strike ''2212(d)'' and insert ''2212(b)''.

On page 1214, line 25, strike ''the United States'' and insert ''a State''.

On page 1220, line 13, insert ''Federal'' after ''any''.

On page 1247, line 4, ''the Attorney General, and the Director of the National Counterterrorism Center,'' after ''Defense,''.

On page 1258, line 14, ''the Attorney General, and the Director of the National Counterterrorism Center,'' after ''Defense,''.

On page 1277, line 23, strike ''institutions'' and insert ''instruction''.

On page 1287, line 1, strike ''**DIRECTORS**'' and insert ''**TRUSTEES**''.

On page 1287, line 4, strike ''Directors'' and insert ''Trustees''.

On page 1287, line 10, strike ''directors'' and insert ''trustees''.

On page 1287, lines 10 and 11, strike ''directors'' and insert ''trustees''.

On page 1358, lines 1 and 2, strike ''Secretary'' and insert ''Attorney General''.

On page 1600, line 24, '', to citizens, subjects, nationals, or residents of that country'' after ''classes of visas''.

On page 1612, strike lines 3 through 6 and insert the following:

''(2)(A) An enforcement action may not take place at, or be focused on, a sensitive location except—

''(i) under exigent circumstances; or

''(ii) if prior approval is obtained.''.

On page 1736, line 4, strike ''clause (iv) or (v)'' and insert ''clause (iii), (iv), or (v)''.

On page 1744, line 17, strike ''**f–1 visa fee**'' and insert ''**F–1 VISA ADMISSION FEE**''.

On page 1745, line 1, strike ''Fees'' and insert the following:

''(2) DEPOSIT.—Fees''.

On page 1745, strike lines 6 through 17.

On page 1783, line 21, strike ''**B VISA FEE**'' and insert ''**B VISA ADMISSION FEE**''.

On page 1784, line 1, strike ''B VISA FEE'' and insert ''B VISA ADMISSION FEE''.

On page 1793, line 7, strike ''FEE'' and insert ''ADMISSION FEE''.

On page 1853, line 4, strike ''application'' and insert ''applicable''.

On page 1855, line 7, strike ''or'' and insert ''of''.

On page 1855, strike line 11.

On page 1855, line 12, strike ''(dd)'' and insert ''(cc)''.

On page 1855, line 14, strike ''(ee)'' and insert ''(dd)''.

On page 1855, line 17, insert ''business'' before ''entity''.

On page 1855, line 18, strike ''(ff)'' and insert ''(ee)''.

On page 1855, line 21, strike ''(gg)'' and insert ''(ff)''.

On page 1855, line 23, strike ''(ff)'' and insert ''(ee)''.

On page 1861, strike lines 4 through 7 and insert the following:

''(III) is managed by an investment adviser (as defined in section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11))) that—''.

On page 1862, lines 6 and 7, strike ''includes the position of'' and insert ''shall include such positions as''.

On page 1864, line 5, insert ''interest'' after ''ownership''.

On page 1864, line 16, strike ''devoted'' and insert ''made''.

On page 1864, line 19, strike ''to'' and insert ''in''.

On page 1865, line 2, insert '', the alien's United States business entity'' after ''date''.

On page 1866, line 9, strike ''devoted'' and insert ''made''.

On page 1866, line 12, strike ''to'' and insert ''in''.

On page 1866, line 19, insert '', the alien's United States business entity'' after ''date''.

SA 1455. Mr. LEAHY 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 1869, strike line 22 and all that follows through page 1910, line 5, and insert the following:

SEC. 4804. PERMANENT AUTHORIZATION OF EB–5 REGIONAL CENTER PROGRAM.

(a) REPEAL.—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is repealed.

(b) AUTHORIZATION.—Section 203(b)(5) (8 U.S.C. 1153(b)(5)) is amended by adding at the end the following:

''(E) REGIONAL CENTER PROGRAM.—

''(i) IN GENERAL.—Visas under this paragraph shall be made available to qualified immigrants participating in a program implementing this paragraph that involves a regional center in the United States, which has been designated by the Secretary of Homeland Security, in consultation with the Secretary of Commerce, on the basis of a general proposal for the promotion of economic growth, including—

''(I) increased export sales;

''(II) improved regional productivity;

''(III) job creation; or

''(IV) increased domestic capital investment.

''(ii) ESTABLISHMENT OF A REGIONAL CENTER.—A regional center shall have jurisdiction over a defined geographic area, which shall be described in the proposal and consistent with the purpose of concentrating pooled investment in defined economic zones. The establishment of a regional center may be based on general predictions, contained in the proposal, concerning—

''(I) the kinds of commercial enterprises that may receive investments from aliens without limiting the scope of regional center activity to any specific industry or industries referenced in the proposal;

''(II) the jobs that may be created directly or indirectly as a result of such investments; and

''(III) other positive economic effects such investments may have.

''(iii) INDIRECT JOB CREATION.—The Secretary of Homeland Security shall permit immigrants admitted under this paragraph to satisfy the requirements under subparagraph (A)(ii) with jobs that are estimated to be created indirectly through investment under this paragraph in accordance with this subparagraph.

''(iv) COMPLIANCE.—In determining compliance with subparagraph (A)(ii), the Secretary of Homeland Security shall permit aliens admitted under the program described in this subparagraph to establish reasonable methodologies for determining the number of jobs created by the program, including jobs estimated to have been created indirectly through revenues generated from increased exports, improved regional productivity, job creation, and increased domestic capital investment resulting from the program, including jobs created outside of the geographic boundary of the regional center as a result of the immigrant's investment in regional center associated commercial enterprises.

''(v) AMENDMENTS.—The Secretary of Homeland Security—

''(I) may require approved regional centers to give notice to the Secretary of significant changes to their organization;

''(II) may approve or disapprove the changes referred to in subclause (I); and

''(III) shall not suspend the Secretary's adjudication of any filings by, or related to, a regional center, including investor petitions under section 203(b)(5), regardless of whether such regional center has given notice to the Secretary pursuant to subclause (I).

''(F) PREAPPROVAL OF BUSINESS PLANS FOR REGIONAL CENTER INVESTMENTS.—

''(i) PETITION.—Before the filing of a petition under this subparagraph by an alien investor, a commercial enterprise associated with a regional center may file a petition with the Secretary of Homeland Security to preapprove a particular investment in the commercial enterprise, as provided in—

''(I) a business plan for a specific capital investment project;

''(II) investment documents, such as subscription, investment, partnership, and operating agreements; and

''(III) a credible economic analysis regarding estimated job creation that is based upon reasonable methodologies.

''(ii) PREAPPROVAL PROCEDURE.—The Secretary shall establish a process to facilitate the preapproval of business plans under this subparagraph related to investment in a regional center commercial enterprise, which

shall include an opportunity for the applicant to address and cure any deficiencies identified by the Secretary in the applicant's business plan, investment documents, or statement regarding job creation prior to a final determination. The Secretary shall impose a fee for the use of the process described in this clause sufficient to recover the costs of its administration pursuant to subsections (m) and (n) of section 286.

''(iii) EFFECT OF PREAPPROVAL OF BUSINESS PLAN FOR INVESTMENT IN REGIONAL CENTER COMMERCIAL ENTERPRISE.—The preapproval of a petition under this subparagraph shall be binding for purposes of the adjudication of subsequent petitions seeking classification under this paragraph by immigrants investing in the same commercial enterprise concerning the same economic activity, and of petitions filed under section 216A, unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, a material change that affects the approved economic model, or other evidence affecting program eligibility that was not disclosed by the petitioner during the preapproval process.

''(iv) EXPEDITED PROCESSING OPTION FOR ALIEN INVESTOR PETITIONS ASSOCIATED WITH PREAPPROVED BUSINESS PLANS.—The Secretary may establish a premium processing option for business plan preapproval and for petitions by alien investors who are investing in a commercial enterprise that has received preapproval under this subparagraph pursuant to section 286(u).

''(v) CONSIDERATION OF CRIMINAL ACTIVITY IN ESTABLISHING ELIGIBILITY CRITERIA.—The Secretary shall consider the potential for fraud, misrepresentation, criminal misuse, and threats to national security in establishing eligibility criteria for any program the Secretary may establish under this subparagraph.

''(vi) EFFECT OF PRIOR DETERMINATIONS.—If a commercial enterprise does not file a petition for preapproval under this subparagraph, or files a petition under this subparagraph that is denied, the approval of any of the items described in clause (i) submitted in support of a petition seeking classification of an alien as an alien investor under this paragraph shall be binding for purposes of the adjudication of subsequent petitions seeking classification under this paragraph by aliens investing in the same commercial enterprise concerning the same economic activity, and of petitions filed under section 216A, unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, a material change that affects the approved economic model, or evidence affecting program eligibility that was not disclosed.

''(G) REGIONAL CENTER FINANCIAL STATEMENTS.—

''(i) IN GENERAL.—Each regional center designated under subparagraph (E) shall annually submit, to the Director of U.S. Citizenship and Immigration Services (referred to in this subparagraph as the 'Director'), in a manner prescribed by the Secretary of Homeland Security, financial statements, including—

''(I) an accounting of all foreign investor money invested in association with the regional center or associated conventional, enterprise; and

''(II) for each capital investment project—

''(aa) an accounting of the aggregate capital invested in association with the regional center or associated commercial enterprises by immigrants under this paragraph;

''(bb) a description of how such funds are being used to execute the approved business plan;

''(cc) evidence that 100 percent of such investor funds have been dedicated to the project;

''(dd) detailed evidence of the progress made toward the completion of the project;

''(ee) an accounting of the aggregate direct and indirect jobs created or preserved; and

''(ff) a certification by the regional center that such statements are accurate.

''(ii) AMENDMENT OF FINANCIAL STATEMENTS.—If the Director determines that a financial statement required under clause (i) is deficient, or if the Director otherwise deems appropriate, the Director may require the regional center to amend or supplement such financial statement.

''(iii) SANCTIONS.—

''(I) EFFECT OF VIOLATION.—If the Director determines that a regional center, director, or other individual involved with a regional center (other than an alien investor) has violated any requirement under clause (i) or that the regional center is conducting itself in a manner inconsistent with its designation, the Director, after giving the regional center an opportunity to rebut the alleged violations, may sanction the violating entity or individual under subclause (II).

''(II) AUTHORIZED SANCTIONS.—The Director shall establish a graduated set of sanctions for violations referred to in subclause (I), including—

''(aa) fines equal to not more than 5 percent of the total capital invested by immigrant investors in the commercial enterprise's approved business plan, the payment of which shall not in any circumstance utilize any of such immigrant investors' capital investment;

''(bb) temporary suspension from participation in the program described in subparagraph (E), which may be lifted by the Director if the individual or entity cures the alleged violation after being provided such an opportunity by the Director;

''(cc) permanent bar from program participation for 1 or more individuals affiliated with the regional center; and

''(dd) termination of regional center status.

''(H) BONA FIDES OF PERSONS INVOLVED IN REGIONAL CENTERS OR REGIONAL CENTER ASSOCIATED COMMERCIAL ENTERPRISES.—

''(i) IN GENERAL.—No person shall be permitted by any regional center or regional center associated commercial enterprise to be involved with the regional center or commercial enterprise as its principal, representative, administrator, owner, officer, board member, manager, executive, general partner, fiduciary, marketer, promoter, or other similar position of substantive authority for the operations, management or promotion of the regional center or commercial enterprise if the Secretary of Homeland Security—

''(I) determines such person has been found liable within the previous 5 years for any criminal or civil violation of any law relating to fraud or deceit, or at any time if such violation involved a criminal conviction with a term of imprisonment of at least 1 year or a criminal or civil violation of any law or agency regulation in connection with the purchase or sale of a security, unless the Secretary determines that the past violation should not prevent involvement with the regional center or regional center associated commercial enterprise; or

''(II) knows or has reasonable cause to believe that the person is engaged in, has ever been engaged in, or seeks to engage in any—

''(aa) illicit trafficking in any controlled substance;

''(bb) activity relating to espionage or sabotage;

''(cc) activity related to money laundering (as described in section 1956 or 1957 of title 18, United States Code);

''(dd) terrorist activity (as defined in clauses (iii) and (iv) of section 212(a)(3)(B));

''(ee) human trafficking or human rights offense; or

''(ff) violation of any statute, regulation, or Executive Order regarding foreign financial transactions or foreign asset control.

''(ii) INFORMATION REQUIRED.—The Secretary shall require such attestations and information, including, the submission of fingerprints to the Federal Bureau of Investigation, and shall perform such criminal record checks and other background checks with respect to a regional center or regional center associated commercial enterprise, and persons involved in a regional center or regional center associated commercial enterprise as described in clause (i), as the Secretary considers appropriate to determine whether the regional center or regional center associated commercial enterprise is in compliance with clause (i). The Secretary may require the information and attestations described in this clause from such regional center or regional center associated commercial enterprise, and any person involved in the regional center or regional center associated commercial enterprise, at any time on or after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

''(iii) TERMINATION.—The Secretary is authorized, in the Secretary's unreviewable discretion, to terminate any regional center or regional center associated commercial enterprise from the program under this paragraph if the Secretary determines that—

''(I) the regional center or regional center associated commercial enterprise is in violation of clause (i);

''(II) the regional center, a regional center associated commercial enterprise, or any person involved with the regional center or regional center associated commercial enterprise has provided any false attestation or information under clause (ii);

''(III) the regional center, regional center associated commercial enterprise, or any person involved with the regional center or regional center associated commercial enterprise, fails to provide an attestation or information requested by the Secretary under clause (ii); or

''(IV) the regional center, a regional center associated commercial enterprise, or any person involved with the regional center or regional center associated commercial enterprise is engaged in fraud, misrepresentation, criminal misuse, or threats to national security.

''(iv) TREATMENT OF INVESTORS IF REGIONAL CENTER TERMINATED.—An alien who previously invested in a commercial enterprise associated with a regional center that is subsequently terminated under subclause (iii) shall be provided an opportunity to invest in another approved regional center. The termination of the regional center shall not affect the alien's status.

''(I) REGIONAL CENTER COMPLIANCE WITH SECURITIES LAWS.—

''(i) CERTIFICATION REQUIRED.—The Secretary of Homeland Security shall not approve an application for regional center designation or regional center amendment that does not certify that the regional center and, to the best knowledge of the applicant, all parties to the regional center are in, and will maintain, compliance with the securities laws of the United States.

''(ii) EXCEPTION FOR GOVERNMENTAL ENTITY.—If the regional center described in clause (i) is operated by a State or municipal entity, the regional center may obtain the certifications required under subclause (i)

for any commercial enterprises associated with the regional center.

''(iii) OVERSIGHT REQUIRED.—In furtherance of the certification described in clause (i), any regional center not operated by a State or municipal entity shall monitor and supervise all offers and sales of securities made by associated commercial enterprises to ensure compliance with the securities laws of the United States, and to maintain records, data ,and information relating to all such offers and sales of securities.

''(iv) TERMINATION OR SUSPENSION.—The Secretary shall terminate the designation of any regional center that does not provide the certification described in subclause (i) on an annual basis. In addition to any other authority provided to the Secretary regarding the regional center program described in subparagraph (E), the Secretary may, in his or her unreviewable discretion, suspend or terminate the designation of any regional center if he or she determines that the regional center or any party to the regional center—

''(I) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction in connection with the purchase or sale of a security;

''(II) is subject to any final order of the Securities and Exchange Commission that—

''(aa) bars such person from association with an entity regulated by the Securities and Exchange Commission; or

''(bb) constitutes a final order based on violations in connection with the purchase or sale of a security; or

''(III) knowingly submitted or caused to be submitted a certification described in clause (i) that contained an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

''(v) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to impair or limit the authority of the Securities and Exchange Commission under the Federal securities laws.

''(vi) DEFINED TERM.—In this subparagraph, the term 'party to the regional center' includes the regional center, its agents, employees, and attorneys, and any persons in active concert or participation with the regional center.

''(J) DENIAL OR REVOCATION.—If the Secretary of Homeland Security determines, in his or her unreviewable discretion, that the approval of a petition, application, or benefit described in this subparagraph is contrary to the national interest of the United States for reasons relating to fraud, misrepresentation, criminal misuse, or threats to national security, the Secretary may deny or revoke the approval of—

''(i) a petition seeking classification of an alien as an alien investor under this paragraph;

''(ii) a petition to remove conditions under section 216A before granting lawful permanent resident status or any other petition, application, or benefit based upon the previous or concurrent filing or approval of a petition for classification of an alien under this paragraph; or

''(iii) an application for designation as a regional center.''.

(c) ASSISTANCE BY THE SECRETARY OF COMMERCE.—

(1) IN GENERAL.—The Secretary of Commerce, upon the request of the Secretary, shall provide consultation assistance for determining whether—

(A) a proposed regional center should be designated, terminated, or subject to other adjudicative action; or

(B) a petitioner or applicant for a benefit under section 203(b)(5) of the Immigration and Nationality Act, as amended by subsection (b), has met the requirements under such paragraph with respect to job creation.

(2) RULEMAKING.—The Secretary and the Secretary of Commerce may each adopt such rules and regulations as are necessary to carry out the consultation process provided for in paragraph (1).

(3) SAVINGS PROVISION.—The consultation provided under paragraph (1) shall be voluntary. Nothing in this subsection may be construed to require consultation with the Secretary of Commerce to continue the designation of a regional center approved before the date of the enactment of this Act or to impede or delay the adjudication petitions by the Secretary.

(d) EFFECTIVE DATE.—The amendments made by this section—

(1) shall be effective upon the enactment of this Act; and

(2) shall apply to—

(A) any application to designate a regional center, and any person involved with the regional center, that is pending or approved on or after the date of the enactment of this Act; and

(B) any regional center approved before the date of the enactment of this Act, on or after a delayed effective date that is 1 year after such date of enactment with respect to any person involved in the regional center on or after such delayed effective date.

SEC. 4805. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS, SPOUSES, AND CHILDREN.

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended to read as follows:

''SEC. 216A. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS, SPOUSES, AND CHILDREN.

''(a) IN GENERAL.—

''(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of this Act, employment-based immigrants (as defined in subsection (g)(4)), alien spouses, and alien children (as such terms are defined in subsection (g)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

''(2) NOTICE OF REQUIREMENTS.—

''(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an employment-based immigrant, alien spouse, or alien child obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

''(B) AT TIME OF REQUIRED PETITION.—In addition, the Secretary of Homeland Security shall attempt to provide notice to an employment-based immigrant, alien spouse, or alien child, at or about the beginning of the 90-day period described in subsection (d)(3), of the requirements of subsection (c)(1).

''(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to an employment-based immigrant, alien spouse, or alien child.

''(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING EMPLOYMENT IMPROPER.—

''(1) ALIEN INVESTOR.—In the case of an alien investor with permanent resident status on a conditional basis under subsection (a), if the Secretary of Homeland Security determines, before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

''(A) the investment in the commercial enterprise was intended as a means of evading the immigration laws of the United States;

''(B)(i) the alien did not invest, or was not actively in the process of investing, the requisite capital; or

''(ii) the alien was not sustaining the actions described in clause (i) throughout the period of the alien's residence in the United States; or

''(C) subject to the exception in subsection (d)(5), the alien was otherwise not conforming to the requirements under section 203(b)(5),

the Secretary shall so notify the alien investor and, subject to paragraph (3), shall terminate the permanent resident status of the alien (and the alien spouse and alien child) involved as of the date of the determination.

''(2) EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER OR AGENCY.—In the case of an employee of a Federal national security, science, and technology laboratory, center, or agency (as defined pursuant to section 203(b)(2)(C)) with permanent resident status on a conditional basis under subsection (a), if the Secretary of Homeland Security, in consultation with the relevant employing department or agency, determines, before the first anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

''(A) the qualifying employment was intended as a means of evading the immigration laws of the United States;

''(B) the alien has not completed or is not likely to complete 12 months of qualifying continuous employment; or

''(C) the alien did not otherwise conform with the requirements of section 203(b)(2),

the Secretary shall so notify the alien involved and, subject to paragraph (3), shall terminate the permanent resident status of the alien (and the alien spouse and alien child) involved as of the date of the determination.

''(3) HEARING IN REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) or (2) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Secretary of Homeland Security to establish, by a preponderance of the evidence, that a condition described in paragraph (1) or (2), as appropriate, is met.

''(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

''(1) IN GENERAL.—

''(A) PETITION AND INTERVIEW.—In order for the conditional basis established under subsection (a) for an employment-based immigrant, alien spouse, or alien child to be removed—

''(i) the employment-based immigrant shall submit to the Secretary of Homeland Security, during the period described in subsection (d)(3), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in paragraph (1) or (2) of subsection (d), as appropriate; and

''(ii) in accordance with subsection (d)(3), the employment-based immigrant must appear for a personal interview before an officer or employee of U.S. Citizenship and Immigration Services respecting such facts and information.

''(B) SEPARATE PETITION NOT REQUIRED.—An alien spouse or alien child shall not be required to file separate petitions under subparagraph (A)(i) if the employment-based

immigrant's petition includes such alien spouse or alien child.

''(C) ADDITIONAL FEE.—Notwithstanding any other provision under this section, the Secretary may require the employment-based immigrant to pay an additional fee for a petition filed under subparagraph (A)(i) that includes the alien's spouse and child or children.

''(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.—

''(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

''(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A); or

''(ii) unless there is good cause shown, the employment-based immigrant fails to appear at the interview described in paragraph (1)(B) (if required under subsection (d)(4)),

the Secretary of Homeland Security shall terminate the permanent resident status of the alien (and the alien's spouse and children if it was obtained on a conditional basis under this section or section 216) as of the second anniversary of the alien's lawful admission for permanent residence.

''(B) HEARING IN REMOVAL PROCEEDING.—In any removal proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

''(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

''(A) IN GENERAL.—If—

''(i) a petition is filed in accordance with the provisions of paragraph (1)(A); and

''(ii) the employment-based immigrant appears at any interview described in paragraph (1)(B),

the Secretary of Homeland Security shall make a determination, not later than 90 days after the date of such filing or interview (whichever is later), as to whether the facts and information described in paragraph (1) or (2) of subsection (d), as appropriate, and alleged in the petition are true.

''(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—

''(i) REMOVAL OF CONDITIONAL BASIS FOR ALIEN INVESTOR.—If the Secretary of Homeland Security determines with respect to a petition filed by an alien investor that such facts and information are true, the Secretary shall so notify the alien investor and shall remove the conditional basis of the alien's status effective as of the second anniversary of the alien's lawful admission for permanent residence.

''(ii) REMOVAL OF CONDITIONAL BASIS FOR EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER OR AGENCY.—If the Secretary of Homeland Security determines with respect to a petition filed by an employee of a Federal national security, science, and technology laboratory, center, or agency that such facts and information are true, the Secretary shall so notify the alien and shall remove the conditional basis of the alien's status effective as of the first anniversary of the alien's lawful admission for permanent residence.

''(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary of Homeland Security determines that such facts and information are not true, the Secretary shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an employment-based immigrant, alien spouse, or alien child as of the date of the determination.

''(D) HEARING IN REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Secretary of Homeland Security to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true.

''(d) DETAILS OF PETITION AND INTERVIEW.—

''(1) CONTENTS OF PETITION BY ALIEN INVESTOR.—Each petition filed by an alien investor under section (c)(1)(A) shall contain facts and information demonstrating that the alien—

''(A)(i) invested, or is actively in the process of investing, the requisite capital; and

''(ii) sustained the actions described in clause (i) throughout the period of the alien's residence in the United States; and

''(B) except as provided in paragraph (4), is otherwise conforming to the requirements under section 203(b)(5).

''(2) CONTENTS OF PETITION BY EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER, OR AGENCY.—Each petition under subsection (c)(1)(A) filed by an employee of a Federal national security, science, and technology laboratory, center, or agency shall contain facts and information demonstrating that the alien is conforming to the requirements of section 203(b)(2).

''(3) PERIOD FOR FILING PETITION.—

''(A) 90-DAY PERIOD BEFORE ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed as follows:

''(i) In the case of an alien investor, during the 90-day period before the second anniversary of the alien's lawful admission for permanent residence.

''(ii) In the case of an employee of a Federal national security, science, and technology laboratory, center, or agency, during the 90-day period before the first anniversary of the alien's lawful admission for permanent residence.

''(B) LATE PETITIONS.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Secretary of Homeland Security good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

''(C) FILING OF PETITIONS DURING REMOVAL.—In the case of an alien who is the subject of removal hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Secretary of Homeland Security may stay such removal proceedings against an alien pending the filing of the petition under subparagraph (B).

''(4) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of U.S. Citizenship and Immigration Services, designated by the Secretary of Homeland Security, which is convenient to the parties involved. The Secretary, in the discretion of the Secretary, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

''(5) SPECIAL RULE FOR ALIEN INVESTORS IN A REGIONAL CENTER.—Each petition under subsection (c)(1)(A) filed by an alien investor who invests in accordance with section 203(b)(5)(E) shall contain facts and information demonstrating that the alien is complying with the requirements under section 203(b)(5), except—

''(A) the alien shall not be subject to the requirements under section 203(b)(5)(A)(ii); and

''(B) the petition shall—

''(i) refer to the most recent financial statement filed by the regional center in which the alien has invested in accordance with section 203(b)(5)(G); and

''(ii) contain a certification that the petitioner has read the financial statement to which the alien's petition refers.

''(6) EFFECT OF PRIOR DETERMINATIONS.—The approval of any of the items described in section 203(b)(5)(F)(i) submitted in support of a petition seeking classification of an alien as an alien investor under section 203(b)(5) shall be binding for purposes of the adjudication of the alien investor's petition filed under this section 216A, unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, a material change that affects the approved economic model, or evidence affecting program eligibility that was not disclosed by the petitioner.

''(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence, if the alien has had the conditional basis removed pursuant to this section.

''(f) FRAUD, MISREPRESENTATION, CRIMINAL MISUSE, OR THREATS TO THE PUBLIC SAFETY OR NATIONAL SECURITY.—If the Secretary of Homeland Security determines, in his or her sole and unreviewable discretion, that the conditional permanent resident status granted to an employment-based immigrant under subsection (a), or to an alien researcher described in section 203(b)(2)(A)(ii) is contrary to the national interest of the United States for reasons relating to fraud, misrepresentation, criminal misuse, or threats to national security, the Secretary shall—

''(1) notify the immigrant involved of such determination; and

''(2) terminate the permanent resident status of the immigrant involved (and the alien spouse and alien children of such immigrant) as of the date of such determination.

''(g) DEFINITIONS.—In this section:

''(1) The term 'alien investor' means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(5).

''(2) The term 'alien spouse' and the term 'alien child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien investor or an employee of a Federal national security, science, and technology laboratory, center, or agency.

''(3) The term 'commercial enterprise' includes a limited partnership.

''(4) The term 'employment-based immigrant' means an alien described in paragraph (1) or (5).

''(5) The term 'employee of a Federal national security, science, and technology laboratory, center, or agency' means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(2)(A)(ii).''.

(b) CONFORMING AMENDMENT.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting before the period at the end the following: '', if the alien has had the conditional basis removed pursuant to this section''.

(c) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 216A and inserting the following:

''Sec. 216A. Conditional permanent resident status for certain employment-based immigrants, spouses, and children.''.

SEC. 4806. EB–5 VISA REFORMS.

(a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATION.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 2103(c)(2), 2212(d)(2), 2307(b), and 2402, is further amended by adding at the end the following:

''(P) Aliens who are the spouse or a child of an alien admitted as an employment-based immigrant under section 203(b)(5).''.

(b) TECHNICAL AMENDMENT.—Section 203(b)(5), as amended by this Act, is further amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

(c) TARGETED EMPLOYMENT AREAS.—

(1) IN GENERAL.—Section 203(b)(5)(B) (8 U.S.C. 1153(b)(5)(B)) is amended to read as follows:

''(B) SET-ASIDE FOR TARGETED EMPLOYMENT AREAS.—

''(i) IN GENERAL.—Not fewer than 5,000 of the visas made available under this paragraph in each fiscal year shall be reserved for qualified immigrants who invest in a new commercial enterprise described in subparagraph (A), which—

''(I) is investing such capital in a targeted employment area; and

''(II) will create employment in such targeted employment area.

''(ii) DURATION OF HIGH UNEMPLOYMENT AREA DESIGNATION.—A designation of a high unemployment area as a targeted employment area shall be valid for 5 years and may be renewed for additional 5-year periods if the area continues to meet the definition of a high unemployment area. An investor who has made the required amount of investment in such a targeted employment area during its period of designation shall not be required to increase the amount of investment based upon expiration of the designation.''.

(d) ADJUSTMENT OF MINIMUM EB–5 INVESTMENT AMOUNT.—Section 203(b)(5)(C)(i) (8 U.S.C. 1153(b)(5)(C)(i)) is amended—

(1) by striking ''The Attorney General'' and inserting ''The Secretary of Commerce'';

(2) by striking ''Secretary of State'' and inserting ''Secretary of Homeland Security''; and

(3) by adding at the end the following: ''Unless adjusted by the Secretary of Commerce, the amount specified in this clause shall automatically adjust, on January 1, 2016, by the percentage change in the Consumer Price Index (CPI–U) during fiscal year 2015, and on every fifth subsequent January 1 by the cumulative percentage change in the CPI–U during the previous 5 fiscal years, for any petition filed to classify an alien under this paragraph on or after the date of each automatic adjustment.''.

(e) DEFINITIONS.—

(1) IN GENERAL.—Section 203(b)(5) (8 U.S.C. 1153(b)(5)), as amended by subsections (b) and (c) and by section 4804, is further amended—

(A) by striking subparagraph (D) and inserting following:

''(D) CALCULATION OF FULL-TIME EMPLOYMENT.—Job creation under this paragraph may consist of employment measured in full-time equivalents, including intermittent or seasonal employment opportunities and construction jobs. A full-time employment position is not a requirement for indirect job creation.''; and

(B) by adding at the end the following:

''(K) DEFINITIONS.—In this paragraph:

''(i) The term 'capital' means all real, personal, or mixed assets, whether tangible or intangible, owned or controlled by the investor, or held in trust for the benefit of the investor, to which the investor has unrestricted access, which shall be valued at fair market value in United States dollars, in accordance with Generally Accepted Accounting Principles, at the time it is invested under this paragraph.

''(ii) The term 'full-time employment' means employment in a position that requires at least 35 hours of service per week, regardless of how many employees fill the position.

''(iii) The term 'high unemployment area' means—

''(I) an area consisting of a census tract or contiguous census tracts that has an unemployment rate that is at least 150 percent of the national average unemployment rate; or

''(II) an area that is within the boundaries established for purposes of a Federal or State economic development incentive program, including areas defined as Enterprise Zones, Renewal Communities, Promise Zones, and Empowerment Zones, and other programs for the purposes of job creation, small business creation, and neighborhood revitalization.

''(iv) The term 'rural area' means—

''(I) any area other than an area within a metropolitan statistical area or within the outer boundary of any city or town having a population of 20,000 or more (based on the most recent decennial census of the United States); or

''(II) any city or town having a population of fewer than 20,000 (based on the most recent decennial census of the United States) that is located within a State having a population of fewer than 1,500,000 (based on the most recent decennial census of the United States).

''(v) The term 'targeted employment area' means a rural area, any community adversely affected by a recommendation by the Defense Base Closure and Realignment Commission, or a high unemployment area.''.

(2) RULEMAKING.—The Secretary, in consultation with the Secretary of Defense, shall issue appropriate regulations to account for the modified definition of targeted employment area in section 203(b)(5)(K)(v), as amended by paragraph (1)(B).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to any application for a visa under section 204(a)(7) of the Immigration and Nationality Act that is filed on or after the date that is 1 year after the date of the enactment of this Act, unless the petitioner requests in the petition that they take immediate effect.

(4) RULE OF CONSTRUCTION.—None of the amendments made by paragraph (1) may be construed to deny any petition under section 216A filed by an alien who filed a petition under section 203(b)(5) before the date of the enactment of this Act.

(f) AGE DETERMINATION FOR CHILDREN OF ALIEN INVESTORS.—Section 203(h) (8 U.S.C. 1153(h)) is amended by adding at the end the following:

''(5) AGE DETERMINATION FOR CHILDREN OF ALIEN INVESTORS.—An alien admitted under subsection (d) as a lawful permanent resident on a conditional basis as the child of an alien lawfully admitted for permanent residence under subsection (b)(5), whose lawful permanent resident status on a conditional basis is terminated under section 216A, shall continue to be considered a child of the principal alien for the purpose of a subsequent immigrant petition by such alien under subsection (b)(5) if the alien remains unmarried and the subsequent petition is filed by the principal alien not later than 1 year after the termination of conditional lawful permanent resident status. No alien shall be considered a child under this paragraph with respect to more than 1 petition filed after the alien's 21st birthday.''.

(g) ENHANCED PAY SCALE FOR CERTAIN FEDERAL EMPLOYEES ADMINISTERING THE EB–5 PROGRAM.—The Secretary may establish, fix the compensation of, and appoint individuals to, designated critical administrative, technical, and professional positions needed to administer sections 203(b)(5) and 216A of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186b).

(h) DELEGATION OF CERTAIN EB–5 AUTHORITY.—

(1) IN GENERAL.—The Secretary of Homeland Security may delegate to the Secretary of Commerce authority and responsibility for determinations under sections 203(b)(5) and 216A (with respect to alien entrepreneurs) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186a), including determining whether an alien has met employment creation requirements.

(2) REGULATIONS.—The Secretary of Homeland Security and the Secretary of Commerce may each adopt such rules and regulations as are necessary to carry out the delegation authorized under paragraph (1), including regulations governing the eligibility criteria for obtaining benefits pursuant to the amendments made by this section.

(3) USE OF FEES.—Adjudication fees described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) shall remain available until expended to reimburse the Secretary of Commerce for the costs of any determinations made by the Secretary of Commerce under paragraph (1).

(i) CONCURRENT FILING OF EB–5 PETITIONS AND APPLICATIONS FOR ADJUSTMENT OF STATUS.—Section 245 (8 U.S.C. 1255), as amended by section 4237(b), is further amended—

(1) in subsection (k), in the matter preceding paragraph (1), by striking ''or (3)'' and inserting ''(3), (5), or (7)''; and

(2) by adding at the end the following:

''(o) At the time a petition is filed for classification under section 203(b)(5), if the approval of such petition would make a visa immediately available to the alien beneficiary, the alien beneficiary's application for adjustment of status under this section shall be considered to be properly filed whether the application is submitted concurrently with, or subsequent to, the visa petition.''.

On page 852, strike the item relating to section 4409 and insert the following:

''Sec. 4409. F–1 Visa admission fee.''.

On page 852, strike the item relating to section 4509 and insert the following:

''Sec. 4509. B Visa admission fee.''.

On page 892, lines 14 and 15, strike ''Inspector Generals'' and insert ''Inspectors General''.

On page 940, line 23, strike ''migrant'' and insert ''alien''.

On page 941, line 3, strike ''migrant'' and insert ''alien''.

On page 941, line 13, strike ''migrant'' and insert ''alien''.

On page 941, line 14, strike ''migrant'' and insert ''alien''.

On page 941, line 17, strike ''migrant'' and insert ''alien''.

On page 942, line 6, strike ''migrants'' and insert ''aliens''.

On page 942, line 14, strike ''migrant'' and insert ''alien''.

On page 942, line 16, strike ''migrant'' and insert ''alien''.

On page 990, line 24, strike ''(3)(2)'' and insert ''(3)(1)''.

On page 991, line 1, strike ''12102(2)'' and insert ''12102(1)''.

On page 1043, line 18, insert ''is not represented or'' after ''applicant''.

On page 1162, strike lines 7 through 11 and insert the following:

(B) has been lawfully present in the United States, in a status that allows for employment authorization, for a continuous period of not less than 10 years, not counting brief, casual, and innocent absences.

On page 1163, lines 1 and 2, strike ''the effective date specified in section 2307(a)(3) of this Act'' and insert ''the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act''.

On page 1181, line 12, insert ''or lawful permanent resident'' after ''citizen''.

On page 1181, line 20, insert ''or lawful permanent residence'' after ''citizenship''.

On page 1187, line 2, strike ''minute'' and insert ''day''.

On page 1191, strike lines 14 through 16 and insert the following:

(iii) by amending subsection (h) to read as follows:

''(h) SURVIVAL OF RIGHTS TO PETITION.—The legal termination of a marriage may not be the sole basis for revocation under section 205 of a petition filed under subsection (a)(1)(C) pursuant to conditions described in subsection (a)(1)(C)(i). Remarriage of an alien whose petition was approved under subsection (a)(1)(C) or marriage of an alien described in subparagraphs (D) or (F) of subsection (a)(1) shall not be the basis for revocation of a petition approval under section 205.''.

On page 1198, line 24, strike ''(1)(A)'' and insert ''(1)(B)''.

On page 1200, line 9, strike ''2212(d)'' and insert ''2212(b)''.

On page 1214, line 25, strike ''the United States'' and insert ''a State''.

On page 1220, line 13, insert ''Federal'' after ''any''.

On page 1247, line 4, ''the Attorney General, and the Director of the National Counterterrorism Center,'' after ''Defense,''.

On page 1258, line 14, ''the Attorney General, and the Director of the National Counterterrorism Center,'' after ''Defense,''.

On page 1277, line 23, strike ''institutions'' and insert ''instruction''.

On page 1287, line 1, strike ''**DIRECTORS**'' and insert ''**TRUSTEES**''.

On page 1287, line 4, strike ''**DIRECTORS**'' and insert ''**TRUSTEES**''.

On page 1287, line 10, strike ''directors'' and insert ''trustees''.

On page 1287, lines 10 and 11, strike ''directors'' and insert ''trustees''.

On page 1358, lines 1 and 2, strike ''Secretary'' and insert ''Attorney General''.

On page 1600, line 24, '', to citizens, subjects, nationals, or residents of that country'' after ''classes of visas''.

On page 1612, strike lines 3 through 6 and insert the following:

''(2)(A) An enforcement action may not take place at, or be focused on, a sensitive location except—

''(i) under exigent circumstances; or

''(ii) if prior approval is obtained.''.

On page 1736, line 4, strike ''clause (iv) or (v)'' and insert ''clause (iii), (iv), or (v)''.

On page 1744, line 17, strike ''**F–1 VISA FEE**'' and insert ''**F–1 VISA ADMISSION FEE**''.

On page 1745, line 1, strike ''Fees'' and insert the following:

''(2) DEPOSIT.—Fees''.

On page 1745, strike lines 6 through 17.

On page 1783, line 21, strike ''**B VISA FEE**'' and insert ''**B VISA ADMISSION FEE**''.

On page 1784, line 1, strike ''B VISA FEE'' and insert ''B VISA ADMISSION FEE''.

On page 1793, line 7, strike ''FEE'' and insert ''ADMISSION FEE''.

On page 1853, line 4, strike ''application'' and insert ''applicable''.

On page 1855, line 7, strike ''or'' and insert ''of''.

On page 1855, strike line 11.

On page 1855, line 12, strike ''(dd)'' and insert ''(cc)''.

On page 1855, line 14, strike ''(ee)'' and insert ''(dd)''.

On page 1855, line 17, insert ''business'' before ''entity''.

On page 1855, line 18, strike ''(ff)'' and insert ''(ee)''.

On page 1855, line 21, strike ''(gg)'' and insert ''(ff)''.

On page 1855, line 23, strike ''(ff)'' and insert ''(ee)''.

On page 1861, strike lines 4 through 7 and insert the following:

''(III) is managed by an investment adviser (as defined in section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11))) that—''.

On page 1862, lines 6 and 7, strike ''includes the position of'' and insert ''shall include such positions as''.

On page 1864, line 5, insert ''interest'' after ''ownership''.

On page 1864, line 16, strike ''devoted'' and insert ''made''.

On page 1864, line 19, strike ''to'' and insert ''in''.

On page 1865, line 2, insert '', the alien's United States business entity'' after ''date''.

On page 1866, line 9, strike ''devoted'' and insert ''made''.

On page 1866, line 12, strike ''to'' and insert ''in''.

On page 1866, line 19, insert '', the alien's United States business entity'' after ''date''.

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).

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 insert the following: ''Grants under this subsection shall be allocated based on sector-specific border risk methodology, based on factors including threat, vulnerability, miles of border, and other border-specific information.''.

On page 905, line 10, strike ''(d)'' and insert the following:

(d) DONATIONS FOR LAND PORTS OF ENTRY FACILITIES.—

(1) DONATIONS PERMITTED.—Notwithstanding any other provision of law, including chapter 33 of title 40, United States Code, the Secretary, for purposes of constructing, altering, operating, or maintaining a new or existing land port of entry facility, may accept donations of real and personal property (including monetary donations) and nonpersonal services from private parties and State and local government entities.

(2) ALLOWABLE USES OF DONATIONS.—The Secretary, with respect to any donation provided pursuant to paragraph (1), may—

(A) use such property or services for necessary activities related to the construction, alteration, operation, or maintenance of a new or existing land port of entry facility under the custody and control of the Secretary, including expenses related to—

(i) land acquisition, design, construction, repair and alteration;

(ii) furniture, fixtures, and equipment;

(iii) the deployment of technology and equipment; and

(iv) operations and maintenance; or

(B) transfer such property or services to the Administrator of General Services for necessary activities described in paragraph (1) related to a new or existing land port of entry facility under the custody and control of the Administrator.

(3) EVALUATION PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator, shall establish procedures for evaluating a proposal submitted by any person described in paragraph (1) to make a donation of real or personal property (including monetary donations) or nonpersonal services to facilitate the construction, alteration, operation, or maintenance of a new or existing land port of entry facility under the custody and control of the Secretary.

(4) CONSIDERATIONS.—In determining whether or not to approve a proposal described in paragraph (3), the Secretary or the Administrator shall consider—

(A) the impact of the proposal on reducing wait times at that port of entry and other ports of entry on the same border;

(B) the potential of the proposal to increase trade and travel efficiency through added capacity;

(C) the potential of the proposal to enhance the security of the port of entry; and

(D) other factors that the Secretary determines to be relevant.

(5) CONSULTATION.—

(A) LOCATIONS FOR NEW PORTS OF ENTRY.—The Secretary is encouraged to consult with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of State, the International Boundary and Water Commission, and appropriate representatives of States, local governments, Indian tribes, and property owners—

(i) to determine locations for new ports of entry; and

(ii) to minimize the adverse impacts from such ports on the environment, historic and cultural resources, commerce, and the quality of life for the communities and residents located near such ports.

(B) SAVINGS PROVISION.—Nothing in this paragraph may be construed—

(i) to create any right or liability of the parties described in subparagraph (A); and

(ii) to affect any consultation requirement under any other law.

(6) SUPPLEMENTAL FUNDING.—Property (including monetary donations) and services provided pursuant to paragraph (1) may be used in addition to any other funding (including appropriated funds), property, or services made available for the same purpose.

(7) UNCONDITIONAL DONATIONS.—A donation provided pursuant to paragraph (1) shall be made unconditionally, although the donor may specify—

(A) the land port of entry facility or facilities to be benefitted from such donation; and

(B) the timeframe during which the donated property or services shall be used.

(8) RETURN OF DONATIONS.—If the Secretary or the Administrator does not use the property or services donated pursuant to paragraph (1) for the specific land port of entry facility or facilities designated by the donor or within the timeframe specified by the

donor, such donated property or services shall be returned to the entity that made the donation. No interest shall be owed to the donor with respect to any donation of funding provided under paragraph (1) that is returned pursuant to this paragraph.

(9) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary, in consultation with the Administrator, shall submit a report to the congressional committees listed in subparagraph (B) that describes—

(i) the accepted donations received under this subsection;

(ii) the ports of entry that received such donations; and

(iii) how each donation helped facilitate the construction, alteration, operation, or maintenance of a new or existing land port of entry.

(B) CONGRESSIONAL COMMITTEES.—The congressional committees listed in this subparagraph are—

(i) the Committee on Appropriations of the Senate;

(ii) the Committee on Homeland Security and Governmental Affairs of the Senate;

(iii) the Committee on Finance of the Senate;

(iv) the Committee on Appropriations of the House of Representatives;

(v) the Committee on Homeland Security of the House of Representatives; and

(vi) the Committee on Ways and Means of the House of Representatives.

(10) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect or alter the existing authority of the Secretary or the Administrator of General Services to construct, alter, operate, and maintain land port of entry facilities.

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.

On page 942, between lines 17 and 18, insert the following:

SEC. 1122. 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.

On page 942, between lines 17 and 18, insert the following:

SEC. 1123. BETTER ENFORCEMENT THROUGH TRANSPARENCY AND ENHANCED REPORTING ON THE BORDER ACT.

(a) SHORT TITLE.—This section may be cited as the ''Better Enforcement Through Transparency and Enhanced Reporting on the Border Act'' or the ''BETTER Border Act''.

(b) OFFICE OF HOMELAND SECURITY STATISTICS.—

(1) ESTABLISHMENT.—There is established within the Department an Office of Homeland Security Statistics (referred to in this section as the ''Office''), which shall be headed by a Director.

(2) TRANSFER OF FUNCTIONS.—

(A) ABOLISHMENT OF OFFICE OF IMMIGRATION STATISTICS.—The Office of Immigration Statistics of the Department is abolished.

(B) TRANSFER OF FUNCTIONS.—All functions and responsibilities of the Office of Immigration Statistics as of the day before the date of the enactment of this Act, including all of the personnel, assets, components, authorities, programs, and liabilities of the Office of Immigration Statistics, are transferred to the Office of Homeland Security Statistics.

(3) DUTIES.—The Director of the Office shall—

(A) collect information from agencies of the Department, including internal databases used to—

(i) undertake border inspections;

(ii) identify visa overstays;

(iii) undertake immigration enforcement actions; and

(iv) grant immigration benefits;

(B) produce the annual report required to be submitted to Congress under subsection (c); and

(C) collect the information described in section 103(d) of the Immigration and Nationality Act (8 U.S.C. 1103(d)) and disseminate such information to Congress and to the public;

(D) produce any other reports and conduct any other work that the Office of Immigration Statistics was required to produce or conduct before the date of the enactment of this Act; and

(E) produce such other reports or conduct such other work as the Secretary determines to be necessary.

(4) INTRADEPARTMENTAL DATA SHARING.—Agencies and offices of the Department shall share any data that is required to comply with this section.

(5) CONSULTATION.—In carrying out this subsection, the Director of the Office shall consult with the Ombudsman for Immigration Related Concerns to the greatest extent practicable.

(6) PLACEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall notify Congress where the Office has been established within the Department.

(7) CONFORMING AMENDMENT.—Section 103(d) (8 U.S.C. 1103(d)) is amended by striking ''Commissioner'' and inserting ''Director of the Office of Homeland Security Statistics''.

(c) REPORT ON PERFORMANCE METRICS.—

(1) IN GENERAL.—In addition to any reports required to be produced by the Office of Immigration Statistics before the date of enactment of this Act, the Director, on an annual basis, shall submit to Congress a report on performance metrics that will enable—

(A) the Department to develop an understanding of—

(i) the security of the border;

(ii) efforts to enforce immigration laws within the United States; and

(iii) the overall working of the immigration system; and

(B) policy makers, including Congress—

(i) to make more effective investments in order to secure the border;

(ii) to enforce the immigration laws of the United States; and

(iii) to ensure that the Federal immigration system is working efficiently at every level.

(2) CONTENTS.—The report required under paragraph (1) shall contain outcome performance measures, for the year covered by the report, including—

(A) for the areas between ports of entry—

(i) the estimated number of attempted illegal entries, the estimated number of successful entries, and the number of apprehensions, categorized by sector;

(ii) the number of individuals that attempted to cross the border and information concerning how many times individuals attempted to cross, categorized by sector;

(iii) the number of individuals returned to Mexico voluntarily, criminally prosecuted, and receiving any other form of sanctions, categorized by sector; and

(iv) the recidivism rates for all classes of individuals apprehended, including individuals returned to Mexico voluntarily, criminally prosecuted, and receiving any other form of sanctions, categorized by sector;

(B) for ports of entry—

(i) the estimated number of attempted illegal entries, the number of apprehensions, and the estimated number of successful entries, categorized by field office; and

(ii) information compiled based on random samples of secondary inspections, including estimates of the effectiveness of inspectors in identifying civil and criminal immigration and customs violations, categorized by field office; and

(iii) enforcement outcomes for individuals denied admission, including the number of—

(I) individuals allowed to withdraw their application for admission or voluntarily return to their country of origin;

(II) individuals referred for criminal prosecution; and

(III) individuals receiving any other form of administrative sanction;

(C) for visa overstays—

(i) the number of people that overstay the terms of their admission into the United States, categorized by—

(I) nationality;

(II) type of visa or entry; and

(III) length of time an individual overstayed, including—

(aa) the number of individuals who overstayed less than 180 days;

(bb) the number of individuals who overstayed less than 1 year; and

(cc) the number of individuals who overstayed for 1 year or longer; and

(ii) estimates of the total number of unauthorized aliens in the United States that entered legally and overstayed the terms of their admission;

(D) for interior enforcement—

(i) the number of arrests made by U.S. Immigration and Customs Enforcement for civil violations of immigration laws and the number of arrests made for criminal violations, categorized by Special Agent in Charge field office;

(ii) the legal basis for the arrests pursuant to criminal statutes described in clause (i);

(iii) the ultimate disposition of the arrests described in clause (i);

(iv) the overall number of removals and the number of removals, by nationality;

(v) the overall average length of detention and the length of detention, by nationality; and

(vi) the number of referrals from U.S. Citizenship and Immigration Services to Immigration and Customs Enforcement, and the ultimate outcome of these referrals, including how many resulted in removal proceedings;

(E) for immigration benefits—

(i) the number of applications processed, rejected, and accepted each year for all categories of immigration benefits, categorized by visa type;

(ii) the mean and median processing times for all categories of immigration benefits, categorized by visa type; and

(iii) data relating to fraud uncovered in applications for all categories of immigration benefits, categorized by visa type; and

(F) for the Employment Verification System established under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)—

(i) the total number of tentative nonconfirmations (further action notices);

(ii) the number of tentative nonconfirmations issued to workers who were subsequently found to be authorized for employment in the United States;

(iii) the total number of final nonconfirmations;

(iv) the number of final nonconfirmations issued to workers who were subsequently found to be authorized for employment in the United States;

(v) the total number of confirmations; and

(vi) the estimated number of confirmations issued to unauthorized workers.

(d) EARLY WARNING SYSTEM.—Using the data collected by the Office under this section, the Secretary shall establish an early warning system to estimate future illegal immigration, which shall monitor the outcome performance measures described in subsection (c)(2), along with political, economic, demographic, law enforcement, and other trends that may affect such outcomes.

(e) SYSTEMATIC MODELING OF ILLEGAL IMMIGRATION TRENDS.—The Secretary shall provide for the systematic modeling of illegal immigration trends to develop forecast models of illegal immigration flows and estimates for the undocumented population residing within the United States.

(f) EXTERNAL REVIEW OF HOMELAND SECURITY DATA.—

(1) IN GENERAL.—The Secretary, in consultation with the National Academy of Sciences, shall make raw data collected by the Department, including individual-level data subject to the requirements in paragraph (3), on border security, immigration enforcement, and immigration benefits available for research on immigration trends, to—

(A) appropriate academic institutions and centers of excellence;

(B) the Congressional Research Service; and

(C) the Government Accountability Office.

(2) PUBLIC RELEASE OF DATA.—The Secretary shall ensure that data of the Department on border security, immigration enforcement, and immigration benefits is released to the public to the maximum degree permissible under Federal law to increase the confidence of the public in the credibility and objectivity of measurements related to the management and outcomes of immigration and border control processes.

(3) REQUIREMENTS.—In carrying out this subsection, the Secretary, in consultation with the National Academy of Sciences—

(A) shall ensure that the data described in paragraphs (1) and (2) is anonymized to safeguard individual privacy;

(B) may mask location data below the sector, district field office, or special agent in charge office level to protect national security; and

(C) shall not be required to provided classified information to individuals other than to those individuals who have appropriate security clearances.

(g) AVAILABILITY OF FUNDS.—The Secretary may use such sums as may be necessary from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1)—

(1) to establish the Office; and

(2) to produce reports related to securing the border and enforcing the immigration laws of the United States.

On page 942, between lines 17 and 18, insert the following:

SEC. 1124. BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Bulletproof Vest Partnership Grant Program Reauthorization Act of 2013''.

(b) REAUTHORIZATION.—Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2012'' and inserting ''2018''.

(c) SENSE OF CONGRESS ON 5-YEAR LIMITATION ON FUNDS.—It is the sense of Congress that amounts made available to carry out part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll et seq.) should be made available through the end of the 4th fiscal year following the fiscal year for which amounts are awarded and should not be made available until expended.

(d) UNIQUELY FITTED ARMOR VESTS.—Section 2501(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(c)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3) by striking ''; or'' and inserting ''; and'';

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following:

''(4) provides armor vests to law enforcement officers that are uniquely fitted for such officers, including armor vests uniquely fitted to individual female law enforcement officers; or''.

SEC. 1125. BORDER CRIME PREVENTION PROGRAM.

(a) GRANTS AUTHORIZED.—The Secretary shall establish a Border Crime Prevention Program to assist units of local governments and tribal governments—

(1) to better prevent crime and promote public safety and criminal justice in border areas; and

(2) to enhance coordination between Federal and local law enforcement agencies.

(b) APPLICATION.—Each eligible entity may apply for a grant under this section by submitting an application containing such information as the Secretary may reasonably require.

(c) ELIGIBILITY.—For purposes of this section, an ''eligible entity'' includes—

(1) any State or unit of local government in the United States, including cities, towns, and counties, that—

(A) touches the Southern border or the Northern border; or

(B) is located within 100 miles of the Southern border or the Northern border; and

(2) tribal governments in the United States that own land that is located within 100 miles of the Southern border or the Northern border.

(d) DIRECT FUNDING.—Each grant awarded under this section shall be provided directly to the eligible entity that applied for such grant.

(e) USES OF GRANT FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), grant funds under this section may be expended—

(A) to hire and train additional career law enforcement officers for deployment to the border;

(B) to procure equipment, technology, or support systems;

(C) to pay for overtime, mileage reimbursements, fuel, and similar costs;

(D) to provide specialized training to law enforcement officers;

(E) to build or sustain law enforcement facilities or equipment;

(F) to provide for first responders and emergency response services;

(G) to provide support for local prosecutors and probation officers; and

(H) for any other purpose authorized by the Secretary.

(2) LIMITATION.—Grants awarded under this section may not be used to enforce Federal immigration laws.

(3) FEDERAL SHARE.—The Federal share of the cost of any activity described in paragraph (1) for which grant funds are expended under this section—

(A) shall be 100 percent; and

(B) may be used to cover indirect costs.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from the Comprehensive Immigration Trust Fund established under section 6(a)(1), $50,000,000 for each of the fiscal years 2014 through 2018 to carry out this section.

At the end of title I, add the following:

SEC. 1126. TRADE FACILITATION AND SECURITY ENHANCEMENT.

The Secretary shall extend the hours of operation at the port of entry in Santa Teresa, New Mexico, to 24 hours a day—

(1) for private vehicles, not later than 180 days after the date of the enactment of this Act; and

(2) for commercial vehicles, not later than 1 year after the date of the enactment of this Act.

At the end of title I, add the following:

SEC. 1127. 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.

At the end of title I, add the following:

SEC. 1128. PREVENTING UNAUTHORIZED IMMIGRATION TRANSITING THROUGH MEXICO.

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary, shall develop and submit to Congress a strategy to address the unauthorized immigration of individuals who transit through Mexico to the United States.

(b) REQUIREMENTS.—The strategy developed under subsection (a) shall include specific steps—

(1) to enhance the training, resources, and professionalism of border and law enforcement officials in Mexico, Honduras, El Salvador, Guatemala, and other countries, as appropriate; and

(2) to educate nationals of the countries described in paragraph (1) about the perils of the journey to the United States, including how this Act will increase the likelihood of apprehension, increase criminal penalties associated with illegal entry, and make finding employment in the United States more difficult.

(c) IMPLEMENTATION OF STRATEGY.—In carrying out the strategy developed under subsection (a)—

(1) the Secretary, in conjunction with the Secretary of State, shall produce an educational campaign and disseminate information about the perils of the journey across Mexico, the likelihood of apprehension, and the difficulty of finding employment in the United States; and

(2) the Secretary of State, in coordination with the Secretary, shall offer—

(A) training to border and law enforcement officials to enable these officials to operate more effectively, by using, to the greatest extent practicable, Department personnel to conduct the training; and

(B) technical assistance and equipment to border officials, including computers, document readers, and other forms of technology that may be needed, as appropriate.

(d) AVAILABILITY OF FUNDS.—The Secretary may use such sums as are necessary from the Comprehensive Immigration Trust Fund established under section 6(a)(1) to carry out this section.

On page 1021, line 17, insert ''or public library'' after ''organization''.

On page 1226, line 3, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

On page 1226, after line 25, add the following:

(b) RECOGNITION OF STATE COURT DETERMINATIONS OF NAME AND BIRTH DATE.—Section 320 (8 U.S.C. 1431) is amended by adding at the end the following:

''(c) A Certificate of Citizenship or other Federal document issued or requested to be amended under this section shall reflect the child's name and date of birth as indicated on a birth certificate, certificate of birth facts, certificate of birth abroad, or similar State vital records document issued by the child's State of residence in the United States after the child has been adopted or readopted in that State.''.

On page 1282, beginning on line 3, strike ''and'' and all that follows through line 4, and insert the following:

(14) the National Security Advisor; and

(15) the Director of the Institute of Museum and Library Services.

On page 1282, beginning on line 24, strike ''and'' and all that follows through line 25, and insert the following:

(E) community development challenges; and

(F) civics education; and

On page 1286, beginning on line 21, strike ''and'' and all that follows through line 23, and insert the following:

(10) awarding grants to State and local governments under section 2538; and

(11) entering into agreements with other Federal agencies to promote and assist the eligible organizations and activities.

On page 1288, line 17, insert ''(as defined in section 2106(b))'' before the period at the end.

On page 1293, line 2, insert ''public libraries,'' after ''municipalities,''.

On page 1300, between lines 11 and 12, insert the following:

SEC. 2554. TREATMENT OF CERTAIN PERSONS AS HAVING SATISFIED ENGLISH AND CIVICS, GOOD MORAL CHARACTER, AND HONORABLE SERVICE AND DISCHARGE REQUIREMENTS FOR NATURALIZATION.

(a) IN GENERAL.—Chapter 2 of title III (8 U.S.C. 1421 et seq.) is amended by inserting after section 329A the following:

''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 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.''.

On page 1341, line 2, insert ''The Commissioner, in consultation with the Secretary, shall establish alternative procedures for updating or correcting records maintained by the Commissioner for the purposes of verifying the individual's identity and employment eligibility if the individual resides more than 150 highway miles from the nearest office of the Social Security Administration or in a location that is inaccessible by road from the nearest office of the Social Security Administration.'' after ''eligibility.''.

On page 1409, line 1, insert '', in consultation with the Chief Counsel of the Office of Advocacy of the Small Business Administration,'' after ''Secretary''.

On page 1410, line 23, insert '', conducted in consultation with the Chief Counsel of the Office of Advocacy of the Small Business Administration,'' after ''assessment''.

On page 1411, between lines 12 and 13, insert the following:

(e) EARLY ADOPTION FOR SMALL EMPLOYERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall create a mobile application and utilize other available smart-phone technology for employers utilizing the System, to encourage small employers to utilize the System prior to the time at which utilization becomes mandatory for all employers.

(2) MARKETING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, in consultation with the Administrator of the Small Business Administration, make available marketing and other incentives to small business concerns to encourage small employers to utilize the System prior to the time at which utilization of the System becomes mandatory for all employers.

On page 1411, line 13, strike ''(e)'' and insert ''(f)''.

On page 1413, line 3, strike ''(f)'' and insert ''(g)''.

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

On page 1469, between lines 4 and 5, insert the following:

CHAPTER 1—IMPROVEMENTS TO ASYLUM AND REFUGEE PROGRAMS

On page 1490, between lines 2 and 3, insert the following:

CHAPTER 2—DOMESTIC REFUGEE RESETTLEMENT

SEC. 3421. SHORT TITLE.

This chapter may be cited as the ''Domestic Refugee Resettlement Reform and Modernization Act of 2013''.

SEC. 3422. DEFINITIONS.

In this chapter:

(1) COMMUNITY-BASED ORGANIZATION.—The term ''community-based organization'' means a nonprofit organization providing a variety of social, health, educational and community services to a population that includes refugees resettled into the United States.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Refugee Resettlement.

(3) NATIONAL RESETTLEMENT AGENCY.—The term ''national resettlement agency'' means a voluntary agency contracting with the Department of State to provide sponsorship and initial resettlement services to refugees entering the United States.

SEC. 3423. ASSESSMENT OF THE REFUGEE DOMESTIC RESETTLEMENT PROGRAM.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study regarding the effectiveness of the domestic refugee resettlement programs operated by the Office of Refugee Resettlement.

(b) MATTERS TO BE STUDIED.—In the study required under subsection (a), the Comptroller General shall determine and analyze—

(1) how the Office of Refugee Resettlement defines self-sufficiency and if this definition is adequate in addressing refugee needs in the United States;

(2) the effectiveness of Office of Refugee Resettlement programs in helping refugees to meet self-sufficiency and integration;

(3) the Office of Refugee Resettlement's budgetary resources and project the amount of additional resources needed to fully address the unmet needs of refugees with regard to self-sufficiency and integration;

(4) the role of community-based organizations in serving refugees in areas experiencing a high number of new refugee arrivals;

(5) how community-based organizations can be better utilized and supported in the Federal domestic resettlement process; and

(6) recommended statutory changes to improve the Office of Refugee Resettlement and the domestic refugee program in relation to the matters analyzed under paragraphs (1) through (5).

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit the results of the study required under subsection (a) to Congress.

SEC. 3424. REFUGEE ASSISTANCE.

(a) ASSISTANCE MADE AVAILABLE TO SECONDARY MIGRANTS.—Section 412(a)(1) (8 U.S.C. 1522(a)(1)) is amended by adding at the end the following:

''(C) When providing assistance under this section, the Director shall ensure that such assistance is provided to refugees who are secondary migrants and meet all other eligibility requirements for such services.''.

(b) REPORT ON SECONDARY MIGRATION.—Section 412(a)(3) (8 U.S.C. 1522(a)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) by striking ''a periodic'' and inserting ''an annual''; and

(3) by adding at the end the following:

''(B) At the end of each fiscal year, the Director shall submit a report to Congress that includes—

''(i) States experiencing departures and arrivals due to secondary migration;

''(ii) likely reasons for such migration;

''(iii) the impact of secondary migration on States hosting secondary migrants;

''(iv) the availability of social services for secondary migrants in those States; and

''(v) the unmet needs of those secondary migrants.''.

(c) AMENDMENTS TO THE SOCIAL SERVICES FUNDING.—Section 412(c)(1)(B) (8 U.S.C. 1522(c)(1)(B)) is amended—

(1) by inserting ''a combination of—'' after ''based on''; and

(2) by striking ''the total number'' and inserting the following:

''(i) the total number''; and

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(ii) the total number of all other eligible populations served by the Office during the period described who are residing in the State as of the beginning of the fiscal year; and

''(iii) projections on the number and nature of incoming refugees and other populations served by the Office during the subsequent fiscal year.''.

(d) NOTICE AND RULEMAKING.—Not later than 90 days after the date of the enactment of this Act nor later than 30 days before the effective date set forth in subsection (e), the Director shall—

(1) issue a proposed rule for a new formula by which grants and contracts are to be allocated pursuant to the amendments made by subsection (c); and

(2) solicit public comment with respect to such proposed rule.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SEC. 3425. RESETTLEMENT DATA.

(a) IN GENERAL.—The Director shall expand the Office of Refugee Resettlement's data analysis, collection, and sharing activities in accordance with the requirements set forth in subsections (b) through (e).

(b) DATA ON MENTAL AND PHYSICAL MEDICAL CASES.—The Director shall—

(1) coordinate with the Centers for Disease Control, national resettlement agencies, community based organizations, and State refugee health programs to track national and State trends on refugees arriving with Class A medical conditions and other urgent medical needs; and

(2) in collecting information under this subsection, utilize initial refugee health screening data, including—

(A) history of severe trauma, torture, mental health symptoms, depression, anxiety and posttraumatic stress disorder recorded during domestic and international health screenings; and

(B) Refugee Medical Assistance utilization rate data.

(c) DATA ON HOUSING NEEDS.—The Director shall partner with State refugee programs, community based organizations, and national resettlement agencies to collect data relating to the housing needs of refugees, including—

(1) the number of refugees who have become homeless; and

(2) the number of refugees who are at severe risk of becoming homeless.

(d) DATA ON REFUGEE EMPLOYMENT AND SELF-SUFFICIENCY.—The Director shall gather longitudinal information relating to refugee self-sufficiency, integration, and employment status during the 2-year period beginning on the date that is 1 year after the refugees' arrival in the United States.

(e) AVAILABILITY OF DATA.—The Director shall—

(1) annually update the data collected under this section; and

(2) submit an annual report to Congress that contains the updated data.

SEC. 3426. GUIDANCE REGARDING REFUGEE PLACEMENT DECISIONS.

(a) CONSULTATION.—The Secretary of State shall provide guidance to national resettlement agencies and State refugee coordinators on consultation with local stakeholders pertaining to refugee resettlement.

(b) BEST PRACTICES.—The Secretary of Health and Human Services, in collaboration with the Secretary of State, shall collect best practices related to the implementation of the guidance on stakeholder consultation on refugee resettlement from voluntary agencies and State refugee coordinators and disseminate such best practices to such agencies and coordinators.

SEC. 3427. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall take effect on the date that is 90 days after the date of the enactment of this Act.

On page 1583, line 19, insert '', in addition to for-profit entities,'' before ''to conduct''.

On page 1589, between lines 9 and 10, insert the following:

(f) COST EFFECTIVENESS IN DETENTION FACILITY CONTRACTING.—The Director of U.S. Immigration and Customs Enforcement shall take appropriate measures to minimize, and if possible reduce, the daily bed rate charged to the Federal Government through a competitive process in contracting for or otherwise obtaining detention beds while ensuring that the most recent detention standards, including health standards, and management practices employed by the agency are met.

On page 1618, between lines 11 and 12, insert the following:

SEC. 3722. PROHIBITION ON RESTRAINTS ON PREGNANT DETAINEES.

(a) PROHIBITION ON RESTRAINT OF PREGNANT DETAINEES.—

(1) PROHIBITION.—A detention facility shall not use restraints on a detainee known to be pregnant, including during labor, transport to a medical facility or birthing center, delivery, and postpartum recovery, unless the facility administrator makes an individualized determination that the detainee presents an extraordinary circumstance as described in paragraph (2).

(2) EXTRAORDINARY CIRCUMSTANCE.—Restraints for an extraordinary circumstance are only permitted if a medical officer has directed the use of restraints for medical reasons or if the facility administrator makes an individualized determination that—

(A) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff or others; or

(B) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.

(3) REQUIREMENT FOR LEAST RESTRICTIVE RESTRAINTS.—In the rare event that one of the extraordinary circumstances in paragraph (2) applies, medical staff shall determine the safest method and duration for the use of restraints and the least restrictive restraints necessary shall be used for a pregnant detainee, except that—

(A) if a doctor, nurse, or other health professional treating the detainee requests that restraints not be used, the detention officer accompanying the detainee shall immediately remove all restraints;

(B) under no circumstance shall leg or waist restraints be used;

(C) under no circumstance shall wrist restraints be used to bind the detainee's hands behind her back; and

(D) under no circumstances shall any restraints be used on any detainee in labor or childbirth.

(4) RECORD OF EXTRAORDINARY CIRCUMSTANCES.—

(A) REQUIREMENT.—If restraints are used on a detainee pursuant to paragraph (2), the facility administrator shall make a written finding within 10 days as to the extraordinary circumstance that dictated the use of the restraints.

(B) RETENTION.—A written find made under subparagraph (A) shall be kept on file by the detention facility for at least 5 years and be made available for public inspection, except that no individually identifying information of any detainee shall be made public without the detainee's prior written consent.

(b) PROHIBITION ON PRESENCE OF DETENTION OFFICERS DURING LABOR OR CHILDBIRTH.—Upon a detainee's admission to a medical facility or birthing center for labor or childbirth, no detention officer shall be present in the room during labor or childbirth, unless specifically requested by medical personnel. If a detention officer's presence is requested

by medical personnel, the detention officer shall be female, if practicable. If restraints are used on a detainee pursuant to subsection (a)(2), a detention officer shall remain immediately outside the room at all times so that the officer may promptly remove the restraints if requested by medical personnel, as required by subsection (a)(3)(A).

(c) DEFINITIONS.—In this section:

(1) DETAINEE.—The term ''detainee'' includes any adult or juvenile person detained under the Immigration and Nationality Act (8 U.S.C. 1101) or held by any Federal, State, or local law enforcement agency under an immigration detainer.

(2) DETENTION FACILITY.—The term ''detention facility'' means a Federal, State, or local government facility, or a privately owned and operated facility, that is used, in whole or in part, to hold individuals under the authority of the Director of U.S. Immigration and Customs Enforcement or the Commissioner of U.S. Customs and Border Protection, including facilities that hold such individuals under a contract or agreement with the Director or Commissioner, or that is used, in whole or in part, to hold individuals pursuant to an immigration detainer.

(3) FACILITY ADMINISTRATOR.—The term ''facility administrator'' means the official that is responsible for oversight of a detention facility or the designee of such official.

(4) LABOR.—The term ''labor'' means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

(5) POSTPARTUM RECOVERY.—The term ''postpartum recovery'' mean, as determined by her physician, the period immediately following delivery, including the entire period a woman is in the hospital or infirmary after birth.

(6) RESTRAINT.—The term ''restraint'' means any physical restraint or mechanical device used to control the movement of a detainee's body or limbs, including flex cuffs, soft restraints, hard metal handcuffs, a black box, Chubb cuffs, leg irons, belly chains, a security (tether) chain, or a convex shield.

(d) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than 30 days before the end of each fiscal year, the facility administrator of each detention facility in whose custody a pregnant detainee had been subject to the use of restraints during the previous fiscal year shall submit to the Secretary a written report that includes an account of every instance of such a use of restraints. No such report may contain any individually identifying information of any detainee.

(2) PUBLIC INSPECTION.—Each report submitted under paragraph (1) shall be made available for public inspection.

(e) RULEMAKING.—The Secretary shall adopt regulations or policies to carry out this section at every detention facility.

At the end of title III, add the following:

Subtitle I—Resources for Holocaust Survivors

CHAPTER 1—RESPONDING TO THE NEEDS OF HOLOCAUST SURVIVORS

SEC. 3901. DEFINITION.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) in paragraph (24)—

(A) in subparagraph (B), by striking ''and'';

(B) in subparagraph (C)(ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) status as a Holocaust survivor.'';

(2) by redesignating paragraphs (26) through (54) as paragraphs (27) through (55); and

(3) by inserting after paragraph (25) the following:

''(26) The term 'Holocaust survivor' means an individual who—

''(A)(i) lived in a country between 1933 and 1945 under a Nazi regime, under Nazi occupation, or under the control of Nazi collaborators; or

''(ii) fled from a country between 1933 and 1945 under a Nazi regime, under Nazi occupation, or under the control of Nazi collaborators;

''(B) was persecuted between 1933 and 1945 on the basis of race, religion, physical or mental disability, sexual orientation, political affiliation, ethnicity, or other basis; and

''(C) was a member of a group that was persecuted by the Nazis.''.

SEC. 3902. ORGANIZATION.

Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended—

(1) in paragraph (1)(E), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,'' each place it appears; and

(2) in paragraph (2)(E), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,''.

SEC. 3903. AREA PLANS.

Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,'' each place it appears;

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)(I)(bb), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,''; and

(II) in clause (ii), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,'' each place it appears;

(ii) in subparagraph (B)(i)—

(I) in subclause (VI), by striking ''and'' at the end; and

(II) by inserting after subclause (VII) the following:

''(VIII) older individuals who are Holocaust survivors; and''; and

(iii) in subparagraph (B)(ii), by striking ''subclauses (I) through (VI)'' and inserting ''subclauses (I) through (VIII)''; and

(C) in paragraph (7)(B)(iii), by inserting '', in particular, older individuals who are Holocaust survivors,'' after ''placement''; and

(2) in subsection (b)(2)(B), by inserting ''older individuals who are Holocaust survivors,'' after ''areas,''.

SEC. 3904. STATE PLANS.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in paragraph (4), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,'';

(2) in paragraph (16)—

(A) in subparagraph (A)—

(i) in clause (v), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(vii) older individuals who are Holocaust survivors; and''; and

(B) in subparagraph (B), by striking ''clauses (i) through (vi)'' and inserting ''clauses (i) through (vii)''; and

(3) in paragraph (28)(B)(ii), by inserting ''older individuals who are Holocaust survivors,'' after ''areas,''.

SEC. 3905. CONSUMER CONTRIBUTIONS.

Section 315 of the Older Americans Act of 1965 (42 U.S.C. 3030c–2) is amended—

(1) in subsection (c)(2), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,''; and

(2) in subsection (d), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,''.

SEC. 3906. PROGRAM AUTHORIZED.

Section 373(c)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3030s–1(c)(2)(A)) is amended by striking ''individuals)'' and inserting ''individuals and older individuals who are Holocaust survivors)''.

SEC. 3907. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

Section 721(b)(12) of the Older Americans Act of 1965 (42 U.S.C. 3058i(b)(12)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) older individuals who are Holocaust survivors.''.

CHAPTER 2—FUNCTIONS WITHIN ADMINISTRATION FOR COMMUNITY LIVING TO ASSIST HOLOCAUST SURVIVORS

SEC. 3911. DESIGNATION OF INDIVIDUAL WITHIN THE ADMINISTRATION.

The Administrator for Community Living is authorized to designate within the Administration for Community Living a person who has specialized training, background, or experience with Holocaust survivor issues to have responsibility for implementing services for older individuals who are Holocaust survivors.

SEC. 3912. ANNUAL REPORT TO CONGRESS.

The Administrator for Community Living, with assistance from the individual designated under section 3911, shall prepare and submit to Congress an annual report on the status and needs, including the priority areas of concern, of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are Holocaust survivors.

CHAPTER 3—NUTRITION SERVICES FOR ALL OLDER INDIVIDUALS

SEC. 3921. NUTRITION SERVICES.

(a) IN GENERAL.—Section 339(2) of the Older Americans Act of 1065 (42 U.S.C. 3030g–21(2)) is amended—

(1) in subparagraph (A), by amending clause (iii) to read as follows:

''(iii) to the maximum extent practicable, are adjusted and appropriately funded to meet any special health-related or other dietary needs of program participants, including needs based on religious, cultural, or ethnic requirements,'';

(2) in subparagraph (J), by striking '', and'' and inserting a comma;

(3) in subparagraph (K), by striking the period and inserting '', and''; and

(4) by adding at the end the following:

''(L) encourages and educates individuals who distribute nutrition services under subpart 2 to engage in conversation with homebound older individuals and to be aware of the warning signs of medical emergencies, injury or abuse in order to reduce isolation and promote well-being.''.

(b) STUDY OF NUTRITION PROJECTS.—Section 317(a)(2) of the Older Americans Act Amendments of 2006 (Public Law 109–365) is amended—

(1) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) an analysis of service providers' abilities to obtain viable contracts for special foods necessary to meet a religious requirement, required dietary need, or ethnic consideration.''.

CHAPTER 4—TRANSPORTATION

SEC. 3931. TRANSPORTATION SERVICES AND RESOURCES.

Section 411(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(1) by redesignating paragraph (13) as paragraph (14);

(2) in paragraph (12), by striking ''; and'' and inserting a semicolon; and

(3) by inserting after paragraph (12) the following:

''(13) supporting programs that enable the mobility and self-sufficiency of older individuals with the greatest economic need and older individuals with the greatest social need by providing transportation services and resources; and''.

At the end of subtitle D of title IV, add the following:

SEC. 4416. INTERNATIONAL PARTICIPATION IN THE PERFORMING ARTS.

Section 214(c)(6)(D) (8 U.S.C. 1184(c)(6)(D)) is amended—

(1) in the first sentence, by inserting ''(i)'' before ''Any person'';

(2) in the second sentence—

(A) by striking ''Once'' and inserting ''Except as provided in clause (ii), once''; and

(B) by striking ''Attorney General shall'' and inserting ''Secretary of Homeland Security shall'';

(3) in the third sentence, by striking ''The Attorney General'' and inserting ''The Secretary''; and

(4) by adding at the end the following:

''(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien with extraordinary ability in the arts (as described in section 101(a)(15)(O)(i)), an alien accompanying such an alien (as described in clauses (ii) and (iii) of section 101(a)(15)(O)), or an alien described in section 101(a)(15)(P) (other than an alien described in paragraph (4)(A) (relating to athletes)) not later than 14 days after—

''(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

''(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

''(iii) If a petition described in clause (ii) is not adjudicated before the end of the 14-day period described in clause (ii) and the petitioner is an arts organization described in paragraph (3), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code for the taxable year preceding the calendar year in which the petition is submitted, or an individual or entity petitioning primarily on behalf of such an organization, the Secretary of Homeland Security shall provide the petitioner with the premium processing services referred to in section 286(u), without a fee.''.

At the end of subtitle D of title IV, add the following:

SEC. 4417. REPORT ON PROCESSING OF VISAS FOR NONIMMIGRANTS AT UNITED STATES EMBASSIES AND CONSULATES.

(a) INITIAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on visa processing for nonimmigrants at United States embassies and consulates that—

(1) assesses the efforts of the Department of State to expand its capacity for processing of visas for nonimmigrants in the People's Republic of China and Brazil;

(2) provides recommendations, if warranted, for improving the effectiveness of those efforts;

(3) identifies the challenges to meeting staffing requirements with respect to the processing of visas for nonimmigrants at United States embassies and consulates, including staffing shortages and foreign language proficiency requirements;

(4) discusses how those challenges affect the ability of the Department of State to carry out operations relating to the processing of visas for nonimmigrants;

(5) describes what actions the Department of State has taken to address those challenges; and

(6) provides recommendations, if warranted, for improving the efforts of the Department of State to meet staffing requirements at United States embassies and consulates.

(b) SUBSEQUENT REPORT.—Not later than 2 years after submitting the report required by subsection (a), the Comptroller General shall submit to Congress a report assessing the progress made by the Department of State with respect to the matters included in the report required by subsection (a) since the submission of that report.

On page 1861, beginning on line 24, strike ''each of the most recent 2 years.'' and insert ''at least 2 of the most recent 3 years.''.

Beginning on page 1869, strike line 22 and all that follows through page 1910, line 5, and insert the following:

SEC. 4804. PERMANENT AUTHORIZATION OF EB–5 REGIONAL CENTER PROGRAM.

(a) REPEAL.—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is repealed.

(b) AUTHORIZATION.—Section 203(b)(5) (8 U.S.C. 1153(b)(5)), as amended by sections 2307 and 2308, is further amended by adding at the end the following:

''(E) REGIONAL CENTER PROGRAM.—

''(i) IN GENERAL.—Visas under this paragraph shall be made available to qualified immigrants participating in a program implementing this paragraph that involves a regional center in the United States, which has been designated by the Secretary of Homeland Security, in consultation with the Secretary of Commerce, on the basis of a general proposal for the promotion of economic growth, including—

''(I) increased export sales;

''(II) improved regional productivity;

''(III) job creation; or

''(IV) increased domestic capital investment.

''(ii) ESTABLISHMENT OF A REGIONAL CENTER.—A regional center shall have jurisdiction over a defined geographic area, which shall be described in the proposal and consistent with the purpose of concentrating pooled investment in defined economic zones. The establishment of a regional center may be based on general predictions, contained in the proposal, concerning—

''(I) the kinds of commercial enterprises that may receive investments from aliens without limiting the scope of regional center activity to any specific industry or industries referenced in the proposal;

''(II) the jobs that may be created directly or indirectly as a result of such investments; and

''(III) other positive economic effects such investments may have.

''(iii) INDIRECT JOB CREATION.—The Secretary of Homeland Security shall permit immigrants admitted under this paragraph to satisfy the requirements under subparagraph (A)(ii) with jobs that are estimated to be created indirectly through investment under this paragraph in accordance with this subparagraph.

''(iv) COMPLIANCE.—In determining compliance with subparagraph (A)(ii), the Secretary of Homeland Security shall permit aliens admitted under the program described in this subparagraph to establish reasonable methodologies for determining the number of jobs created by the program, including jobs estimated to have been created indirectly through revenues generated from increased exports, improved regional productivity, job creation, and increased domestic capital investment resulting from the program, including jobs created outside of the geographic boundary of the regional center as a result of the immigrant's investment in regional center associated commercial enterprises.

''(v) AMENDMENTS.—The Secretary of Homeland Security—

''(I) may require approved regional centers to give notice to the Secretary of significant changes to their organization;

''(II) may approve or disapprove the changes referred to in subclause (I); and

''(III) shall not suspend the Secretary's adjudication of any filings by, or related to, a regional center, including investor petitions under section 203(b)(5), regardless of whether such regional center has given notice to the Secretary pursuant to subclause (I).

''(F) PREAPPROVAL OF BUSINESS PLANS FOR REGIONAL CENTER INVESTMENTS.—

''(i) PETITION.—Before the filing of a petition under this subparagraph by an alien investor, a commercial enterprise associated with a regional center may file a petition with the Secretary of Homeland Security to preapprove a particular investment in the commercial enterprise, as provided in—

''(I) a business plan for a specific capital investment project;

''(II) investment documents, such as subscription, investment, partnership, and operating agreements; and

''(III) a credible economic analysis regarding estimated job creation that is based upon reasonable methodologies.

''(ii) PREAPPROVAL PROCEDURE.—The Secretary shall establish a process to facilitate the preapproval of business plans under this subparagraph related to investment in a regional center commercial enterprise, which shall include an opportunity for the applicant to address and cure any deficiencies identified by the Secretary in the applicant's business plan, investment documents, or statement regarding job creation prior to a final determination. The Secretary shall impose a fee for the use of the process described in this clause sufficient to recover the costs of its administration pursuant to subsections (m) and (n) of section 286.

''(iii) EFFECT OF PREAPPROVAL OF BUSINESS PLAN FOR INVESTMENT IN REGIONAL CENTER COMMERCIAL ENTERPRISE.—The preapproval of a petition under this subparagraph shall be binding for purposes of the adjudication of subsequent petitions seeking classification under this paragraph by immigrants investing in the same commercial enterprise concerning the same economic activity, and of petitions filed under section 216A, unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, a material change that affects the approved economic model, or other evidence affecting program eligibility that was not disclosed by the petitioner during the preapproval process.

''(iv) EXPEDITED PROCESSING OPTION FOR ALIEN INVESTOR PETITIONS ASSOCIATED WITH PREAPPROVED BUSINESS PLANS.—The Secretary may establish a premium processing option for business plan preapproval and for petitions by alien investors who are investing in a commercial enterprise that has received preapproval under this subparagraph pursuant to section 286(u).

''(v) CONSIDERATION OF CRIMINAL ACTIVITY IN ESTABLISHING ELIGIBILITY CRITERIA.—The Secretary shall consider the potential for fraud, misrepresentation, criminal misuse, and threats to national security in establishing eligibility criteria for any program

the Secretary may establish under this subparagraph.

''(vi) EFFECT OF PRIOR DETERMINATIONS.—If a commercial enterprise does not file a petition for preapproval under this subparagraph, or files a petition under this subparagraph that is denied, the approval of any of the items described in clause (i) submitted in support of a petition seeking classification of an alien as an alien investor under this paragraph shall be binding for purposes of the adjudication of subsequent petitions seeking classification under this paragraph by aliens investing in the same commercial enterprise concerning the same economic activity, and of petitions filed under section 216A, unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, a material change that affects the approved economic model, or evidence affecting program eligibility that was not disclosed.

''(G) REGIONAL CENTER FINANCIAL STATEMENTS.—

''(i) IN GENERAL.—Each regional center designated under subparagraph (E) shall annually submit, to the Director of U.S. Citizenship and Immigration Services (referred to in this subparagraph as the 'Director'), in a manner prescribed by the Secretary of Homeland Security, financial statements, including—

''(I) an accounting of all foreign investor money invested in association with the regional center or associated commercial enterprise; and

''(II) for each capital investment project—

''(aa) an accounting of the aggregate capital invested in association with the regional center or associated commercial enterprises by immigrants under this paragraph;

''(bb) a description of how such funds are being used to execute the approved business plan;

''(cc) evidence that 100 percent of such investor funds have been dedicated to the project;

''(dd) detailed evidence of the progress made toward the completion of the project;

''(ee) an accounting of the aggregate direct and indirect jobs created or preserved; and

''(ff) a certification by the regional center that such statements are accurate.

''(ii) AMENDMENT OF FINANCIAL STATEMENTS.—If the Director determines that a financial statement required under clause (i) is deficient, or if the Director otherwise deems appropriate, the Director may require the regional center to amend or supplement such financial statement.

''(iii) SANCTIONS.—

''(I) EFFECT OF VIOLATION.—If the Director determines that a regional center, director, or other individual involved with a regional center (other than an alien investor) has violated any requirement under clause (i) or that the regional center is conducting itself in a manner inconsistent with its designation, the Director, after giving the regional center an opportunity to rebut the alleged violations, may sanction the violating entity or individual under subclause (II).

''(II) AUTHORIZED SANCTIONS.—The Director shall establish a graduated set of sanctions for violations referred to in subclause (I), including—

''(aa) fines equal to not more than 5 percent of the total capital invested by immigrant investors in the commercial enterprise's approved business plan, the payment of which shall not in any circumstance utilize any of such immigrant investors' capital investment;

''(bb) temporary suspension from participation in the program described in subparagraph (E), which may be lifted by the Director if the individual or entity cures the alleged violation after being provided such an opportunity by the Director;

''(cc) permanent bar from program participation for 1 or more individuals affiliated with the regional center; and

''(dd) termination of regional center status.

''(H) BONA FIDES OF PERSONS INVOLVED IN REGIONAL CENTERS OR REGIONAL CENTER ASSOCIATED COMMERCIAL ENTERPRISES.—

''(i) IN GENERAL.—No person shall be permitted by any regional center or regional center associated commercial enterprise to be involved with the regional center or commercial enterprise as its principal, representative, administrator, owner, officer, board member, manager, executive, general partner, fiduciary, marketer, promoter, or other similar position of substantive authority for the operations, management or promotion of the regional center or commercial enterprise if the Secretary of Homeland Security—

''(I) determines such person has been found liable within the previous 5 years for any criminal or civil violation of any law relating to fraud or deceit, or at any time if such violation involved a criminal conviction with a term of imprisonment of at least 1 year or a criminal or civil violation of any law or agency regulation in connection with the purchase or sale of a security, unless the Secretary determines that the past violation should not prevent involvement with the regional center or regional center associated commercial enterprise; or

''(II) knows or has reasonable cause to believe that the person is engaged in, has ever been engaged in, or seeks to engage in any—

''(aa) illicit trafficking in any controlled substance;

''(bb) activity relating to espionage or sabotage;

''(cc) activity related to money laundering (as described in section 1956 or 1957 of title 18, United States Code);

''(dd) terrorist activity (as defined in clauses (iii) and (iv) of section 212(a)(3)(B));

''(ee) human trafficking or human rights offense; or

''(ff) violation of any statute, regulation, or Executive Order regarding foreign financial transactions or foreign asset control.

''(ii) INFORMATION REQUIRED.—The Secretary shall require such attestations and information, including, the submission of fingerprints to the Federal Bureau of Investigation, and shall perform such criminal record checks and other background checks with respect to a regional center or regional center associated commercial enterprise, and persons involved in a regional center or regional center associated commercial enterprise as described in clause (i), as the Secretary considers appropriate to determine whether the regional center or regional center associated commercial enterprise is in compliance with clause (i). The Secretary may require the information and attestations described in this clause from such regional center or regional center associated commercial enterprise, and any person involved in the regional center or regional center associated commercial enterprise, at any time on or after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

''(iii) TERMINATION.—The Secretary is authorized, in the Secretary's unreviewable discretion, to terminate any regional center or regional center associated commercial enterprise from the program under this paragraph if the Secretary determines that—

''(I) the regional center or regional center associated commercial enterprise is in violation of clause (i);

''(II) the regional center, a regional center associated commercial enterprise, or any person involved with the regional center or regional center associated commercial enterprise has provided any false attestation or information under clause (ii);

''(III) the regional center, regional center associated commercial enterprise, or any person involved with the regional center or regional center associated commercial enterprise, fails to provide an attestation or information requested by the Secretary under clause (ii); or

''(IV) the regional center, a regional center associated commercial enterprise, or any person involved with the regional center or regional center associated commercial enterprise is engaged in fraud, misrepresentation, criminal misuse, or threats to national security.

''(iv) TREATMENT OF INVESTORS IF REGIONAL CENTER TERMINATED.—An alien who previously invested in a commercial enterprise associated with a regional center that is subsequently terminated under subclause (iii) shall be provided an opportunity to invest in another approved regional center. The termination of the regional center shall not affect the alien's status.

''(I) REGIONAL CENTER COMPLIANCE WITH SECURITIES LAWS.—

''(i) CERTIFICATION REQUIRED.—The Secretary of Homeland Security shall not approve an application for regional center designation or regional center amendment that does not certify that the regional center and, to the best knowledge of the applicant, all parties to the regional center are in, and will maintain, compliance with the securities laws of the United States.

''(ii) EXCEPTION FOR GOVERNMENTAL ENTITY.—If the regional center described in clause (i) is operated by a State or municipal entity, the regional center may obtain the certifications required under subclause (i) for any commercial enterprises associated with the regional center.

''(iii) OVERSIGHT REQUIRED.—In furtherance of the certification described in clause (i), any regional center not operated by a State or municipal entity shall monitor and supervise all offers and sales of securities made by associated commercial enterprises to ensure compliance with the securities laws of the United States, and to maintain records, data ,and information relating to all such offers and sales of securities.

''(iv) TERMINATION OR SUSPENSION.—The Secretary shall terminate the designation of any regional center that does not provide the certification described in subclause (i) on an annual basis. In addition to any other authority provided to the Secretary regarding the regional center program described in subparagraph (E), the Secretary may, in his or her unreviewable discretion, suspend or terminate the designation of any regional center if he or she determines that the regional center or any party to the regional center—

''(I) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction in connection with the purchase or sale of a security;

''(II) is subject to any final order of the Securities and Exchange Commission that—

''(aa) bars such person from association with an entity regulated by the Securities and Exchange Commission; or

''(bb) constitutes a final order based on violations in connection with the purchase or sale of a security; or

''(III) knowingly submitted or caused to be submitted a certification described in clause (i) that contained an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

''(v) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to impair or limit the authority of the Securities and Exchange Commission under the Federal securities laws.

''(vi) DEFINED TERM.—In this subparagraph, the term 'party to the regional center' includes the regional center, its agents, employees, and attorneys, and any persons in active concert or participation with the regional center.

''(J) DENIAL OR REVOCATION.—If the Secretary of Homeland Security determines, in his or her unreviewable discretion, that the approval of a petition, application, or benefit described in this subparagraph is contrary to the national interest of the United States for reasons relating to fraud, misrepresentation, criminal misuse, or threats to national security, the Secretary may deny or revoke the approval of—

''(i) a petition seeking classification of an alien as an alien investor under this paragraph;

''(ii) a petition to remove conditions under section 216A before granting lawful permanent resident status or any other petition, application, or benefit based upon the previous or concurrent filing or approval of a petition for classification of an alien under this paragraph; or

''(iii) an application for designation as a regional center.''.

(c) ASSISTANCE BY THE SECRETARY OF COMMERCE.—

(1) IN GENERAL.—The Secretary of Commerce, upon the request of the Secretary, shall provide consultation assistance for determining whether—

(A) a proposed regional center should be designated, terminated, or subject to other adjudicative action; or

(B) a petitioner or applicant for a benefit under section 203(b)(5) of the Immigration and Nationality Act, as amended by subsection (b), has met the requirements under such paragraph with respect to job creation.

(2) RULEMAKING.—The Secretary and the Secretary of Commerce may each adopt such rules and regulations as are necessary to carry out the consultation process provided for in paragraph (1).

(3) SAVINGS PROVISION.—The consultation provided under paragraph (1) shall be voluntary. Nothing in this subsection may be construed to require consultation with the Secretary of Commerce to continue the designation of a regional center approved before the date of the enactment of this Act or to impede or delay the adjudication petitions by the Secretary.

(d) EFFECTIVE DATE.—The amendments made by this section—

(1) shall be effective upon the enactment of this Act; and

(2) shall apply to—

(A) any application to designate a regional center, and any person involved with the regional center, that is pending or approved on or after the date of the enactment of this Act; and

(B) any regional center approved before the date of the enactment of this Act, on or after a delayed effective date that is 1 year after such date of enactment with respect to any person involved in the regional center on or after such delayed effective date.

SEC. 4805. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS, SPOUSES, AND CHILDREN.

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended to read as follows:

''SEC. 216A. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS, SPOUSES, AND CHILDREN.

''(a) IN GENERAL.—

''(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of this Act, employment-based immigrants (as defined in subsection (g)(4)), alien spouses, and alien children (as such terms are defined in subsection (g)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

''(2) NOTICE OF REQUIREMENTS.—

''(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an employment-based immigrant, alien spouse, or alien child obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

''(B) AT TIME OF REQUIRED PETITION.—In addition, the Secretary of Homeland Security shall attempt to provide notice to an employment-based immigrant, alien spouse, or alien child, at or about the beginning of the 90-day period described in subsection (d)(3), of the requirements of subsection (c)(1).

''(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to an employment-based immigrant, alien spouse, or alien child.

''(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING EMPLOYMENT IMPROPER.—

''(1) ALIEN INVESTOR.—In the case of an alien investor with permanent resident status on a conditional basis under subsection (a), if the Secretary of Homeland Security determines, before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

''(A) the investment in the commercial enterprise was intended as a means of evading the immigration laws of the United States;

''(B)(i) the alien did not invest, or was not actively in the process of investing, the requisite capital; or

''(ii) the alien was not sustaining the actions described in clause (i) throughout the period of the alien's residence in the United States; or

''(C) subject to the exception in subsection (d)(5), the alien was otherwise not conforming to the requirements under section 203(b)(5),

the Secretary shall so notify the alien investor and, subject to paragraph (3), shall terminate the permanent resident status of the alien (and the alien spouse and alien child) involved as of the date of the determination.

''(2) EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER OR AGENCY.—In the case of an employee of a Federal national security, science, and technology laboratory, center, or agency (as defined pursuant to section 203(b)(2)(C)) with permanent resident status on a conditional basis under subsection (a), if the Secretary of Homeland Security, in consultation with the relevant employing department or agency, determines, before the first anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

''(A) the qualifying employment was intended as a means of evading the immigration laws of the United States;

''(B) the alien has not completed or is not likely to complete 12 months of qualifying continuous employment; or

''(C) the alien did not otherwise conform with the requirements of section 203(b)(2),

the Secretary shall so notify the alien involved and, subject to paragraph (3), shall terminate the permanent resident status of the alien (and the alien spouse and alien child) involved as of the date of the determination.

''(3) HEARING IN REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) or (2) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Secretary of Homeland Security to establish, by a preponderance of the evidence, that a condition described in paragraph (1) or (2), as appropriate, is met.

''(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

''(1) IN GENERAL.—

''(A) PETITION AND INTERVIEW.—In order for the conditional basis established under subsection (a) for an employment-based immigrant, alien spouse, or alien child to be removed—

''(i) the employment-based immigrant shall submit to the Secretary of Homeland Security, during the period described in subsection (d)(3), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in paragraph (1) or (2) of subsection (d), as appropriate; and

''(ii) in accordance with subsection (d)(3), the employment-based immigrant must appear for a personal interview before an officer or employee of U.S. Citizenship and Immigration Services respecting such facts and information.

''(B) SEPARATE PETITION NOT REQUIRED.—An alien spouse or alien child shall not be required to file separate petitions under subparagraph (A)(i) if the employment-based immigrant's petition includes such alien spouse or alien child.

''(C) ADDITIONAL FEE.—Notwithstanding any other provision under this section, the Secretary may require the employment-based immigrant to pay an additional fee for a petition filed under subparagraph (A)(i) that includes the alien's spouse and child or children.

''(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.—

''(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

''(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A); or

''(ii) unless there is good cause shown, the employment-based immigrant fails to appear at the interview described in paragraph (1)(B) (if required under subsection (d)(4)),

the Secretary of Homeland Security shall terminate the permanent resident status of the alien (and the alien's spouse and children if it was obtained on a conditional basis under this section or section 216) as of the second anniversary of the alien's lawful admission for permanent residence.

''(B) HEARING IN REMOVAL PROCEEDING.—In any removal proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

''(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

''(A) IN GENERAL.—If—

''(i) a petition is filed in accordance with the provisions of paragraph (1)(A); and

''(ii) the employment-based immigrant appears at any interview described in paragraph (1)(B),

the Secretary of Homeland Security shall make a determination, not later than 90 days after the date of such filing or interview (whichever is later), as to whether the facts

and information described in paragraph (1) or (2) of subsection (d), as appropriate, and alleged in the petition are true.

''(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—

''(i) REMOVAL OF CONDITIONAL BASIS FOR ALIEN INVESTOR.—If the Secretary of Homeland Security determines with respect to a petition filed by an alien investor that such facts and information are true, the Secretary shall so notify the alien investor and shall remove the conditional basis of the alien's status effective as of the second anniversary of the alien's lawful admission for permanent residence.

''(ii) REMOVAL OF CONDITIONAL BASIS FOR EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER OR AGENCY.—If the Secretary of Homeland Security determines with respect to a petition filed by an employee of a Federal national security, science, and technology laboratory, center, or agency that such facts and information are true, the Secretary shall so notify the alien and shall remove the conditional basis of the alien's status effective as of the first anniversary of the alien's lawful admission for permanent residence.

''(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary of Homeland Security determines that such facts and information are not true, the Secretary shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an employment-based immigrant, alien spouse, or alien child as of the date of the determination.

''(D) HEARING IN REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Secretary of Homeland Security to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true.

''(d) DETAILS OF PETITION AND INTERVIEW.—

''(1) CONTENTS OF PETITION BY ALIEN INVESTOR.—Each petition filed by an alien investor under section (c)(1)(A) shall contain facts and information demonstrating that the alien—

''(A)(i) invested, or is actively in the process of investing, the requisite capital; and

''(ii) sustained the actions described in clause (i) throughout the period of the alien's residence in the United States; and

''(B) except as provided in paragraph (4), is otherwise conforming to the requirements under section 203(b)(5).

''(2) CONTENTS OF PETITION BY EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER, OR AGENCY.—Each petition under subsection (c)(1)(A) filed by an employee of a Federal national security, science, and technology laboratory, center, or agency shall contain facts and information demonstrating that the alien is conforming to the requirements of section 203(b)(2).

''(3) PERIOD FOR FILING PETITION.—

''(A) 90-DAY PERIOD BEFORE ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed as follows:

''(i) In the case of an alien investor, during the 90-day period before the second anniversary of the alien's lawful admission for permanent residence.

''(ii) In the case of an employee of a Federal national security, science, and technology laboratory, center, or agency, during the 90-day period before the first anniversary of the alien's lawful admission for permanent residence.

''(B) LATE PETITIONS.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Secretary of Homeland Security good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

''(C) FILING OF PETITIONS DURING REMOVAL.—In the case of an alien who is the subject of removal hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Secretary of Homeland Security may stay such removal proceedings against an alien pending the filing of the petition under subparagraph (B).

''(4) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of U.S. Citizenship and Immigration Services, designated by the Secretary of Homeland Security, which is convenient to the parties involved. The Secretary, in the discretion of the Secretary, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

''(5) SPECIAL RULE FOR ALIEN INVESTORS IN A REGIONAL CENTER.—Each petition under subsection (c)(1)(A) filed by an alien investor who invests in accordance with section 203(b)(5)(E) shall contain facts and information demonstrating that the alien is complying with the requirements under section 203(b)(5), except—

''(A) the alien shall not be subject to the requirements under section 203(b)(5)(A)(ii); and

''(B) the petition shall—

''(i) refer to the most recent financial statement filed by the regional center in which the alien has invested in accordance with section 203(b)(5)(G); and

''(ii) contain a certification that the petitioner has read the financial statement to which the alien's petition refers.

''(6) EFFECT OF PRIOR DETERMINATIONS.—The approval of any of the items described in section 203(b)(5)(F)(i) submitted in support of a petition seeking classification of an alien as an alien investor under section 203(b)(5) shall be binding for purposes of the adjudication of the alien investor's petition filed under this section 216A, unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, a material change that affects the approved economic model, or evidence affecting program eligibility that was not disclosed by the petitioner.

''(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence, if the alien has had the conditional basis removed pursuant to this section.

''(f) FRAUD, MISREPRESENTATION, CRIMINAL MISUSE, OR THREATS TO THE PUBLIC SAFETY OR NATIONAL SECURITY.—If the Secretary of Homeland Security determines, in his or her sole and unreviewable discretion, that the conditional permanent resident status granted to an employment-based immigrant under subsection (a), or to an alien researcher described in section 203(b)(2)(A)(ii) is contrary to the national interest of the United States for reasons relating to fraud, misrepresentation, criminal misuse, or threats to national security, the Secretary shall—

''(1) notify the immigrant involved of such determination; and

''(2) terminate the permanent resident status of the immigrant involved (and the alien spouse and alien children of such immigrant) as of the date of such determination.

''(g) DEFINITIONS.—In this section:

''(1) The term 'alien investor' means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(5).

''(2) The term 'alien spouse' and the term 'alien child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien investor or an employee of a Federal national security, science, and technology laboratory, center, or agency.

''(3) The term 'commercial enterprise' includes a limited partnership.

''(4) The term 'employment-based immigrant' means an alien described in paragraph (1) or (5).

''(5) The term 'employee of a Federal national security, science, and technology laboratory, center, or agency' means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(2)(A)(ii).''.

(b) CONFORMING AMENDMENT.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting before the period at the end the following: '', if the alien has had the conditional basis removed pursuant to this section''.

(c) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 216A and inserting the following:

''Sec. 216A. Conditional permanent resident status for certain employment-based immigrants, spouses, and children.''.

SEC. 4806. EB–5 VISA REFORMS.

(a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATION.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 2103(c)(2), 2212(d)(2), 2307(b), and 2402, is further amended by adding at the end the following:

''(P) Aliens who are the spouse or a child of an alien admitted as an employment-based immigrant under section 203(b)(5).''.

(b) TECHNICAL AMENDMENT.—Section 203(b)(5), as amended by this Act, is further amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

(c) TARGETED EMPLOYMENT AREAS.—

(1) IN GENERAL.—Section 203(b)(5)(B) (8 U.S.C. 1153(b)(5)(B)) is amended to read as follows:

''(B) SET-ASIDE FOR TARGETED EMPLOYMENT AREAS.—

''(i) IN GENERAL.—Not fewer than 5,000 of the visas made available under this paragraph in each fiscal year shall be reserved for qualified immigrants who invest in a new commercial enterprise described in subparagraph (A), which—

''(I) is investing such capital in a targeted employment area; and

''(II) will create employment in such targeted employment area.

''(ii) DURATION OF HIGH UNEMPLOYMENT AREA DESIGNATION.—A designation of a high unemployment area as a targeted employment area shall be valid for 5 years and may be renewed for additional 5-year periods if the area continues to meet the definition of a high unemployment area. An investor who has made the required amount of investment in such a targeted employment area during its period of designation shall not be required to increase the amount of investment based upon expiration of the designation.''.

(d) ADJUSTMENT OF MINIMUM EB–5 INVESTMENT AMOUNT.—Section 203(b)(5)(C)(i) (8 U.S.C. 1153(b)(5)(C)(i)) is amended—

(1) by striking ''The Attorney General'' and inserting ''The Secretary of Commerce'';

(2) by striking ''Secretary of State'' and inserting ''Secretary of Homeland Security''; and

(3) by adding at the end the following: ''Unless adjusted by the Secretary of Commerce, the amount specified in this clause shall automatically adjust, on January 1, 2016, by the percentage change in the Consumer Price Index (CPI–U) during fiscal year 2015, and on every fifth subsequent January 1 by the cumulative percentage change in the CPI–U during the previous 5 fiscal years, for any petition filed to classify an alien under this paragraph on or after the date of each automatic adjustment.''.

(e) DEFINITIONS.—

(1) IN GENERAL.—Section 203(b)(5) (8 U.S.C. 1153(b)(5)), as amended by subsections (b) and (c) and by section 4804, is further amended—

(A) by striking subparagraph (D) and inserting following:

''(D) CALCULATION OF FULL-TIME EMPLOYMENT.—Job creation under this paragraph may consist of employment measured in full-time equivalents, including intermittent or seasonal employment opportunities and construction jobs. A full-time employment position is not a requirement for indirect job creation.''; and

(B) by adding at the end the following:

''(K) DEFINITIONS.—In this paragraph:

''(i) The term 'capital' means all real, personal, or mixed assets, whether tangible or intangible, owned or controlled by the investor, or held in trust for the benefit of the investor, to which the investor has unrestricted access, which shall be valued at fair market value in United States dollars, in accordance with Generally Accepted Accounting Principles, at the time it is invested under this paragraph.

''(ii) The term 'full-time employment' means employment in a position that requires at least 35 hours of service per week, regardless of how many employees fill the position.

''(iii) The term 'high unemployment area' means—

''(I) an area consisting of a census tract or contiguous census tracts that has an unemployment rate that is at least 150 percent of the national average unemployment rate; or

''(II) an area that is within the boundaries established for purposes of a Federal or State economic development incentive program, including areas defined as Enterprise Zones, Renewal Communities, Promise Zones, and Empowerment Zones, and other programs for the purposes of job creation, small business creation, and neighborhood revitalization.

''(iv) The term 'rural area' means—

''(I) any area other than an area within a metropolitan statistical area or within the outer boundary of any city or town having a population of 20,000 or more (based on the most recent decennial census of the United States); or

''(II) any city or town having a population of fewer than 20,000 (based on the most recent decennial census of the United States) that is located within a State having a population of fewer than 1,500,000 (based on the most recent decennial census of the United States).

''(v) The term 'targeted employment area' means a rural area, any community adversely affected by a recommendation by the Defense Base Closure and Realignment Commission, or a high unemployment area.''.

(2) RULEMAKING.—The Secretary, in consultation with the Secretary of Defense, shall issue appropriate regulations to account for the modified definition of targeted employment area in section 203(b)(5)(K)(v), as amended by paragraph (1)(B).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to any application for a visa under section 204(a)(7) of the Immigration and Nationality Act that is filed on or after the date that is 1 year after the date of the enactment of this Act, unless the petitioner requests in the petition that they take immediate effect.

(4) RULE OF CONSTRUCTION.—None of the amendments made by paragraph (1) may be construed to deny any petition under section 216A filed by an alien who filed a petition under section 203(b)(5) before the date of the enactment of this Act.

(f) AGE DETERMINATION FOR CHILDREN OF ALIEN INVESTORS.—Section 203(h) (8 U.S.C. 1153(h)), as amended by section 2305(d), is further amended by adding at the end the following:

''(5) AGE DETERMINATION FOR CHILDREN OF ALIEN INVESTORS.—An alien admitted under subsection (d) as a lawful permanent resident on a conditional basis as the child of an alien lawfully admitted for permanent residence under subsection (b)(5), whose lawful permanent resident status on a conditional basis is terminated under section 216A, shall continue to be considered a child of the principal alien for the purpose of a subsequent immigrant petition by such alien under subsection (b)(5) if the alien remains unmarried and the subsequent petition is filed by the principal alien not later than 1 year after the termination of conditional lawful permanent resident status. No alien shall be considered a child under this paragraph with respect to more than 1 petition filed after the alien's 21st birthday.''.

(g) ENHANCED PAY SCALE FOR CERTAIN FEDERAL EMPLOYEES ADMINISTERING THE EB–5 PROGRAM.—The Secretary may establish, fix the compensation of, and appoint individuals to, designated critical administrative, technical, and professional positions needed to administer sections 203(b)(5) and 216A of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186b).

(h) DELEGATION OF CERTAIN EB–5 AUTHORITY.—

(1) IN GENERAL.—The Secretary of Homeland Security may delegate to the Secretary of Commerce authority and responsibility for determinations under sections 203(b)(5) and 216A (with respect to alien entrepreneurs) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186a), including determining whether an alien has met employment creation requirements.

(2) REGULATIONS.—The Secretary of Homeland Security and the Secretary of Commerce may each adopt such rules and regulations as are necessary to carry out the delegation authorized under paragraph (1), including regulations governing the eligibility criteria for obtaining benefits pursuant to the amendments made by this section.

(3) USE OF FEES.—Adjudication fees described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) shall remain available until expended to reimburse the Secretary of Commerce for the costs of any determinations made by the Secretary of Commerce under paragraph (1).

(i) CONCURRENT FILING OF EB–5 PETITIONS AND APPLICATIONS FOR ADJUSTMENT OF STATUS.—Section 245 (8 U.S.C. 1255), as amended by sections 2305(d), 2310(c), 3201(e), and 4237(b), is further amended—

(1) in subsection (k), in the matter preceding paragraph (1), by striking ''or (3)'' and inserting ''(3), (5), or (7)''; and

(2) by adding at the end the following:

''(o) At the time a petition is filed for classification under section 203(b)(5), if the approval of such petition would make a visa immediately available to the alien beneficiary, the alien beneficiary's application for adjustment of status under this section shall be considered to be properly filed whether the application is submitted concurrently with, or subsequent to, the visa petition.''.

At the end of section 4806, add the following:

(j) REPORTS.—

(1) REQUIREMENT FOR REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the EB-5 program carried out pursuant to section 203(b)(5) of the Immigration and Nationality (8 U.S.C. 1153(b)(5)), as amended by this section.

(2) CONTENT.—Each report required by paragraph (1) shall include the following:

(A) The number of applications pending for an immigrant visa described in section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)), disaggregated by State.

(B) The period of time each such application has been pending.

(C) The average length of time required to conduct an economic evaluation of a project and suitability of a petitioner for such a visa and the Secretary's goals for these timeframes.

(D) A description of any additional resources necessary to efficiently administer the EB-5 program carried out pursuant to such section 203(b)(5).

(E) The number of applications that have been approved or denied for such a visa in the most recent reporting period with an accompanying explanation of reasons for such approval or denial, disaggregated by State.

(F) The number of jobs created by such EB-5 program in each 180-day period, disaggregated by State.

(G) The types of projects proposed and the number of aliens granted such a visa in each 180-day period, disaggregated by State and by North American Industry Classification System (NAICS) code.

SA 1457. Mrs. MCCASKILL 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 1389, line 5, strike ''$5,000 and not more than $15,000'' and insert ''$10,000 and not more than $25,000''.

On page 1389, line 12, ''$10,000 and not more than $25,000'' and insert ''$25,000 and not more than $50,000''.

On page 1390, line 18, strike ''$1,000 and not more than $4,000'' and insert ''$5,000 and not more than $15,000''.

On page 1390, lines 22 and 23, strike ''$2,000 and not more than $8,000'' and insert ''$6,000 and not more than $20,000''.

SA 1458. Mr. TESTER 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 901, between lines 4 and 5, insert the following:

(f) CONSULTATIONS WITH TRIBAL GOVERNMENTS.—Before ordering a unit or personnel of the National Guard of a State to be deployed to an area on or near Indian lands (as defined in section 3 of the Native American Business Development, Trade Promotion,

and Tourism Act of 2000 (25 U.S.C. 4302)), the Governor of the State shall consult and coordinate with the tribal government with jurisdiction over those lands with respect to the deployment.

On page 904, between lines 18 and 19, insert the following:

(3) CONSULTATIONS WITH TRIBAL GOVERNMENTS.—Before constructing a Border Patrol station under paragraph (1) or establishing a forward operating base for the U.S. Border Patrol under paragraph (2) on or near Indian lands (as defined in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302)), the Secretary shall consult and coordinate with the tribal government with jurisdiction over those lands with respect to the construction of the station or establishment of the base, as the case may be.

SA 1459. Mr. TESTER 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. BORDER PATROL RATE OF PAY.

(a) PURPOSE.—The purposes of this section are—

(1) to strengthen U.S. Border Patrol and ensure border patrol agents are sufficiently ready to conduct necessary work and that agents will perform overtime hours in excess of a 40 hour work week based on the needs of the employing agency; and

(2) to ensure U.S. Border Patrol has the flexibility to cover shift changes and retains the right to assign scheduled and unscheduled work for mission requirements and planning based on operational need.

(b) RATES OF PAY.—Subchapter V of chapter 55 of title 5, United States Code, is amended by inserting after section 5549 the following:

"§ 5550. Border patrol rate of pay

''(a) DEFINITIONS.—In this section—

''(1) the term 'available to work' means a border patrol agent is generally and reasonably accessible by U.S. Customs and Border Protection to perform unscheduled duty based on the needs of U.S. Customs and Border Protection;

''(2) the term 'border patrol agent' means an individual who is performing functions included under position classification series 1896 (Border Patrol Enforcement) of the Office of Personnel Management, or any successor thereto, including performing covered border patrol activities;

''(3) the term 'covered border patrol activities' means a border patrol agent is—

''(A) detecting and preventing illegal entry and smuggling of aliens, commercial goods, narcotics, weapons, or contraband into the United States;

''(B) arresting individuals suspected of conduct described in subparagraph (A);

''(C) attending training authorized by U.S. Customs and Border Protection;

''(D) on approved annual, sick, or administrative leave;

''(E) on ordered travel status;

''(F) on official time, within the meaning of section 7131;

''(G) on excused absence with pay for relocation purposes;

''(H) on light duty due to injury or disability;

''(I) performing administrative duties or mission critical work assignments while maintaining law enforcement authority;

''(J) caring for the canine assigned to the border patrol agent, which may not exceed 1 hour per day; or

''(K) engaged in an activity similar to an activity described in subparagraphs (A) through (J) while temporarily away from the regular duty assignment of the border patrol agent;

''(4) the term 'level 1 border patrol rate of pay' means the hourly rate of pay equal to 1.25 times the otherwise applicable hourly rate of pay of the applicable border patrol agent;

''(5) the term 'level 2 border patrol rate of pay' means the hourly rate of pay equal to 1.125 times the otherwise applicable hourly rate of pay of the applicable border patrol agent; and

''(6) the term 'work period' means a 14-day biweekly pay period.

''(b) RECEIPT OF BORDER PATROL RATE OF PAY.—

''(1) VOLUNTARY ELECTION.—

''(A) IN GENERAL.—Not later than 30 days before the first day of each year beginning after the date of enactment of this section, a border patrol agent shall make an election whether the border patrol agent shall, for the following year—

''(i) be assigned to the level 1 border patrol rate of pay;

''(ii) be assigned the level 2 border patrol rate of pay; or

''(iii) decline to be assigned the level 1 border patrol rate of pay or the level 2 border patrol rate of pay.

''(B) PROCEDURES.—The Director of the Office of Personnel Management shall establish procedures for elections under subparagraph (A).

''(C) INFORMATION REGARDING ELECTION.—Not later than 60 days before the first day of each year beginning after the date of enactment of this section, U.S. Border Patrol shall provide each border patrol agent with information regarding each type of election available under subparagraph (A) and how to make such an election.

''(D) FAILURE TO ELECT.—A border patrol agent who fails to make a timely election under subparagraph (A) shall be deemed to have made an election to be assigned to the level 1 border patrol rate of pay under subparagraph (A)(i).

''(E) SENSE OF CONGRESS.—It is the sense of Congress that U.S. Border Patrol should take such action as is necessary to ensure that not more than 10 percent of the border patrol agents stationed at a location decline to be assigned to the level 1 border patrol rate of pay or the level 2 border patrol rate of pay.

''(2) LEVEL 1 BORDER PATROL RATE OF PAY.—For a border patrol agent who has in effect an election under paragraph (1)(A)(i), the border patrol agent—

''(A) shall be scheduled to work 10 hours per day and 5 days per week;

''(B) shall receive pay at the level 1 border patrol rate of pay for the hours of scheduled work described in subparagraph (A);

''(C) shall receive pay at the level 1 border patrol rate of pay for the number of hours during which the border patrol agent is available to work during a work period; and

''(D) shall receive compensatory time off or pay at the overtime hourly rate of pay for hours of work in excess of 100 hours during a work period, as determined in accordance with section 5542(a)(7).

''(3) LEVEL 2 BORDER PATROL RATE OF PAY.—For a border patrol agent who has in effect an election under paragraph (1)(A)(ii), the border patrol agent—

''(A) shall be scheduled to work 9 hours per day and 5 days per week;

''(B) shall receive pay at the level 2 border patrol rate of pay for the hours of scheduled work described in subparagraph (A);

''(C) shall receive pay at the level 2 border patrol rate of pay for the number of hours during which the border patrol agent is available to work during a work period; and

''(D) shall receive compensatory time off or pay at the overtime hourly rate of pay for hours of work in excess of 90 hours during a work period, as determined in accordance with section 5542(a)(7).

''(4) BASIC BORDER PATROL RATE OF PAY.—For a border patrol agent who has in effect an election under paragraph (1)(A)(iii), the border patrol agent—

''(A) shall be scheduled to work 8 hours per day and 5 days per week;

''(B) shall receive pay at the applicable hourly rate of basic pay of the applicable border patrol agent for the number of hours during which the border patrol agent is available to work during a work period; and

''(C) shall receive compensatory time off or pay at the overtime hourly rate of pay for hours of work in excess of 80 hours during a work period, as determined in accordance with section 5542(a)(7).

''(c) ELIGIBILITY FOR OTHER PREMIUM PAY.—A border patrol agent shall receive premium pay in accordance with sections 5545 and 5546, without regard to the election of the border patrol agent under subsection (b)(1)(A).

''(d) TREATMENT AS BASIC PAY.—Any pay received at the level 1 border patrol rate of pay or the level 2 border patrol rate of pay or pay described in subsection (b)(3)(B) shall be treated as part of basic pay for—

''(1) purposes of sections 5595(c), 8114(e), 8331(3), and 8704(c);

''(2) any other purpose that the Office of Personnel Management may by regulation prescribe; and

''(3) any other purpose expressly provided for by law.

''(e) AUTHORITY TO REQUIRE OVERTIME WORK.—Nothing in this section shall be construed to limit the authority of U.S. Border Protection to require a border patrol agent to perform hours of overtime work in the event of a local or national emergency.''.

(c) OVERTIME WORK.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

''(7)(A) In this paragraph, the term 'border patrol agent' has the meaning given that term in section 5550.

''(B) Notwithstanding the matter preceding paragraph (1) or paragraphs (1) and (2), for a border patrol agent who has in effect an election to be assigned to the level 1 border patrol rate of pay under section 5550(b)(1)(A)(i)—

''(i) except as provided in subparagraph (E), hours of work in excess of 100 hours during a 14-day biweekly pay period shall be overtime work; and

''(ii) the border patrol agent—

''(I) shall receive pay at the overtime hourly rate of pay for hours of overtime work that are officially ordered or approved; and

''(II) shall receive compensatory time off for any hours of overtime work that are not hours of overtime work described in subclause (I).

''(C) Notwithstanding the matter preceding paragraph (1) or paragraphs (1) and (2), for a border patrol agent who has in effect an election to be eligible for the level 2 border patrol rate of pay under section 5550(b)(1)(A)(ii)—

''(i) except as provided in subparagraph (E), hours of work in excess of 90 hours during a 14-day biweekly pay period shall be overtime work; and

''(ii) the border patrol agent—

''(I) shall receive pay at the overtime hourly rate of pay for hours of overtime work that are officially ordered or approved; and

''(II) shall receive compensatory time off for any hours of overtime work that are not hours of overtime work described in subclause (I).

''(D) Notwithstanding the matter preceding paragraph (1) or paragraphs (1) and (2), for a border patrol agent who has in effect an election under section 5550(b)(1)(A)(iii)—

''(i) except as provided in subparagraph (E), hours of work in excess of 80 hours during a 14-day biweekly pay period shall be overtime work; and

''(ii) the border patrol agent—

''(I) shall receive pay at the overtime hourly rate of pay for hours of overtime work that are officially ordered or approved; and

''(II) shall receive compensatory time off for any hours of overtime work that are not hours of overtime work described in subclause (I).

''(E) During a 14-day biweekly pay period, a border patrol agent shall not perform and may not receive compensatory time off for more than 8 hours of overtime work that is not officially approved.

''(F) A border patrol agent—

''(i) may not accrue more than 240 hours of compensatory time off during a year; and

''(ii) shall use any hours of compensatory time off not later than 1 year after the date on which the compensatory time off is accrued.''.

(d) STEP INCREASES.—

(1) IN GENERAL.—Effective on the first day of the first pay period beginning after December 31, 2013, each border patrol agent (as defined in section 5550 of title 5, United States Code, as added by subsection (b)) in a position at or below GS-12 of the General Schedule under section 5332 of title 5, United States Code, shall be granted a step-increase of 2 steps, except that an increase under this section may not increase the rate of pay of a border patrol agent to be more than the highest pay rate within the GS grade of the border patrol agent on the date of enactment of this Act.

(2) EFFECT ON PERIODIC STEP-INCREASES.—The date on which a border patrol agent who receives a step-increase under paragraph (1) is eligible for a periodic step-increase under section 5335 of title 5, United States Code, shall be determined based on the effective date of the step-increase under paragraph (1).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended—

(A) in paragraph (16), by striking ''or'' after the semicolon;

(B) in paragraph (17), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(18) any employee who is a border patrol agent, as defined in section 5550(a) of title 5, United States Code.''.

(2) The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5549 the following:

''5550. Border patrol rate of pay.''.

SA 1460. Mrs. MURRAY 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:

Section 2103 is amended by adding at the end the following:

(g) DREAMER ACCESS GRANTS.—

(1) IN GENERAL.—Subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended by adding at the end the following:

''SEC. 415G. DREAMER ACCESS GRANTS.

''(a) PURPOSE.—The purpose of this section is to provide grants to eligible States for the following:

''(1) To promote increased access and affordability for DREAM Act students.

''(2) To discourage legal discrimination against DREAM Act students.

''(b) DREAM ACT STUDENTS.—In this section, the term 'DREAM Act student' means an individual who is a registered provisional immigrant who meets the requirements of clauses (ii) and (iii) of section 245D(b)(1)(A) of the Immigration and Nationality Act.

''(c) GRANTS TO STATES.—

''(1) RESERVATION FOR ADMINISTRATION.—From the amounts appropriated to carry out this section for each fiscal year, the Secretary may reserve not more than 1 percent of such amounts to administer this section.

''(2) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—From the amounts appropriated to carry out this section for each fiscal year and not reserved under paragraph (1), the Secretary shall award grants to eligible States to enable the States to carry out the activities described in this section for DREAM Act students.

''(B) SUBMISSION AND CONTENTS OF APPLICATIONS.—A State that desires to obtain a grant payment under this section for any fiscal year shall submit annually an application that shall contain such information as may be required by, or pursuant to, regulation for the purpose of enabling the Secretary to make the determinations required under this section.

''(C) PAYMENT OF FEDERAL SHARE OF GRANTS MADE BY QUALIFIED PROGRAM.—From a State's allotment under this section for any fiscal year the Secretary is authorized to make payments to such State for paying up to 50 percent of the amount of student grants pursuant to a State program which—

''(i) is administered by a single State agency;

''(ii) provides that such grants will be in amounts not to exceed the lesser of $12,500 or the student's cost of attendance per academic year—

''(I) for attendance on a full-time basis at an institution of higher education; and

''(II) for campus-based community service work learning study jobs;

''(iii) provides that—

''(I) not more than 20 percent of the allotment to the State for each fiscal year may be used for the purpose described in clause (ii)(II);

''(II) grants for the campus-based community work learning study jobs may be made only to students who are otherwise eligible for assistance under this section; and

''(III) grants for such jobs be made in accordance with the provisions of section 443(b)(1);

''(iv) provides for the selection of recipients of such grants or of such State work-study jobs on the basis of substantial financial need determined annually on the basis of criteria established by the State and approved by the Secretary, except that for the purpose of collecting data to make such determination of financial need, no student or parent shall be charged a fee that is payable to an entity other than such State;

''(v) provides that all nonprofit institutions of higher education in the State are eligible to participate in the State program, except in any State in which participation of nonprofit institutions of higher education is in violation of the constitution of the State or in any State in which participation of nonprofit institutions of higher education is in violation of a statute of the State which was enacted prior to October 1, 1978;

''(vi) provides for the payment of the non-Federal portion of such grants or of such work-study jobs from funds supplied by such State which represent an additional expenditure for such year by such State for grants or work-study jobs for students attending institutions of higher education over the amount expended by such State for such grants or work-study jobs, if any, during the second fiscal year preceding the fiscal year in which such State initially received funds under this section;

''(vii) provides that if the State's allocation under this section is based in part on the financial need demonstrated by students who are independent students or attending the institution less than full time, a reasonable proportion of the State's allocation shall be made available to such students;

''(viii) provides for State expenditures under such program of an amount not less than the average annual aggregate expenditures for the preceding three fiscal years or the average annual expenditure per full-time equivalent student for such years;

''(ix) provides—

''(I) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State agency under this section; and

''(II) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform the Secretary's functions under this section;

''(x) provides the non-Federal share of the amount of student grants or work-study jobs under this section through State funds for the program under this section; and

''(xi) provides notification to eligible students that such grants are funded by the Federal Government, the State, and, where applicable, other contributing partners.

''(D) RESERVATION AND DISBURSEMENT OF ALLOTMENTS AND REALLOTMENTS.—Upon the Secretary's approval of any application for a payment under this section, the Secretary shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such payment, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share of the cost of the students' incentive grants or work-study jobs covered by such application. The Secretary shall pay such reserved amount, in advance or by way of reimbursement, and in such installments as the Secretary may determine. The Secretary may amend the reservation of any amount under this section, either upon approval of an amendment of the application or upon revision of the estimated cost of the student grants or work-study jobs with respect to which such reservation was made. If the Secretary approves an upward revision of such estimated cost, the Secretary may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

''(3) ELIGIBLE STATES.—A State is eligible to receive a grant under this section if the State—

''(A) increases access and affordability to higher education for DREAM Act students by—

''(i) offering in-state tuition for DREAM Act students; or

''(ii) expanding in-state financial aid to DREAM Act students; and

''(B) submits an application to the Secretary that contains an assurance that the State has made significant progress establishing a longitudinal data system that includes the elements described in section 6201(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871(e)(2)(D)).

''(4) ALLOTMENTS.—The Secretary shall allot the amount appropriated to carry out this section for each fiscal year and not reserved under paragraph (1) among the eligible States in proportion to the number of DREAM Act students enrolled at least half-

time in postsecondary education who reside in the State for the most recent fiscal year for which satisfactory data are available, compared to the number of such students who reside in all eligible States for that fiscal year.

''(d) SUPPLEMENT NOT SUPPLANT.—Grant funds awarded under this section shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this section.

''(e) AUTHORIZATION AND APPROPRIATION OF FUNDS.—There are authorized to be appropriated, and there are appropriated, to carry out this section—

''(1) $55,000,000 for fiscal year 2014;
''(2) $55,000,000 for fiscal year 2015;
''(3) $60,000,000 for fiscal year 2016;
''(4) $60,000,000 for fiscal years 2017;
''(5) $75,000,000 for fiscal years 2018;
''(6) $75,000,000 for fiscal years 2019;
''(7) $85,000,000 for fiscal years 2020;
''(8) $85,000,000 for fiscal years 2021;
''(9) $100,000,000 for fiscal years 2022; and
''(10) $100,000,000 for fiscal years 2023.''.

(2) OFFSET.—Section 281(f)(1) (8 U.S.C. 1351(f)(1)), as added by section 4409, is further amended by adding at the end the following: ''In addition to the fees authorized under subsection (a) and the preceding sentence, the Secretary of Homeland Security shall collect a $150 fee from each nonimmigrant admitted under section 101(a)(15)(F)(i), which fee shall be deposited in the general fund of the Treasury.''.

SA 1461. 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 1543, lines 15 and 16, strike ''STATUS.—'' and all that follows through ''An alien'' and insert ''STATUS.—An alien''.

On page 1543, line 20, strike ''(A)'' and insert ''(1)''.

On page 1544, line 1, strike ''(i)'' and insert ''(A)''.

On page 1544, line 5, strike ''(ii)'' and insert ''(B)''.

On page 1544, line 9, strike ''(B)'' and insert ''(2)''.

On page 1544, strike lines 18 through 22.

On page 1618, between lines 11 and 12, insert the following:

SEC. 3722. MANDATORY DETENTION AND EXPEDITED REMOVAL OF CERTAIN CRIMINAL ALIENS.

(a) MANDATORY DETENTION.—Section 236(c) (8 U.S.C. 1226(c)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (1)—

(A) in subparagraph (B), by striking ''section 237(a)(2)(A)(ii), (A)(iii), (B), (C), or (D),'' and inserting ''subparagraph (A)(ii), (A)(iii), (B), (C), (D), (E), or (G) of section 237(a)(2);''; and

(B) in subparagraph (C), by striking ''sentence'' and inserting ''sentenced''.

(b) EXPEDITED REMOVAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 238. EXPEDITED REMOVAL PROCEEDINGS FOR ALIENS CONVICTED OF SERIOUS CRIMINAL OFFENSES.'';

(2) by striking ''Attorney General'' each place such term appears and insert ''Secretary of Homeland Security'';

(3) in subsection (a)—

(A) by striking paragraph (3);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Secretary of Homeland Security shall provide for special removal proceedings at certain Federal, State, and local correctional facilities for any alien convicted of—

''(A) any criminal offense set forth in subparagraph (A)(iii), (B), (C), (D), (E), or (G) of section 237(a)(2); or

''(B) 2 or more crimes involving moral turpitude, as described in clause (ii) of section 237(a)(2)(A), for which both predicate offenses are, without regard to the date of their commission, otherwise described in clause (i) of such section.

''(2) CONDUCT OF PROCEEDINGS.—

''(A) IN GENERAL.—Except as otherwise provided in this section, removal proceedings authorized under this section—

''(i) shall be conducted in accordance with section 240;

''(ii) shall eliminate the need for additional detention at any U.S. Immigration and Customs Enforcement processing center; and

''(iii) shall ensure the expeditious removal of the alien following the alien's incarceration for the underlying crime.

''(B) SAVINGS PROVISIONS.—Nothing in this paragraph may be construed—

''(i) to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States, its agencies or officers, or any other person; or

''(ii) to require the Secretary of Homeland Security to effect the removal of any alien sentenced to actual incarceration before the alien is scheduled to be released from incarceration for the underlying crime.''; and

(4) by striking subsection (c), as redesignated by section 671(b)(13) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208), and inserting the following:

''(6) An alien convicted of an offense for which an element was active participation in a criminal street gang, an aggravated felony, or a crime of domestic violence or child abuse shall be conclusively presumed to be deportable from the United States.''.

(c) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 238 and inserting the following:

''Sec. 238. Expedited removal proceedings for aliens convicted of serious criminal offenses.''.

SA 1462. 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 1618, between lines 11 and 12, insert the following:

SEC. 3722. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the last day of the application period for registered provisional immigrant status, as specified in section 245B(c)(3) of the Immigration and Nationality Act, as added by section 2101 of this Act, and periodically thereafter as updates may require, the Secretary shall provide the National Crime Information Center of the Department of Justice with all the information in the possession of the Secretary regarding—

(1) any alien against whom a final order of removal has been issued;

(2) any alien who has entered into a voluntary departure agreement;

(3) any alien who has overstayed his or her authorized period of stay; and

(4) any alien whose visa has been revoked.

(b) INCLUSION OF INFORMATION IN IMMIGRATION VIOLATORS FILE.—The Secretary and the Attorney General shall establish a system for ensuring that the information provided pursuant to subsection (a) for entry into the Immigration Violators File of the National Crime Information Center database is updated regularly to reflect whether—

(1) the alien received notice of a final order of removal;

(2) the alien has already been removed; or

(3) the legal status of the alien has otherwise changed.

(c) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations by aliens of the immigration laws of the United States, regardless of whether any such alien has received notice of the violation or whether sufficient identifying information is available with respect to any such alien or whether any such alien has already been removed from the United States; and''.

(2) EFFECTIVE DATE.—The Attorney General and the Secretary shall ensure that the amendment made by paragraph (1) is implemented not later than 6 months after the last day of the application period for registered provisional immigrant status.

(d) TECHNOLOGY ACCESS.—States shall have access to Federal programs or technology directed broadly at identifying inadmissible or deportable aliens.

SEC. 3723. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION ABOUT APPREHENDED ALIENS.

(a) PROVISION OF INFORMATION.—As a condition of receiving compensation for the incarceration of undocumented criminal aliens pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), grants under the ''Cops on the Beat'' program authorized under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), or other law enforcement grants from the Department or the Department of Justice, each State, and each political subdivision of a State, shall, in a timely manner, provide the Secretary with the information specified in subsection (b) with respect to each alien who is arrested by law enforcement officers in the course of carrying out the officers' routine law enforcement duties in the jurisdiction of the State, or in the political subdivision of the State, who is believed to be inadmissible or deportable.

(b) INFORMATION REQUIRED.—The information required under this subsection is—

(1) the alien's name;

(2) the alien's address or place of residence;

(3) a physical description of the alien;

(4) the date, time, and location of the encounter with the alien and the reason for arresting the alien;

(5) the alien's driver's license number, if applicable, and the State of issuance of such license;

(6) the type of any other identification document issued to the alien, if applicable, any designation number contained on the identification document, and the issuing entity for the identification document;

(7) the license plate number, make, and model of any automobile registered to, or driven by, the alien, if applicable;

(8) a photo of the alien, if available or readily obtainable; and

(9) the alien's fingerprints, if available or readily obtainable.

(c) ANNUAL REPORT ON REPORTING.—The Secretary shall maintain, and annually submit to the Congress, a detailed report listing the States, or the political subdivisions of States, that have provided information under subsection (a) in the preceding year.

(d) REIMBURSEMENT.—The Secretary shall reimburse States, and political subdivisions of a State, for all reasonable costs, as determined by the Secretary, incurred by the State, or the political subdivision of a State, as a result of providing information under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require law enforcement officials of a State, or of a political subdivision of a State, to provide the Secretary with information related to a victim of a crime or witness to a criminal offense.

(g) EFFECTIVE DATE.—This section shall—

(1) take effect on the date that is 120 days after the last day of the application period for registered provisional immigrant status; and

(2) apply with respect to aliens apprehended on or after such date.

SEC. 3724. STATE VIOLATIONS OF ENFORCEMENT OF IMMIGRATION LAWS.

(a) IN GENERAL.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(1) by striking ''Immigration and Naturalization Service'' each place it appears and inserting ''Department of Homeland Security'';

(2) in subsection (a), by striking ''may'' and inserting ''shall'';

(3) in subsection (b)—

(A) by striking ''no person or agency may'' and inserting ''a person or agency shall not'';

(B) by striking ''doing any of the following with respect to information'' and inserting ''undertaking any of the following law enforcement activities''; and

(C) by striking paragraphs (1) through (3) and inserting the following:

''(1) Notifying the Federal Government regarding the presence of inadmissible and deportable aliens who are encountered by law enforcement personnel of a State or political subdivision of a State.

''(2) Complying with requests for immigration-related information from Federal law enforcement.

''(3) Complying with detainers issued by the Department of Homeland Security.

''(4) Issuing policies in the form of a resolutions, ordinances, administrative actions, general or special orders, or departmental policies that violate Federal immigration law or restrict a State or political subdivision of a State from complying with Federal immigration law or coordinating with Federal immigration law enforcement.''; and

(4) by adding at the end the following:

''(d) COMPLIANCE.—

''(1) IN GENERAL.—A State, or a political subdivision of a State, that has in effect a statute, policy, or practice that prohibits law enforcement officers of the State, or of a political subdivision of the State, from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the officers' routine law enforcement duties shall not be eligible to receive, for a minimum period of 1 year—

''(A) any of the funds that would otherwise be allocated to the State or political subdivision under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) or the 'Cops on the Beat' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.); or

''(B) any other law enforcement or Department of Homeland Security grant.

''(2) ANNUAL DETERMINATION AND REPORT.—The Secretary shall—

''(A) annually determine which States or political subdivisions of a State are ineligible for certain Federal funding pursuant to paragraph (1); and

''(B) submit a report to Congress by March 1st of each year that lists such States and political subdivisions.

''(3) OTHER REPORTS.—The Attorney General shall issue a report concerning the compliance of any particular State or political subdivision at the request of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives.

''(4) CERTIFICATION.—Any jurisdiction that is described in paragraph (1) shall be ineligible to receive Federal financial assistance described in paragraph (1) until after the Attorney General certifies that the jurisdiction no longer prohibits its law enforcement officers from assisting or cooperating with Federal immigration law enforcement.

''(5) REALLOCATION.—Any funds that are not allocated to a State or to a political subdivision of a State pursuant to paragraph (1) shall be reallocated to States, or to political subdivisions of States, that comply with such subsection.

''(e) CONSTRUCTION.—Nothing in this section shall require law enforcement officials from States, or from political subdivisions of States, to report or arrest victims or witnesses of a criminal offense.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that subsection (d) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), as added by this section, shall take effect beginning on the date that is 1 year after the date of the enactment of this Act.

SA 1463. Mr. ENZI 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 1137, line 20, strike ''(8)'' and insert the following:

''(8) RELATED WORK.—An alien admitted as a nonimmigrant agricultural worker for employment as a sheepherder or goat herder may also perform other work that is typically performed in the range production of livestock, but is not typically listed on the application for employment certification, if such work—

''(A) involves farm or ranch chores related to the production and husbandry of sheep and or goats, including—

''(i) herding, feeding, and guarding flocks;

''(ii) examining animals for illness and administering treatments, as instructed;

''(iii) handling irrigation equipment; and

''(iv) assisting in lambing, docking, and shearing; and

''(B) is related to the range production of livestock for which the alien was sought.

''(9)

SA 1464. Mr. ENZI 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 1137, strike lines 4 through 8 and insert the following:

''(5) HOUSING.—

''(A) IN GENERAL.—The Secretary shall allow for the provision of—

''(i) housing or a housing allowance by employers in Special Procedures Industries; and

''(ii) housing suitable for workers employed in remote locations.

''(B) SHEEPHERDERS AND GOAT HERDERS.—An alien admitted as a nonimmigrant agricultural worker for employment as a sheepherder or goat herder shall be provided temporary mobile housing in accordance with part III of 'Special Procedures: Labor Certification Process for Sheepherders and Goatherders Under the H-2A Program', as adopted and enforced by the Department of Labor before June 14, 2011, for the duration of employment in sheepherding and goat herding occupations.

SA 1465. Mr. ENZI 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 1137, line 20, strike ''(8)'' and insert the following:

''(8) EXEMPTION FROM NUMERICAL LIMITATIONS.—An nonimmigrant agricultural worker employed in a Special Procedures Industry shall be not subject to the numerical limitations set forth in subsection (c).

''(9)

SA 1466. Mr. ENZI 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 1389, beginning on line 21, strike ''who'' and all that follows through page 1390, line 7, and insert the following: ''who fails to query the System to verify the identity and work authorized status of an individual.''.

SA 1467. Mr. ENZI 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. _____. PREEMPTION OF STATE OR LOCAL CRIMINAL LAWS.

Nothing in this Act may be construed as preempting any State or local criminal law.

SA 1468. Mr. ENZI 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 49, strike line 19 and all that follows through page 50, line 16.

SA 1469. Mr. MCCAIN (for himself, Mr. CARDIN, and 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 1603, after line 25, add the following:

(d) IDENTIFICATION OF ALIENS RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,

the President shall submit to the appropriate congressional committees a list identifying each alien who the President determines, based on credible information—

(A) planned, ordered, assisted, aided and abetted, committed or otherwise knowingly participated in, including through command responsibility, extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking—

(i) to expose illegal activity carried out by government officials;

(ii) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, including—

(I) the freedoms of religion, expression, association, and assembly; and

(II) the rights to a fair trial and to democratic elections; or

(iii) acted as an agent of or on behalf of a person in a matter relating to an activity described in this subparagraph;

(B) planned, ordered, assisted, aided and abetted, committed or otherwise knowingly participated in, including through command responsibility, widespread or systematic violence against any civilian population based in whole or in part on race, color, descent, sex, disability, membership in an indigenous group, language, religion, political opinion, national origin, ethnicity, membership in a particular social group, birth, sexual orientation, or gender identity, or who attempted or conspired to commit an act described in this subparagraph; or

(C) planned, ordered, assisted, aided and abetted, committed or otherwise participated in, including through command responsibility, war crimes, crimes against humanity, or other serious violations of human rights, or who attempted or conspired to commit an act described in this subparagraph.

(2) FORM OF LIST.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the list required by paragraph (1) shall be submitted in unclassified form.

(B) CLASSIFIED ANNEX.—The list required by paragraph (1) may include a classified annex if the President—

(i) determines that it is necessary for the national security interests of the United States to do so; and

(ii) before submitting the list including a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including each person in the classified annex.

(3) DURESS.—The President shall not include an alien on the list required under paragraph (1) if the President determines that the alien's actions were committed under duress. In determining whether an alien was subject to duress, the President may consider relevant factors, including the age of the alien at the time such actions were committed.

(4) UPDATES.—The President shall submit to the appropriate congressional committees an update of the list required under paragraph (1) as additional relevant information becomes available.

(5) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required under paragraph (1), the President shall consider—

(A) information provided by the chairperson or ranking member of each of the appropriate congressional committees; and

(B) credible information obtained by other countries and nongovernmental organizations that monitor human rights abuses.

(6) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—Any unclassified portion of the list required under paragraph (1) shall be made available to the public and published in the Federal Register.

(B) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish any portion of the list described in subparagraph (A) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

(7) REMOVAL FROM LIST.—An alien may be removed from the list required under paragraph (1) if the President determines, and reports to the appropriate congressional committees not later than 15 days before the removal of the alien from the list, that—

(A) credible information exists that the alien did not engage in the activity for which the alien was added to the list; or

(B) the alien has been prosecuted appropriately for the activity in which the alien engaged.

(e) INADMISSIBILITY.—

(1) INELIGIBILITY FOR VISAS.—An alien is ineligible to receive a visa to enter the United States and ineligible to be admitted to the United States if the alien is on the list required by subsection (d)(1).

(2) CURRENT VISAS REVOKED.—The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), the visa or other documentation of any alien who would be ineligible to receive such a visa or documentation under paragraph (1).

(3) WAIVER FOR NATIONAL SECURITY INTERESTS.—The Secretary of State may waive the application of paragraph (1) or (2) in the case of an alien if—

(A) the Secretary determines that such a waiver is in the national security interests of the United States; and

(B) before granting such a waiver, the Secretary provides to the appropriate congressional committees notice of, and a justification for, the waiver.

(f) REGULATORY AUTHORITY.—The President shall prescribe such regulations as may be necessary to carry out subsections (d) and (e), including regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(g) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of Homeland Security shall jointly submit to the appropriate congressional committees a report, in unclassified or classified form, that describes the actions taken to carry out this section, including—

(1) the number of persons added to or removed from the list required under section (d)(1) during the year preceding the report;

(2) the dates on which such persons were added or removed;

(3) the reasons for adding or removing such persons; and

(4) if few or no such persons have been added to the list during that year, the reasons for not adding more such persons to the list.

(h) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN.—The terms ''admitted'' and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

SA 1470. Mr. CORNYN 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 945, strike line 21 and all that follows through page 946, line 13 and insert the following:

''(III) an offense, unless the applicant demonstrates, by clear and convincing evidence, that the applicant is innocent of the offense, that applicant 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

''(VI) unlawful voting (as defined

On page 948, beginning on line 13, 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 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 sole discretion of the Secretary, interview any other applicant for registered provisional immigrant status under this section.

SA 1471. Mr. FLAKE 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 859, strike line 24 and all that follows through page 860, line 6, and insert the following:

(a) ESTABLISHMENT.—

(1) IN GENERAL.—No later than the date that is 1 year after the date of the enactment of this Act, there is established a commission to be known as the ''Southern Border

Security Commission'' (referred to in this section as the ''Commission'').

(2) EXPENDITURES AND REPORT.—Only if the Secretary cannot certify that the Department has achieved effective control in all border sectors for at least 1 fiscal year before the date that is 5 years after the date of the enactment of this Act—

(A) the report described in subsection (d) shall be submitted; and

(B) 60 days after such report is submitted, the funds made available in section 6(a)(3)(A)(ii) may be expended (except as provided in subsection (i)).

On page 861, strike lines 15 through 19, and insert the following:

(2) QUALIFICATIONS FOR APPOINTMENT.—The members of the Commission shall be distinguished individuals noted for their knowledge and experience in the field of border security at the Federal, State, or local level and may also include reputable individuals who are landowners in the Southern border area with first-hand experience with border issues.

On page 861, lines 22 and 23, strike ''60 days after the Secretary makes a certification described in subsection (a).'' and insert ''no later than 1 year after the date of the enactment of this Act.''.

On page 862, strike lines 11 through 20, and insert the following:

(c) DUTIES.—

(1) IN GENERAL.—The Commission's primary responsibility shall be to make recommendations to the President, the Secretary, and Congress on policies to achieve and maintain the border security goal specified in section 3(b) by achieving and maintaining—

(A) the capability to engage in, and engaging in, persistent surveillance in border sectors along the Southern border; and

(B) an effectiveness rate of 90 percent or higher in all border sectors along the Southern border.

(2) PUBLIC HEARINGS.—

(A) IN GENERAL.—The Commission shall convene at least 1 public hearing each year on border security.

(B) REPORT.—The Commission shall provide a summary of each hearing convened pursuant to subparagraph (A) to the entities set out in subparagraphs (A) through (G) of section 5(a)(1).

On page 862, beginning on line 21, strike ''Not later than 180 days after the end of the 5-year period described in subsection (a),'' and insert ''If required pursuant to subsection (a)(2)(B) and in no case earlier than the date that is 5 years after the date of the enactment of this Act,''.

On page 864, strike lines 5 through 7, and insert the following:

(h) TERMINATION.—The Commission shall terminate 10 years after the date of the enactment of this Act.

(i) FUNDING.—The amounts made available under section 6(a)(3)(A)(ii) to carry out programs, projects, and activities recommended by the Commission may not be expended prior to the date that is 60 days after a report required by subsection (d) is submitted and, in no case, prior to 60 days after the date that is 5 years after the date of the enactment of this Act, except that funds made available under section 6(a)(3)(A)(ii) may be used for minimal administrative expenses directly associated with convening the public hearings required by subsection (c)(2)(A) and preparing and providing summaries of such hearings required by subsection (c)(2)(B).

On page 876, line 21, strike ''3(b)'' and insert ''3(b), and for the administrative expenses directly associated with convening the public hearings required by section 3(c)(2)(A) and preparing and providing summaries of such hearings required by section 3(c)(2)(B).''.

SA 1472. Mr. FLAKE 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 898, after line 22, add the following:

(e) STUDY AND REPORT ON THE USE OF NONFEDERAL ROADS BY U.S. CUSTOMS AND BORDER PROTECTION.—The Comptroller General of the United States shall conduct a study of, and prepare a report on—

(1) the extent to which U.S. Customs and Border Protection (referred to in this subsection as ''CBP'') uses nonfederal roads along the Southern border, including State, county, or locally-maintained primitive roads;

(2) the places where CBP use represents a significant percentage of the use of the roads described in paragraph (1);

(3) the extent to which the CBP use of such roads causes increased degradation and increased maintenance costs for State, county, or local entities; and

(4) possible ways for CBP to assist State, county, and local entities with the maintenance of the nonfederal roads adversely affected by CBP use.

SA 1473. 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 946, between lines 12 and 13, insert the following:

''(V) an offense for driving under the influence or driving while intoxicated; or

SA 1474. 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:

At the appropriate place, insert the following:

SEC. ___. INELIGIBILITY FOR UNITED STATES CITIZENSHIP OF PERSONS WHO HAVE PREVIOUSLY BEEN WILLFULLY IN UNITED STATES IN UNLAWFUL STATUS.

Notwithstanding any other provision of law, no person who is or has previously been willfully present in the United States while not in lawful status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall be eligible for United States citizenship.

SA 1475. 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:

Beginning on page 1829, strike line 7, and all that follows through page 1833, line 2, and insert the following:

''(i) For the first year aliens are admitted as W nonimmigrants, 200,000.

''(ii) For the second such year, 250,000.

''(iii) For the third such year, 300,000.

''(iv) For the fourth such year, 350,000.

''(v) For each year after the fourth such year, the level calculated for that year under paragraph (2).

''(B) DATES.—The first year referred to in subparagraph (A)(i) shall begin on April 1, 2015, and end on March 31, 2016, unless the Secretary determines that such first year shall begin on October 1, 2015, and end on September 30, 2016.

''(2) YEARS AFTER YEAR 4.—

''(A) CURRENT YEAR AND PRECEDING YEAR.—In this paragraph—

''(i) the term current year shall refer to the 12-month period for which the calculation of the numerical limits under this paragraph is being performed; and

''(ii) the term preceding year shall refer to the 12-month period immediately preceding the current year.

''(B) NUMERICAL LIMITATION.—Subject to subparagraph (D), the number of registered positions that may be approved by the Secretary for a year after the fourth year referred to in paragraph (1)(A)(iv) shall be equal to the sum of—

''(i) the number of such registered positions available under this paragraph for the preceding year; and

''(ii) the product of—

''(I) the number of such registered positions available under this paragraph for the preceding year; multiplied by

''(II) the index for the current year calculated under subparagraph (C).

''(C) INDEX.—The index calculated under this subparagraph for a current year equals the sum of—

''(i) one-fifth of a fraction—

''(I) the numerator of which is the number of registered positions that registered employers applied to have approved under subsection (e)(1) for the preceding year minus the number of registered positions approved under subsection (e) for the preceding year; and

''(II) the denominator of which is the number of registered positions approved under subsection (e) for the preceding year;

''(ii) one-fifth of a fraction—

''(I) the numerator of which is the number of registered positions the Commissioner recommends be available under this subparagraph for the current year minus the number of registered positions available under this subsection for the preceding year; and

''(II) the denominator of which is the number of registered positions available under this subsection for the preceding year;

''(iii) three-tenths of a fraction—

''(I) the numerator of which is the number of unemployed United States workers for the preceding year minus the number of unemployed United States workers for the current year; and

''(II) the denominator of which is the number of unemployed United States workers for the preceding year; and

''(iv) three-tenths of a fraction—

''(I) the numerator of which is the number of job openings as set out in the Job Openings and Labor Turnover Survey of the Bureau of Labor Statistics for the current year minus such number of job openings for the preceding year; and

''(II) the denominator of which is the number of such job openings for the preceding year;

''(D) MINIMUM AND MAXIMUM LEVELS.—The number of registered positions calculated under subparagraph (B) for a 12-month period may not be less than 200,000 nor more than 400,000.

SA 1476. Ms. HEITKAMP (for herself and Mr. LEAHY) 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 title I, add the following:

SEC. 1122. SECURITY AND TRADE FACILITATION ON THE NORTHERN BORDER.

(a) AUTHORITY TO ENTER INTO LAW ENFORCEMENT PARTNERSHIPS WITH FOREIGN GOVERNMENTS.—Section 629(g) of the Tariff Act of 1930 (19 U.S.C. 1629(g)) is amended to read as follows:

''(g) PRIVILEGES AND IMMUNITIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any person designated to perform the duties of an officer of the customs pursuant to section 401(i) shall be entitled to the same privileges and immunities as an officer of the customs with respect to any actions taken by the person in the performance of those duties.

''(2) FOREIGN LAW ENFORCEMENT OFFICERS.—A law enforcement officer of a foreign government designated to perform the duties of an officer of the customs pursuant to section 401(i) shall be entitled to such privileges and immunities as are afforded to the law enforcement officer pursuant to the law of the United States or an agreement between the United States and the foreign government authorized under paragraph (3).

''(3) AUTHORIZATION OF AGREEMENTS WITH FOREIGN GOVERNMENTS.—The Secretary of State, in coordination with the Secretary of Homeland Security, may enter into an agreement with the government of a foreign country to extend to law enforcement officers of that government that are designated to perform the duties of an officer of the customs under section 401(i) such privileges and immunities as are necessary for those law enforcement officers to carry out those duties.''.

(b) STATIONING OF FOREIGN LAW ENFORCEMENT OFFICERS IN THE UNITED STATES.—

(1) IN GENERAL.—Subtitle H of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

''SEC. 890A. STATIONING OF FOREIGN LAW ENFORCEMENT OFFICERS AND ASSOCIATED PERSONNEL.

''(a) IN GENERAL.—The Secretary or the Attorney General may authorize the stationing of law enforcement officers and associated personnel of a foreign government in the United States for the purpose of enhancing law enforcement cooperation and operations with the foreign government.

''(b) EXTENSION OF PRIVILEGES AND IMMUNITIES.—The Secretary of State, in coordination with the Secretary or the Attorney General, or both, as appropriate, may extend privileges and immunities, as negotiated pursuant to an international agreement or treaty with a particular foreign government, to law enforcement officers and associated personnel of the foreign government stationed in the United States in accordance with subsection (a) as may be necessary for those law enforcement officers and associated personnel to carry out the functions authorized under subsection (a).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 890 the following:

''Sec. 890A. Stationing of foreign law enforcement officers and associated personnel.''.

(c) FEDERAL JURISDICTION OVER PERSONNEL WORKING AS PART OF BORDER SECURITY INITIATIVES.—

(1) IN GENERAL.—Chapter 93 of title 18, United States Code, is amended by adding at the end the following:

''§ 1925. Offenses committed by personnel working in furtherance of border security initiatives outside the United States

''(a) OFFENSE.—It shall be unlawful for any individual who is employed by the Department of Homeland Security or the Department of Justice and stationed or deployed in a foreign country in furtherance of a border security initiative pursuant to a treaty, agreement, or other arrangement to engage in conduct that would constitute an offense under Federal law if the conduct had been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States.

''(b) PENALTY.—Any individual who violates subsection (a) shall be punished as provided for that offense.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 93 of title 18, United States Code, is amended by adding at the end the following:

''1925. Offenses committed by personnel working in furtherance of border security initiatives outside the United States.''.

SA 1477. Mr. UDALL of Colorado 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 C of title II, add the following:

SEC. 2323. RELIEF FOR VICTIMS OF NOTARIO FRAUD.

(a) WITHDRAWAL OF SUBMISSION.—

(1) IN GENERAL.—An alien may withdraw, without prejudice, an application or other submission for immigration status or other immigration benefit if the alien demonstrates the application or submission was prepared or submitted by an individual engaged in the unauthorized practice of law or immigration practitioner fraud.

(2) CORRECTED FILINGS.—The Secretary, the Secretary of State, and the Attorney General shall develop a mechanism for submitting corrected applications or other submissions withdrawn under paragraph (1).

(b) WAIVER OF BAR TO REENTRY.—Section 212(a)(9)(B)(iii) (8 U.S.C. 1182(a)(9)(B)(ii)), as amended by section 2315(a), is further amended by adding at the end the following:

''(VII) IMMIGRATION PRACTITIONER FRAUD.—Clause (i) shall not apply to an alien who departed the United States based on the erroneous advice of an individual engaged in the unauthorized practice of law or immigration practitioner fraud.''.

(c) REVIEW OF DENIAL OF RPI STATUS.—Section 245B of the Immigration and Nationality Act, as added by section 2101(a), is amended by adding at the end of subsection (c)(11) the following:

''(C) REVIEW FOR IMMIGRATION PRACTITIONER FRAUD.—The Secretary shall establish a procedure for the review or reconsideration of an application for registered provisional immigrant status that was denied if the applicant demonstrates that the application was prepared or submitted by an individual engaged in the unauthorized practice of law or immigration practitioner fraud.''.

SA 1478. Mr. UDALL of Colorado 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 1565, strike line 14 and insert the following:

(c) OUTREACH TO IMMIGRANT COMMUNITIES.—

(1) AUTHORITY TO CONDUCT.—The Attorney General, acting through the Director of the Executive Office for Immigration Review, shall carry out a program to educate aliens regarding who may provide legal services and representation to aliens in immigration proceedings through cost-effective outreach to immigrant communities.

(2) PURPOSE.—The purpose of the program authorized under paragraph (1) is to prevent aliens from being subjected to fraud by immigration consultants, visa consultants, and other individuals who are not authorized to provide legal services or representation to aliens.

(3) AVAILABILITY.—The Attorney General shall, to the extent practicable, make information regarding fraud by immigration consultants, visa consultants, and other individuals who are not authorized to provide legal services or representation to aliens available—

(A) at appropriate offices that provide services or information to aliens; and

(B) through websites that are—

(i) maintained by the Attorney General; and

(ii) intended to provide information regarding immigration matters to aliens.

(4) FOREIGN LANGUAGE MATERIALS.—Any educational materials used to carry out the program authorized under paragraph (1) shall, to the extent practicable, be made available to immigrant communities in appropriate languages, including English and Spanish.

(5) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2014 through 2018, there is authorized to be appropriated $1,000,000 from the Comprehensive Immigration Reform Trust Fund established under section 6 to carry out this subsection.

(d) DEFINITIONS.—In this section:

SA 1479. Mr. UDALL of Colorado 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 1154, between lines 20 and 21, insert the following:

''(J) HUMANITARIAN CRITERIA.—An alien shall be allocated 10 points if the alien can demonstrate that there is a pattern in the alien's country of nationality, or, if the alien is stateless, in the country of the alien's last habitual residence, of discrimination or discriminatory practices against a group of individuals similarly situated to the alien on account of race, religion, nationality, membership in a particular social group, or political opinion.

SA 1480. Mr. UDALL of Colorado 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 1154, between lines 20 and 21, insert the following:

''(J) WOMEN WHO ARE NATIONALS OF COUNTRIES THAT DISCRIMINATE AGAINST WOMEN.—A female alien who is a national of a country that restricts the access of women to educational or employment opportunities or discourages women from pursuing such opportunities, or that otherwise discriminates against women based on sex or gender, shall be allocated 10 points.

SA 1481. Mr. CARPER 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 896, between lines 10 and 11, insert the following:

SEC. 10. IMMIGRATION REFORM IMPLEMENTATION COUNCIL.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a coordinating body, to be known as the Immigration Reform Implementation Council (in this section referred to as the ''Implementation Council''), to oversee implementation of those portions of this Act and the amendments made by this Act that lie within the responsibilities of the Department.

(b) CHAIRPERSON.—The Deputy Secretary of Homeland Security shall serve as Chairperson of the Implementation Council, reporting to and under the authority of the Secretary and in keeping with the authorities specified by the Homeland Security Act of 2002 (Public Law 107–296).

(c) MEMBERSHIP.—The members of the Implementation Council shall include the following:

(1) The Commissioner for Customs and Border Protection.

(2) The Assistant Secretary for Immigration and Customs Enforcement.

(3) The Director of U.S. Citizenship and Immigration Services.

(4) The Under Secretary for Management.

(5) The General Counsel of the Department.

(6) The Assistant Secretary for Policy.

(7) The Director of the Office of International Affairs.

(8) The Officer for Civil Rights and Civil Liberties.

(9) The Privacy Officer.

(10) The Director of the Office of Biometric Identity Management.

(11) Other appropriate officers or employees of the Department, as determined by the Secretary or the Chairperson of the Implementation Council.

(d) DUTIES.—The Implementation Council shall—

(1) meet regularly to coordinate implementation of this Act and the amendments made by this Act, with particular regard to—

(A) broad policy coordination of immigration reform under this Act and the amendments made by this Act;

(B) policy and operational concerns regarding the Comprehensive Immigration Reform Trust Fund established under section 6;

(C) timely development of regulations required by this Act or an amendment made by this Act and related guidance; and

(D) participating in interagency decisionmaking with the Executive Office of the President, the Office of Management and Budget, the Department of State, the Department of Justice, the Department of Labor, and other agencies regarding implementation of this Act and the amendments made by this Act;

(2) establish liaisons to other agencies responsible for implementing significant portions of this Act or the amendments made by this Act, including the Department of State, the Department of Justice, the Department of Labor;

(3) establish liaisons to key stakeholders, including employer associations and labor unions;

(4) provide regular briefings to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and other appropriate committees of Congress;

(5) provide timely information regarding Department-wide implementation of this Act and the amendments made by this Act through a single, centralized location on the website of the Department; and

(6) conduct such other activities as the Secretary or Chairperson of the Implementation Council determine appropriate.

(e) MAINTENANCE OF COUNCIL.—The Implementation Council shall terminate at the end of the period necessary for the Department to implement substantially the responsibilities of the Department under this Act and the amendments made by this Act, as determined by the Secretary, but in no event earlier than 10 years after the date of enactment of this Act.

(f) STAFF.—The Deputy Secretary of Homeland Security shall appoint a full-time executive director and such other employees as are necessary for the Implementation Council.

(g) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary under section 6(b) may be used to support the activities of the Implementation Council in implementing this Act and the amendments made by this Act.

SA 1482. Mr. CRUZ 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. ___. PROHIBITION ON FINDING.

(a) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds shall be made available to carry out the Patient Protection and Affordable Care Act (Public Law 111-148) or title I and subtitle B of title II of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), or the amendments made by either such Act, until such time as there are no aliens remaining in registered provisional immigrant status.

(b) LIMITATION.—No entitlement to benefits under any provision referred to in subsection (a) shall remain in effect on and after the date of the enactment of this Act until such time as there are no aliens remaining in registered provisional immigrant status.

SA 1483. Mr. JOHNSON of Wisconsin (for himself, Mr. KING, Mr. BLUNT, and Mr. BEGICH) 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 1741, strike line 22 and all that follows through line 22 on page 1742, and insert the following:

''(e) J-1 VISA EXCHANGE VISITOR PROGRAM FEE.—In addition to the fees authorized under subsection (a), the Secretary of State shall collect from designated program sponsors, a $100 fee for each nonimmigrant entering under the Summer Work Travel program conducted by the Secretary of State pursuant to the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–761). Fees collected under this subsection shall be deposited into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act. The Secretary of Homeland Security, in conjunction with the Secretary of State, shall promulgate regulations ensuring that a fee required by this subsection is paid on behalf of all summer work travel nonimmigrants under section 101(a)(15)(J) seeking entry into the United States.''.

SA 1484. Mr. JOHNSON of Wisconsin (for himself and Mr. BLUNT) 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 4407.

SA 1485. Ms. HEITKAMP (for herself, Mr. TESTER, Mr. BAUCUS, and Mr. LEVIN) 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 897, strike lines 14 through 18 and insert the following:

(b) STUDY AND REPORT ON NORTHERN BORDER.—

(1) LIMITATION ON RESOURCE SHIFTING.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the Secretary may not reduce the levels of Department personnel, resources, technological assets or funding for operations on the Northern border below such levels as of the date of the enactment of this Act, including by reassigning or stationing U.S. Customs and Border Protection Officers and U.S. Border Patrol Agents from the Northern border to the Southern border.

(B) LIMITED PERSONNEL TRANSFER AUTHORITY.—Notwithstanding subparagraph (A), the Secretary may reassign or station personnel from a location along the Northern border to the Southern border if—

(i) the most recent report submitted under paragraph (3) indicates excess personnel exist at such Northern border location beyond what is needed to meet and maintain appropriate staffing levels; and

(ii) the Secretary notifies the appropriate congressional committees and the Governor of each State from which such personnel will be transferred.

(C) TEMPORARY EMERGENCY AUTHORITY.—

(i) IN GENERAL.—The Secretary may transfer personnel from along the Northern border if the Secretary notifies and provides justification to the appropriate congressional committees that an emergency need due to a critical personnel shortage exists in the location or locations where the Secretary proposes to transfer the personnel to, and that the location or locations from which the personnel are to be transferred, has at the time of the proposed transfer a level of personnel that is greater than the level needed to meet and maintain the mission of Department along the Northern Border.

(ii) DURATION OF AUTHORITY.—Any authority exercised under clause (i) shall extend until the next report required under paragraph (3) is submitted, but may be extended for the duration of one or more reporting periods provided that the most recent report so submitted states that the transfer was appropriate and that the border region from which the personnel were transferred currently has a sufficient level of personnel.

(2) STUDY REQUIRED.—

(A) IN GENERAL.—The Secretary shall conduct a study on the Northern border focusing on the following priorities:

(i) Ensuring the efficient flow of cross-border economic and personal traffic between States along the Northern border and Canada.

(ii) Preventing individuals from illegally crossing over the Northern border.

(iii) Preventing the flow of illegal goods and illicit drugs across the Northern Border.

(iv) Ensuring an appropriate level of national security measures is in place to thwart acts of terrorism.

(B) SCOPE.—The study required under this paragraph shall include the following:

(i) An examination of the strategies that the Department is using to secure the border, including an assessment of their current effectiveness and recommendations on how their effectiveness could be enhanced.

(ii) A determination of the appropriate personnel, resource, technological asset, and funding requirements for all Department elements deployed on the Northern border, including interior enforcement. This should include a description of measures the Department needs to take to either meet those needs or shift excess personnel, resources, technological assets, or funding to a different region as well as a description of the challenges the Department faces in meeting the identified needs or shifting excess personnel, resources, technological assets, or funding.

(iii) A State-by-State assessment of the Northern border States and a description of the personnel, resource, technological asset, and funding needs for each location as determined by the Department.

(iv) With respect to the four priorities described in subparagraph (A), a description of the following issues:

(I) The use of technology, including low-altitude radar, ground-based fiber optic sensors, and unmanned aircraft, for each of the Department elements involved in Northern border operations, including whether the elements need additional technological assets.

(II) The impact of operation and maintenance funds on Northern border protection, including whether elements have sufficient operation and maintenance funds to accomplish their missions, and if additional local flexibility regarding funds is needed to accomplish core Department missions.

(III) Strategies for dealing with smuggling operations of illegal goods and illicit drugs, both at ports and in non-port areas.

(IV) Options for the Department to develop and enhance local, State, and tribal partnerships along the Northern border.

(V) The geographic challenges of the Northern border.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit to the appropriate congressional committees a report on the study conducted under paragraph (2).

(B) CONTENT.—The report required under subparagraph (A) shall include the following elements:

(i) The findings of the study conducted under paragraph (2).

(ii) Input from other Federal agencies operating in the Northern border States, such as the Bureau of Indian Affairs, the Federal Bureau of Investigations, the Drug Enforcement Agency, the Food and Drug Administration, and the Bureau of Alcohol, Tobacco, Firearms and Explosives, that could be impacted by any reallocation, increase, or decrease of Department personnel, resources, technological assets, or funding along the Northern border.

(iii) A description of any changes along the Southern border that are impacting the Northern border.

(iv) Recommendations for enhancing security along the Northern border.

(v) An explanation of why the Department is not implementing any recommendations contained in the study.

(vi) Recommendations for additional legislation necessary to implement recommendations contained in the study.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(A) the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Committee on Finance of the Senate; and

(B) the Committee on the Judiciary, the Committee on Homeland Security, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives.

SA 1486. 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:

Beginning on page 1492, strike line 13 and all that follows through page 1493, line 24, and insert the following:

''(B) the alien, at a reasonable time after service of the charging document on the alien, shall automatically receive from the Department of Homeland Security a complete copy of all relevant documents in the possession of the Department of Homeland Security, including all documents (other than documents protected from disclosure by privilege, including national security information referenced in subparagraph (C), law enforcement sensitive information, and information prohibited from disclosure pursuant to any other provision of law) contained in the file maintained by the Department of Homeland Security that includes information with respect to all transactions involving the alien during the immigration process (commonly referred to as an 'A file'), and all documents pertaining to the alien that the Department of Homeland Security has obtained or received from other government agencies, unless the alien waives the right to receive such documents by submitting to the Department of Homeland Security an executed knowing and voluntary waiver in a language that he or she understands fluently;''; and

(D) by adding at the end the following:

''The Government is not required to provide counsel to aliens under this paragraph. However, the Attorney General may, in the Attorney General's sole and unreviewable discretion, appoint or provide counsel at Government expense to aliens in immigration proceedings.''; and

(2) by adding at the end the following:

''(8) FAILURE TO PROVIDE ALIEN WITH REQUIRED DOCUMENTS.—The immigration judge may set reasonable time limits for the Department of Homeland Security to provide the documents specified in paragraph (4)(B). In the absence of a waiver by the alien, a removal proceeding may not proceed until the alien has received such documents. The immigration judge shall consider terminating the proceeding without prejudice if the Department of Homeland Security does not provide the documents to the alien within such time limits.''.

SA 1487. Mr. CORNYN 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, between lines 11 and 12, insert the following:

(D) the resources and other measures that are necessary to achieve a 50 percent reduction in the average wait times for commercial and passenger vehicles at land ports of entry along Southern border and the Northern border.

On page 897, line 9, strike ''3,500'' and insert ''5,000 (not less than 50 percent of which shall be designated to serve on all inspection lanes (primary, secondary, incoming, and outgoing) and enforcement teams at land ports of entry on the Northern border and the Southern border)''.

At the end of title I, add the following:

SEC. 1122. 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, by not later than September 30, 2018, and subject to the availability of appropriations for such purpose, hire, train, and assign to duty 350 additional full-time support staff, compared to the number of such employees on the date of the enactment of this Act, to be 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 responsible for 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. 1123. 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.

SA 1488. Mr. CORNYN 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 1579, line 11, insert ''less than 5 years and not'' after ''not''.

On page 1579, line 15, insert ''not less than 10'' after ''term of''.

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 274, be fined under title 18, imprisoned not less than 5 years and not 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, be fined under title 18, imprisoned not less than 5 years and not 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 that 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 an 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, be fined under title 18, United States Code, imprisoned not less than 5 years and not 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, be fined under title 18, United States Code, imprisoned not less than 5 years and not 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, United States Code), be fined under title 18, United States Code, imprisoned for not less than 5 years and not 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), 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. 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. 3717. 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 the enactment of this Act, the Secretary of Homeland Security, in consultation with the Commissioner responsible for 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. 3718. 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. 3719. 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. 3720. 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.

SA 1489. Mr. CORNYN 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 1794, strike lines 3 through 7.

On page 1797, strike lines 17 through 21.

On page 1801, strike lines 20 through 24.

Beginning on page 1825, strike line 9 and all that follows through page 1826, line 5, and insert the following:

''(B) RETURNING WORKER AND RENEWING EMPLOYER EXEMPTION.—Renewals of approved job slots and W visas by employers or workers in good standing shall not be counted toward the limits established under subsection (g)(1)(A) or factored into the formulaic determinations made under subparagraphs (A) through (D) of subsection (g)(2).

''(C) INTENDING IMMIGRANTS.—

''(i) EXTENSION OF PERIOD.—A registered visa holder shall continue to be a registered visa holder at the end of the 3-year period referred to in subparagraph (A) if the W nonimmigrant is the beneficiary of a petition for immigrant status filed pursuant to this Act.

''(ii) TERMINATION OF PERIOD.—The term of a registration position extended under clause (i) shall terminate on the date that is the earlier of—

''(I) the date an application or petition by or for a W nonimmigrant to obtain immigrant status is approved or denied by the Secretary; or

''(II) the date of the termination of such W nonimmigrant's employment with the registered employer.

Beginning on page 1839, strike line 3 and all that follows through page 1840, line 10.

SA 1490. Mr. CORNYN 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 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 of this Act 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 of this Act 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.''.

On page 1038, between lines 9 and 10, 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 striking subparagraph (A) and inserting the following:

''(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 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;'';

(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.''.

SA 1491. Mr. TESTER 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 1318, line 8, strike ''Services database'' and insert ''Services or other appropriate database. U.S. Citizenship and Immigration Services shall not maintain photos provided by a participating State in a Services database except for photos of individuals about whom a verification query is made using a State-issued covered identity document, which may be maintained only during the verification process, including any appeals. The photos shall not be disclosed except for verification purposes as authorized by this section.''.

On page 1324, line 11, insert ''or system'' after ''card''.

On page 1366, line 9 strike ''and''.

On page 1366, line 15, strike the period and insert ''; and''.

On page 1366, between lines 15 and 16, insert the following:

''(x) provide appropriate administrative safeguards to ensure compliance with the limitation contained in paragraph (9).''.

On page 1378, lines 15 through 18 strike ''nothing in this subsection may be construed to permit or allow any department, bureau, or other agency of the United States Government or any other entity to'' and insert ''no department, bureau, or other agency of the United States Government or any other entity shall''.

On page 1378, line 19, insert ''share, or transmit'' after ''lize''.

SA 1492. Mr. CARPER 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. _____. REPORTS AND OTHER DOCUMENTS REQUIRED TO BE SUBMITTED TO THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS OF THE SENATE AND THE COMMITTEE ON HOMELAND SECURITY OF THE HOUSE OF REPRESENTATIVES.

Each report, plan, strategy, study, or document required to be submitted to Congress or any committee of Congress under this Act, or under any amendment made by this Act, shall be submitted to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives at the same time the report is required to be submitted to Congress or the committee of Congress.

SA 1493. Mr. BEGICH 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 1794, strike lines 13 through 19, and insert the following:

(5) SHORTAGE OCCUPATION.—The term ''shortage occupation'' means—

(A) an occupation that the Commissioner determines is experiencing a shortage of labor—

(i) throughout the United States; or

(ii) in a specific metropolitan statistical area; and

(B) a zone 1, zone 2, or zone 3 occupation involving seafood processing in Alaska.

SA 1494. Mr. CHAMBLISS 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 1115, strike line 14 and all that follows through page 1118, line 9, and insert the following:

''(2) JOB CATEGORIES.—

''(A) IN GENERAL.—For purposes of paragraph (1), each nonimmigrant agricultural worker employed by such employer shall be assigned to 1 of the following occupational classifications:

''(i) High-skilled agricultural workers, including the following, as defined by the Bureau of Labor Statistics:

''(I) Agricultural equipment operators (45–2091).

''(II) Farmworkers, Farm, Ranch, and Aquacultural Animals (45–2093).

''(ii) Low-skilled agricultural workers, including the following, as defined by the Bureau of Labor Statistics:

''(I) Graders and Sorters, Agricultural Products (45–2041).

''(II) Farmworkers and Laborers, Crops, Nursery, and Greenhouse (45–2092).

''(B) DETERMINATION OF CLASSIFICATION.—A nonimmigrant agricultural worker is employed in an occupational classification described in clause (i) or (ii) of subparagraph (A) if the worker performs activities associated with that occupational classification, as specified on the employee's petition, for at least 75 percent of the time in a semiannual employment period.

''(3) DETERMINATION OF WAGE RATE.—

''(A) CALENDAR YEARS 2014 THROUGH 2016.—The wage rate under this paragraph for calendar years 2014 through 2016 shall be the following:

''(i) For the category described in paragraph (2)(A)(i)—

''(I) $11.06 for calendar year 2014;

''(II) $11.34 for calendar year 2015; and

''(III) $11.62 for calendar year 2016.

''(ii) For the category described in paragraph (2)(A)(ii)—

''(I) $9.27 for calendar year 2014;

''(II) $9.50 for calendar year 2015; and

''(III) $9.74 for calendar year 2016.

''(B) SUBSEQUENT YEARS.—The Secretary shall increase the hourly wage rates set forth in clause (i) and (ii) of subparagraph (A), for

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SA 1495. Mr. CHAMBLISS 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 1123, between lines 22 and 23, insert the following:

''(ii) LIMITATION.—Notwithstanding clause (i), an alien who is or was a nonimmigrant agricultural worker is not eligible for legal services under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) if such alien is located outside the United States.

Beginning on page 1124, strike line 21, and all that follows through page 1125, line 4 and insert the following:

''(iv) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives a request for assistance under clause (ii) unless the parties agree to an extension of such period.

''(v) BINDING MEDIATION.—Mediation or other dispute resolution activities carried out under this subparagraph shall be binding on the parties.

SA 1496. Mr. CHAMBLISS 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 1082, strike line 19 and all that follows through page 1083, line 2, and insert the following:

''(B) ALLOCATION OF VISAS.—

''(i) IN GENERAL.—The allocation of visas described in subparagraph (A) for a year shall be allocated as follows:

''(I) 70 percent shall be available January 1.

''(II) 30 percent shall be available July 1.

''(ii) UNUSED VISAS.—Any visas available on January 1 of a year under clause (i)(I) that are unused as of July 1 of that year shall be added to the allocation available to allocation available on July 1 of that year under clause (i)(II).

SA 1497. Mr. CHAMBLISS 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 1042, line 12, strike ''575 hours or 100 work days'' and insert ''1000 hours or 180 work days''.

On page 1071, strike line 24 and all that follows through page 1072, line 5, and insert the following:

''(C) SUFFICIENT EVIDENCE.—An alien who cannot meet the burden of proof otherwise required by subparagraph (A) may, in an interview with the Secretary, establish that the alien has performed the days or hours of work referred to in subparagraph (A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

SA 1498. Mr. CHAMBLISS 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 1064, line 15, strike ''5 years'' and insert ''7 years''.

SA 1499. Mr. CHAMBLISS 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 1043, line 14, add after the period the following: ''The Secretary shall ensure that those aliens residing outside of the United States who are eligible to submit an application are able to do so through the United States Consulate in the alien's country of residence.''.

SA 1500. Mr. CHAMBLISS 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 1064, strike line 22, and all that follows through page 1065, line 8, and insert the following:

''(1) QUALIFYING EMPLOYMENT.—Except as provided in paragraph (3), during the 8-year period beginning on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act the alien performed not less than 180 work days of agricultural employment during each of 5 years.

SA 1501. Mr. CHAMBLISS 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 1054, line 17, strike ''$100'' and insert ''$500''.

On page 1067, line 6, strike ''$400'' and insert ''$500''.

SA 1502. Mr. CHAMBLISS 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 1140, line 7, strike ''1 year'' and insert ''5 years''.

On page 1140, strike lines 10 through 13.

On page 1141, line 6, strike ''1 year'' and insert ''5 years''.

SA 1503. Mr. KIRK (for himself, Mrs. FISCHER, 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.—

''(1) 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—

''(A) as having satisfied the requirements in sections 312(a), 316(a)(3), and subsections (b)(3), (c), and (e) of section 328; and

''(B) except as provided in paragraph (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.

''(2) REVOCATION.—Notwithstanding paragraph (1)(B), any person who separated from the Armed Forces under other than honorable conditions may be subject to revocation of citizenship under section 328(f) or 329(c) if the other requirements of such section are met.

''(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 1504. Ms. HIRONO (for herself, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mrs. GILLIBRAND, Ms. CANTWELL, Ms. STABENOW, Ms. KLOBUCHAR, Ms. WARREN, Ms. BALDWIN, Ms. MIKULSKI, Ms. LANDRIEU, Mrs. SHAHEEN, and Mr. LEAHY) 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 1145, strike line 10 and all that follows through ''(9)'' on page 1155, line 15, and insert the following:

SEC. 2301. MERIT-BASED POINTS TRACK ONE.

(a) IN GENERAL.—

(1) WORLDWIDE LEVEL OF MERIT-BASED IMMIGRANTS.—Section 201(e) (8 U.S.C. 1151(e)) is amended to read as follows:

''(e) WORLDWIDE LEVEL OF MERIT-BASED IMMIGRANTS.—

''(1) IN GENERAL.—

''(A) NUMERICAL LIMITATION.—Subject to paragraphs (2), (3), and (4), the worldwide level of merit-based immigrants is equal to 150,000 for each fiscal year.

''(B) STATUS.—An alien admitted on the basis of a merit-based immigrant visa under this section shall have the status of an alien lawfully admitted for permanent residence.

''(2) ANNUAL INCREASE.—

''(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (3), if in any fiscal year the worldwide level of visas available for merit-based immigrants under this section—

''(i) is less than 75 percent of the number of applicants for such fiscal year, the worldwide level shall increase by 5 percent for the next fiscal year; and

''(ii) is equal to or more than 75 percent of such number, the worldwide level for the next fiscal year shall be the same as the worldwide level for such fiscal year, minus any amount added to the worldwide level for such fiscal year under paragraph (4).

''(B) LIMITATION ON INCREASE.—The worldwide level of visas available for merit-based immigrants shall not exceed 250,000.

''(3) EMPLOYMENT CONSIDERATION.—The worldwide level of visas available for merit-based immigrants may not be increased for a fiscal year under paragraph (2) if the annual average unemployment rate for the civilian labor force 18 years or over in the United States, as determined by the Bureau of Labor Statistics, for such previous fiscal year is more than 81/2 percent.

''(4) RECAPTURE OF UNUSED VISAS.—The worldwide level of merit-based immigrants described in paragraph (1) for a fiscal year shall be increased by the difference (if any) between the worldwide level established under paragraph (1) for the previous fiscal year and the number of visas actually issued under this subsection during that fiscal year. Such visas shall be allocated for the following year pursuant to section 203(c)(3).''.

(2) MERIT-BASED IMMIGRANTS.—Section 203 (8 U.S.C. 1153) is amended by inserting after subsection (b) the following:

''(c) MERIT-BASED IMMIGRANTS.—

''(1) FISCAL YEARS 1 THROUGH 4.—For the first 4 fiscal years beginning after the date of enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the worldwide level of merit-based immigrant visas made available under section 201(e)(1) shall be available for aliens described in section 203(b)(3) and in addition to any visas available for such aliens under such section.

''(2) SUBSEQUENT FISCAL YEARS.—Beginning with the fifth fiscal year beginning after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, aliens subject to the worldwide level specified in section 201(e) for merit-based immigrants shall be allocated as follows:

''(A) 50 percent of the visas remaining after the allocation under subparagraph (C) shall be available to applicants with the highest number of points allocated under tier 1 in paragraph (4).

''(B) 50 percent of the visas remaining after the allocation under subparagraph (C) shall be available to applicants with the highest number of points allocated under tier 2 in paragraph (5).

''(C) 30,000 shall be available to applicants with the highest number of points allocated under tier 3 in paragraph (6).

''(3) UNUSED VISAS.—If the total number of visas allocated under tier 1, tier 2, or tier 3 for a fiscal year are not granted during that fiscal year, such number may be added to the number of visas available under section 201(e)(1) for the following fiscal year and allocated as follows:

''(A) If the unused visas were allocated for tier 1 in a fiscal year, 2/3 of such visas shall be available for aliens allocated visas under tier 1 in the following fiscal year and 1/3 of such visas shall be available for aliens allocated visas under either tier 1 or tier 2 in the following fiscal year.

''(B) If the unused visas were allocated for tier 2 in a fiscal year, 2/3 of such visas shall be available for aliens allocated visas under tier 2 in the following fiscal year and 1/3 of such visas shall be available for aliens allocated visas under either tier 1 or tier 2 in the following fiscal year.

''(4) TIER 1.—The Secretary shall allocate points to each alien seeking to be a tier 1 merit-based immigrant as follows:

''(A) EDUCATION.—

''(i) IN GENERAL.—An alien may receive points under only 1 of the following categories:

''(I) An alien who has received a doctorate degree from an institution of higher education in the United States or the foreign equivalent shall be allocated 15 points.

''(II) An alien who has received a master's degree from an institution of higher education in the United States or the foreign equivalent shall be allocated 10 points.

''(ii) An alien who has received a bachelor's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) shall be allocated 5 points.

''(B) EMPLOYMENT EXPERIENCE.—An alien shall be allocated not more than 20 points as follows:

''(i) 3 points for each year the alien has been lawfully employed in a zone 5 occupation in the United States.

''(ii) 2 points for each year the alien has been lawfully employed in a zone 4 occupation in the United States.

''(C) EMPLOYMENT RELATED TO EDUCATION.—An alien who is in the United States and is employed full-time or has an offer of full-time employment in a field related to the alien's education—

''(i) in a zone 5 occupation shall be allocated 10 points; or

''(ii) in a zone 4 occupation shall be allocated 8 points.

''(D) ENTREPRENEURSHIP.—An alien who is an entrepreneur in business that employs at least 2 employees in a zone 4 occupation or a zone 5 occupation shall be allocated 10 points.

''(E) HIGH DEMAND OCCUPATION.—An alien who is employed full-time in the United States or has an offer of full-time employment in a high demand tier 1 occupation shall be allocated 10 points.

''(F) CIVIC INVOLVEMENT.—An alien who has attested that he or she has engaged in a significant amount of community service, as determined by the Secretary, shall be allocated 2 points.

''(G) ENGLISH LANGUAGE.—An alien who received a score of 80 or more on the Test of English as a Foreign Language, or an equivalent score on a similar test, as determined by the Secretary, shall be allocated 10 points.

''(H) SIBLINGS AND MARRIED SONS AND DAUGHTERS OF CITIZENS.—An alien who is the sibling of a citizen of the United States or who is over 31 years of age and is the married son or married daughter of a citizen of the United States shall be allocated 10 points.

''(I) AGE.—An alien who is—

''(i) between 18 and 24 years of age shall be allocated 8 points;

''(ii) between 25 and 32 years of age shall be allocated 6 points; or

''(iii) between 33 and 37 years of age shall be allocated 4 points.

''(J) COUNTRY OF ORIGIN.—An alien who is a national of a country of which fewer than 50,000 nationals were lawfully admitted to permanent residence in the United States in the previous 5 years shall be allocated 5 points.

''(5) TIER 2.—The Secretary shall allocate points to each alien seeking to be a tier 2 merit-based immigrant as follows:

''(A) EMPLOYMENT EXPERIENCE.—An alien shall be allocated 2 points for each year the alien has been lawfully employed in the United States, for a total of not more than 20 points.

''(B) SPECIAL EMPLOYMENT CRITERIA.—An alien who is employed full-time in the United States, or has an offer of full-time employment—

''(i) in a high demand tier 2 occupation shall be allocated 10 points; or

''(ii) in a zone 1, zone 2, or zone 3 occupation shall be allocated 10 points.

''(C) CAREGIVER.—An alien who is or has been a primary caregiver shall be allocated 10 points.

''(D) EXCEPTIONAL EMPLOYMENT RECORD.—An alien who has a record of exceptional employment, as determined by the Secretary, shall be allocated 10 points. In determining a record of exceptional employment, the Secretary shall consider factors including promotions, longevity, changes in occupations from a lower job zone to a higher job zone, participated in safety training, and increases in pay.

''(E) CIVIC INVOLVEMENT.—An alien who has demonstrated significant civic involvement shall be allocated 2 points.

''(F) ENGLISH LANGUAGE.—

''(i) ENGLISH PROFICIENCY.—An alien who has demonstrated English proficiency, as determined by a standardized test designated by the Secretary of Education, shall be allocated 10 points.

''(ii) ENGLISH KNOWLEDGE.—An alien who has demonstrated English knowledge, as determined by a standardized test designated by the Secretary of Education, shall be allocated 5 points.

''(G) SIBLINGS AND MARRIED SONS AND DAUGHTERS OF CITIZENS.—An alien who is the sibling of a citizen of the United States or is over the age of 31 and is the married son or married daughter of a citizen of the United States shall be allocated 10 points.

''(H) AGE.—An alien who is—

''(i) between 18 and 24 years of age shall be allocated 8 points;

''(ii) between 25 and 32 years of age shall be allocated 6 points; or

''(iii) between 33 and 37 years of age shall be allocated 4 points.

''(I) COUNTRY OF ORIGIN.—An alien who is a national of a country of which fewer than 50,000 nationals were lawfully admitted to permanent residence in the United States in the previous 5 years shall be allocated 5 points.

''(6) TIER 3.—The Secretary shall allocate points to each alien seeking to be a tier 3 merit-based immigrant as follows:

''(A) EMPLOYMENT EXPERIENCE.—An alien shall be allocated 2 points for each year the alien has been lawfully employed in the United States, for a total of not more than 10 points.

''(B) SPECIAL EMPLOYMENT CRITERIA.—An alien who is employed full-time in the United States (or has an offer of full-time employment) in a health services occupation, including direct caregiver, informal caregiver, home health provider, or nurse; a clerical or professional services occupation; a teaching occupation, including early or informal learning provider, teacher assistant, and elementary or secondary teacher; a culinary occupation; an environmental service and maintenance occupation; a retail customer services occupation; or a small business operated by a sibling or parent who is a United States citizen, shall be allocated 10 points.

''(C) CAREGIVER.—An alien who is, has been, or will be a primary caregiver shall be allocated 10 points.

''(D) CIVIC INVOLVEMENT.—An alien who has demonstrated significant civic involvement, including humanitarian and volunteer activities, shall be allocated 2 points.

''(E) SIBLINGS AND MARRIED SONS AND DAUGHTERS OF CITIZENS.—An alien who is the sibling of a United States citizen or is older than 31 years of age and is the married son or married daughter of a United States citizen shall be allocated 10 points.

''(F) HUMANITARIAN CONCERNS.—An alien who is, has been, or will be the primary caregiver of a United States citizen suffering an extreme hardship or the last surviving sibling or last surviving son or daughter of a United States citizens shall be allocated 10 points.

''(G) AGE.—An alien who is—

''(i) between 18 and 25 years of age shall be allocated 8 points;

''(ii) between 25 and 33 years of age shall be allocated 6 points; or

''(iii) between 33 and 37 years of age shall be allocated 4 points.

''(H) COUNTRY OF ORIGIN.—An alien who is a national of a country of which fewer than 50,000 nationals were lawfully admitted for permanent residence in the United States in the previous 5 years shall be allocated 5 points.

''(7) FEE.—An alien who is allocated a visa under this subsection shall pay a fee of $1,500 in addition to any fee assessed to cover the costs to process an application under this subsection. Fees collected under this paragraph shall be deposited by the Secretary into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act.

''(8) ELIGIBILITY OF ALIENS IN REGISTERED PROVISIONAL IMMIGRANT STATUS.—An alien who was granted registered provisional immigrant status under section 245B is not eligible to receive a merit-based immigrant visa under section 201(e).

''(9) INELIGIBILITY OF ALIENS WITH PENDING OR APPROVED PETITIONS.—An alien who has a petition pending or approved in another immigrant category under this section or section 201 may not apply for a merit-based immigrant visa.

''(10)

SA 1505. Mr. SCHATZ 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 1355, line 10, insert before the period the following '', except that an individual who did not timely contest a further action notice for good cause may be granted review under this paragraph''.

SA 1506. Mrs. MURRAY 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:

After section 4105, insert the following:

SEC. 4106. AMENDMENTS TO THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a)(as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) USE OF FUNDS.—

''(A) TRAINING PROVIDED.—Funds under this subsection may be used to provide job training services and related activities that are designed to assist workers (including unemployed and employed workers) in gaining the skills, competencies, and industry-recognized credentials needed to obtain or upgrade career ladder employment positions in the industries and economic sectors identified pursuant to paragraph (4). Such job training services may include on-the-job training, customized training, and apprenticeships, as well as training in the fields of science, technology (including computer and information technology), engineering, and mathematics.

''(B) ENHANCED TRAINING PROGRAMS AND INFORMATION.—In order to facilitate the provision of job training services described in subparagraph (A), funds under this subsection may be used to—

''(i) assist in the development and implementation of model activities such as developing appropriate curricula to build core competencies;

''(ii) assist in obtaining industry-recognized credentials and training workers;

''(iii) identify and disseminate career and skill information, labor market information and guidance, and information about training providers; and

''(iv) increase the integration of community and technical higher education activities with activities of businesses and the public workforce investment system to meet the training needs for the industries and economic sectors identified pursuant to paragraph (4), which may include the development of partnerships by grantees with employers and employer associations to provide work-based training opportunities.

''(C) TECHNICAL ASSISTANCE AND EVALUATION.—The Secretary of Labor may reserve not more than 5 percent of the funds available to carry out this subsection to provide technical assistance and to evaluate projects.'';

(2) in paragraph (6)(A)(i), by inserting '', including resources of employers and philanthropic organizations,'' after ''provided under this subsection''; and

(3) by striking paragraph (7) and inserting the following:

''(7) PERFORMANCE ACCOUNTABILITY.—

''(A) REPORTS.—The Secretary of Labor shall require grantees to report on the employment-related outcomes obtained by

workers receiving training under this subsection using indicators of performance that are consistent with other indicators used for employment and training programs administered by the Secretary, such as entry into employment, retention in employment, attainment of industry-recognized credentials, and increases in earnings.

''(B) EVALUATIONS.—The Secretary of Labor may require grantees to participate in evaluations of projects carried out under this subsection.

''(C) REPORTS AND EVALUATIONS PUBLICLY AVAILABLE.—The reports and evaluations described under this paragraph shall be made available to the public through the appropriate one-stop service delivery systems and other means the Secretary determines are appropriate.''.

SA 1507. Mr. VITTER proposed an amendment to amendment SA 1183 submitted by Mr. LEAHY (for himself and Mr. HATCH) to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 945, between lines 20 and 21, insert the following:

''(III) an offense, unless the applicant demonstrates to the Secretary, 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, that—

''(aa) is classified as a misdemeanor in the convicting jurisdiction; and

''(bb) involved—

''(AA) domestic violence (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or

''(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));

SA 1508. 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: ''In allocating any new officers to international land ports of entry and high volume international airports, the primary goals shall be reducing average wait times of commercial and passenger vehicles at international land ports of entry and primary processing wait times at high volume international airports by 50 percent by fiscal year 2104 and screening all air passengers within 45 minutes under normal operating conditions or 80 percent of passengers within 30 minutes by 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 non-law enforcement personnel for administrative duties.

SA 1509. Mr. COBURN (for himself and Mr. JOHNSON of Wisconsin) 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 1032, strike line 3 and all that follows through ''Notwithstanding'' on page 1033, lines 6 and 7, and insert the following:

(a) EXEMPTION FROM HIRING RULES.—Notwithstanding

SA 1510. Mr. CHAMBLISS 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 1102, line 24, add ''and'' after the semicolon.

On page 1103, strike lines 3 through 6, and insert the following: ''recent 4-year period.''.

SA 1511. Ms. KLOBUCHAR 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 1214, line 25, strike ''the United States,'' and insert ''a State,''.

SA 1512. Mr. BAUCUS (for himself and Mr. TESTER) 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. PILOT PROGRAM TO DESIGNATE ADDITIONAL 24-HOUR COMMERCIAL PORTS OF ENTRY.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The President shall establish a pilot program under which the President shall—

(1) pursuant to the Act of August 1, 1914 (38 Stat. 623, chapter 223; 19 U.S.C. 2), designate certain land border crossings as 24-hour commercial ports of entry in accordance with subsections (b) and (c); and

(2) ensure that each land border crossing designated as a commercial port of entry under the pilot program has sufficient resources—

(A) to carry out the functions of a commercial port of entry, including accepting entries of merchandise, collecting duties, and enforcing the customs and trade laws of the United States; and

(B) to perform those functions 24 hours a day.

(b) DESIGNATION.—Not later than 180 days after the date of the enactment of this Act, the President shall, after considering the criteria set forth in subsection (c) and any input provided by the public, designate not fewer than 2 and not more than 6 land border crossings, equally divided between land border crossings on the northern and southern borders of the United States, as 24-hour commercial ports of entry under the pilot program established under subsection (a).

(c) CRITERIA.—In designating a land border crossing as a 24-hour commercial port of entry under the pilot program established under subsection (a), the President shall consider the following:

(1) The number of 24-hour commercial ports of entry already located in the State in which the land border crossing is located.

(2) The costs associated with operating the land border crossing as a 24-hour commercial port of entry, including whether the Federal Government would be required to acquire or lease additional land.

(3) The positive economic impact of designating the land border crossing as a 24-hour commercial port of entry on the community in which the land border crossing is located.

(4) Any commitment of resources by the government of Canada or Mexico, as applicable, to a similar designation of a corresponding foreign port of entry.

(5) The support demonstrated by the government of the State or locality in which the land border crossing is located, including through infrastructure improvements, to facilitate the operation of the land border crossing as a 24-hour commercial port of entry.

(d) TERMINATION.—

(1) DETERMINATION OF ECONOMIC BENEFIT.—Not later than the date that is 2 years after the date on which a land border crossing designated as a 24-hour commercial port of entry under the pilot program established under subsection (a) becomes fully operational as a 24-hour commercial port of entry, the President shall—

(A) determine whether the operation of the land border crossing as a port of entry 24 hours a day provides a net economic benefit to the United States; and

(B) submit to the Committee on Finance of the Senate and Committee on Ways and Means of the House of Representatives a report on that determination and the reasons for that determination.

(2) TERMINATION.—If the President determines under paragraph (1) that operating a land border crossing as a port of entry 24 hours a day does not provide a net economic benefit to the United States, the land border crossing shall cease to operate as a port of entry 24 hours a day on the date on which the President submits the report under paragraph (1)(B).

(e) REPORT.—Not later than 90 days before the President makes a determination under subsection (d)(1) with respect to a land border crossing designated as a 24-hour commercial port of entry under the pilot program established under subsection (a), the President shall submit to the Committee on Finance of the Senate and Committee on Ways and Means of the House of Representatives a report that provides—

(1) a comparison of the vehicle traffic, the estimated total volume of commercial merchandise entered, and the wait times at the land border crossing—

(A) during the 2-year period preceding the designation of the land border crossing as a 24-hour commercial port of entry; and

(B) after the land border crossing becomes fully operational as a 24-hour commercial port of entry;

(2) a comparison of the total value of commercial merchandise transported through the land border crossing—

(A) during the 2-year period preceding the designation of the land border crossing as a 24-hour commercial port of entry; and

(B) after the land border crossing becomes fully operational as a 24-hour commercial port of entry; and

(3) a comparison of wait times at other ports of entry in the State in which the land border crossing is located—

(A) during the 2-year period preceding the designation of the land border crossing as a 24-hour commercial port of entry; and

(B) after the land border crossing becomes fully operational as a 24-hour commercial port of entry.

SA 1513. Mr. DONNELLY 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 1646, strike lines 6 through 16 and insert the following:

(5) JOB TRAINING AND RELATED ACTIVITIES.—

(A) ALLOCATION.—The Secretary of Education shall allocate 5 percent of the amounts deposited into the STEM Education and Training Account to the Secretary of Labor for grants awarded under section 414(c) of division C of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a) to provide job training and related activities for workers, which may include providing such training and activities for veterans and their spouses.

(B) APPLICATION.—To be eligible to receive a grant under that section 414(c) with amounts made available under this section, an eligible entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary may require, including (for a grant involving a program leading to a recognized postsecondary credential) information demonstrating the quality of the program leading to the credential.

(C) PRIORITY.—In awarding grants under that section 414(c) with amounts made available under this section, the Secretary of Labor shall give priority to funding programs that lead to recognized postsecondary credentials that are aligned with in-demand occupations or industries in the local area (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) involved.

(D) DEFINITIONS.—

(i) INDUSTRY-RECOGNIZED.—The term ''industry-recognized'', used with respect to a credential, means a credential that—

(I) is sought or accepted by employers within the industry sector involved as recognized, preferred, or required for recruitment, screening, hiring, or advancement;

(II) may be endorsed by a trade or professional association or organization, representing a significant part of the industry sector; and

(III) is a portable credential, meaning a credential that is sought or accepted, by employers in multiple States, as described in subclause (I).

(ii) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ''recognized postsecondary credential'' means a credential consisting of an industry-recognized credential for postsecondary training, a certificate that meets the requirements of subclauses (I) and (III) of clause (i) for postsecondary training, a certificate of completion of a postsecondary apprenticeship through a program described in section 122(a)(2)(B) of the Workforce Investment Act of 1998 (29 U.S.C. 2842(a)(2)(B)), or an associate degree or baccalaureate degree awarded by an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

SA 1514. Ms. WARREN 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 972, line 10, strike ''section 245B(c)(13)'' and insert ''paragraph (13) and individuals who have experienced or would experience severe hardship, which shall be determined based on criteria established by the Secretary''.

On page 973, line 12, strike ''(iii)'' and insert the following:

(iii) AUTHORITY TO LIMIT PENALTIES.—The Secretary, by regulation, may—

(I) limit the maximum penalties payable under clause (i) by a family, including spouses and unmarried children younger than 21 years of age; and

(II) exempt defined classes of individuals, including individuals described in paragraph (13) and individuals who have experienced or would experience severe hardship, which shall be determined based on criteria established by the Secretary, from the payment of the penalty authorized under clause (i).

(iv)

On page 997, line 23, strike the end quote and final period and insert the following:

''(iv) AUTHORITY TO LIMIT PENALTIES.—The Secretary, by regulation, may—

''(I) limit the maximum penalties payable under clause (i) by a family, including spouses and unmarried children younger than 21 years of age; and

''(II) exempt individuals who have experienced or would experience severe hardship, which shall be determined based on criteria established by the Secretary, from the payment of the penalty authorized under clause (i).''.

SA 1515. Mrs. MCCASKILL 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 IV, add the following:

SEC. 4416. COMPETITIVE CHESS PLAYERS.

Section 214(c)(4)(A) (8 U.S.C. 1184(c)(4)(A)) is amended—

(1) in clause (i)—

(A) in subclause (III), by striking ''or'' at the end;

(B) in subclause (IV), by striking ''; and'' and inserting ''; or''; and

(C) by adding at the end the following new subclause:

''(V) is a professional or amateur chess player competing in a chess competition; and''; and

(2) in clause (ii)—

(A) in subclause (I), by striking ''or'' at the end;

(B) in subclause (II), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new subclause:

''(III) in the case of an individual described in clause (i)(V), in a specific competition.''.

SA 1516. Mr. GRASSLEY 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 1338, between lines 5 and 6, insert the following:

''(vi) BEFORE HIRING.—An employer may use the System to confirm the identity and employment authorized status of any individual before the individual is hired, recruited, or referred if the individual consents to such verification. If an employer receives a tentative nonconfirmation for such individual, the employer shall comply with procedures prescribed by the Secretary, including—

''(I) providing the individual employees with private, written notification of the finding and written referral instructions;

''(II) allowing the individual to contest the finding; and

''(III) not taking adverse action against the individual if the individual chooses to contest the finding.

SA 1517. Mr. GRASSLEY 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 1328, strike line 9 and all that follows through ''(I)'' on page 1330, line 15, and insert the following:

''(D) GENERAL PARTICIPATION REQUIREMENT FOR NEW EMPLOYEES.—All employers in the United States shall participate in the System, with respect to all employees hired by such employers on or after the date that is 18 months after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

''(E)

SA 1518. Mr. GRASSLEY 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 1413, between lines 7 and 8, insert the following:

(g) INFORMATION SHARING.—The Commissioner of Social Security, the Secretary, and the Secretary of the Treasury shall jointly establish a program to share information among such agencies that may lead to the identification of unauthorized aliens (as described in section 274A of the Immigration and Nationality Act, as amended by subsection (a)), including—

(1) no-match letters; and

(2) any information in the earnings suspense file.

SA 1519. Mr. GRASSLEY 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 1338, between lines 5 and 6, insert the following:

''(vi) EXISTING EMPLOYEES.—An employer that elects to verify the employment eligibility of existing employees—

''(I) shall verify the employment eligibility of all such employees not later than 10 days after notifying the Secretary of such election;

''(II) may only verify all employees for whom a Form I-9 is required; and

''(III) may not verify individuals who have already been verified through the System.

SA 1520. Mr. GRASSLEY (for himself and 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 976, between lines 2 and 3, insert the following:

''(14) DISCLOSURE OF SOCIAL SECURITY INFORMATION.—

''(A) IN GENERAL.—The Secretary may not grant registered provisional immigrant status to an alien under this section unless the alien fully discloses to the Secretary all the names and Social Security account numbers that the alien has ever used to obtain employment in the United States.

''(B) REVOCATION OF GRANTED STATUS.—If the Secretary determines that an alien previously granted registered provisional immigrant status under this section has not complied with the requirement in subparagraph (A), the Secretary shall revoke the status of the alien as a registered provisional immigrant.

''(C) NOTIFICATION OF RIGHTFUL ASSIGNEES.—The Secretary may disclose information received from an alien pursuant to a disclosure under subparagraph (A) to any Federal or State agency authorized to collect such information in order to enable such agency to notify each named individual or rightful assignee of the Social Security account number concerned of the alien's misuse of such name or number to obtain employment.

SA 1521. Mr. GRASSLEY 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 1331, strike lines 9 through 13 and insert ''the Secretary or other appropriate authority has reasonable cause to believe that the employer is, or has been, engaged in a material violation of this section.''.

SA 1522. Mr. GRASSLEY 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 1404, line 1, strike ''The'' and insert ''Beginning on the date on which all employers are required to use the System pursuant to subsection (d)(2), the''.

SA 1523. Mr. GRASSLEY 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 1307, strike lines 2 and 3 and insert ''States.''.

SA 1524. Mr. GRASSLEY 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 1330, line 18, strike ''may, in the Secretary's discretion,'' and insert ''shall''.

On page 1331, line 4, strike ''may'' and insert ''shall''.

SA 1525. Mr. JOHANNS 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 994, beginning on line 14, strike ''until after the Secretary'' and all that follows through line 20 and insert the following: ''until after—

''(A) the Secretary of State certifies that immigrant visas have become available for all approved petitions for immigrant visas that were filed under sections 201 and 203 before the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; and

''(B) the Inspector General of the Department of State has prepared an audit of such certification.

SA 1526. Ms. KLOBUCHAR (for herself, Mr. COATS, Ms. LANDRIEU, and Mr. BLUNT) 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 1226, line 3, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

On page 1226, after line 25, add the following:

(b) EFFECT OF ADOPTION DOCUMENTATION.—

(1) IN GENERAL.—For purposes of all immigration laws of the United States, the 2-year legal custody and joint residence requirements set forth in section 101(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)) shall not apply if the documentation submitted on behalf of a child includes—

(A)(i) an adoption decree issued by a competent authority (as such term is used in the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at the Hague on May 29, 1993) of the child's sending country; and

(ii) evidence that the adoption was granted in compliance with the Convention; or

(B)(i) a custody or guardianship decree issued by a competent authority of the child's sending country to the adoptive parents;

(ii) a final adoption decree, verifying that the adoption of the child was later finalized outside the United States by the adoptive parents; and

(iii) evidence that the custody or guardianship was granted in compliance with the Convention.

(2) APPLICABILITY.—

(A) SUBSTANTIAL COMPLIANCE WITH HAGUE CONVENTION.—Paragraph (1) shall not apply unless—

(i) on the date on which the underlying adoption, custody, or guardianship decree was issued by the child's sending country, that country's adoption procedures complied with the requirements of the Convention, as determined by the U.S. Central Authority; and

(ii) the competent authority of the child's country of origin certified the adoption in accordance with Article 23 of the Convention.

(B) CONVENTION ADOPTIONS.—Paragraph (1) shall only apply to Convention adoptions completed between 2 Convention countries other than the United States.

SA 1527. Mr. KING (for himself and Mr. JOHNSON of Wisconsin) 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 1505, strike lines 11 through 13, and insert the following:

(1) WORKER.—The term ''worker'' means an individual who is the subject of foreign labor contracting activity and does not include an exchange visitor (as defined in section 62.2 of title 22, Code of Federal Regulations, or any similar successor regulation).

At the end of title III, add the following:

Subtitle I—Providing Tools to Exchange Visitors and Exchange Visitor Sponsors to Protect Exchange Visitor Program Participants and Prevent Trafficking

SEC. 3901. DEFINITIONS.

(a) IN GENERAL.—Except as otherwise provided by this subtitle, the terms used in this subtitle shall have the same meanings, respectively, as are given those terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203), except that the term ''employer'' shall also include a prospective employer seeking to hire exchange visitors with which the sponsor has a contractual relationship.

(b) OTHER DEFINITIONS.—

(1) EXCHANGE VISITOR.—The term ''exchange visitor'' means a foreign national who is inquiring about or applying to participate in the exchange visitor program or who has successfully applied and has completed or is completing an exchange visitor programs not funded by the United States Government as governed by sections 2.22, 62.24, 62.30, 62.31, and 62.32 of title 22, Code of Federal Regulations.

(2) EXCHANGE VISITOR PROGRAM.—The term ''exchange visitor program'' means the international exchange program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), by means of educational and cultural programs.

(3) EXCHANGE VISITOR PROGRAM RECRUITMENT ACTIVITIES.—The term ''exchange visitor program recruitment activities'' means activities related to recruiting, soliciting, transferring, providing, obtaining, or facilitating participation of individuals who reside outside the United States in an exchange visitor program including when such activity occurs wholly outside the United States.

(4) EXCHANGE VISITOR PROGRAM SPONSOR; SPONSOR.—The term ''exchange visitor program sponsor'' or ''sponsor'' means a legal entity designated by the Secretary of State, in the Secretary's discretion, to conduct an exchange visitor program governed by sections 62.22, 62.24, 62.30, 62.31, and 62.32 of title 22, Code of Federal Regulations).

(5) FOREIGN ENTITY.—The term ''foreign entity'' means a person contracted by a sponsor to engage in exchange visitor program recruitment activities on the sponsor's behalf and any subcontractors thereof.

(6) HOST ENTITY.—The term ''host entity'' means ''host organization'', ''primary or secondary accredited educational institution'', ''camp facility'', ''host family'', or ''employer/host employer'' as used in sections 62.22, 62.24, 62.30, 62.31, and 62.32 of title 22, Code of Federal Regulations, respectively.

(7) REGULATIONS.—Any reference to any provision of regulations shall include any successor provision addressing the same subject matter.

SEC. 3902. DISCLOSURE.

(a) REQUIREMENT FOR DISCLOSURE AT TIME OF EXCHANGE VISITOR PROGRAM RECRUITMENT ACTIVITY.—Any person who engages in exchange visitor program recruitment activity shall develop certain information, previously approved by and on file with the exchange visitor program sponsor, to be disclosed in writing in English to the exchange visitor before the exchange visitor pays fees described in section 3904, other than refundable fees and a reasonable non-refundable deposit, or otherwise detrimentally relies on information provided by an exchange program sponsor or foreign entity. This information shall be made available to the Secretary of State, or an exchange visitor requesting his or her own file, within 5 business days of request, consistent with program regulations in part 62 of title 22, Code of Federal Regulations. Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Labor, amend such regulations to reflect the information to be disclosed, including the following:

(1) The identity and address of the exchange visitor program sponsor, host entity, and any foreign entity with authority to charge fees and costs under section 3904.

(2) All assurances and terms and conditions of employment, from the prospective host entity of the exchange visitor, including place and period of employment, job duties, number of work hours, wages and compensation, and any deductions from wages and

benefits, including deductions for housing and transportation. Nothing in this paragraph shall be construed to permit any charge, deduction, or expense prohibited by this or any other law.

(3) A copy of the prospective agreement between the exchange visitor program sponsor, exchange visitor, and the host entity.

(4) Information regarding the terms and conditions of the nonimmigrant status under which the exchange visitor is to be admitted, and the period of stay in the United States allowed for such nonimmigrant status.

(5) A copy of the fee disclosure form as described in section 3904(d) listing the mandatory and optional costs or expenses to be charged to the exchange visitor.

(6) The existence of any labor organizing effort, collective bargaining agreement, labor contract, strike, lockout, or other labor dispute at the host entity.

(7) Whether and the extent to which exchange visitors will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including work-related injuries and death, during the period of employment.

(8) A description of the sanctions the exchange visitor program sponsor is currently subject to, if any, as imposed by the Department of State.

(9) A statement in a form specified by the Secretary of State—

(A) stating that in accordance with guidelines and regulations promulgated by the Secretary —

(i) the costs and fees charged by the exchange program sponsor, foreign entity, and host entity do not exceed those permitted by section 3904 and are legal under the laws of the United States and the home country of the exchange visitor; and

(ii) the exchange visitor program sponsor, foreign entity, or host entity may bear costs or fees not provided for in section 3904, but that fees under that section cannot be passed along to the exchange visitor.

(10) Any education or training to be provided or required, other than education or training provided in accordance with section 62.10 (b) and (c) of title 22, Code of Federal Regulations, as ''pre-arrival information'' or ''orientation'' and additional orientation and training requirements as described in each relevant category under sections 62.22, 62.24, 62.30, 62.31, and 62.32 of that title.

(11) A clear statement explaining that—

(A) except as provided in subparagraph (B), no additional significant requirements or significant changes may be made to the original contract signed with a handwritten, electronic, or digital pin code signature by the exchange visitor without at least 24 hours to consider such changes and the specific consent of the exchange visitor, obtained voluntarily and without threat of penalty; and

(B) changes may be made to the conditions of employment contained in the original contract even if the exchange visitor has not had 24 hours to consider such changes, provided the exchange visitor has specifically consented to the changes, voluntarily and without threat of penalty, and such changes must be implemented without giving the exchange visitor 24 hours to consider them in order to protect the health or welfare of the exchange visitor.

(b) REQUIREMENT FOR RULES.—The Secretary of State shall define by rule or guidance what constitutes ''refundable fees'' and a ''reasonable non-refundable deposit'' for the purpose subsection (a).

(c) RELATIONSHIP TO LABOR AND EMPLOYMENT LAWS.—Nothing in the disclosure required by subsection (a) shall constitute a legal conclusion as to the exchange visitor's status or rights under the labor and employment laws.

(d) PROHIBITION ON FALSE AND MISLEADING INFORMATION AND CERTAIN FEES.—No exchange visitor program sponsor, foreign entity, or host entity who engages in any exchange visitor program activity shall knowingly provide materially false or misleading information to any exchange visitor concerning any matter required to be disclosed under subsection (a). Charging fees for services not provided or assessing fees that exceed the amounts established by the Secretary of State pursuant to section 3904 is a violation of this section. The disclosure required by this section is a document concerning the proper administration of a matter within the jurisdiction of a department or agency of the United States for the purposes of section 1519 of title 18, United States Code, and other provisions of such title.

(e) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary of State shall amend its regulations at part 62 of title 22, Code of Federal Regulations, to require sponsors to make publicly available, including on their websites and in recruiting materials, information regarding fees, costs, and services associated with their exchange visitor programs, including foreign entity names and contact points, and other factors relevant to exchange visitors' choice of sponsor or foreign entity.

SEC. 3903. PROHIBITION ON DISCRIMINATION.

(a) IN GENERAL.—It shall be unlawful for an exchange visitor program sponsor, foreign entity, or host entity to fail or refuse to select, hire, discharge, intimidate, threaten, restrain, coerce, or blacklist any individual or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, creed, sex, national origin, religion, age, or disability.

(b) DETERMINATIONS OF DISCRIMINATION.—For the purposes of determining the existence of unlawful discrimination under subsection (a)—

(1) in the case of a claim of discrimination based on race, color, sex, national origin, or religion, the same legal standards shall apply as are applicable under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(2) in the case of a claim of discrimination based on age, the same legal standards shall apply as are applicable under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.); and

(3) in the case of a claim of discrimination based on disability, the same legal standards shall apply as are applicable under title I of the Americans With Disabilities Act of 1990 as amended (42 U.S.C. 12111 et seq.).

SEC. 3904. FEES.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Labor, shall promulgate regulations to set limits on the mandatory fees charged by exchange visitor program sponsors, host entities, and their foreign entities to the exchange visitor. In promulgating such regulations, the Secretary of State shall conduct public meetings with exchange visitor program sponsors, organizations representing exchange visitors, and members of the public with expertise in public diplomacy, educational and cultural exchange, labor markets, labor relations, migration, civil rights, human rights, and prohibiting human trafficking. The Secretary of State may, in the Secretary's discretion, consider factors including what costs are within the control of sponsors, differences among programs and countries, level and amount of educational and cultural activities included, and services rendered.

(b) MAXIMUM FEES.—It shall be unlawful for any person to charge a fee higher than the maximum allowable fee as established by regulations promulgated under subsection (a), and any person who charges a higher fee shall be liable under this subtitle. If a fee higher than the maximum is charged by a sponsor or foreign entity, the sponsor shall be liable. If a fee higher than the maximum allowable is charged by the host entity or a host entity's agent, the host entity shall be liable.

(c) UPDATE OF MAXIMUM FEES.—The Secretary of State shall update the maximum allowable fees described in subsection (a) in response to changing economic conditions and other factors as needed.

(d) FEE TRANSPARENCY.—The Secretary of State shall amend its regulations at part 62 of title 22, Code of Federal Regulations, to require exchange visitor program sponsors to—

(1) provide the Department of State annually with an itemized list of fees charged to exchange visitor program participants including by their foreign entities, subcontractors, or foreign entity's agents; and

(2) require a 3-party document signed by the exchange visitor, foreign entity, and sponsor that outlines a basic level fee structure and itemizes mandatory and optional fees.

SEC. 3905. ANNUAL NOTIFICATION.

(a) ANNUAL EXCHANGE VISITOR PROGRAM SPONSOR NOTIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), prior to engaging in any exchange visitor program activity, any person who seeks to be an exchange visitor program sponsor shall be designated by the Secretary of State pursuant to regulations that the Secretary of State has prescribed or shall prescribe after the date of the enactment of this Act.

(2) NOTIFICATION.—Each exchange visitor program sponsor shall notify the Secretary of State, not less frequently than once every year, of the identity of any third party, agent, or exchange visitor program sponsor employee involved in any exchange visitor program recruitment activity for, or on behalf of, the exchange visitor program sponsor.

(3) PERSONAL JURISDICTION OVER FOREIGN ENTITIES.—As a condition of initial and continued registration, each program sponsor shall obtain a written and signed agreement from any foreign entity. In that agreement, the foreign entity shall stipulate and agree, as a condition for receiving any payment or compensation for performing any work or service for the program sponsor, that the laws of the United States shall govern any and all disputes among and between the parties or the United States, including any enforcement actions, and that any dispute or enforcement action shall be brought in the United States District Court for the District of Columbia. The agreement shall be in such form and contain such other information as the Secretary of State shall prescribe.

(4) NONCOMPLIANCE NOTIFICATION.—An host entity shall notify the Secretary of State upon gaining knowledge of noncompliance with this subtitle by an exchange visitor program sponsor. An exchange visitor program sponsor shall notify the Secretary of State upon gaining knowledge of noncompliance with this subtitle by a host entity or foreign entity.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall amend its regulations at part 62 of title 22, Code of Federal Regulations, regarding the annual exchange visitor program sponsor notification.

(c) REFUSAL TO ISSUE AND REVOCATION OF DESIGNATION.—The Secretary of State shall amend its regulations at part 62 of title 22, Code of Federal Regulations, to include the following bases for refusing to issue or renew, or for revoking a sponsor's designation for a period of not greater than 5 years:

(1) The applicant for, or holder of, the designation has knowingly made a material misrepresentation in the application for such designation.

(2) The applicant for, or holder of, the designation has committed any felony under State or Federal law or any crime involving fraud, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, trafficking in persons, assault with intent to kill, assault which inflicts grievous bodily injury, prostitution, peonage, or smuggling or harboring individuals who have entered the United States illegally.

(3) The applicant for, or holder of, the designation has committed any crime relating to gambling, or to the sale, distribution, or possession of alcoholic beverages, in connection with or incident to any exchange visitor recruitment activities.

(4) Such other criteria as the Secretary of State may, in the Secretary's discretion, establish.

SEC. 3906. BONDING REQUIREMENT.

(a) IN GENERAL.—The Secretary of State may assess a bond amount sufficient to ensure the ability of a sponsor to discharge its responsibilities and to ensure protection of exchange visitors, including wages or stipends. In requiring a sponsor to post the bond, the Secretary of State shall take into account the degree to which the sponsor's assets can be reached by United States courts.

(b) REGULATIONS.—The Secretary of State, by regulation, shall establish the conditions under which the bond amount is determined, paid, and forfeited, which shall include the sponsor's history of compliance.

(c) RELATIONSHIP TO OTHER REMEDIES.—The bond requirements and forfeiture of the bond under this section shall be in addition to or, pursuant to court order, in conjunction with, other remedies under 3910 or any other provision of law.

SEC. 3907. MAINTENANCE OF LISTS.

(a) IN GENERAL.—The Secretary of State shall work with the Secretary of Homeland Security to ensure that the information described in paragraphs (1) through (4) of subsection (b) is included on the foreign entity list kept and updated pursuant to section 3607 and shall share that list with the Department of Labor.

(b) INFORMATION.—Not later than 1 year after the date of the enactment of this Act, each sponsor shall compile and share with the Secretary of State on a regular basis a list that includes the following information:

(1) The countries from which the sponsor recruits.

(2) The host entities for whom the sponsor recruits.

(3) The occupations for which the sponsor recruits.

(4) The States where recruited exchange visitors are employed.

(c) LIMITATION ON PUBLIC AVAILABILITY.—Neither the Secretary of State nor the Secretary of Homeland Security shall make the information described in paragraphs (1) through (4) of subsection (b) public as part of the list described in section 3607.

SEC. 3908. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

Section 214 (8 U.S.C. 1184), as amended by title IV, is further amended by adding at the end the following:

''(bb) A visa shall not be issued under section 101(a)(15) until the consular officer—

''(1) has confirmed that the applicant has received, read, and understood the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b); and

''(2) has reviewed and made a part of the visa file the exchange visitor program sponsor disclosures required by section 3902 of the Border Security, Economic Opportunity, and Immigration Modernization Act, including whether the exchange visitor program sponsor is designated pursuant to that section.''.

SEC. 3909. RESPONSIBILITIES OF SECRETARY OF STATE.

(a) IN GENERAL.—The Secretary of State shall ensure that each United States diplomatic mission has a person who is responsible for receiving information from any exchange visitor who has been subject to violations of this subtitle.

(b) PROVISION OF INFORMATION.—The responsible person referred to in subsection (a) shall ensure that the information received is provided to the Department of State. The Department of State may share that information as necessary with the Department of Justice, the Department of Labor, and any other relevant Federal agency.

(c) MECHANISMS.—The Attorney General and the Secretary of State shall ensure that there is a mechanism for any actions that need to be taken in response to information received under subsection (a).

(d) ASSISTANCE FROM FOREIGN GOVERNMENT.—The person designated for receiving information pursuant to subsection (a) is strongly encouraged to coordinate with governments and civil society organizations in the countries of origin to ensure the exchange visitor receives additional support.

(e) MAINTENANCE AND AVAILABILITY OF INFORMATION.—The Secretary of State shall ensure that consulates coordinate with the Department of State to have access to information regarding the identities of sponsors and the foreign entities with whom sponsors contract for exchange visitor program recruitment activities. The Secretary of State shall ensure information on the identity of sponsors is publicly available in written form on the Department of State website, and information on the identity of foreign entities in each individual country is publicly available on the websites of United States embassies in each of those countries.

SEC. 3910. ENFORCEMENT PROVISIONS.

(a) INVESTIGATIONS.—The Secretary of State shall undertake compliance actions and sanctions against exchange visitor program sponsors in accordance with part 62 of title 22, Code of Federal Regulations.

(b) REPRESENTATION.—Except as provided in section 518(a) of title 28, United States Code, the Attorney General may appear for and represent the Secretary in any civil litigation brought under this paragraph. All such litigation shall be subject to the direction and control of the Attorney General. Exchange visitor sponsors shall be allowed a reasonable period of inquiry and response before civil litigation is initiated.

(c) ENFORCEMENT.—The Secretary of State or an exchange visitor who is subject to any violation of this subtitle may bring a civil action against an exchange visitor program sponsor, foreign entity, or host entity in a court of competent jurisdiction and recover appropriate relief, including injunctive relief, damages, reasonable attorneys' fees and costs, and any other remedy that would effectuate the purposes of this subtitle. Any action must be filed within 3 years after the date on which the exchange visitor became aware of the violation, but under no circumstances more than 5 years after the date on which the violation occurred.

(d) ACTIONS BY THE SECRETARY OF STATE OR AN EXCHANGE VISITOR.—If the court finds in a civil action filed under this section that the defendant has violated any provision of this subtitle (or any regulation issued pursuant to this subtitle), the court may award damages, up to and including an amount equal to the amount of actual damages, and statutory damages of up to $1,000 per plaintiff per violation, or other equitable relief, except that with respect to statutory damages—

(1) multiple infractions of a single provision of this subtitle (or of a regulation under this subtitle) shall constitute only 1 violation for purposes of section 3902(a) to determine the amount of statutory damages due a plaintiff; and

(2) if such complaint is certified as a class action the court may award—

(A) damages up to an amount equal to the amount of actual damages; and

(B) statutory damages of not more than the lesser of up to $1,000 per class member per violation, or up to $500,000;

(C) other equitable relief;

(D) reasonable attorneys' fees and costs; and

(E) such other and further relief, including declaratory and injunctive relief, as necessary to effectuate the purposes of this subtitle.

(e) BOND.—To satisfy the damages, fees, and costs found owing under this section, as much of the bond held pursuant to section 3906 shall be released as necessary.

(f) APPEAL.—Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

(g) SAFE HARBOR.—A host entity shall not have any liability under this section for the actions or omissions of an exchange visitor program sponsor that has a valid designation with the State Department pursuant to section 3905, unless and to the extent that the host entity has engaged in conduct that violates this subtitle.

(h) LIABILITY FOR FOREIGN ENTITIES.—Exchange visitor program sponsors shall be liable for violations of this subtitle by any foreign employees, agents, foreign entities, or subcontractees of any level in relation to the exchange visitor program recruitment activities of the foreign employees, agents, foreign entities, or subcontractees to the same extent as if the exchange visitor program sponsor had committed the violation, unless the exchange visitor program sponsor—

(1) uses reasonable procedures to protect against violations of this subtitle by foreign employees, agents, foreign entities, or subcontractees (including contractually forbidding in writing any foreign employees, agents, foreign entities, or subcontractees from seeking or receiving prohibited fees from workers);

(2) does not act with reckless disregard of the fact that foreign employees, agents, foreign entities, or subcontractees have violated any provision of this subtitle; and

(3) timely reports any potential violations to the Secretary of State.

(i) WAIVER OF RIGHTS.—Agreements between exchange visitors with sponsors, foreign entities, or host entities purporting to waive or to modify their rights under this subtitle shall be void as contrary to public policy.

(j) RETALIATION.—No person shall intimidate, threaten, restrain, coerce, discharge, or in any other manner discriminate or retaliate against any exchange visitor or his or her family members (including a former exchange visitor or an applicant for employment) because such exchange visitor disclosed information to any person that the exchange visitor reasonably believes evidences a violation of this section (or any rule

or regulation pertaining to this section), including speaking with a worker organization, seeking legal assistance of counsel, or cooperating with an investigation or other proceeding concerning compliance with this section (or any regulation pertaining to this section).

(k) PROHIBITION ON RETALIATION.—It shall be unlawful for an exchange visitor program sponsor or foreign entity to terminate or remove from the exchange visitor program, ban from the program, adversely annotate an exchange visitor's SEVIS (as defined in section 4902) record, fire, demote, take other adverse employment action, or evict, or to threaten to take any of such actions against an exchange visitor in retaliation for the act of complaining about program conditions, including housing and job placements, wages, hours, and general treatment, or for disclosing retaliation by an exchange visitor sponsor, exchange visitor foreign entity, or host entity against any exchange visitor.

(l) PRESENCE DURING PENDENCY OF ACTIONS.—If other immigration relief is not available to the exchange visitor, the Secretary of Homeland Security may permit, only on the basis of proof, the exchange visitor to remain lawfully in the United States for the time sufficient to allow the exchange visitor to fully and effectively participate in all legal proceedings related to any action taken pursuant to this section.

(m) ACCESS TO LEGAL SERVICES CORPORATION.—Notwithstanding any other provision of law, the Legal Services Corporation and recipients of its funding may provide legal assistance on behalf of any alien with respect to any provision of this subtitle.

(n) HOST ENTITY VIOLATIONS.—The Secretary, in consultation with the Secretary of Labor, shall maintain a list of host entities against whom there has been a complaint substantiated by the Department of State for significant program violations. Information from that list shall be made available to sponsors upon request.

SEC. 3911. AUDITS AND TRANSPARENCY.

(a) COMPLIANCE AUDITS.—

(1) IN GENERAL.—The Secretary of State shall by regulation require audit reports to be filed by exchange visitor program sponsors operating under the following specific program categories, as described under subpart B of part 62 of title 22, Code of Federal Regulations, and any successor regulations:

(A) Summer work travel.

(B) Trainees and interns.

(C) Camp counselors.

(D) Au pairs.

(E) Teachers.

(2) AUDIT REPORTS.—Audit reports shall be filed with the Department of State and be conducted by a certified public accountant, pursuant to a format designated by the Secretary of State, attesting to the sponsor's compliance with the regulatory and reporting requirements set forth in part 62 of title 22, Code of Federal Regulations. The report shall be conducted at the expense of the sponsor and no more frequently than on a biannual basis.

(b) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the exchange visitor program, which shall detail for each specific program category—

(1) summary data on the number of exchange visitors and countries participating in that category;

(2) public diplomacy outcomes; and

(3) recent sanctions imposed by the Department of State.

SA 1528. Mr. KAINE 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 A of title IV, add the following:

SEC. 4106. PRECERTIFICATION PROCEDURES FOR EMPLOYERS.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 4103(a), is further amended by adding at the end the following new paragraph:

''(16)(A) PRECERTIFICATION PROCEDURES FOR EMPLOYERS.—Not later than 180 days after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary of Homeland Security shall establish and implement a precertification procedure for employers who file multiple petitions described in this subsection or section 203(b). Such precertification procedure shall enable an employer to avoid repeatedly submitting documentation that is common to multiple petitions and establish criteria relating to the employer and the offered employment opportunity through a single filing.

''(B) FEES.—(i) The Secretary shall impose a fee on each employer that uses the precertification procedure under subparagraph (A).

''(ii) In determining the amount of the fee to be imposed under clause (i), the Secretary shall establish a lower rate for small business concerns (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a))).

''(iii) Fees collected under this subparagraph shall be available to reimburse the Secretary for the costs of the precertification procedure.''.

SA 1529. Mr. KAINE 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 1566, between lines 4 and 5, insert the following:

(3) NOTARIO FRAUD.—The term ''notario fraud'' means immigration service providers engaging in fraudulent conduct or willful misrepresentation of the provider's legal authority to provide representation to immigrant clientele and in Federal immigration proceedings.

(d) COMBATING NOTARIO FRAUD GRANT PROGRAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall establish a program, to be known as the ''Combating Notario Fraud Grant Program'', under which the Attorney General shall award incentive grants to eligible entities to support the adoption of dual scheme of State criminal laws and Board of Law Examiners authorization to combat notario fraud.

(2) ELIGIBLE ENTITIES.—In this subsection, an ''eligible entity'' is—

(A) a State; or

(B) a regional partnership.

(3) MAXIMUM AMOUNT.—An incentive grant awarded by the Attorney General may not exceed $25,000,000.

(4) APPLICATION.—

(A) IN GENERAL.—An eligible entity seeking an incentive grant under this subsection shall submit an application to the Attorney General at such time, in such form, and in such manner as the Attorney General may require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) the current enforcement scheme to combat notario fraud under the laws of the State or States represented by the eligible entity;

(ii) the additional changes to the criminal laws of the State, the State Board of Law Examiners authority, and staffing levels to better address notario fraud in the State or States represented by the eligible entity; and

(iii) such other information as the Attorney General considers appropriate.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SA 1530. Mr. KAINE 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, add the following:

TITLE V—ANALYSIS OF MIGRATION TRENDS AND FOREIGN ASSISTANCE PRIORITIZATION

SEC. 5001. DEVELOPMENT OF ASSESSMENT AND STRATEGY ADDRESSING FACTORS DRIVING MIGRATION.

(a) DEVELOPMENT OF ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on migration to the United States from the countries specified in paragraph (2) that includes—

(A) a baseline assessment of the primary factors driving migration from those countries;

(B) an assessment of the impact of United States foreign assistance, trade, and foreign policy on migration trends in those countries; and

(C) an assessment of ongoing migrant protection issues and measures to address humanitarian and safety concerns in current migration flows, particularly such measures taken by the United States, the Government of Mexico, and the governments of countries in Central America to address such issues in Mexico and on the Southern border of the United States.

(2) COUNTRIES SPECIFIED.—The countries specified in this paragraph are the 10 countries determined by the Comptroller Genera to have the highest rates of irregular migration to the United States.

(3) CONSULTATIONS.—In preparing the report required by paragraph (1), the Comptroller General may consult with civil society organizations in the United States and the countries specified in paragraph (2).

(b) STRATEGY TO ADDRESS FACTORS DRIVING IMMIGRATION.—

(1) IN GENERAL.—The Secretary of State, working with the Administrator of the United States Agency for International Development, and in consultation with the entities specified in paragraph (2), shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a strategy for addressing the economic, social, and security factors driving high rates of irregular migration from the countries specified in subsection (a)(2).

(2) ENTITIES SPECIFIED.—The entities specified in this paragraph are the following:

(A) The Millennium Challenge Corporation.

(B) The Bureau of Population, Refugees, and Migration of the Department of State.

(C) The Department of Homeland Security.

(D) The Department of Labor.

(E) The Department of Agriculture.

(F) The Office of the United States Trade Representative.

(G) Civil society organizations in the United States.

(H) Civil society organizations in the countries specified in subsection (a)(2).

(3) ELEMENTS OF STRATEGY.—The strategy required paragraph (1) shall include—

(A) a summary and evaluation of current assistance provided by the United States to the countries specified in subsection (a)(2);

(B) an identification of the regions and municipalities in those countries experiencing the highest emigration rates and the current level of United States assistance or investment in those regions and municipalities; and

(C) recommendations for future United States Government assistance and technical support to address key economic, social, and development factors identified in those countries that are designed to ensure appropriate engagement of national and local governments and civil society organizations.

SEC. 5002. PRIORITIZATION OF MIGRATION SOURCE COUNTRIES BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Administrator of the United States Agency for International Development (in this section referred to as the ''Administrator'') shall coordinate with relevant agencies of the United States and agencies of the countries specified in section 5001(a)(2) to promote public policies that prioritize inclusive growth, poverty reduction, and sustainable alternatives to emigration.

(b) MIGRATION AND DEVELOPMENT PROGRAMMING.—The Administrator shall provide migration and development programming to assist communities and economic sectors in the countries specified in section 5001(a)(2), including communities—

(1) that currently experience, or are projected to soon experience, high rates of population loss due to international migration to the United States;

(2) experiencing or at high risk of trafficking in persons;

(3) that are receiving high rates of returned or deported migrants from the United States;

(4) affected by destabilizing levels of generalized violence, or violence associated with gangs, drug trafficking, or other criminal activity; and

(5) that currently have developed partnerships with migrant associations and federations based in the United States.

(c) TARGETED ASSISTANCE.—The Secretary of State and the Administrator shall work with the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives to increase, beginning in fiscal year 2014, financial assistance to the communities described in subsection (b) with the goal of—

(1) alleviating rural poverty and revitalizing agricultural production by supporting public and private investment in comprehensive rural development strategies, which should include—

(A) strengthening the quality and sustainability of rural extension services;

(B) expansion of agro-enterprise and agricultural value chain initiatives;

(C) investment in farm-to-market roads and storage facilities for small farmers and cooperatives; and

(D) assistance to protect the environment, promote safe and sustainable natural resource development, strengthen climate change adaptation, and expand access to credit and micro-finance opportunities for small farmers;

(2) fully funding micro-finance and micro-enterprise initiatives, ensuring mechanisms for access to rural credit and micro-insurance, and targeting available funding to traditionally marginalized groups and at risk populations, particularly youth and indigenous populations;

(3) promoting public-private partnerships for income generation, employment, and violence reduction, and prioritizing urban youth;

(4) incorporating mechanisms to adapt and expand financial (savings and credit) and non-financial (property and livelihood insurance) opportunities for vulnerable families in disaster risk reduction and recovery strategies; and

(5) increasing public-private diaspora partnerships for development in the Western Hemisphere, through the United States Agency for International Development's Global Development Alliance model and multilateral initiatives.

SEC. 5003. SENSE OF CONGRESS ON INCREASED UNITED STATES FOREIGN POLICY COHERENCE IN THE WESTERN HEMISPHERE.

(a) FINDINGS.—Congress makes the following findings:

(1) More than 80 percent of the current unauthorized immigration to the United States originates in Latin America, primarily in Mexico and Central America.

(2) Mexico and Central America have made strides in economic growth in recent years, but the majority of their populations, particularly in the rural sector, live in poverty, a factor that continues to drive emigration.

(3) The Mexico and Central America migration corridor maintains strong historic and current ties to the United States through trade and economic integration, labor flows, and geographic proximity, and will require particular bilateral and multilateral efforts to address shared concerns and promote shared opportunities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should review United States foreign policy toward Latin America in order to strengthen hemispheric security through the reduction of poverty and inequality, expansion of equitable trade, and support for democratic institutions, citizen security, and the rule of law, as essential elements of a consolidated and well-managed regional migration policy.

SA 1531. Mr. COBURN 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. ___. REPORT BY THE CHIEF ACTUARY OF THE CENTERS FOR MEDICARE & MEDICAID SERVICES ON ANY INCREASED COSTS TO THE MEDICARE PROGRAM THAT WILL RESULT FROM THE PROVISIONS OF, AND THE AMENDMENTS MADE BY, THIS ACT.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Chief Actuary of the Centers for Medicare & Medicaid Services shall submit to Congress a report on any increased costs to the Medicare program under title XVIII of the Social Security Act that will result from the provisions of, and the amendments made by, this Act (including regulations to carry out such provisions and amendments).

(b) CONTENTS.—

(1) IN GENERAL.—The report under subsection (a) shall include—

(A) an estimate by the Chief Actuary of any increased costs to the Medicare program that will result from such provisions and amendments during—

(i) the 10-year period that begins on the date that is 10 years after the date of the enactment of this Act; and

(ii) the 75-year period that begins on such date of enactment; and

(B) any other items determined appropriate by the Secretary.

(2) REQUIREMENT.—The estimates under paragraph (1)(A) shall include the total impact on the Medicare program (dedicated revenues less expenditures), including the impact of individuals made newly-eligible for benefits under the Medicare program by reason of such provisions and amendments.

SA 1532. Ms. WARREN 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 1197, strike lines 8 through 10, and insert the following:

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

On page 1204, strike lines 4 through 11, and insert the following:

''(II)(aa) has an offer of employment from a United States employer in a field related to such degree; or

''(bb) in the case of an immigrant who is qualified under subclause (III)(bb), is employed by a United States employer in a field related to such degree; and

''(III) earned the qualifying graduate degree—

''(aa) during the 5-year period immediately before the initial filing date of the petition under which the immigrant is a beneficiary; or

''(bb) in the case of an immigrant who has been lawfully employed by a United States employer in each year since earning the qualifying degree, during the 10-year period immediately before the initial filing date of the petition under which the immigrant is a beneficiary; and

Beginning on page 1707, strike line 12 and all that follows through page 1708, line 6, and insert the following:

(b) IMMIGRATION DOCUMENTS.—Section 204 (8 U.S.C. 1154) is amended by adding at the end the following:

''(m) EMPLOYER TO PROVIDE IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—

''(1) IN GENERAL.—An employer shall provide an employee or beneficiary of an application filed under section 212(n)(1) who is seeking immigrant status under section 203(b) or nonimmigrant status under subparagraph (H)(i)(b) or (L) of section 101(a)(15) with a copy of the original of all applications and petitions filed by the employer with the Department of Labor or the Department of Homeland Security for the employee or beneficiary and with a copy of the original of all approval and denial notices received by employer in response to such applications or petitions—

''(A) not later than 30 days after filing or receiving the communications; or

''(B) in the case of applications pending on, or approved before, the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, not later than 90 days after receiving a written request from the employee or beneficiary.

''(2) WITHHOLDING OF FINANCIAL OR PROPRIETARY INFORMATION.—If a document required to be provided to an employee or beneficiary under paragraph (1) includes any financial or propriety information of the employer or confidential information of any other employee, including salary information, the employer may redact such information from the copies provided to such employee or beneficiary.''.

On page 1712, strike lines 14 through 17, and insert the following:

(2) by striking ''A petition'' and all that follows through the end and inserting the following:

''(1) LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—A petition under subsection (a)(1)(F) for an individual whose immigrant petition is approved and whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in a related area or field for which the petition was filed.''; and

On page 1713, beginning on line 3, strike ''the same or a similar occupational classification'' and insert ''a related area or field''.

On page 1713, beginning on line 13, strike ''the same or similar occupation'' and insert ''a related area or field''.

On page 1713, between lines 20 and 21, insert the following:

(b) INADMISSIBILITY CRITERIA.—Section 212(a)(5)(A) (8 U.S.C. 1182(a)(5)(A)) is amended by striking clause (iv) and inserting the following:

''(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in an area or field that is related to the job for which the certification was issued.''.

SA 1533. Ms. WARREN 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 appropriate place, insert the following:

SEC. ___. DETERMINATIONS UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

''(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

''(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and marital status of the individual on October 21, 1998.

''(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.''.

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian Refugee Immigration Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; or

(B) 1 year after the date on which final regulations are promulgated to implement this section and the amendment made by subsection (a).

(2) MOTIONS TO REOPEN.—The Secretary shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendment made by subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian Refugee Immigration Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1) or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act prior to April 1, 2000.

(c) INADMISSIBILITY DETERMINATION.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a)(1)(B), by inserting ''(6)(C)(i),'' after ''(6)(A),''; and

(2) in subsection (d)(1)(D), by inserting ''(6)(C)(i),'' after ''(6)(A),''.

SA 1534. Mr. WARNER (for himself, Ms. MIKULSKI, Mr. WICKER, Mr. KAINE, and Ms. MURKOWSKI) 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 1787, between lines 10 and 11, and insert the following:

''(3) FLEXIBILITY WITH RESPECT TO CROSSING OF H–2B NONIMMIGRANTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), if an employer files a petition for H–2B nonimmigrants and that petition is granted, the employer may bring the H–2B nonimmigrants for which the petition was granted into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

''(B) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer may not bring H–2B nonimmigrants into the United States under subparagraph (A) after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

''(i) completes a new assessment of the local labor market by—

''(I) listing job orders on local newspapers on 2 separate Sundays; and

''(II) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer's place of employment; and

''(ii) offers the job to an equally or better qualified United States worker who will be available at the time and place of need and who applies for the job.

''(C) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer who brings H–2B nonimmigrants into the United States during the 120-day period specified in subparagraph (A) to be staggering the date of need in violation of any applicable provision of law.

SA 1535. Mr. BROWN (for himself, Mr. ENZI, Mr. CASEY, Mr. BEGICH, Mr. PRYOR, Mr. TESTER, and Mr. JOHNSON of South Dakota) 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 1630, line 22, insert ''or accounting,'' after ''physical sciences,''.

SA 1536. 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 all applicable Federal tax liability owed by the applicant for the 5-taxable year period ending with the taxable year preceding the taxable year in which such alien submits an application under subsection (a).

''(B) DEMONSTRATION OF COMPLIANCE.—An applicant shall demonstrate compliance with this paragraph by establishing that—

''(i) no applicable Federal tax liability exists for the period described in subparagraph (A);

''(ii) all outstanding applicable Federal tax liabilities have been paid for such period; or

''(iii) the applicant has entered into an agreement for payment of all outstanding applicable Federal tax liabilities for such period with the Secretary of the Treasury.

''(C) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, for which the statutory period for assessment of any deficiency for such taxes has not expired.

''(D) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish payment of all taxes required under this paragraph.

On page 970, beginning on line 23, strike ''has satisfied any applicable tax liability in accordance with paragraph (2)'' and insert ''has established the payment, in accordance with paragraph (2)(B), of all applicable Federal tax liability (as defined in paragraph (2)(C)) of the applicant for the period beginning with the taxable year in which such applicant submitted an application for registered provisional immigrant status and ending with the taxable year preceding the taxable year in which such applicant submitted an application for an extension under this paragraph''.

On page 985, strike lines 1 through 19 and insert the following:

''(2) PAYMENT OF TAXES.—An applicant may not file an application for adjustment of status under this section unless the applicant has established the payment, in accordance with section 245B(c)(2)(B), of all applicable Federal tax liability (as defined in section 245B(c)(2)(C)) owed by the applicant for the period—

''(A) beginning with the later of—

''(i) the taxable year in which such applicant submitted an application for registered provisional immigrant status; or

''(ii) the taxable year in which such applicant submitted an application for an extension of such registered provisional immigrant status; and

''(B) ending with the taxable year preceding the taxable year in which such applicant submitted an application for an adjustment of status under this section.

Beginning on page 1068, strike line 11 and all that follows through page 1069, line 3, and insert the following:

''(4) PAYMENT OF TAXES.—An applicant may not file an application for adjustment of status under this section unless the applicant

has established the payment, in accordance with section 245B(c)(2)(B), of all applicable Federal tax liability (as defined in section 245B(c)(2)(C)) owed by the applicant for the period beginning with the taxable year in which such applicant submitted an application for blue card status and ending with the taxable year preceding the taxable year in which such applicant submitted an application for an adjustment of status under this section.

On page 1448, between lines 5 and 6, insert the following:

SEC. 3204. LIMITATION ON CERTAIN ALIENS CLAIMING EARNED INCOME TAX CREDIT IN PRIOR YEARS.

(a) IN GENERAL.—Paragraph (1) of section 32(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(G) PROHIBITION ON RETROACTIVE CREDIT FOR CERTAIN IMMIGRANTS.—

''(i) IN GENERAL.—In the case of an individual who is granted registered provisional immigrant status under section 245B of the Immigration and Nationality Act, no credit shall be allowed under this section for any taxable year prior to the year such individual was granted such status unless such individual —

''(I) was an eligible individual for such prior taxable year, and

''(II) was authorized to engage in employment in the United States for such prior taxable year.

''(ii) MARRIED INDIVIDUALS.—In the case of an eligible individual who is married (within the meaning of section 7703) to an individual who is granted registered provisional immigrant status or registered provisional immigrant dependent status under section 245B of the Immigration and Nationality Act, no credit shall be allowed under this section for any taxable year—

''(I) in which such individual was married (within the meaning of section 7703) to the eligible individual, and

''(II) which is prior to the year the spouse of such individual was granted such status,

unless such spouse was authorized to engage in employment in the United States for such prior taxable year.''.

(b) QUALIFYING CHILDREN.—Subparagraph (D) of section 32(c)(3) of such Code is amended by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

''(ii) PRIOR YEARS.—In the case of an individual who is granted registered provisional immigrant status or registered provisional immigrant dependent status under section 245B of the Immigration and Nationality Act, such individual shall not be taken into account as a qualifying child under subsection (b) for any taxable year prior the year such individual was granted such status unless such individual was authorized to engage in employment in the United States for such prior taxable year.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SA 1537. Mrs. FISCHER 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 1404, line 1, strike ''The'' and insert ''Beginning on the date on which all employers are required to use the System pursuant to subsection (d)(2), the''.

SA 1538. Ms. KLOBUCHAR 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 1680, line 5, insert ''; however, if the outplacement is a formal part of the H–1B nonimmigrant's graduate medical education or training, the employer is not required to pay the $500 fee'' after ''worker''.

SA 1539. Mr. WYDEN (for himself and Mrs. BOXER) 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 870, strike line 22 and all that follows through page 871, line 6, and insert the following:

(A) IN GENERAL.—In implementing the Southern Border Fencing Strategy required by this subsection, the Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize and reasonably mitigate the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed, except in such cases where the Secretary, in consultation with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States, determines that the Strategy would have a net beneficial impact to an area's environmental and cultural resources through the reduction of illegal cross-border traffic.

SA 1540. Mr. WYDEN (for himself and Mrs. BOXER) 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 885, between lines 2 and 3, insert the following:

(H) TRANSFERS TO OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, the Secretary may transfer amounts in the Trust Fund to the other Federal agencies to carry out the activities described in subparagraph (A), including the purchase of real property from willing sellers.

SA 1541. Mr. WYDEN (for himself and Mrs. BOXER) 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 877, line 6, insert before the semicolon at the end ''and carry out associated mitigation measures identified in the Southern Border Fencing Strategy and through consultation conducted pursuant to section 5(b)(4)(A) of this Act''.

SA 1542. Mr. WYDEN (for himself and Mrs. BOXER) 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 870, line 10, before the period at the end insert ''and any measures necessary to mitigate impacts to landowners, communities, and the environment associated with implementation of the Southern Border Fencing Strategy''.

SA 1543. Mr. WYDEN (for himself and Mrs. BOXER) 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 870, line 10, before the period at the end insert ''and any measures necessary to mitigate impacts to landowners, communities, and the environment associated with implementation of the Southern Border Fencing Strategy''.

On page 870, strike line 22 and all that follows through page 871, line 6, and insert the following:

(A) IN GENERAL.—In implementing the Southern Border Fencing Strategy required by this subsection, the Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize and reasonably mitigate the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed, except in such cases where the Secretary, in consultation with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States, determines that the Strategy would have a net beneficial impact to an area's environmental and cultural resources through the reduction of illegal cross-border traffic.

On page 877, line 6, insert before the semicolon at the end ''and carry out associated mitigation measures identified in the Southern Border Fencing Strategy and through consultation conducted pursuant to section 5(b)(4)(A) of this Act''.

On page 885, between lines 2 and 3, insert the following:

(H) TRANSFERS TO OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, the Secretary may transfer amounts in the Trust Fund to the other Federal agencies to carry out the activities described in subparagraph (A), including the purchase of real property from willing sellers.

SA 1544. Mr. WYDEN (for himself and Mrs. BOXER) 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 911, between lines 3 and 4, insert the following:

(e) EFFECTIVE PERIOD.—This section shall be in effect during the period beginning on the date of the enactment of this Act and ending on the date that the certification described in section 3(c)(2)(A) is submitted to the President and Congress.

SA 1545. Mr. WYDEN (for himself and Mrs. BOXER) 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 859, line 4, after the period at the end, insert the following: ''In this subsection, the term 'physical tactical infrastructure' means roads, vehicle and pedestrian fences, port of entry barriers, lights,

bridges, and towers for technology and surveillance.''.

SA 1546. Mr. PRYOR 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 1582, between lines 14 and 15, insert the following:

(d) ADMINISTRATIVE FORFEITURE AUTHORITY.—Section 607(a) of the Tariff Act of 1930 (19 U.S.C. 1607(a)) is amended—

(1) in paragraph (3), by striking ''or'' at the end;

(2) in paragraph (4), by inserting ''or'' after the semicolon; and

(3) by adding at the end the following:

''(5) such seized merchandise comprises funds accessible through a prepaid access device or other portable storage device,''.

(e) REAL PROPERTY USED IN ALIEN SMUGGLING AND HARBORING.—Section 274(b)(1) (8 U.S.C. 1324(b)(1)) is amended—

(1) by striking ''Any conveyance, including any vessel, vehicle, or aircraft, which has been or is being used in the commission of a violation'' and inserting ''Any property, real or personal, used or intended to be used to commit or to facilitate the commission of a violation''; and

(2) striking ''such conveyance'' and inserting ''such property''.

(f) PROCEEDS OF ALIEN SMUGGLING AND HARBORING.—

(1) IN GENERAL.—Section 274(b) (8 U.S.C. 1324(b)), as amended by subsection (e), is further amended by adding at the end the following:

''(4) PROCEEDS DEFINED.—In this subsection, the term 'proceeds' means any property derived from or obtained or retained, directly or indirectly, as a consequence of an act or omission in violation of this section, including the gross receipts of such activity.''.

(2) CONFORMING AMENDMENT.—Section 982(a)(6) of title 18, United States Code, is amended by insert ''(as defined in section 274(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1324(b)(4)))'' after ''proceeds''.

SA 1547. Mr. GRASSLEY 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 1692, beginning on line 16, strike ''and'' and all that follows through ''(bb)'' on line 17, and insert the following:

''(bb) conduct annual audits of not less than .05 percent of employers (other than employers covered by item (aa)) that employ H–1B nonimmigrants during the applicable calendar year; and

''(cc)

On page 1726, beginning on line 3, strike ''and'' and all that follows through ''(bb)'' on line 4, and insert the following:

''(bb) conduct annual audits of not less than .05 percent of employers (other than employers covered by item (aa)) who employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year; and

''(cc)

SA 1548. Mr. GRASSLEY 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 1704, after line 20, insert the following:

SEC. 4226. SUSPENSION OF EMPLOYER PARTICIPATION IN H–1B VISA PROGRAM.

Section 212(n)(2) (8 U.S.C. 1182(n)(2), as amended by this chapter, is further amended—

(1) by redesignating subparagraph (I) as subparagraph (L); and

(2) by inserting after subparagraph (H) the following:

''(I) The Secretary of Homeland Security shall suspend an employer's ability to petition for H–1B nonimmigrants for not less than 2 years if such employer violates this subsection or if the Secretary determines the existence of 1 or more of the following conditions with respect to the employer:

''(i) The employer has not taken good faith efforts to recruit United States workers.

''(ii) An H–1B nonimmigrant is working at locations not covered by a valid labor condition application.

''(iii) An H–1B nonimmigrant is not receiving the wage that the petitioning employer attested to in the labor condition application.

''(iv) An H–1B nonimmigrant has been benched without pay or with reduced pay.

''(v) An H–1B nonimmigrant is performing job duties that were not consistent with the position description provided by the employer.

''(vi) The employer deducts the fees associated with filing the H–1B petition from the H–1B nonimmigrant's salary.

''(vii) The employer forged signatures or documents relating to the Form I-129 petition, including documents relating to degree and work experience letters.''.

SA 1549. Mr. GRASSLEY 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 1680, line 24, strike ''(A)''.

On page 1681, line 1, strike ''(i)'' and insert ''(A)''.

On page 1681, line 5, strike ''(ii)'' and insert ''(B)''.

On page 1681, line 9, strike ''(iii)'' and insert ''(C)''.

Beginning on page 1681, strike line 14 and all that follows through page 1684, line 2, and insert an end quote and final period.

Beginning on page 1688, strike lines 23 and all that follows through page 1689, line 13.

On page 1710, strike line 9 and all that follows through ''(4)'' on line 13, and insert ''(3)''.

On page 1710, strike line 19 and all that follows through ''(d)'' on line 24, and insert ''(c)''.

On page 1720, strike lines 20 through 23.

On page 1722, strike line 16 and all that follows through ''(d)'' on line 22, and insert ''(c)''.

SA 1550. Mr. GRASSLEY 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 1632, line 24, strike ''Upon the request of the Secretary of State, the Secretary of Homeland Security may suspend employment authorizations under clause (ii)'' and insert ''The Secretary of Homeland Security shall suspend employment authorizations under clauses (i) and (ii)''.

On page 1633, line 10, strike ''section 101(a)(15)(H)(i)(b)'' and insert ''subparagraph (H)(i)(b) or (L) of section 101(a)(15)''.

On page 1669, strike line 11 and all that follows through ''(ii)'' on line 15, and insert ''(i)''.

On page 1669, line 17, strike ''(iii)'' and insert ''(ii)''.

On page 1669, line 20, strike ''(iv)'' and insert ''(iii)''.

On page 1670, lines 1 and 2, strike ''if the employer is an H–1B-dependent employer,''.

Beginning on page 1676, strike line 16 and all that follows through page 1678, line 21, and insert the following:

''(E) The employer did not displace and will not displace a United States worker employed by the employer within the period beginning 180 days before the date on which a visa petition supported by the application is filed and ending 180 days after such filing.''.

On page 1687, lines 6 through 8, strike ''participating in optional practical training pursuant to section 101(a)(15)(F)(i)'' and insert ''described in subparagraph (F) or (M) of section 101(a)(15)''.

On page 1687, lines 10 and 11, strike ''participant in such optional practical training'' and insert ''an alien described in subparagraph (F) or (M) of section 101(a)(15)''.

On page 1687, lines 16 and 17, strike ''participants in optional practical training pursuant to section 101(a)(15)(F)(i)'' and insert ''aliens described in subparagraph (F) or (M) of section 101(a)(15)''.

On page 1690, line 6, strike ''may conduct'' and insert ''shall conduct''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 20, 2013, at 2:45 p.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 20, 2013, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 20, 2013, at 2:15 p.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 20, 2013, at 3:30 p.m., to hold a hearing entitled ''Briefing on Syria.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BLUMENTHAL. 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, in order to conduct a hearing entitled ''Developing a Skilled Workforce for a Competitive Economy: Reauthorizing the Workforce Investment Act'' on June 20, 2013, at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce and Subcommittee on Financial and Contracting Oversight be authorized to meet during the session of the Senate on June 20, 2013, at 2:30 p.m. to conduct a hearing entitled ''Examining the Workforce of the U.S. Intelligence Community and the Role of Private Contractors.''

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

COMMITTEE ON THE JUDICIARY

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 20, 2013, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on June 20, 2013, at 10 a.m., in room 428A Russell Senate Office Building to conduct a roundtable entitled ''Seqeuestration: Small Business Contractors Weathering the Storm in a Climate of Fiscal Uncertainty.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 20, 2013, at 2:30 p.m.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, for the benefit of all Senators and staff, people have worked very hard. Lots of Senators, 20 Senators, have been involved, and many more off and on, but 20 on a continual basis all day today and even last night. The amendment is ready but we have to make sure it is truly ready. I have been to a few of these rodeos, and we want to make sure the amendment that has been worked on all day is going to be one that is the final one. We don't want to have an amendment and then have to deal with it in some other way.

So what we are going to do tomorrow is we are going to come in at 10:30 and, hopefully, at that time we will be in a position to move forward on this legislation. Right now, it seems it would be senseless for us to stay any longer tonight because it is simply not going to be ready before midnight.

CONSTITUTING MAJORITY PARTY MEMBERSHIP ON CERTAIN COMMITTEES

MAKING MINORITY APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 179 and S. Res. 180.

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

The clerk will report the resolutions by title en bloc.

The bill clerk read as follows:

A resolution (S. Res. 179) to constitute the majority party's membership on certain committees for the One Hundred Thirteenth Congress, or until their successors are chosen.

A resolution (S. Res. 180) making minority party appointments for the 113th Congress.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

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

The resolutions (S. Res. 179 and S. Res. 180) were agreed to.

(The resolutions are printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR FRIDAY, JUNE 21, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., Friday, June 21; that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate resume consideration of S. 744, the immigration bill.

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

THANKING THE PRESIDING OFFICER

Mr. REID. Mr. President, I really appreciate the Presiding Officer being here for this extended period of time. I am very grateful, and, as always, the State of Maine is very fortunate to have such an accomplished statesman in the Senate.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 10:32 p.m., adjourned until Friday, June 21, 2013, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JAMES DONATO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE JAMES WARE, RETIRED.

BETH LABSON FREEMAN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE AN ADDITIONAL POSITION IN ACCORDANCE WITH 28 USC 133(B) (1).

JENNIFER PRESCOD MAY-PARKER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE MALCOM J. HOWARD, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. STEPHEN W. WILSON

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. EDWARD C. CARDON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DEPUTY JUDGE ADVOCATE GENERAL, UNITED STATES ARMY, AND FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED IN ACCORDANCE WITH TITLE 10, U.S.C., SECTIONS 3037 AND 3064:

To be major general

BRIG. GEN. THOMAS E. AYRES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL, UNITED STATES ARMY AND FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS THE JUDGE ADVOCATE GENERAL IN ACCORDANCE WITH TITLE 10, U.S.C., SECTIONS 3037 AND 3064:

To be lieutenant general

BRIG. GEN. FLORA D. DARPINO

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. CECIL E.D. HANEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. HARRY B. HARRIS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5141:

To be vice admiral

REAR ADM. WILLIAM F. MORAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES F. CALDWELL, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

ANDREW G. BOSTON

JAMES D. COVELLI
VALERIE G. SAMS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

LOUIS A. BARTON
JENNIFER A. BROOKS
MARTY J. BUCHANAN
BRUNO J. HIMMLER
EDWARD K. KANKAM

To be major

DAVID L. HOWARD
ANTHONY M. MUSARRA
EARLYNE L. RODRIGUEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

CRAIG S. BERG
MELISSA A. DEWOLFE
JONATHAN A. FORBES
HYAEHWAN KIM
IAN A. MAKEY
JASON A. MASSIGNAN
REID N. ORTH
SCOTT B. PHILLIPS
DANE H. SALAZAR
TIMOTHY J. STRIGENZ
JONATHAN D. TIDWELL

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL D. PAYNE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARLON E. LEWIS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

RONALD E. BERESKY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAIN'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JAMES B. COLLINS

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAVID R. MAXWELL

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

THOMAS A. JARRETT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JONATHAN H. CODY
JUSTIN M. MARCHESI

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

BRENT E. HAVEY