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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Holy God, from whom alone all good proceeds, let the graces of faith, hope, and love be felt today on Capitol Hill. Lord, You rule all things by Your wisdom. May our lawmakers, therefore, look to You for guidance and strive to manifest complete subservience to Your will. Continue to shower our Senators and their loved ones with Your daily mercies, as they grow in grace and true holiness throughout the seasons of their lives. May they show their love for You by loving others as You have loved humankind. Help them to continue to expect great things from You as they continue to attempt great things for You. We pray, in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans the final half. Following morning business the Senate will resume consideration of S. 744, the immigration bill.

ORDER OF PROCEDURE

I ask unanimous consent that the filing deadline for first-degree amendments to S. 744 be 12 p.m. today.

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

Mr. REID. The filing deadline for all first-degree amendments both to the substitute amendment and the bill is today at noon.

The Senate will recess from 12:30 to 2:15 for our weekly caucus meetings. Senators will be notified when votes are scheduled.

I suggest the absence of a quorum.

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

The legislative 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 (Mr. COWAN). Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. REID. Mr. President, law enforcement officials who made the arrests and looked at this called it a ''modern day plantation.'' What happened was a string of very profitable convenience stores had undocumented immigrants from Pakistan and the Philippines routinely working up to 100 hours a week for below minimum wage. And although their employers made $180 million over a dozen years, while pocketing much of their employees' wages, these workers lived packed into apartments unfit for human habitation. Because they lacked the proper immigration paperwork, the workers were simply too afraid to speak up for themselves.

It happens all the time. These were the circumstances at more than a dozen 7-Eleven stores in Long Island, NY, and in Virginia. They were raided last week by Federal immigration officials. The unfortunate conditions exposed by this high-profile bust, however, are all too common. The busts do not come very often. They were able to get to the bottom of this. Most of the time these people are so abused and nothing happens except the abuse continues.

More than one-half of undocumented day laborers say they have been cheated by employers. One-quarter of undocumented workers polled in New Jersey say they have been assaulted by their employers, a crime they rarely report. A lot of times there are language barriers, and they are simply afraid they are going to lose their jobs and maybe be deported.

In one survey virtually every undocumented female farm worker said sexual violence in the workplace is a very serious problem. The 11 million people living in America without the proper documentation are particularly vulnerable to abuse by these employers who are very unscrupulous.

A system under which people can be forced to live as indentured servants, under substandard living conditions and the threat of violence hurts all workers, and it is wrong. It is immoral. The bipartisan immigration bill before the Senate will eliminate the kind of exploitation seen at these rogue 7-Eleven stores and other dishonest employers in a number of ways.

First, it will reduce illegal immigration by strengthening our borders and fixing our broken legal immigration system. We all acknowledged before going into this debate that our system was broken and needed to be fixed. That is what this bill does. The bill will also make the electronic employment verification system, known as E-Verify, mandatory within 5 years. That will make it virtually impossible for people without the proper immigration paperwork to secure jobs, removing the incentive to come here illegally and removing the incentive from these unscrupulous employers taking advantage of those people.

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

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The legislation will allow temporary workers to change jobs without losing their visas, making it possible for them to escape and report exploitative employers without fear of deportation. They have not been able to do that. They will not until we pass this legislation.

This measure also offers more visas for victims of crime, including employer abuse. These protections will be good for honest workers, helping them stand up for their rights without fear of retribution. It will be good for honest employers, whose unscrupulous competitors have an unfair advantage.

This legislation also recognizes that undocumented workers play an important role in our economy and need an earned pathway from the shadows to citizenship. The path will not be easy; it was not intended to be. Undocumented people will have to go to the back of the line, pay penalties and fines, work, pay taxes, learn English, and stay out of trouble.

The alternative, to deport 11 million people, is impractical, inhumane, and just plain wrong for our economy. Helping millions of immigrants get right with the law will boost our national economy by more than $800 billion over the next 10 years, and it will reduce the deficit by almost $1 trillion over the next two decades—a pretty good deal.

Last night's strong bipartisan vote on the Corker-Hoeven border security compromise was a huge step forward for this legislation. Opponents of immigration reform can no longer hide behind false concerns about border security. That is an understatement. There can be any excuse to oppose immigration reform. If it is, it is transparently obvious that they are just trying to figure out a way to vote against this legislation.

I hope those who have stood in the way of this legislation will instead join us to do what is right for our economy and humane for immigrant families. It is time to crack down on crooked employers—that is what they are—who exploit and abuse undocumented immigrants. It is time to give hope to 11 million immigrants who want nothing more than to become citizens of a place they call home.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Republican leader is recognized.

NATIONAL ENERGY TAX

Mr. MCCONNELL. Mr. President, in advance of the President's big speech today, I read this morning that one of the White House climate advisers finally admitted something most of us have suspected all along. He said, ''A war on coal is exactly what is needed.''

A war on coal is exactly what is needed. That is one of the President's advisers. It is an astonishing bit of honesty from someone that close to the White House, but it really encapsulates the attitude this administration holds in regard to States such as mine where coal is such an important part of the economic well being of so many middle-class families. It captures the attitude it holds with regard to middle-class Americans all across the country, where affordable energy is critical to the operation of so many companies and small businesses, and to the ability of those businesses to hire Americans and help build a ladder to the middle class for their families.

Declaring a war on coal is tantamount to declaring a war on jobs. It is tantamount to kicking the ladder out from beneath the feet of many Americans struggling in today's economy. I will be raising this issue with the President at the White House later today.

One of the sectors the President's war on jobs would hit is manufacturing. Ironic, perhaps, because just a few months ago it was President Obama himself who said:

> I believe in manufacturing. I think it makes our country stronger.

Well, of course, that is correct. Manufacturing does make our country stronger. Just look at Kentucky. We are the first in the Nation in aluminum smelting. We are third in production of auto parts. Kentuckians know these types of businesses strengthen not just the Bluegrass State but our entire Nation. They provide well-paying jobs, economic growth, and tickets to prosperity for workers and their families. Yet in the global economy of the 21st century, retaining, much less expanding, our manufacturing core has never been more challenging than it is now.

We face relentless competition from all corners of the globe, so policymakers have to be careful about the types of policies they enact. Obviously, American success in this hypercompetitive world is strengthened when we keep taxes low and regulations smart. Perhaps most important, it is strengthened when we ensure energy is abundant and affordable.

These are energy-intensive industries, after all. If the White House moves forward with this war on jobs and raises the cost of energy, that would almost assuredly raise the cost of doing business. That would likely put jobs, growth, and the future of American manufacturing at risk. That is one of the many reasons Americans rejected the President's attempt to impose a national energy tax in his first term.

Even with overwhelming majorities in Congress, including a filibuster-proof, 60-vote majority in the Senate, Washington Democrats were unable to pass the President's energy tax. In the Senate, the Democratic majority would not even bring it up for a vote. Think about that. They could have pushed it through on their own without a single Republican vote, and yet they could not.

Why? Well, for one, the constituents we serve are a lot smarter than some in Washington might like to believe. They know we cannot impose a national energy tax without cutting jobs and significantly raising energy costs not just on their families, but also on their employers.

The data seems to bear out such concerns. I remember some projections showing that by 2030, the Waxman-Markey proposal could have decreased the size of our economy by about $350 billion and reduced net employment by 2.5 million jobs, even after taking job creation into account.

So Americans made their opposition to this tax abundantly clear to Members of Congress. In the 2010 midterm elections, they ousted a good number of those who voted for it in the House. Because of concerns about job losses, higher utility bills, and reduced competitiveness, Congress is even less inclined today to vote for an energy tax than when the President commanded such massive majorities in the first part of his first term.

It is fairly self-evident to say there is no majority for such an idea in the 113th Congress. The President shall also push ahead and ignore the will of the legislative branch, the branch closest to the American people. Whether they want it or not, he says he will do it by Presidential fiat.

I am sure we will find out more details in his speech today. If I am right, and I think I am, he is going to lay out a plan to do what he wants to do through executive action—in other words, more czars, more unaccountable bureaucrats.

The message this sends should worry anyone who cares about constitutional self-government, that the President can simply ignore the will of the representatives sent here by the people because he wants to, because special interests are lobbying him, and because he wants to appease some far-left segment of his base.

What I am saying is he cannot declare a war on jobs and simultaneously claim to care about manufacturing. He cannot claim to care about States such as mine where an energy tax would do great damage to countless Americans employed in energy sectors such as coal.

Wages are already failing to keep pace with rising costs for many people. Many families have seen their real median income actually decline in recent years. A survey released yesterday shows that three-quarters of Americans are living paycheck to paycheck. This is the reality of the Obama economy. Even in the best of times, imposing an energy tax would be a bad idea. In an era of unacceptably high unemployment, an era where Americans are finally desperate to focus on growing the middle class rather than throwing scraps to his wealthy supporters, ideas such as this border on absurdly self-defeating.

He may as well call his plan what it is, a plan to shift jobs overseas. Basically, it is unilateral economic surrender. To what end? Many experts agree a climate policy that does not include massive energy consumers such as China and India is essentially meaningless. The damage to our economy would be anything but meaningless. Ironically, those are the very types of countries that stand to benefit economically from our loss. Nations such as these will probably take our jobs, keep pumping more and more carbon into the air, and what will we have to show for it? That is a question the President needs to answer today.

Americans want commonsense policies to make energy cleaner and more affordable. The operative word is commonsense, because Americans are also deeply concerned about jobs and the economy. That is what the President should be focused on. Incredibly, it appears to be the farthest thing from his mind.

SENATE GROUND RULES

I have been mentioning on a daily basis the ongoing concern I have about the institution in which 100 of us serve, an institution that has served America well since the beginning of our country. The Constitution was framed back in 1887. George Washington presided over that Constitutional Convention. Legend has it he was asked, What do you think the Senate is going to be like? He reportedly replied it would be like the saucer under the teacup, and the tea that sloshed out of the teacup would go down into the saucer and cool off. In other words, the Founders of our great country believed the Senate would be a place where things slowed down, were thought over, and obviously where bipartisan agreements would be the way to move forward.

Over the period of our history, the idea of unlimited debate has had a lot of support in this body from both parties. In fact, during World War I, it was agreed there ought to be some way to stop a debate. Prior to that, there was no way, actually, to stop a debate. They agreed to create a device called cloture that would allow a supermajority of the Senate to bring debate to an end.

Over the years there have been flirtations by majorities of different parties to fundamentally change the Senate. Those temptations have been avoided. Those temptations arose again at the beginning of the previous Congress and at the beginning of this Congress under the current majority and the current majority leader. There was a lot of discussion about the way forward for the institution that would benefit the institution and not penalize either side. In January of 2011 the majority leader said the issue was settled for the next two Congresses, the previous Congress and this one.

In spite of that, we entered into a lengthy discussion at the beginning of this Congress on a bipartisan basis. As a result of that, the Senate passed two rules changes and two standing orders. The majority leader once again gave his word that this issue was concluded.

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

The majority leader said: ''That is correct. Any other resolutions related to Senate procedure would be subject to a regular order process, including consideration by the Rules Committee.''

The regular order process takes 67 votes to change the rules of the Senate. We did that with the two rules changes earlier this year, thereby confirming, again, that is the way you change the rules of the Senate.

The majority leader, in spite of having given his word, not once but twice, continues to suggest that may not be a word that is going to be kept and has continued to flirt openly with employing what is called the nuclear option.

My party, when it was in the majority some time ago, 8 or 9 years ago, flirted with it as well, but good sense prevailed and we moved backward. We moved into a position where we are today, which is it takes 60 votes when you have a determined minority to get an outcome.

The threat has been related to nominations and nominations only, as if somehow breaking the rules of the Senate to change the rules of the Senate would be confined to nominations in the future. The way that would be done, of course, is the Parliamentarian would say it was a violation of Senate rules to change the rules of the Senate with 51 votes. The majority would simply appeal the ruling of the Chair and do it with 51 votes. If that is ever done, the Senate as an institution we have known is finished, and it would not be confined to nominations in the future.

Senator ALEXANDER and I laid out a few days ago the kind of agenda we would probably pursue, almost certainly pursue, were we in the majority. It was an agenda that would in many ways horrify the current majority, such things as completing Yucca Mountain, repealing ObamaCare, national right-to-work—I mean, things I believe probably every single Member of the majority party would find abhorrent. But that is the point.

The supermajority threshold is inconvenient to majorities from time to time. It requires them to engage in negotiation in order to go forward. It is frustrating from time to time. It is important to remember—every Senate majority should remember—the shoe will someday be on the other foot.

The institution has served our country well. We have had some big debates this year in which we have had amendments, discussions on a bipartisan basis, and bills moved forward. We saw it on the farm bill. We have seen it on other bills. We may well see it on the bill that is on the floor of the Senate now.

The fundamental point before the Senate is we need to know if the majority leader intends to keep his word, because in the Senate your word is important. In fact, it is the currency of the realm here in the Senate.

I am going to continue to raise this issue because we need to resolve it. Senators need to know that words will be kept. The word on the ground rules of how we operate here in the Senate needs to be kept. We are not interested in a majority that says the definition of advise and consent is sit down and shut up, do things I want to do when I want to do it, or I will threaten to break the rules of the Senate to change the rules of the Senate. This is no small matter, and I will continue to address it until we get it resolved.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

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

The assistant majority leader.

ENERGY

Mr. DURBIN. Mr. President, in deference to the Presiding Officer, I am going to forgo my speech on the Stanley Cup playoffs until another Member is presiding later in the day.

Instead, I wish to address the speech made by the Senate Republican leader on the issue of our environment.

Senator MCCONNELL of Kentucky tells us if we are going to discuss the state of our environment in America, it is a war on coal and a war on jobs.

I think he is wrong. I think the Republican approach to the environmental issues is a war on science. It is a denial of the overwhelming scientific evidence that the weather affecting us on this Earth is changing. We know it. Storms, extraordinary storms, are more frequent and more violent than they have been. We know the polar icecap is melting. We know the glaciers are disappearing. We know the impact this will have on humanity as well as wildlife. Yet from the other side there is a complete denial of science. This is a war on science.

Their position is also a war on public health. Twenty-five million Americans suffer from asthma. Nearly one in five children with asthma went to an emergency department for care in 2009. To

ignore the state of air pollution and the public health challenges it presents is to ignore the reality of the state of our environment and its impact on public health.

Finally, the public approach when it comes to this issue is a war on this Earth we call home. Unless and until the United States shows leadership when it comes to the environment, it is difficult, if not impossible, to convince other nations to do the same.

Today the President is going to make a speech which will be controversial about what to do with our environment. I think he is on the right track to engage us in a national debate, a debate about the legacy we leave our children and grandchildren when it comes to this Earth we live on.

Senator MCCONNELL's State of Kentucky is just south of mine. He has coal reserves in his State, as we do in Illinois. We have seen the use of those reserves, because of some of the contamination and chemicals that are associated with that coal, diminish dramatically over the last several decades.

I haven't given up on coal if it is used responsibly. This administration has invested in clean coal projects. One is called FutureGen 2. It is a project to capture the emissions coming out of smokestacks from coal-fired electric powerplants and to bury them deep beneath the Earth, a mile beneath the Earth. It is capture and sequestration of these emissions. It is an energy research experiment which we are engaged in right now in central Illinois which I believe holds promise for the use of coal in the future in a much more responsible way.

How much can you store below the Earth in Illinois? We can store the emissions of over 50 coal-fired electric power plants operating for 50 years. Let's engage in that research. Let's find responsible ways to use coal.

This notion that moving toward energy efficiency and reducing pollution is going to cost us jobs isn't borne out by the evidence. We are seeing dramatic investments being made in manufacturing for solar, wind, and geothermal. We are seeing dramatic investments creating new American jobs because we are setting new standards for more fuel-efficient cars, for example. This is good for every family, every business in America. It is good for the environment, and it creates jobs. To suggest that dealing with the environment costs us jobs—exactly the opposite is true.

Let me also say a word about the Republican leader's concern about working families living paycheck to paycheck. Time and again on this side of the aisle we have offered to the Senator and his colleagues a chance to reduce the tax burden on working families in America by asking those who are doing quite well to pay a little more, and they have consistently said no. Again, we have asked the Republican leader and his colleagues to join us in raising the minimum wage and they have said no. So this concern about families struggling paycheck to paycheck should be borne out by some of their votes. That, to me, is essential.

Let me close by saying this: I believe the environment is a challenge we must face head on. To ignore it is to ignore reality. Lake Michigan, when measured just a few months ago, was at its lowest depth in any measured time in recent history. What we are seeing in global warming is the evaporation of our Great Lakes. It is a scary thing to think about what this will ultimately do to us.

The President is going to face the issue head on. There are some who want to run away from it. They can do that if they wish. But their war on science, their war on health, their war on those destructive forces that are affecting the Earth is shortsighted. We need leadership on this, bipartisan leadership.

Let me close by saying—and then I will yield to my friend from Maryland—that I will come back shortly after morning business to speak about this historic immigration bill. The 67-to-27 vote on the floor last night—bipartisan vote—is an indication that we have finally come up with a historic measure and one that is important for the future of this Nation. We will do many things around here, and important things, but hardly anything as important as fixing this broken immigration system. The fact that we can do this in the Senate on a bipartisan basis is a tribute to this institution getting back on its feet and putting aside some of the political battles of the past. I only hope our friends over in the House are watching this and understanding that only through bipartisanship can we cure and solve some of the problems our Nation faces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Before my friend from Illinois leaves the floor, I wish to congratulate him on his incredible leadership on the immigration bill. The Senator from Illinois brought many issues to the compromise that was reached, but I particularly wish to thank him on behalf of the children for the DREAM Act that is incorporated in this legislation that will help so many young people.

I told a story on the floor of the Senate about a person who lives in Maryland who was offered a scholarship and had to turn it down. We found out he didn't have legal status in the United States. What a disappointment it was to him. I also told about a lot of other young people who have had the courage now to step forward, and the Senator's legislation will give them hope, in a very relatively short period of time, to be able to accomplish the dream of being in America.

So I wanted to applaud him and all the Senators who were involved—Senator SCHUMER just left the floor, his incredible work with Senators BENNET and MENENDEZ, and the Republicans the Senator from Illinois worked with, Senators MCCAIN, GRAHAM, FLAKE, and RUBIO.

The Senator is absolutely right. If we want a major bill done, it has to be done in a bipartisan way. It is not the bill the Senator would have written; it is not the bill I would have written, but I think the Senator from Illinois has done a great service, and I thank him.

Mr. President, I have cleared it on our side, and I ask unanimous consent that I be permitted to speak for up to 15 minutes.

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

IMMIGRATION REFORM

Mr. CARDIN. Mr. President, yesterday was good news. It was good news for the eventual passage of S. 744, the comprehensive immigration reform bill. It is good news the Senate is on the verge of being able to pass this legislation because 11 million people who live in the shadows will now have hope they will be able to stay in America, work in America, and one day become citizens of this great country.

But the real winners of immigration reform are the American people and our government. We have a broken immigration system today, and this bill will allow us to replace that broken immigration system with a balanced approach on how to deal with immigration in this country. It is balanced first by recognizing border security is important. We have to make sure people coming to this country come in lawfully; that they come in through a door, not over a fence, and this bill clearly deals with the issues of border security.

The bill also deals with E-Verify for employers, to make sure employers only hire those who are legally present in this country. It also provides a way in which those who are currently here can come out of the shadows, get legal status, and earn a pathway to citizenship.

I say earn a pathway to citizenship because those individuals have to comply with our laws, pay our taxes, learn English, and then wait for the entire working backlog within the immigration system to be cured before they can apply for citizenship. So it is a way in which individuals who are currently here, who are law-abiding and are prepared to comply with our laws have a reasonable pathway to citizenship.

It also deals with realistic numbers for people who want to come to America, who want to make America their home, for family reunifications, as well as those who want to work in this country. By having reasonable numbers, we can get the skilled workers we need and we can get the seasonal workers we need.

The bill replaces a badly broken immigration system. As I mentioned to Senator DURBIN, it includes the DREAM Act. This gives children who

have been here most of their lives, within a relatively short period of time, a pathway to citizenship in America.

I regret that border surge modifications were added to this legislation. I say that for many reasons. I thought the bill reported out of the Judiciary Committee, although it was not the bill I would have written, was well balanced on border protection. I think the additions that will be added later today will spend a lot of money with little results for the taxpayers of this country.

I think we have thrown money at a problem rather than trying to look at what should be done in the most cost-effective way. The cost benefits of these billions of dollars being spent are very marginal.

Most of the problems deal with employment. The E-Verify system is an important improvement in the bill, as reported out by the Judiciary Committee. When we look at who is likely in the future to be illegal in this country, it is more likely to be people who entered the country lawfully and then are out of status than it is someone sneaking over the border. So I think we could have used the money in a much more effective way, and we are micromanaging border security, which, in the long run, will not be to the benefit of this country.

I couldn't agree with Senator LEAHY more in the statement he gave. We are waiving contractor rules by the amendment that is currently on the floor, and that is going to cause waste, fraud, and abuse. There is no question in my mind about that.

But what I find very hypocritical is that the same Senators who are on the floor day after day complaining about the size of government and government spending when it comes to educating our children, when it comes to dealing with our most vulnerable, when it comes to dealing with our health care system, are the ones who propose spending more money on border security than anyone thought was necessary.

We could have done this better. I am disappointed, and I think if one takes a look at it, the amount of money being spent exceeds any of the earmarked funds we were complaining of wasting in the past. I thought there was some benefit to earmarks. We talked about that, but we got rid of earmarks, and now we have a bill that is spending billions of dollars in an effort to deal with border security when we could have done it in a much more cost-effective way.

I am also disappointed in the amendment process that has been used in this legislation. I don't blame the majority leader at all. I do blame those who have been obstructionists in considering amendments on the floor. Republicans have complained about amendments being offered on the floor of the Senate in the past. We have given the opportunity on this immigration bill for us to consider amendments, but it was the same Republicans who objected to us considering the bill.

Senator LEAHY offered a group of noncontroversial amendments. It was a large group. Senator LANDRIEU has talked about this frequently. She offered her amendment to deal with children. In that group of noncontroversial amendments was an amendment I offered, and I still hope we will have a chance to deal with this—the RUSH Act. What does that deal with? It is amendment No. 1286, a bipartisan amendment. I am pleased Senators KIRK and PORTMAN have joined me in cosponsoring this amendment. It deals with Holocaust survivors, some of our most vulnerable citizens. On average, they are over 80 years of age. Many live alone, many live below the Federal poverty level, and they are desperately concerned about being institutionalized, as I think everyone can understand. This amendment makes it easier for them to access services under the Older Americans Act.

This is noncontroversial. It was before us, and it was objected to by a Republican, so we couldn't offer that series of amendments. That is not what we should be doing. We should be considering these amendments in an orderly way, but that was not allowed.

Let me mention one other amendment I hope we will get a chance to consider. That is amendment 1469, offered by Senator MCCAIN, and I have joined him. It deals with gross violations of human rights, internationally recognized human rights. Someone who has violated the basic international standards for human rights shouldn't be given a visa to come to America. We took action last Congress in dealing with the Magnitsky circumstances in Russia, denying gross human rights violators in Russia the opportunity to come to America and getting a visa. At that time, we talked about there being an international standard. Senator MCCAIN and I have led the charge with other Senators, and I wish to thank Senator WICKER for his work on these issues.

We should now have the opportunity. It is noncontroversial. No one has raised an objection to this amendment, so it should be considered. Yet because of the obstructionist policies to date, we have not had that opportunity.

I wish to mention a few other issues in the underlying bill that I think we can improve upon if we have the opportunity to consider reasonable amendments. One deals with profiling.

I have introduced legislation that would ban profiling. When law enforcement profiles based upon race, religion, national origin or ethnicity, it is bad police policy. It is bad law enforcement policy. It leads to sloppy work. It leads to a waste of resources, and resources are very scarce. It causes communities to turn against law enforcement rather than working with law enforcement.

All of us have said we want to get rid of racial profiling, and this bill does provide a way—a statement against profiling. But it is not as strong as it should be, and there are some unintended consequences as a result of the language included in it.

I think it is very appropriate I am talking about this today as the Trayvon Martin case starts in our courts—the youngster who, as a result of racial profiling, lost his life. I have introduced amendment No. 1267, which would add to the basic bill against profiling, profiling based upon religion or national origin. It would remove a broad exception to the bill that is included, and that is well intended but I think compromises the purpose of the underlying bill, which is to prevent profiling.

I have also offered amendment No. 1266, which deals with additional scrutiny and screening given to certain individuals. The underlying bill says it can be done by country or region. That is profiling. If we have specific information, let us use specific information; otherwise, again, we are going to be wasting the resources of our security system. The best use of resources would have us use information for additional screening rather than just saying from one region of one country.

By the way, if you can get a visa from those countries, then there is obviously a reason for an individual to be here. So unless we have a specific reason for additional screening, we shouldn't be doing that by region or country.

The two amendments I referred to are supported by many groups. They are supported by the Leadership Conference on Civil and Human Rights, by the NAACP, by the AFL–CIO, and I can mention other groups that have urged us to modify the underlying bill with these changes.

I held several townhall meetings in Maryland on the immigration reform bill. They were well attended. I thought the discussions were very positive. They were focused on how we can make this bill a better bill and eliminate some of the unintended consequences. Several at these townhall meetings talked about the registered provisional immigrant status and certain requirements in order to stay in that status and have a pathway to citizenship. One of the requirements is an individual has to be regularly employed. We understand that. That is a good requirement. However, there are times when we have to understand that may not be practical—during an economic downturn, when someone is in school. The bill recognizes school, education, is an acceptable substitute for regular employment. But if someone is unemployed for a 60-day period, they run the risk of losing their legal status in this country.

I offered an amendment that said volunteering in community service would be an acceptable substitute. This is a win-win situation. Someone who volunteers is helping our community and also learning more about the needs of our community. This had the support

of the AFL–CIO. They understand the reasonableness of our labor circumstances. I hope we will still have a chance to consider that modification.

I was also in discussions that came out of these townhall meetings dealing with those who have violated our laws perhaps many years ago on maybe not a very serious issue. There should be at least some flexibility in the law for extenuating circumstances, so someone is not jeopardized to be deported because of something that is not relevant to today—that person being law-abiding. I hope we can consider that.

I offered amendment No. 1264, which deals with private prisons. I think our colleagues were surprised to find out that about half of the 14,000 ICE detentions are detained in private penal facilities, not Federal facilities.

We want accountability. This law provides for accountability for those who are detained. But a FOIA application, where one can get information, only applies to Federal prisons. It doesn't apply to non-Federal prisons. I offered a commonsense amendment that I don't think is controversial that would apply the same oversight to private non-Federal prisons as we do to Federal prisons. We all talk about accountability and responsibility of accountability. I think that amendment makes good sense.

So this is not the bill I would have drafted. I would have done other things. I would have spent money a little bit differently than is spent here, and certainly not as much money. I would have taken care of some of the problems on profiling, and I certainly would have dealt, on some of the other issues, with Holocaust survivors. I still have hope that some of these amendments can be considered and adopted. I know people are working on that, and I hope we can work on a package that will improve the bill, particularly the noncontroversial amendments.

I spoke on the floor a couple weeks ago as to why I support this bill. I talked about a high school student who found out he was eligible for a scholarship, only to find out he couldn't take it because of his legal status. I talked about young people who were separated from their parents who have been deported. I talked about employers who have seasonal needs and workers who are well-trained, highly skilled. There are scientists who are desperate for immigration reform so they can meet their economic needs. I have talked at great length how this bill will help the American economy, help us be more competitive internationally, and how this bill is compassionate as to what America should stand for on its immigration policies.

So this is not a difficult choice for me to make. I support this legislation and will be voting for this legislation because I do think it is in the best interests of our country. I do hope we have an opportunity to improve this legislation before we vote on it. I hope we can adopt some of these noncontroversial amendments, but I do hope we will send this bill to the House of Representatives.

I urge my colleagues in the House to follow the example of the Senate, to listen to each other and work across party lines so we can pass comprehensive immigration reform and send it to the President of the United States for his signature.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Mr. President, I ask unanimous consent that during the quorum call the time be equally charged to the majority and to the Republicans.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RULES OF PROCEDURE

Mr. JOHANNS. Mr. President, I rise today to speak about longstanding rules of procedures and traditions of the Senate.

I have watched with interest over the past few weeks as members of the majority have continued to threaten to break the Senate rules in order to impose a majority rule at the expense of minority rights. We continue to hear threats of the nuclear option by which the majority would break the rules to change the rules.

Despite past assurances from the majority that rules changes would only occur through regular order, they continue to threaten the exact opposite. Make no mistake, this is not some inside-the-beltway squabble over parliamentary procedure. The longstanding rules allowing for unlimited debate and amendment protect every American whose voice is represented by the minority in the Senate. These protections are especially important for Americans who live in rural and less populated States. That would include my home State of Nebraska.

The Constitution specifically designed the Senate to function in a manner that was very different and very distinct from the House of Representatives. The threat of the nuclear option clearly abandons this intent. The majority leader has affirmed the importance of filibuster rights to small States, arguing they are ''a unique privilege that serves to aid small States from being trampled by the desires of larger States.''

I continue to be astounded by the insistence by some that we trample over these rights, especially given the significant nominations and legislation the Senate has recently considered.

It has been noted by many metrics the Senate has more rapidly confirmed President Obama's Federal judicial nominations than it did during the time of President Bush's administration. In addition, over the past few months the Senate has passed significant pieces of legislation: the farm bill, the Water Resources Development Act, and the Marketplace Fairness Act. We have considered bills I have supported and bills I have opposed. But the fact is we have given these pieces of legislation due consideration that would be required of the world's greatest deliberative body.

At the beginning of this Congress, the Senate agreed to a new standing order to expedite Senate consideration in extraordinary circumstances. But the majority leader has not even attempted to use the expedited procedures—not once. So I ask why, then, threaten the very fabric of how this institution was created?

I have served in the Senate just 4 years, all of which I have been a Member of the minority. I would caution my colleagues whose experiences have been conversely limited to serving only in the majority that should the majority go down the road of the nuclear option, there is no turning back. There will come a day—perhaps soon—when control of this Chamber will shift, and the current majority will not like what it sees when it is in the minority.

My colleague, the senior Senator from Tennessee, recently outlined a number of priorities he would pursue should we find ourselves in that situation where a Republican-controlled Senate could use majority rule.

I am not going to be here in the 114th Congress, but I thought I would outline some policies I would support should the current majority take us down that road. Perhaps my list of priorities will give some ideas to my colleagues who will be serving in the next Congress. Here are just a few policies I would highlight, many of which have already received majority support in the Senate but have fallen short of the 60-vote threshold.

First, and most important, the repeal of the health care law that promised the world but delivered only chaos, confusion, and higher costs. You can bet the Senate would repeal all 2,700 pages with one 15-minute rollcall vote. In addition, without having to worry about the opposition of the current majority, we can enact responsible reforms to rein in debt and deficit. Reforming our entitlements would, of course, need to be center stage since that is where the money is spent.

Another priority would be to prevent regulatory overreach by heavy-handed

executive agencies, such as the EPA. Very specifically, we could overturn the EPA's pursuit of cap-and-trade through the regulatory process just announced today by the President and force EPA to back off regulations with more costs than benefit.

Next, we would promote investment and job growth by immediately approving the construction of the Keystone XL Pipeline. We can further support energy independence by continuing development of the Yucca Mountain nuclear waste repository which has been stalled by the majority leader despite substantial support. This is critical to nuclear plants across this Nation, including two plants in Nebraska.

Another focus would be to provide transparency and reform at the Consumer Financial Protection Bureau. I would require legislative oversight of its budget and replace the unelected head of the CFPB with an accountable board. Why stop there when we could repeal the entirety of the Dodd-Frank Act and replace it with a more responsible approach?

The Republican-controlled House of Representatives, which the Senate would essentially mirror, passed 270 bills that the current majority leader declined to even consider last Congress. Should the current majority irrevocably alter the rules of the Senate, a new Senate majority could just railroad all 270 bills through the process, and all those treasured policies the majority puts in place will get repealed—perhaps before they ever get implemented. Ping-ponging from the whims of one 2-year cycle to the next is not a way to govern. It is the very reason our Founders designed the Senate as a counterweight to the House.

I say to those colleagues who would so quickly disregard the Senate rules: Be careful what you wish for. Under this approach, your procedural right to debate, to amend, to raise points of order, all of that would be useless. Your vote, your voice, and the voice of your constituents would be effectively silenced. That is not the Senate the Framers envisioned when they brokered the agreement that established our constitutional approach. I will leave with the words of Senator Robert C. Byrd, with whom many of us had the pleasure of serving and whose love and knowledge of the Senate remains unsurpassed to this day.

> The Senate has been the last fortress of minority rights and freedom of speech in the Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.

I hope the majority heeds his call to place history and tradition and our Nation over the political priority of the moment.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from Wyoming.

ENERGY POLICY

Mr. BARRASSO. Mr. President, today President Obama is supposed to unveil a national energy tax that will discourage job creation and increase energy bills for America's families. This announcement about existing powerplants comes after the Obama administration has already moved forward with excessive redtape that makes it harder and more expensive for America to produce energy. It also comes as a complete surprise to the Members of the Senate, especially since Gina McCarthy—the President's nominee to lead the Environmental Protection Agency—just told Congress it wasn't going to happen.

She is currently the Assistant Administrator of the EPA. Here is what she told the Senate about regulations on existing powerplants: EPA is not currently developing any existing source GHG regulations for power plants.

As a result, she said: We have performed no analysis that would identify specific health benefits from establishing an existing source program.

With today's announcement by President Obama about existing powerplants, it is clear Gina McCarthy is either arrogant or ignorant. She either didn't tell the truth to the Senate or she doesn't know what is going on within her own agency. Either way, such a person cannot lead the EPA.

To the point that this morning's National Journal Daily—with a picture of her right there on the front page—says: ''Obama's efforts could make EPA nominee Gina McCarthy's confirmation more difficult.'' In this economy, the last thing we need to do is have a national energy tax that will discourage hiring and make energy even more expensive.

Also, I might point out to the White House that they continue to say the main objective of the President's plan today is to ''lead the rest of the world.'' Based on the news of the last week, it is clear that the rest of the world, including China and Russia, isn't following President Obama's direction or his leadership.

NUCLEAR WEAPONS

That brings me to my next topic. Last week, President Obama gave a speech at the Brandenburg Gate in Berlin. In that speech, he said he plans to cut the number of America's deployed strategic nuclear weapons by up to one-third. This would be a drastic cut and would be on top of the drastic cuts in the New START arms control treaty from less than 2 years ago. President Obama's latest defense cuts are shortsighted and his approach to making this important announcement has been far too hasty.

First of all, in the President's speech, he repeated what has been sort of a mantra for people who want to eliminate all nuclear weapons. He said: ''So long as nuclear weapons exist, we are not truly safe.''

In 1987, President Ronald Reagan went to the same spot at the Brandenburg Gate in the shadow of the Berlin Wall. He gave a speech in which he urged the leader of the Soviet Union to ''tear down this wall.'' In that speech, President Reagan also said freedom and security go together.

In contrast to President Obama's idealism, President Reagan grounded his beliefs in history and in facts. We have experienced a world without nuclear weapons. Great powers went to war with each other repeatedly, which caused unthinkable amounts of death and suffering. The estimated number of dead from World War II generally ranges from 45 to 60 million. We haven't had a war with that kind of global death toll since then. Nuclear weapons and their deterrence power are a critical reason for that.

Ronald Reagan knew America's nuclear deterrent helped keep Americans safe and helped keep our country free. I think it is important we recognize that essential truth. President Obama seems to base his plan to cut America's defenses on this false notion that we are safer without nuclear weapons. This is a serious problem.

Second, I think it is important to recognize that a vital part of the deterrent is what is called the nuclear triad. This is the idea that we, as the United States, have three ways we can defend America.

We have nuclear weapons on bombers that can be flown to where they are needed, we have nuclear weapons that can be launched from the ballistic missile submarines that are stationed around the world, and we have nuclear weapons in the ground that can launch intercontinental ballistic missiles. All of these have different uses and together they have a flexible, survivable, and stable nuclear deterrent. The triad ensures other major powers are never tempted to go too far and threaten America's security or that of our allies.

So the second thread of President Obama's plan is that it could require substantial cuts to the ICBM force across the country, which means a weaker triad, a weaker deterrent, and a weaker defense.

The Secretary of Defense gave a speech the other day too. He committed to actually keeping the triad of air, sea, and land-based deterrents. If the President is serious about protecting Americans and our allies, he should immediately announce he agrees with what his Defense Secretary said the other day. The President needs to reassure the American people that he will take no steps that could weaken the triad or any parts of it.

The question is, Why now? The Senate just ratified a new START about a year and a half ago. That treaty set new levels for nuclear weapons and for delivery vehicles, but we haven't had time to even implement those new levels and the President goes and makes this next statement. Why the big rush to say those levels are all wrong and we need to cut even more nuclear weapons?

In 2010, the Senate held hearings about New START. The head of the

U.S. Strategic Command at the time was General Chilton. He was asked if the treaty allowed the United States ''to maintain a nuclear arsenal that is more than is needed to guarantee an adequate deterrent.''

General Chilton said:

> I do not agree that it is more than is needed. I think the arsenal that we have is exactly what is needed today to provide the deterrent.

A former Secretary of Defense testified at the same hearing, James Schlesinger. He said the strategic nuclear weapons allowed under New START are adequate, though barely so.

What has changed from the testimony in 2010 or since the Senate ratified the treaty at the end of 2011? The level was barely adequate a couple of years ago. It was exactly what was needed then. So how can we now cut another 33 percent off that level? That is what the President is proposing. The only thing that has changed since then—it seems to me—the threat of hostile nuclear programs has become even greater.

As countries that are not our friends grow closer to modernizing their nuclear weapon program, it would be irresponsible for us to weaken our own program. We haven't even had a chance to confirm that Russia is complying with its obligations under New START. Russia has a long history of not complying with treaties. President Obama set out to reset relations between our two countries. There is no evidence that anything has changed.

Even the Washington Post admitted the failure of the so-called reset. They ran an editorial last week with the title ''A starry-eyed view of Putin.'' It said:

> In touring Europe this week, President Obama has portrayed Russia's Vladmir Putin as a ruler with whom he can build a constructive, cooperative relationship that moves us out of a Cold War mind-set.

They go on to say:

> It's a blinkered view that willfully ignores the Russian President's behavior—willfully ignores the Russian President's behavior.

The Washington Post got it right.

Finally, the President seemed to be laying the groundwork in his speech for a new round of cuts he could do unilaterally. That would be a mistake. Any further reductions in America's nuclear defenses should be done through a negotiated treaty with Russia. That means a thorough process open to the scrutiny of the American people and subject to full consideration by this body.

New START included a resolution of ratification that specifically says future nuclear arms cuts can be made only—only—through a treaty. Arms control advocates pushing President Obama to make more cuts know that negotiating in public is difficult. They would prefer to strike backroom deals.

That is not the political system our Framers designed. They specifically require two-thirds of the Senate to ratify treaties. Such important decisions should not rest in the hands of the President alone or with his selected advisers.

Under the President's plan, he would cut our nuclear defenses 55 percent. Russia continues to modernize its nuclear arsenal. China is expanding its nuclear stockpile. Iran is accelerating its nuclear efforts. North Korea continues its nuclear threats. We already have the New START Treaty. It would be irresponsible to move forward with these sorts of cuts the President is talking about without extensive discussion with the American people and Congress.

The world remains a very dangerous place. Instead of drastically weakening America's defenses, the President should focus on stopping countries such as Iran and North Korea from expanding their nuclear programs. America can't afford to lose the full deterrent effect of a strong nuclear defense.

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

The PRESIDING OFFICER. The Republican whip is recognized.

Mr. CORNYN. Mr. President, I wish to start by thanking the Senator from Wyoming for his comments this morning. I think they are right on the mark. Throughout world history we have tried the appeasement of those who would seek to use their power to bully other people into submission, and I worry the President is taking a naive approach here and unilaterally disarming the United States in the face of a rising threat from Russia and other parts around the world. So I thank the Senator for his very important comments on a very important topic.

IMMIGRATION REFORM

Mr. CORNYN. Now that cloture was invoked on the underlying Leahy amendment, I think it is very important the American people and Members of Congress look more closely at what actually is in the immigration bill we will be voting on during the course of this week and, presumably, if the majority leader has his way, will see pass this Chamber and head over to the House of Representatives.

It was three years ago when the Democratic House leader and the former head of that Chamber NANCY PELOSI famously said we would have to pass ObamaCare in order to find out what was in it. We have all said things we regret, and I bet if she had it to say over again, she would not have said it that way. Indeed, it seemed to strike such a responsive chord in people because the public realizes what we should acknowledge, which is when it comes to 2,700 pages of legislation passed through without adequate deliberation and an understanding of what is in it, purely on a partisan vote, we are bound to make mistakes.

Unfortunately, we know how ObamaCare turned out. We have now seen bipartisan votes to repeal certain portions of it such as the 1099 requirement. We have seen an overwhelming bipartisan vote that would suggest sooner or later we will repeal the medical device tax, which is a gross receipts tax on the people who are innovating and creating jobs right here in America and creating access to high-quality health care, which makes us second to none. We saw how it turned out with ObamaCare.

Now, once again, we are being urged to enact a massive piece of legislation before the American people are fully aware of what is in it. Indeed, some supporters of the immigration bill are hoping some of its more outrageous elements will go unnoticed. Well, that is not going to happen. We are going to be spending the next few days, until this bill passes this Chamber, to point out some of the more indefensible provisions in the underlying bill.

Today I wish to talk about what I think is arguably the most indefensible portion of the bill—the part that grants immediate legal status to immigrants with multiple drunk driving or domestic violence convictions.

As we know, in the underlying bill, those who apply for and qualify for registered provisional immigrant status can stay in the United States and work for up to 5 years, providing they meet the terms of that probationary status, and they can actually reapply for another 5 years and then eventually, after 10 years, they can qualify for legal permanent residency, which is the pathway to American citizenship as early as 3 years from that time. But under the provisions of this bill, immigrants who are out of status—undocumented immigrants—can get access to probationary status and get on a pathway to legal permanent residency and citizenship, even though they have committed multiple incidents of driving while intoxicated or domestic violence. Most Americans aren't aware of these provisions, but I can assure my colleagues everyone will suffer the consequences if this ill-considered provision becomes the law of the land.

In fiscal year 2011, Immigration and Customs Enforcement deported 36,000 individuals with DUI convictions; that is, driving under the influence convictions—nearly 36,000 people. That gives us an idea of how big this problem is and what the consequences are of turning a blind eye to this provision in the underlying bill and what impact it might have on the public.

Last week I shared a few stories from my State of Texas, including the story of the sheriff's deputy in Harris County named Dwayne Polk, who was killed last month by an illegal immigrant drunk driver who had previously been arrested for, No. 1, driving under the influence and, No. 2, carrying an illegal weapon. Today I wish to share two more stories.

In August 2011, an illegal immigrant drunk driver crashed his car in Brenham, TX, killing four other people, all of whom were under the age of 23 years old. We subsequently learned

the driver of the car had been arrested just weeks before that deadly accident for—you guessed it—drunk driving. Yet because his initial offense was technically a class C misdemeanor, he was not taken into Federal custody and deported.

In March 2012, an illegal immigrant drunk driver crashed his vehicle into an apartment building in Houston, killing a 7-year-old boy and leaving a 4-year-old boy with severe burns on nearly half of his body. Not surprisingly, the drunk driver had been arrested for DUI once before in 2008, and in 2011, he had been charged with attacking his wife by punching her in the face.

We know drunk drivers and domestic abusers tend to be serial or repeat offenders. In other words, it is rare that people who have engaged in domestic violence only do it once and people who drive while intoxicated only do it once. By offering registered provisional immigrant status to illegal immigrants with multiple DUI convictions or domestic violence convictions, we are virtually guaranteeing more innocent people will lose their lives or become victims of violent crime. That is unconscionable and it is indefensible.

Last week I challenged any Member of this Chamber to come down to the floor and defend these provisions, and I repeat that challenge today. I don't think we will find any takers, because we cannot defend the indefensible, and granting legal status to drunk drivers and violent criminals is just that: an indefensible policy that will inevitably have tragic circumstances.

Provisions such as this one are one more reason why this bill is dead on arrival in the House of Representatives.

One final point. Many critics of my border security amendment called it a poison pill which, of course, was ridiculous because it used the same criteria used in the underlying framework written by the Gang of 8. But leave that aside. Here is what I would say to those critics: If we want to know what a real poison pill is, all we have to do is read through these provisions with regard to criminal justice in the Gang of 8 bill. We should not be supporting legislation that grants immediate legal status to drunk drivers and domestic abusers. I can understand why the American people are asked to extend an act of uncommon generosity for people who enter our country in order to work and provide for their families, but for those who have demonstrated their contempt for the rule of law and for the legal standards which govern all Americans, I don't think they deserve this sort of extraordinary treatment. I hope there is somebody who will come to the floor and explain why these provisions are in the bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, we have an historic opportunity here in the Senate. It doesn't happen very often. This is a bipartisan bill. How about that. Yesterday we had 67 votes in favor of this immigration reform package. We would have had 69, but two Democratic Members were held up because their flights were delayed and they couldn't make it. Sixty-nine. It basically means we had somewhere in the range of 17 Republicans joining with the Democrats. That is amazing on an issue this controversial.

I have been engaged in meetings on this measure for quite a few months. Eight of us, four Democrats and four Republicans, all over the political spectrum, sat down and said we were going to come up with a bill. It wouldn't be perfect and not one single individual Senator was going to like it, but together were are going to agree on something, and we did. There are parts of it I don't like at all. There are parts of it I think are great. That is the nature of a compromise, and that is what we are expected to do.

It is a long bill. This is the bill we voted on yesterday. Even though many Members are complaining about the size of this bill, most of it has been out there now for almost 2 months. Even a slow-reading Senator should have been able to get through it. One hundred new pages were brought in yesterday, I will concede, over the last 4 or 5 days, but at least 100 pages can be addressed by most Senators and their staff.

Why do we need to do this? Why don't we take the easy way, find something wrong in here and vote no? I guarantee I can point to five or six sections I would rewrite. If we do that, where do we leave our country? We leave 11 million people who are undocumented living in the shadows, fearing they may be deported tomorrow, working for below-minimum wage under intolerable conditions, competing with American workers. We don't know who they are officially, where they live, or what they do. For the security of the United States, for the competitiveness of American workers, this is a bad situation.

What we do is say to these people, Come forward. Come forward and register with the government. That is the first step. If a person was here before December 31 of 2011, he or she can qualify, but they have to go through a criminal background check.

The Senator from Texas raises questions about whether that background check should be modified this way or that way. I can certainly argue one way or the other as to how it should be modified. But in a 1,200-page bill, that is one very small section—an important one but only one.

What I am suggesting is we are better off as a Nation to have 11 million people come forward, identify themselves, register with our government, pay their taxes, pay a fine, and submit themselves to a criminal background check before we allow them to stay in this country. That is certainly better than the current situation.

On the other side, this bill also creates an opportunity for them. After 10 years—10 years of being monitored by our government—they have a chance to move into a status where they can start working toward immigration in a 3-year period of time—working toward citizenship in a 3-year period of time. Thirteen years. This is no amnesty. During that period of time before they become citizens, they will have paid, under our bill, some $2,000 in fines, paid their taxes for every single day they worked, learned English, and, of course, submitted themselves to this continuing background check. We are a better Nation when that occurs.

In addition to that, there are provisions in here that relate to a group of undocumented that mean an awful lot to me personally. Twelve years ago I introduced the DREAM Act. The DREAM Act said if a person was brought here as a baby, an infant, or a child, and that person had been educated in the United States, graduated high school, has no serious criminal problems, they then have a chance to become a citizen by completing at least 2 years of college or enlisting in our military. I have been trying to pass that for 12 years. It was I think 2 years ago we had the last vote on the Senate floor on the DREAM Act. Every time we have called it we got a majority, but we couldn't pass it because of the Republican filibuster.

The last time we had this debate, those galleries were filled with young people who were undocumented in caps and gowns. They were sitting there to remind us they were graduating from our schools—among them valedictorians, many who had been accepted to college but could not afford to go because they were undocumented.

This bill deals with these DREAMers, as we call them today, and gives them a chance to become citizens. About 500,000 of them have come forward already under the President's Executive order. Their stories are amazing and inspiring.

At a meeting with President Obama 2 weeks ago, we talked about the DREAM Act. He said: When the DREAMers came into my office and told their stories, there was not a dry eye in the room—the sacrifices they are making in the hope they can become part of America's future.

I have the greatest faith in them, and I know they are not going to let me down. Their stories are going to continue to inspire us, and they are part of this bill.

Can I find one section in this bill I disagree with? Sure I can. But can I turn my back on 11 million people being given a chance to come forward, register, and become part of America with some strict conditions? Can I turn my back on 1½ million DREAMers—and that is an estimate—who would finally get their chance to be part of America's future? No. I am not going to turn my back on them. I will work to improve this bill, but I am not going to walk away from it. Walking away from legislation, voting no may be an

easy thing for some, but when it comes to this, it is not easy for me. It is something I will not do. I want to stand by it.

Let me say a word about the rest of the bill. There are provisions in this bill that deal with things we do not think about. Here is the reality: If you happen to be a grower, growing fruits and vegetables in America, and you put out a sign ''Help Wanted''—would you like to come and pick strawberries in Salinas Valley in California; would you like to come pick apples in southern Illinois—there are not a lot of local kids who sign up. It is hard work, some say dangerous work, and I believe it is. Those who do these jobs—the migrants who come in and work—do it for a living. It is hard, tough labor. Without them, these crops do not get picked and processed and we suffer as a nation.

This bill has a provision on agricultural workers that is extraordinary. MICHAEL BENNET of Colorado and DIANNE FEINSTEIN of California are two who sat down with MARCO RUBIO of Florida, and others, and they worked out an agreement that has been signed on to by the growers and the unions representing the workers. How about that. A business, management, and labor agreement when it comes to ag workers. That is in this bill too. Should we walk away from that?

There is a provision as well to try to tap into the talent that is educated in America that can help us create jobs.

Let me say that one of the things I insisted on in this bill is that before anyone is brought in to fill a job from overseas, you first offer the job to an American. That, to me, is the bottom line. That is my responsibility as a Senator who represents many of the people who are unemployed today. But this bill takes a step beyond that. If you cannot fill that position, you have an opportunity to fill it with someone brought in from overseas.

I will give an illustration. The Illinois Institute of Technology—which is an extraordinary school for engineering and science in the city of Chicago—at their commencement a few years ago when I spoke, virtually every advanced degree was awarded to someone from India. Today, virtually every advanced degree is awarded to someone from China.

I have met some of these graduates, and I have said to them: With this education—the best in the world—would you stay in America if you were offered that chance? They said yes. Why would we educate them and send them off to compete with American companies? If they can be brought into our companies and create American jobs and opportunities with them, it is good for all of us. That is part of this bill as well.

As I look at this bill, this is a historic opportunity to solve a problem which has not been addressed seriously in 25 years, a problem which we know confounds us as we deal with 11 million undocumented people within our borders and one which truly reflects on our values as a nation.

I gave a speech last week to a group in Chicago, and I talked about the diversity of this group, the group that was gathered—Black, White, and Brown, young and old, men and women—and I said: If I asked everybody in this ballroom to write their family story, their personal story, each would be different. But there would be two chapters in that story that would be the same. The first chapter you might entitle ''Out of Africa'' because that is where we all started. It was 70,000 years ago when the very first immigrants left Ethiopia, crossed the Red Sea into the Arabian Peninsula, and literally populated the world. How do we know that? Because we can find chromosomal DNA that dates back to those original immigrants in every person on Earth. We all started in the same place 70,000 years ago, emigrating out of Africa.

The second chapter would be entitled ''Coming to America.'' Every single one of us has a different story. My chairman is proud of his Irish and Italian heritage. His wife is proud of her French-Canadian heritage. I stand here proud of the fact that my mother was an immigrant to this country from Lithuania, brought here at the age of 2. Now it is my honor to stand on the floor of the Senate and represent 12 or 13 million people in the great State of Illinois.

As I have said before, that is my story, that is my family's story, that is America's story.

We have to get this right because immigration is not just a challenge, it is part of the American heritage. It is who we are. The courage of Senator LEAHY's family, the courage of my grandparents, to pick up and move and come to a place where many of them did not even speak the same language is part of our American DNA. That is what makes us different, and that is what makes us better, I guess I might say with some pride in where I came from.

We have to honor that tradition with this immigration reform bill, and I believe we do. To walk away from it at this point in time, to find some fault or some section that you disagree with is just not good enough. We have to accept our responsibility.

Yesterday 67—maybe 69—Senators were ready to do that. By the end of the week, stay tuned. We have a chance to pass this bill and make America a stronger nation, be fair and just to people who are here, and honor that great tradition of immigration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

DREAM ACT CHAMPION

Mr. LEAHY. Mr. President, one, I wish to applaud the senior Senator from Illinois for his statement, and I will say publicly on the floor of the Senate what I have said to him privately, what I have said to him in our leadership meetings, and what I have said to him in our caucuses, that he is the champion of the DREAM Act. That act—when it finally passes, will give these DREAMers a better life, and there will be one person they can thank most and that will be Senator DICK DURBIN of Illinois. Because for the time I have known him—and it has been years—this has been first and foremost over and over again, and I just want to state my admiration for the Senator from Illinois for doing that.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

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

The assistant legislative clerk read as follows:

A bill (S. 744) to provide for comprehensive immigration reform and for other purposes.

Pending:

Leahy modified amendment No. 1183, to strengthen border security and enforcement.

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.

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

Reid amendment No. 1551 (to modified amendment No. 1183), to change the enactment date.

Reid amendment No. 1552 (to the language proposed to be stricken by the reported committee substitute amendment to the bill), to change the enactment date.

Reid amendment No. 1553 (to amendment No. 1552), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, yesterday the Senate voted to adopt an amendment offered by Senators CORKER and HOEVEN relating to border security.

I have some misgivings about the policy contained in that amendment, and I have spoken to that on the floor. But, at the same time, I commend these Senators for engaging on this legislation and taking the steps they feel are necessary to gain broader support for the underlying bill. We are now one step—one big step—closer to a

Senate vote on comprehensive immigration reform legislation.

I would like to take just a few moments to reflect on why this legislation is so important and to remind the Senate that as we consider the bill, we should remember that at its core it is about people. It is about families seeking the promise of America. It is about children whose parents want what any parent wants for their child—the opportunity to succeed, to prosper, to live in a free, open and welcoming society.

To me, the bill is less about numbers and metrics or border fences and technology than it is about human beings and the natural desire we all have to better ourselves, our families, and to give our children the lives we wish for them.

The measures in this legislation will give those affected by it the freedom to get on the path to becoming Americans. Our history of immigration is one that honors our free and open society and which has strengthened it.

Immigration has, in part, been the story of enlarging a society made up of individuals who, no matter their vast differences, all believe in the promise of American democracy and the values given to us in our Constitution. When we welcome those who yearn for these values, we strengthen and renew them.

Of course, we are a nation of immigrants. Past immigration has helped shape this country and deepen its economic and cultural vibrancy, touching every State and every community—from the Presiding Officer's far western State of Hawaii to my own northeastern State of Vermont.

After the Revolutionary War and into the early 1880s, for example, Vermont had been the slowest growing State in the Union. Old growth forests had been stripped and farms had been worn out. But immigrants helped reclaim forsaken farms and build and operate budding new factories in new centers of industry across the Green Mountain State.

The United States has been made stronger by the diverse cultural background that has been woven into our national fabric. This Vermonter is the grandson of immigrants to Vermont from Ireland and Italy, and our heritage is one of which my family and I are fiercely proud.

To appreciate the values inherent in our immigration policy, I need only to look at the experiences of my own family and the family of my wife Marcelle. Marcelle's mother and father, Louis Philippe Pomerleau and Cecile Bouchard Pomerleau, immigrated to the United States from the Province of Quebec in Canada. Marcelle is a first-generation American born in Newport, VT, and, of course, to me, is the greatest contribution her mother and father made to Vermont and America.

But Marcelle's mother and father contributed much to Vermont and to America in business, in music, and enriched their own community. Members of her family went on to establish successful businesses and become leaders in their communities and they have given greatly to Vermont. Marcelle grew up to serve the communities in which she lived as a registered nurse, caring for others in Burlington, VT, in Washington, DC, and in Arlington, VA.

Similar to many young immigrants in our country, Marcelle grew up in a bilingual household, knowing two different cultures. But this is America for so many, where young people grow up in families where multiple languages are spoken, where traditions from multiple cultures are observed. This enriches America.

My maternal grandparents came to this country from Italy. My grandfather, similar to many others who came to Vermont from Italy, was a granite carver. He opened a granite business in central Vermont. The hard work and determination of my maternal grandparents—who did not speak English when they arrived—to settle in this country laid the foundation for my mother and our family.

My paternal great-grandparents came from Ireland, and my grandfather, who was named Patrick Leahy—and I am named after him—worked in a stone quarry as well. They worked hard. They had a family. I grew up the son of printers in Montpelier, our State capital.

But nearly every American family has a story similar to mine and Marcelle's. We are more alike than we are different from today's immigrants and first-generation Americans.

The majority of new immigrants will continue this proud tradition of hard work, the drive toward prosperity, and embracing the values that make America great. They will someday tell their children and grandchildren of their own immigrant histories, as Marcelle and I learned from our parents and our grandparents. The bill we consider will continue to cycle growth and renewal. It will improve on many aspects of our immigration system.

The bill before us contains measures that are important to many Vermonters. I have a provision that takes an important step toward restoring privacy rights to millions of people who live near the northern border by injecting some oversight into the decisionmaking process for operating Federal checkpoints and entering private land without a warrant far from the border.

The bill contains significant measures to assist dairy farmers and other Vermont growers who have long relied on foreign workers and are going to need them in the future. It contains a youth jobs program proposed by Senator SANDERS to help young people gain employment. It contains a measure I proposed to make sure that no Canadian citizen traveling to Vermont to see a family member will ever be charged a fee for crossing our shared and long and wonderful border.

It contains an improvement to the visas used by nonprofit arts organizations around the country, such as the Vermont Symphony Orchestra that invites talented foreign artists to perform in America. It contains measures to improve the lives and future of refugees and asylum seekers who call Vermont home.

It contains improvements to the H–2B program to help small businesses. It contains a measure to ensure that the job-creating E-B5 program be made permanent so the State of Vermont and other States can continue the great work that is being done—in our State, done to improve Vermont communities.

This is a bill that will help Vermont families and businesses alike. So I discuss this legislation today in the context of my personal history. I do it to take a moment to remind all of us that immigration is about more than border security. It is about more than politics. It is about the lives and hopes and dreams of human beings. It is about those who go on to do great things in America. It is about American communities that benefit from immigration.

That has been our history; it should also be our future. As I said before, the legislation before us will help write the next great chapter in America's history of immigration. I see the distinguished ranking member on the floor.

I yield the floor.

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

Mr. GRASSLEY. As we have seen over the past 2 weeks, immigration is a very emotional issue. It is an issue that engenders strong feelings from both sides of the aisle and maybe out in the grass roots of America even stronger feelings than are expressed on the floor of the Senate.

Everyone wants reform in the Senate. I have not heard anybody say the present situation is A-OK, but everyone has their own ideas and different solutions.

Now, at the grass roots of America, there are people who say we ought to give citizenship yesterday. There are people on the other side who say 12 million people ought to be rounded up and shipped out of the country. Neither one of those are very realistic today, but those are even stronger voices than you hear on the floor of the Senate.

Now, we are trying to find some reasonable solution. I do not think the bill that is eventually going to pass is a reasonable solution. But I will not know whether this is a reasonable solution until we get through the entire legislative process, meaning the House of Representatives and the conference. But I think down the road we can do much better than is going to be done in the Senate.

Now, as I said, everybody has their own ideas and different solutions. Unfortunately, the process has not allowed us to fundamentally improve this bill on the floor of the Senate like we were able to have that chance—not too successfully—but at least we had that chance in committee with that

fair and open process. So out here on the floor of the Senate we have not been able to vote up or down on commonsense amendments or very many amendments at all. I think to this point about 9, 10, 11 amendments are all that we have considered out of 451 that have been offered.

Despite the fact that the American people want the border secured before we provide a path to legalization, this bill appears to be favored by a majority in the body who believe that legalization must come before border security. I ought to say that again. Despite the fact that the American people want border security before we provide a path to legalization, there appears to be a majority in this body who believe that legalization must come before border security.

The polls around America show just the opposite. Border security first, everything else after the border is secured. This approach of legalization first is concerning, not only because the border will not be secured for years down the road, but more importantly because it devalues the principle that is very basic to our country and our constitutional system of government, the rule of law. The rule of law means the government will follow the laws it writes, and we expect the people to do likewise. People need to be able to trust their government and trust that the government will be fair.

I empathize with people who come into this country to have a better life. Who is going to blame them for doing that? We would do anything to give our kids a better life. Some people see no other choice but to cross the border without papers to find work and sacrifice everything they have to do it and to take a chance that they are going to run up against the law and be deported. But they do it because they want a better life. That is very basic to the American way of life. It is a natural right of most people around the world, a natural right that most of them are not able to bring to fruition.

The American people happen to be very compassionate. I know they are just trying to find a better opportunity and live the American dream, those people who come here undocumented. We are the best country in the world. We should be proud of it. We are an exceptional nation. But we are a great country because we have always abided by the rule of law. The rule of law is what makes all opportunities we have possible.

In 1903, President Theodore Roosevelt sent a message to the Congress, the State of the Union Message. He talked about how man must be guaranteed his liberty and the right to work. But so long as a man does not infringe upon the rights of others, he said this:

> No man is above the law and no man is below it, nor do we ask any man's permission when we ask him to obey it.

Meaning the law.

> Obedience to the law is demanded as a right, not as a favor.

I am a believer, just like everybody in this body, in the rule of law, despite what some say, including the majority leader. That does not mean we want to deport 11 million people. I want a humane and fair process for them to live, work, and remain here. I have said many times, and I have said it many times particularly in the past few months, that we do not necessarily need more laws, but rather we need to enforce the laws that are already on the books.

That is what I hear at my townhall meetings when people come to them and I start to explain about immigration. Somebody pops up: Right. We do not need more laws; we just need to enforce what we have on the books.

I agree. We need to enhance and expand legal avenues for people who want to enter, live, and work in this country. But we have laws that have gone ignored for 17 years. We have laws that are undermined and disregarded. The country will benefit if we have sensible immigration laws. One of the failings of the 1986 law was that it did not do enough to create avenues for people to work here. Advocates for reform claim they want a long-term solution, but what we have before us is nothing but a short-term bandaid. Really, what the bill does is clean the slate.

Those words ''clean the slate'' was a phrase that we used in 1986. That was the goal, to clean the slate, and we would start all over again. I referred many times—it is probably sickening to a lot of people in this body when I refer to the mistakes we made in 1986, not to repeat them. But here we are. We want to clean the slate again and start over. The problem is, if we just do the same thing we did in 1986, we will be back here in 25 years or less wanting to do the same thing.

So some Senators are going to say: In 2038, all we need to do is clean the slate. Well, we said that in 1986. We did clean the slate. We are back here in 2013 cleaning the slate again. We should have a long-term solution to these immigration issues. We should pass true and meaningful reform; and in doing so, we should not be ignoring the very principle on which our country was founded, on the rule of law.

We should not have to in any way be apologetic for taking this position either. One would get the opinion by hearing some speeches on the floor of the Senate that some people have more respect for people who violated our law than they have respect for the rule of law or people who have abided by the law. We have people from all over the world at our embassies, standing in line for long periods of time to come to this country legally. Those are the people whom we ought to be respecting.

I do not mean we disrespect people who come here to work. But there is one thing: They did violate our laws to come here. We do not have to apologize for not accepting the fact that it is OK to violate the laws. So we should not be apologetic for any position we take that is backed by the rule of law, the foundation of our society.

Why should we have to apologize for wanting to ensure people live by the laws that we set? We will not survive as a country if we allow people to ignore the law and be rewarded for it. We just cannot be a country of lawlessness. Why is wanting to secure the border anti-immigration? It is not. We are a sovereign nation. It is our duty to protect the people of this country. That is the first responsibility of the Federal Government, to guarantee our sovereignty because it is basic to our security. It is our right to create procedures whereby others can come to this country and make a living for themselves.

This does not mean we do not want other people from other countries. After all, except for Native Americans we are all a country of immigrants, some first generation and some, I suppose, fifth or sixth generation. We want to ensure that we protect our sovereignty. We want to protect the homeland.

So I ask my colleagues to think about how our country's immigration laws will survive the test of time. If this bill passes as is, will it be a temporary fix or something that we can be proud of for generations to come?

It is my understanding that, so far, 449 amendments have been filed to this underlying bill, including second-degree amendments. We started off the debate on the Senate floor with my amendment that would have required the border to be ''effectively controlled'' for 6 months before the Secretary could legalize people who are already present. We would call them, under this bill, registered provisional immigrants, and we referred to it as RPI status.

Clearly, the other side was afraid of the amendment I offered because it would have fundamentally changed the bill by requiring that the border be secured before granting 11 million undocumented workers a pathway to citizenship—but not, contrary to what the polls of the people of this country are telling us—they want security first, legalization after security of the borders. They have already cooked the books on this bill and don't want to make fundamental changes, regardless of whether they are good changes, because they don't want to upset their deal. They have insisted on a 60-vote threshold for amendments to pass.

When my amendment was up, I refused that 60-vote requirement and so they tabled my amendment. This raises the question: What about the open and fair process that we were promised? We learned on day one of the immigration debate that all of this talk about ''making the bill better'' was just plain hogwash. It was all just a phony and empty promise.

The sponsors would take the floor and say they were ready to vote on amendments, but in reality they were afraid of any good change. They refused to let Members offer amendments

of their own choosing. Instead, they wanted to pick what amendments Members would offer. They want to decide who, what, when, and how it would be disposed of. Of course, that is not right, that is not the open process that was promised.

In the last 2 weeks we have only debated nine amendments on this bill. Of those amendments, the majority leader tabled three amendments on a rollcall vote. Of the nine, we adopted three amendments by a rollcall vote. We rejected three amendments by a rollcall vote, and we adopted another three amendments by a voice vote.

I am sure everyone would agree that debating 9 amendments out of 450 is not a fair and open process. We have a lot more amendments that have been filed and not considered. These amendments would make this bill better. The sponsors of the bill are arguing that because we had a process in the Judiciary Committee that I have applauded as fair and open, that means we don't need such an open and fair process on the floor of the Senate.

What does that say about the other 82 Members of this body, that they shouldn't be allowed to offer amendments? The problem is while the committee process was open, many amendments were defeated, and no amendments were offered that substantially changed the bill in committee.

In order to address many issues with this bill, we would like to vote on more amendments before the end of the week. I wish to discuss some of the amendments we would like to see debated and considered before this immigration debate comes to an end, so people have a flavor of the kind of issues we believe have not been fully vetted on the floor of the Senate in this process that we were promised was going to be fair and open.

A number of amendments we would like considered would strengthen provisions of the bill dealing with border security, something that the current bill fails to do in a satisfactory manner. As everyone knows, this has been a serious deficiency in the immigration reform bill, regardless of the fact that the polls in this country say people want the border secured first and then legalization. This does it the opposite way: legalizes and then maybe the border will be secure.

For example, Lee amendment No. 1207 would prohibit the Secretaries of the Interior and Agriculture from restricting or prohibiting activities of the U.S. Customs and Border Protection on public lands and authorize Customs and Border Protection access to Federal lands to secure the border.

Coats amendment No. 1442 would require the Secretary of Homeland Security to certify that the Department of Homeland Security has effective control of high-risk border sections at the southern border for 6 months before the Department can process RPI status applications. The Coats amendment would also require the Secretary to maintain effective control of those high-risk sections for at least 6 months before the Secretary may adjust the status of the RPI applicants.

Coburn amendment No. 1361 would allow Customs and Border Protection to enforce immigration laws on Federal lands. What is wrong with that amendment, to enforce immigration laws on Federal lands?

Other amendments would beef up our interior enforcement, which we all know is absolutely critical with respect to the success of our immigration system. This is an area where the underlying bill doesn't do enough.

An excellent amendment we haven't had an opportunity to debate and vote on is Sessions amendment No. 1334. That amendment would give a number of tools to State and local governments to enforce the immigration laws, including giving States and localities the ability to enact their own immigration laws, withholding specific grants from sanctuary cities that defy Federal immigration enforcement efforts, facilitating and expediting the removal of criminal aliens, improving the visa issuance process, and, lastly, assisting U.S. Immigration and Customs and Enforcement officers in carrying out their jobs.

Another amendment is Wicker amendment No. 1462, which would require information sharing between Federal and non-Federal agencies regarding removal of aliens, which would allow for quick enforcement against individuals who violate immigration laws. The Wicker amendment would also withhold certain Federal funding from States and local governments that prohibit their law enforcement officers from assisting or cooperating with Federal immigration law enforcement.

Some of the amendments that we haven't considered would ensure that our criminal laws are not weakened by the bill. I have an amendment, No. 1299, that would address some of the provisions in the underlying bill that severely weaken our current criminal laws.

Isn't that funny. We want to have a better immigration bill, and we are going to weaken certain laws that are already on the books?

Specifically, my amendment No. 1299 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 be deported. I offered a similar amendment in committee where even two Members of the Gang of 8 supported it. My amendment would have closed a dangerous loophole created by the bill that will allow criminal gang members to gain a path to citizenship.

Specifically, in order to deny entry and remove a gang member, section 3701 of the bill requires that the Department of Homeland Security prove a foreign national, No. 1, has a prior Federal felony conviction for drug trafficking or a violent crime; No. 2, has knowledge that the gang is continuing to commit crimes; and, No. 3, has acted in furtherance of gang activity.

Even if all of these provisions could be proven, under the bill the Secretary can still issue a waiver. 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 include State convictions such as rape and murder.

The trick is while the bill wants you to believe that this is a strong provision, foreign nationals who have Federal felony drug trafficking or violent crime convictions are already subject to deportation if they are already here and denied entry as being inadmissible.

The gang provisions, as written in the bill, add nothing to current law and will not be used. It is, at best, a feel-good measure to say we are being tough on criminal gangs while really doing nothing to remove or deny entry to criminal gang members.

It is easier to prove that someone is a convicted drug trafficker than both a drug trafficker and a gang member. As currently written, why would this provision ever be used and, simply put, it wouldn't be used.

My amendment, No. 1299, would strike this do-nothing provision and issue a new, clear, simple standard to address the problem of gang members. It would strike this do-nothing provision and include a process to address criminal gang members where the Secretary of Homeland Security must prove, No. 1, criminal street gang membership; and, No. 2, that the person is a danger to the community.

Once the Secretary proves these two things, the burden shifts to foreign nationals to prove that either he is not dangerous, not in a street gang, or he did not know the group was a street gang. It is straightforward and it will help remove dangerous criminal gang members.

My amendment also eliminates the possibility of a waiver. Amendment No. 1299 should have a vote to make sure the bill doesn't weaken our current law.

There are a number of other amendments that we would like to see considered that would help ensure that individuals comply with the immigration law requirements and ensure that the RPI process does not allow individuals to game the system.

For example, Rubio amendment No. 1225 would require RPI immigrants 16 years old or older to read, write, and speak English.

Fischer amendment No. 1348 would also insert an English-language requirement as a prerequisite to RPI status.

Cruz amendment No. 1295 would require States to require proof of citizenship for registration to vote in Federal elections.

Hatch amendment No. 1536 would ensure that undocumented immigrants

actually pay their back taxes before gaining legalization.

Another amendment, Toomey amendment No. 1440, would increase the number of W nonimmigrant visas available during each fiscal year and would help improve the visa system.

Other amendments that we should debate and vote on would strengthen our immigration system by making sure that we don't allow criminal immigrants to stay in our country and be put on a path to American citizenship.

For example, Vitter amendment No. 1330 would make sure that undocumented immigrants who have been convicted of crimes of domestic violence, child abuse, and child neglect would be inadmissible.

Inhofe amendment No. 1203, entitled ''Keep Our Communities Safe Act,'' would allow the Department of Homeland Security or a subsidiary agency to keep dangerous individuals in detention until a final order of removal of that individual from the United States.

Cornyn amendment No. 1470 would make sure undocumented immigrants who have committed an offense of domestic violence, child abuse, child neglect, or assault resulting in bodily injury, violated a protective order or committed a drunk-driving violation, would be ineligible for legalization.

Portman amendment No. 1389 would limit the discretion of immigration judges and the Secretary of Homeland Security with respect to the removal, deportation, and inadmissibility of undocumented individuals who have committed crimes involving child abuse, child neglect, and other crimes of moral turpitude concerning children.

Finally, Portman amendment No. 1390 would ensure that undocumented immigrants who have been convicted of crimes of domestic violence, stalking, and child abuse would be inadmissible.

I have gone through a whole bunch of amendments. These are all extremely important amendments that would ensure that the worst kinds of criminal immigrants do not gain a path to citizenship.

I urge the majority to allow us to consider these and other amendments that we would like to offer to improve the bill, instead of cutting us off and shutting off full and open debate of this very important issue—something that we were told from day one, that we would have an open and fair process.

What we are doing, voting this amendment to the House of Representatives on Thursday and Friday, ends up not being a fair and open process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I rise to speak on the immigration bill, and I will do so, particularly on the amendment process my friend and colleague from Iowa has discussed, but first let me say a few words about two of the President's nominees whose confirmations we will address later today or within the next day or so.

NOMINATIONS

Penny Pritzker will truly be a great Secretary of Commerce, in my view. She has experience and acumen and ability that will serve her well in building strong relationships in the Federal Government, but also strong partnerships with the business community in promoting job creation and fostering sustained economic growth. She has been a strong leader not only in her own business, but in her community, and I look forward to working with her as the Chair of the Subcommittee on Competitiveness, Innovation, and Export Promotion in the Committee on Commerce, Science, and Transportation where I serve.

Mayor Anthony Foxx, if he becomes Secretary of Transportation, likewise has a record of accomplishment as a local official, as a strong mayor, and I look forward to working with him on investment in high-speed rail, distracted and drunk driving, air safety, rail safety, and all of the issues that are so important to the infrastructure of our country and to the transportation issues that will help promote jobs and increase economic progress.

I will be submitting statements for the RECORD at greater length on these two nominees who I believe embody the principle of excellence and dedication in public service.

Madam President, we are reaching a fateful and extremely important moment in the history of our country when we have the great opportunity, the exciting and energizing prospect, of providing a path to earned citizenship for 11 million of our fellow residents. They live alongside us, in our neighborhoods and communities, and they serve on community boards and all kinds of activities where they are indistinguishable from citizens except for the fact they are not citizens. There are 11 million people living in the shadows, including young people brought to this country when they were infants or as children, who know only English as a language, whose home is here, and who know only this country as their home, whose friends and life are here, their schools, and even the military many of them serve. The DREAMers are among those 11 million, and their parents and loved ones who came with them to this country.

We have this historic opportunity to provide them with a path to earned citizenship. To earn citizenship they are paying back taxes and penalties, learning English, if they do not know it already, and meeting the other strong standards and criteria this act provides. Along with enhanced border security and a crackdown on illegal employment, this act provides better skilled people more opportunities to come to this country in a program I have helped to lead on, as well as lower skilled workers who want to fulfill the American dream.

This legislation is about the American dream, and it culminates a careful and cautious and deliberate process led by Chairman LEAHY in the Judiciary Committee, where abundant opportunity was afforded to offer amendments and have them pass. In fact, a number of my amendments adopted in the Judiciary Committee strengthen due process, fight human trafficking, afford opportunities for people to seek release from solitary confinement, and protect American workers, and standards and compensation for American workers, against unfair and illegal competition from other businesses and other workers based on substandard conditions and exploitation of workers here.

Those kinds of amendments have improved on the very important work done by the Group of 8. I join in thanking them, the Group of 8, those eight Senators who labored so long and helped to provide such a great model for us to move forward and improve further.

I believe this legislation can be improved. Two amendments I have offered would help improve it. The little DREAMers, who are too young to qualify right now for the expedited path to citizenship that is provided the DREAMers under S. 744, would be helped by an amendment I have drafted, with support from the great champion of the DREAM Act, Senator DURBIN, who deserves so much credit for spearheading this effort over so many years. I have done this at the State level before coming here as a Senator, when I was attorney general, but Senator DURBIN has championed their cause year after year, Congress after Congress, and so I have joined him in supporting an amendment to this bill that would help those littlest of DREAMers, too young now to qualify for that expedited citizenship, and to do so if they are in school or otherwise satisfy the criteria the amendment would provide.

I also thank Senator MURKOWSKI for cosponsoring this very bipartisan measure with me so that anyone left out of the DREAM Act because they are too young would be covered.

A second amendment I believe would improve this bill would provide more whistleblower protections for H–2B visa workers. They come to this country to work here and they are dependent on their employers to remain here. So, naturally, if they are exploited, if illegal working conditions subject them to hazards, and if they provide the basis for unfair competition because they are paid less than the minimum wage, they are fearful of retaliation when they make complaints because their employer can discharge them and they are then automatically deported. So this whistleblower amendment would provide them with protection. This is essential to making possible their redress and remedy when they are victims of illegal violations.

Both those amendments would improve this law. But I recognize this bill is a huge and historic step forward. It

is imperfect, but I will not allow the perfect to be the enemy of the good. I will continue to fight for these amendments, these improvements in this law—enabling the little DREAMers to have those same opportunities as the DREAMers who have been brought to this country and now are here and can contribute so much to our Nation; and I will continue to fight for whistleblower protections for all workers who may be exploited if they are brought here under visa because whistleblowers deserve that protection. They are protecting not just themselves when they complain, but all workers. But I will vote for this measure even if there are no more amendments because I believe this measure fulfills the American dream of opening this country—a Nation of immigrants—to others who have the American dream and see this country as a beacon of hope and opportunity.

Anyone who doubts it should do what I do regularly. Whenever I have the opportunity on a Friday in Connecticut, I go to our Federal courthouse and attend the naturalization ceremonies. People come there with tears in their eyes, accompanied by their families, neighbors, and loved ones to celebrate one of the biggest moments in their lives—becoming a citizen of the United States of America. Many of them come after years of struggle to achieve that status—physical struggle to reach our shores, emotional separation from their families abroad, and professional hard work embodying the best about America. I thank them for becoming U.S. citizens. I thank them for not taking for granted what all too many of us do—the great privilege and right of being a citizen of the United States.

Let us seize this moment as a Nation of immigrants to open our doors once again, open our hearts to those 11 million people who want simply a path to earned citizenship—a historic and rare moment in our history where the American people have come together in a deep and enduring consensus that now is the time to strengthen border security, as the amendment we are considering would do, to crack down on illegal hiring, as this bill would do, and to make possible for millions of Americans what my father did, what others did, which is to become citizens of the greatest country in the history of the world.

We owe it to ourselves, as well as to our children, to give them that opportunity, and we owe our Nation the opportunity to benefit from their strengths and talents and energy and, yes, their dedication to the country that has given them this historic opportunity.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. REID. Madam President, could I ask the distinguished Senator to allow me to offer a unanimous consent request?

Mrs. FISCHER. Of course.

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

Mr. REID. I express my appreciation to the Senator for the courtesy.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, at 2:15 p.m. today, the Senate proceed to executive session to consider Calendar No. 180, under the previous order.

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

Mr. REID. For the information of all Senators, at 2:15 p.m., there will be 30 minutes for debate followed by a vote on the confirmation of Penny Pritzker to be Secretary of Commerce.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Madam President, I rise today to express my deep disappointment with the current immigration reform legislation and the extremely limited opportunity for Senators to amend this bill. Although I was not a Member of the Senate in 2009, I watched the debate on ObamaCare closely. I was amazed the world's greatest deliberative body could vote on such a massive change to Federal policy without having time to read or adequately amend the bill.

Failure to fully comprehend the consequences—intended or otherwise—left many Americans skeptical, and rightfully so. We were told the need to act justified passage of this massive bill, and we were admonished that we needed to pass the bill to find out what is in it. The American people were not pitched sound policy, the American people were pitched sound bites. Public polling suggests the American people still haven't bought it, and with good reason.

A few years later, Americans are starting to learn the devastating, real-life impact of the flawed health care policy, including the loss of current benefits and the sticker shock of rising premiums. The litany of broken promises seems endless. Yet here we are again, another dire problem in desperate need of a solution, and this time it is immigration.

I agree, and Nebraskans agree, we must address the problem of illegal immigration. The status quo is unacceptable. Our border remains dangerously insecure, and 11 million illegal immigrants currently enjoy de facto amnesty.

We are told there is only one solution—rather, we are only allowed to vote on one solution that has been agreed upon behind closed doors by the majority leader and a small group of Senators. We are told we have no choice but to pass this bill.

The pundits in Washington tell us the failure to pass comprehensive immigration reform will leave the Republican Party in an uncertain electoral wilderness. Well, I, for one, am more concerned about the future of this Nation—the future America I will leave to my children and my grandchildren—than I am about any political party's electoral prospects.

We are told that simply devoting tens of billions of dollars, with no plan, will solve the problem.

We have tried throwing big money at big problems in the past. It didn't work then, and it won't work now.

Some have suggested there has been plenty of time to read the revised bill. They argue there are only 119 pages of changes that have been added to the 1,200-page legislation before us. But those changes are spread across and throughout the entire language of this bill. There have been little fixes here and there. But if you blink, you might miss an important word that has been dropped or a clause that has been added, and the result is a lasting effect for generations to come.

Some of these changes include special carve-outs similar to the cornhusker kickback that helped bring ObamaCare across the finish line. Nebraskans know exactly what I am talking about. These new carve-outs include special treatment for the seafood industry, special treatment for Hollywood, and extensions of the failed stimulus program.

I am disappointed the majority leader has once again rushed a bill of this magnitude and impact. It is another artificial deadline imposed by the leader, so members can make it back for some backyard barbecues. That is disappointing.

I don't sit on the Judiciary Committee. The only opportunity I and 82 other Members of the Senate have to offer amendments to reform the flawed aspects of this bill is through floor debate. Yet we are being denied that opportunity by the majority leader. So far, we have only voted on nine amendments. Given the emotional, controversial, and complicated nature of this issue, reforms are not made easily. We have a duty to make sure we get it right and that we avoid the mistakes of the past.

I have always believed that before we address any form of legislation that deals with legalization for our undocumented population, we must first fully secure the border. Without a fully secure border, the United States will find itself in the same dire straits down the road. Yet the amendment offered by Senators SCHUMER, CORKER, and HOEVEN falls short of this very necessary goal. We need a proposal that brings about verifiable, measurable results along the southern border.

I support a carefully crafted border security plan that is strategy driven, cost effective, accountable, and responsive to the needs of law enforcement officials, and those law enforcement officials have expressed concerns with the legislation before us.

The attempt of the Schumer-Corker-Hoeven amendment to reach a compromise on border security metrics has resulted in vague ineffective standards. The border security amendment I filed

would provide needed oversight to ensure border security goals are being achieved and maintained in a timely fashion.

The border security amendment I filed requires that the Secretary of Homeland Security and the Commissioner of the Customs and Border Patrol submit a written certification that all border goals have been met. The Homeland Security inspector general must also sign off on certification. And, finally, congressional approval must be obtained.

Importantly, the definition of operational control in my amendment would maintain the current law's definition, rather than watering it down. But my amendment hasn't received a vote.

The Schumer-Corker-Hoeven amendment also fails to require a biometric entry and exit system at land, air, and sea ports. Instead, it simply provides a basic electronic screening system—and only at sea and air ports, not land ports of entry.

This is absolutely unacceptable—and it is remarkably weaker than the border security provisions in the 2006 and 2007 comprehensive immigration bills, which required implementation of a biometric entry-exit system.

The border security amendment I filed implements a biometric entry-exit system at all points and ports of entry. But my amendment hasn't received a vote.

Border security is a question of national security. It is not a position that can be watered down or compromised. The Schumer-Corker-Hoeven amendment does just that.

We also need to make sure we are being fiscally responsible. Last time I checked, we are still $17 trillion in debt. Yet this amendment throws $46.3 billion at border security with no plan from the Department of Homeland Security detailing how that money is going to be used. There is no clear justification for the amount detailed in this request. There is absolutely no strategy driving this funding request.

There is also not nearly enough accountability. The reporting requirements to Congress are toothless. I reject—and I suspect Nebraskans reject—the idea that massive amounts of spending alone are the solution to our border security problem.

In addition to the lack of strategy behind the funding, I am concerned this legislation provides legalization first and border security second. Specifically, this legislation creates a loophole allowing certain people who have overstayed their nonimmigrant visas to obtain a green card without returning home. The Schumer-Corker-Hoeven amendment also creates a number of loopholes for criminal aliens to remain in our country.

Under their proposal the Secretary of Homeland Security has broad authority to waive deportations for certain criminal activity. For example, it would allow many members of criminal gangs to gain entry and the legal right to remain in the country.

In a written statement, Immigration and Customs Enforcement council president Chris Crane stated:

> The 1,200 page substitute bill before the Senate will provide instant legalization and a path to citizenship to gang members and other dangerous criminal aliens, and handcuff ICE officers from enforcing immigration laws in the future. It provides no means of effectively enforcing visa overstays which account for almost half of the nation's illegal immigration crisis.

The list of problems goes on.

In short, this legislation and the Schumer-Corker-Hoeven amendment remains fatally flawed. The American people demand—and they deserve—better policy.

I am committed to working on lasting solutions that will reform our immigration system once and for all. But let me be clear: I will not support legislation simply because it might be vogue or politically expedient or could ingratiate me with the inside-the-Beltway club. I vote for legislation if it is sound policy, if it will improve the lives of hard-working taxpayers, and if it reflects the values of Nebraskans. This legislation has a long way to go.

Mr. McCAIN. Will the Senator yield for a question?

Mrs. FISCHER. Yes, I will.

Mr. McCAIN. Has the Senator ever been to the Arizona-Mexico border?

Mrs. FISCHER. I have been, at the Texas border.

Mr. McCAIN. May I ask when that was?

Mrs. FISCHER. That was in the early 2000s.

Mr. McCAIN. In the early 2000s. I would say to the Senator from Nebraska, she is so ill-informed from the statement I just heard. I don't know where to begin, except to say that if she doesn't think this legislation secures the border, she hasn't spent any time on the border—certainly not meaningful time. And I can't express my disappointment in the series of false statements the Senator just made.

Mrs. FISCHER. Madam President, I would say I believe my statement is correct. It reflects the values of my State, it reflects the values of Americans, and it truly reflects their concerns with this piece of legislation that is before us now.

Mr. McCAIN. Madam President, I would welcome the Senator from Nebraska to come to the border and see what has been done and what can be done with the use of technology. And to somehow believe our border cannot be secured by this legislation argues strenuously for a visit, and I invite the Senator. I would be glad to join her at any time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Madam President, I thank my distinguished colleague and friend, Senator McCAIN from Arizona, and I look forward to accepting his invitation to visit his fine State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to speak for 10 minutes.

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

Mr. UDALL of Colorado. Madam President, I rise again to talk about the critical importance of passing comprehensive immigration reform such as my good friend from Arizona Senator McCAIN has advocated.

When I look at my State, Coloradans from all walks of life—business leaders, religious leaders, our agricultural community, and our civic leaders, regardless of political party—agree our immigration system is broken. Now we have run out of excuses to sit on our hands.

I see this problem as an opportunity, and I want to discuss why I see it as an opportunity.

It has touched every corner of our society, and this call for action has become too loud to ignore. But despite such widespread agreement on the need to move forward, there remains a vocal minority in our Chamber—and across the country—concerned about the consequences of reform.

There is a worry, and that worry that persists is that immigrants will somehow steal the American opportunity, that immigrants will take our tax dollars and take our jobs. But let me say this. All of us here in the Senate agree strongly we should not be writing policy in Washington that would endanger American jobs, and I want to speak to that.

Ever since the economic downturn, Coloradans who have been fortunate enough to keep their jobs or recently find employment as we dig out of recession are holding on tightly to those opportunities.

Coloradans who have been laid off or who have lived through the bitter desperation of extended unemployment look with increasing concern at anything that might stand between them and opportunity.

In the context of these worries, some people look at employed immigrants and see only unemployed Americans. To see things in that light misunderstands this legislation as well as our roots as a country and our long tradition of opportunity.

This bill—the idea of fixing our broken immigration system and providing millions of Americans a pathway to citizenship, which is earned—is not a zero-sum game. In fact, it is built off of one of the reasons our Nation is so exceptional: The broad spirit that any man or woman can pull themselves up from the most challenging circumstances and succeed.

This bill is carefully crafted and balanced. It will extend the American dream to millions now living in the shadows. Important for Coloradans, this legislation creates certainty for businesses and residents already legally here today. This is exactly the

sort of certainty our labor markets need.

It is true—maybe except for the great State of North Dakota—that we have made steady progress, but overall unemployment remains too high. We all want to be similar to North Dakota, with a very low unemployment rate. Our economy—the American economy—continues to grow, with Colorado growing at the fourth fastest rate in the Nation. In doing so, many of our business sectors, economic sectors, and industries are experiencing higher labor demand than there is available domestic supply.

Taking agriculture, for example, which is important to the Presiding Officer's State as well, the demand for labor on farms and ranches across the Nation far exceeds the supply of Americans who are willing to fill those jobs. That labor shortage has resulted in crops left to rot in the fields and, therefore, unacceptable economic losses to our communities.

Farmers and ranchers tell me that today they are often left to hire undocumented workers to fill this labor gap. This unregulated, under-the-table hiring hurts immigrants who experience frequent exploitation, constant fear, and often debilitating poverty. It also hurts Americans who experience depressed wages and higher unemployment as a result of competition with this cheap underground workforce. That doesn't make sense.

This immigration reform bill eliminates this unfair competition and ensures that all Americans receive fair wages.

Our current labor supply challenges extend to many other sectors as well. Jobs in science, technology, engineering, and math are growing at three times the rate of other jobs in the United States. With that in mind, and in spite of high levels of unemployment, nearly 100,000 valuable American-based positions in critical high-tech firms, such as IBM, Microsoft, and Intel, have been left unfilled. By 2018, estimates are that this number will increase to 230,000.

This bill, which we are so close to getting across the finish line, focuses heavily on breaking down barriers in our current immigration and visa system to help fill this staggering labor gap and spur our economy in the process. The more flexible market-based system for visas included in this bill will ensure our immigration system only brings workers businesses need. Moreover, this bill will ensure that Americans get a first pass at jobs before foreign workers are eligible to fill them. That is an important element, one that Coloradans have told me they demand.

But it is not only about ensuring that the bill before us doesn't displace current U.S. citizens, I would point out to my friends who are skeptical of this effort that immigrants in this country also have an incredible and phenomenal history of creating jobs.

Let me share a couple numbers with everybody. Between 1990 and 2005, immigrants started 25 percent of the highest growth companies in this country, directly employing over 200,000 people. Since 2007, immigrant-founded small businesses have provided employment for 4.7 million people and generated almost $800 billion in revenue.

Big-time American companies, such as Intel, Google, eBay, and Sun Microsystems, were all created by immigrants—companies that helped to form the very roots of our thriving tech industry.

I wish to take a minute to thank the Gang of 8 specifically for their efforts to include a section in the bill that creates the INVEST Program, which focuses on incentivizing entrepreneurs, such as the founders of these iconic companies, to come to the United States. This program, which draws on the bipartisan Startup Visa Act I introduced with Senator FLAKE—and includes the work of Senators MORAN, WARNER, and others—will ensure that the next generation of entrepreneurs and job creators can stay in the United States and create good American jobs. Last week, after listening to advocates, Senator WARNER and I filed an amendment that we think will bolster these provisions even further, and we certainly hope our colleagues will think it is a good enough idea to include in the final legislation.

Programs in the underlying bill, such as INVEST, will help supercharge our economy by helping to create thousands of jobs over the next decade.

Ralph Waldo Emerson once said: ''America is another word for opportunity.'' We take pride in our rich history of being a country where the key to earning a valued place in society is through ability and determination, where immigrants from all over the world—alongside third-and fourth-generation Americans—can earn an honest living or start a business. It is incumbent on us, as Members of Congress, to actively ensure that America remains the land of opportunity.

As the Presiding Officer knows, that starts with our children, including undocumented children, our DREAMers, who know of no other place but here as their home.

I wish to close by talking about a DREAMer. His name is Oscar. I wish to make the case for Oscar and his family.

Oscar and his brothers, Juan and Hugo, are the children of parents who illegally immigrated into the United States and brought their kids with them. They now live in my State of Colorado. Throughout their entire lives, they lived in fear of the black cloud of deportation that has hung over them.

I had the pleasure of meeting Oscar here in Washington a couple of months ago. He had a very simple request for a kid who grew up in the United States. He wanted the opportunity for himself and his brothers to come out of the shadows and become someone.

Where are Oscar and his brothers right now? They are in college pursuing degrees in engineering and psychology. Let's design a commonsense policy that will allow them to work after they graduate. Let's give Oscar, and the millions like him, the opportunity to come out of the shadows and become the next generation of American leaders, innovators, and job creators.

This week we are faced with a choice: We can put into place a bill that was negotiated by Members of both sides of the aisle, one that takes historic and far-reaching steps to secure our borders and provides a tough but fair pathway to legal status and an exit from the shadows for those who are here illegally. This bill will help crack down on employer exploitation and help give American businesses the secure and stable workforce they deserve. The other option would be to try and delay this bill and continue on with a broken system that continually undermines our economy by keeping millions in the shadows. We could keep the system that denies the best and the brightest a viable path to citizenship and instead would encourage them to create jobs abroad for our global competitors such as China and India.

Let's not deny Oscar and his brothers the opportunity to come out of the shadows and be the next generation of American workers. Let's continue to work on amendments, and let's pass this comprehensive immigration reform bill this week.

I thank the Presiding Officer for her patience, for her forbearance.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

EXECUTIVE SESSION

NOMINATION OF PENNY PRITZKER TO BE SECRETARY OF COMMERCE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Penny Pritzker, of Illinois, to be Secretary of Commerce.

The PRESIDING OFFICER. Under the previous order, there is 30 minutes of debate equally divided in the usual form.

The Senator from Illinois.

Mr. DURBIN. Madam President, for those who are following the debate of the Senate, we are in the midst of the debate on the immigration reform bill, expecting votes on amendments this

week, and then final passage. It is a historic and important measure. We have interrupted it briefly to consider a nomination that is important as well. It is the nomination by President Obama of Penny Pritzker of Chicago to be the next Secretary of Commerce in the President's Cabinet.

I know Penny and I know her family and I know the reputation they enjoy in Chicago, in Illinois, and around the world. She is an extraordinary person. The Pritzker family has been successful in business for many decades and many generations. She stepped up years ago and told her father she wanted to play a role in business leadership. There weren't that many women involved in business leadership at that time, but her father said he would give her an opportunity, and he did. She became very successful with the corporation, with the family businesses, and has made a name for herself over the years.

Penny has decades of business, entrepreneurial, and, equally important for this job, civic experience. Despite her success in the private sector, Penny Pritzker and her family have given unsparingly of their own time to help many important causes. She understands business and economic development, but she also understands the reality of the challenges many families face across our country.

We know the jobs report from earlier this month showed we had 6.9 million jobs created over 39 consecutive months of private sector job growth. That is progress. We have come a long way. But let's make no mistake, families are still struggling to find work and many who are working are struggling paycheck to paycheck to survive. Penny Pritzker will bring considerable experience to the Department of Commerce to help us create new businesses and job opportunities in America.

Penny understands what it takes to build a business from scratch. She has done it five different times with start-up businesses. She has created jobs that support families and communities across America.

More than creating jobs, she has helped countless people get the education they need to connect them with job opportunities.

She leads Skills for America's Future, a national program bringing together businesses, community colleges, and others, preparing workers for good-paying 21st century jobs.

In addition to education, Penny Pritzker is an ardent supporter of the arts, which supports economic development and tourism across the Nation. She is a member of the American Academy of the Arts and Sciences and a trustee of the Kennedy Center.

There is no question that our economy is headed in the right direction. The question is: Who will pursue today's efforts to continue that growth and lead us to future success? Who will continue efforts to help American businesses in the global marketplace?

Although we are on the right track, too many businesses in America are still struggling to survive. Expanding the new markets is one way to help American business and our economy. We need a Secretary of Commerce who will not only help small businesses grow and create jobs but also open opportunities for businesses to expand their products and services across the States, the country, and the globe.

Penny Pritzker called me a couple of weeks ago and urged me, if possible, to do everything I could to try to get her nomination moving before July. I talked to Senator REID, who was fully supportive of the President's nominee. The reason she is anxious to do that is because important trade discussions are going to begin after the 1st of July with some of the leading economic powers around the world. She wanted to be at that table. It is important for America that she is.

Penny knows what it takes to make business work. She knows the tools businesses need. What is more, she knows economic development at all levels.

Colleagues from both sides of the aisle agree we need job creation. Penny Pritzker has a proven track record in promoting jobs and growth, and her leadership will help our country. Her decades of experience will serve her well. Ms. Pritzker's wide-ranging perspective will prove worthwhile to the future of our Nation as we compete in the global marketplace.

I urge my colleagues to support Ms. Penny Pritzker's nomination, and I look forward to working with her as she is hopefully going to be the next Secretary of Commerce under the Obama administration.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I also rise in support of Penny Pritzker for Secretary of Commerce. I think she will do an excellent job.

I ask unanimous consent to speak as in morning business for 3 or 4 minutes.

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

HONORING KEN DUKE

Mr. PRYOR. Madam President, I rise today to honor Ken Duke of Hope, AR. Ken is an incredible athlete who has a great story and is actually here with us today.

Years ago, as a teenager, Ken was diagnosed with scoliosis and he was forced for years to wear a back brace. There were times when he had to wear that back brace for 23 hours a day. He underwent surgery and numerous treatments. Eventually they put a metal rod in his spine and the rod is still there today.

Despite all of those tough circumstances, he persevered. He went on to win his high school district golf tournament. He was wearing the back brace, no less.

In recent years, Ken became a strong advocate for those suffering from spinal problems. He now hosts an annual charity golf tournament called ''A Day with Duke.''

Anyway, after playing golf for Henderson State University—and might I say, Go Reddies—he turned professional. As do many professional golfers, he had his good days and bad days, his ups and downs. It is a tough life. He has been out there plugging away week in and week out. But this past Sunday Ken had one of his best days of golf he has ever had in his career. At the Travelers Championship in Cromwell, CT, Duke faced a tense playoff with Chris Stroud. After Stroud had chipped in on the 18th hole, the men were neck and neck, both at 12 under par. But Ken pushed ahead, making a 2½ foot birdie putt on the second playoff hole to clinch his first PGA tour victory. This was not only a great shot and a great round of golf, but it is also a great American story.

Arkansas is very proud of Ken, and we hope there are many wins in his future. I wanted to say ''congratulations.''

Madam President, I yield the floor and 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 Senator from West Virginia.

Mr. ROCKEFELLER. 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. ROCKEFELLER. Madam President, I have the honor to chair the Commerce Committee and thus have enormous interest in who our next Commerce Secretary is going to be. I don't think the President could have picked anybody better.

I have known Penny Pritzker for 30 years. I have Chicago relations in my family too. She is a force of nature. That is the thing I want people to understand: She is a force of nature. Yes, she is wealthy. Yes, she is experienced in business. Yes, she is experienced in public service. She is a tiger of energy and purpose.

The Department of Commerce is probably the most complicated—I don't know compared to DOD, but I think it is the most complicated non-DOD agency. We have oceans, spectrum, aviation, trains. There are a thousand different areas, including all the oceans. It takes a real leader and it takes a tough person. We haven't had a tough enough person for a while. We had one, but then because of health reasons that person had to resign.

I cannot imagine a better—and I don't say these things often about nominees—I cannot imagine a more perfect person to run the Department of Commerce than Penny Pritzker. I hope my colleagues will vote for her overwhelmingly.

I thank the Chair and yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IMMIGRATION REFORM

Mr. HATCH. Madam President, I rise today to speak once again on the immigration bill before us.

Before there was a Judiciary Committee markup, before there was an immigration bill, and before there was even a Gang of 8, most Senators had three basic beliefs: The immigration system is broken, fixing it will be neither simple nor easy, and it absolutely needs to be done.

I share those beliefs. I also rely on two sets of experience.

I served in this body and on the Judiciary Committee during the 99th Congress when we considered the Immigration Reform and Control Act of 1986, commonly called the Simpson-Mazzoli bill, and during the 110th Congress when we considered the Comprehensive Immigration Reform Act of 2007.

I voted against both of them. I opposed the 1986 legislation because it was self-proclaimed amnesty. I opposed the 2007 legislation because it had been developed outside of the Judiciary Committee.

My participation in the current immigration reform effort has been informed by those beliefs and those experiences. We simply must fix our broken immigration system, but in doing so we must not repeat either the substantive errors from 1986 or the procedural errors from 2007.

As we all know, most of the media and political attention has focused on the border security and legalization parts of this bill. But there is much more to it than that.

I initially focused on two areas. First, working with Senators RUBIO, COONS, and KLOBUCHAR, I focused on increasing opportunities for high-skilled immigrants. The bill we introduced, the I-Squared bill, now has 28 bipartisan cosponsors.

Second, working with Senators RUBIO, FEINSTEIN, and BENNET, I focused on developing the guest worker program that will be so important for the agricultural sector of our economy. Those discussions were led by Senator FEINSTEIN, and there is no question I played a significant role in those. This program is the product of true compromise between farm workers and growers. I had real questions whether that could be done, but it was. I was glad to see it included as part of the Gang of 8 original bill.

Another important provision that was made part of the original bill was my proposal for permanently extending a visa program for religious workers. This provision will provide up to 5,000 visas for foreign nationals to work with religious organizations that help America's neediest people and underserved communities. I have supported this program for many years and am very grateful that the Gang of 8 offered to include it in the bill at my request.

In addition, I commend the Judiciary Committee chairman, Senator LEAHY, for conducting an open, fair, and thorough markup of S. 744. Thankfully, this bill—unlike the bill in 2007—is being handled through regular order.

During the committee's consideration of S. 744, I filed 24 amendments, 20 of them within Judiciary Committee jurisdiction. I am proud of the fact that 15 of those 20 amendments were made part of the legislation that is before us now. I do not think ''proud'' is the word; I am pleased rather than proud.

For example, the committee adopted by voice vote my amendment establishing strong penalties for cultivating marijuana on Federal lands. Mexican drug cartels are driving the expansion of this plague, using chemicals and diverting water sources that also harm the environment. My amendment will reduce the illegal drugs that enter the market and protect America's natural resources at the same time.

The committee also adopted my amendment to establish a mandatory biometric exit system at the 10 busiest international airports. Preventing individuals from entering the country illegally is only one side of the coin; the other side, of course, is preventing individuals from overstaying their visas. We know if that works in those airports, we then will be encouraged to expand that in many other ways.

Nearly half of those who are currently here illegally came into the country legally but did not leave when they were supposed to. My amendment tackles part of that equation.

I do want to respond to what some of my colleagues have said about this new biometric system. Some have claimed that my amendment dials back current law.

Let me be clear: I fully support the biometric exit system provided for under current law. Sadly, it has not been properly implemented.

What good is it if legislation simply remains on paper? Do the critics of my amendment prefer the status quo, which has accomplished absolutely nothing?

My amendment will actually deploy a real biometric exit system—something that current law has failed to do. And, by the way, it is fully paid for.

Trust me. This is more than just a figleaf. The Judiciary Committee also adopted—once again by voice vote—my amendment to improve education and training in the fields of science, technology, engineering, and math, or the STEM fields.

While foreign high-skilled workers play an important part in our economy, we need to invest more in developing the American workforce, especially the next generation. I look forward to seeing the STEM account grow and provide hundreds of millions of dollars directly to the States for this critical education and training. That is in the bill now.

I am particularly pleased that the Judiciary Committee adopted a package of my amendments establishing a coherent and constructive approach to high-skilled immigration. These provisions will ensure that the H–1B and L–1 visa categories actually work for a change. I especially want to thank Senators SCHUMER and DURBIN for their genuine willingness to compromise because these complex issues require a delicate balance of interests.

This is the path I have pursued so far. From the outset of this process, I have made it clear that there are issues with this bill under the jurisdiction of the Finance Committee. As the ranking member of the Finance Committee, I have been working in good faith to ensure that those matters are addressed in a responsible and productive way.

Toward that end, I filed amendments both in committee and on the Senate floor and have been working with my colleagues to get them included.

These are important issues that simply cannot be overlooked. For example, there was the issue of whether immigrants receiving a change in status would be allowed to receive welfare benefits. Under a longstanding provision of Federal law, noncitizens, including legal immigrants, are not eligible for Federal cash welfare benefits for their first 5 years in the country.

While S. 744 preserved that 5-year ban for RPIs, I know the Obama administration believes it has the authority to permit States to spend Federal welfare dollars on cash benefits to previously prohibited individuals. In order to prevent this or future administrations from contravening Federal welfare law, we needed to clarify that the Secretary of Health and Human Services cannot permit Federal welfare dollars from being spent on noncitizens. That is a system I am not willing to support, and I am pleased they accepted my amendment in solving that problem.

Today I am pleased to report that we have successfully negotiated provisions that will prevent the administration from waiving the 5-year ban on welfare benefits as well as prohibiting the Secretary from permitting this type of spending. They have been included as part of the compromise package we will be voting on later this week.

Another problem with the original bill was that it did not adequately address Social Security. Specifically, the bill did not state how periods of unauthorized employment would be treated in the calculation of Social Security benefits.

Once again, I have worked with my colleagues to reach an agreement on a provision that says that periods of unauthorized earnings do not count toward determining Social Security benefits. The provision will, among other things, prevent people who did not

have authorization to work in this country from going back and retroactively claiming unauthorized periods of work in which they used made-up or stolen Social Security numbers.

This is a necessary step that will help to preserve the integrity of our Social Security system. As with the provision on welfare benefits, this provision is part of the Leahy compromise amendment.

According to the Congressional Budget Office and the Joint Committee on Taxation, this provision will result in lower spending for Social Security and Medicare.

While I am pleased that we have been able to reach agreement on these important issues, there are other Finance Committee issues that have not been addressed. There is the issue of when those on the RPI or blue card pathways will be eligible for tax credits and health insurance premium subsidies under the Affordable Care Act. I filed an amendment that would have placed those subsidies in the same category as other Federal means-tested programs, which, of course, includes a 5-year waiting period once an immigrant attains the status of a lawful permanent resident.

There is also the issue of back taxes. I filed an amendment that would have required all RPI applicants to pay their back taxes as a condition of receiving a change in status.

Neither of these two issues is adequately addressed by the current version of the legislation. In my view, these are serious problems that will need to be fixed before the bill is suitable for the President's signature.

On top of that, there is still the issue of border security. While the compromise legislation we will be voting on this week significantly improves upon the original draft of this bill, I believe we can and should do more.

So as you see, Madam President, there is still a number of issues that need to be resolved. However, as I have said all along, this is a process. Reporting the bill out of the Judiciary Committee was one step in that process, and passing the bill on the Senate floor is another step—a first step.

I do not think anyone should be under any illusions that when the Senate completes its work on the legislation this week, the process is finished. The House of Representatives is working on its own bill with an entirely different approach. I have already begun reaching out to my House colleagues to help address these issues that I believe are important, particularly those that fall under the jurisdiction of the Senate Finance Committee.

I hope the House will work to address what I see as significant shortcomings in the Senate bill, and I will work hard to ensure that those issues are resolved should the bill go to conference.

With that in mind, I plan to vote in favor of S. 744 later this week. As I said before, I share the belief of most of my colleagues that the current immigration system is broken and that reform is absolutely necessary. As I see it, the only way we can reach that goal is to allow the process to move forward.

Once again, I would like to commend my colleagues for their work on this legislation thus far. I hope they will keep an open mind on future changes as well. While the final product is far from perfect, I believe we are on a path to reaching a reasonable solution to the problems that continue to plague our Nation's immigration system.

I look forward to working with my colleagues on both sides of the aisle and on both sides of the Capitol to move this process forward toward a successful conclusion.

Madam President, I yield the floor. In fact, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

The question is, Will the Senate advise and consent to the nomination of Penny Pritzker, of Illinois, to be Secretary of Commerce?

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Rhode Island (Mr. WHITEHOUSE) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Utah (Mr. LEE).

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

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 161 Ex.]

YEAS—97

Alexander	Donnelly	Levin
Ayotte	Durbin	Manchin
Baldwin	Enzi	McCain
Barrasso	Feinstein	McCaskill
Baucus	Fischer	McConnell
Begich	Flake	Menendez
Bennet	Franken	Merkley
Blumenthal	Gillibrand	Mikulski
Blunt	Graham	Moran
Boozman	Grassley	Murkowski
Boxer	Hagan	Murphy
Brown	Harkin	Murray
Burr	Hatch	Nelson
Cantwell	Heinrich	Paul
Cardin	Heitkamp	Portman
Carper	Heller	Pryor
Casey	Hirono	Reed
Chambliss	Hoeven	Reid
Chiesa	Inhofe	Risch
Coats	Isakson	Roberts
Coburn	Johanns	Rockefeller
Cochran	Johnson (SD)	Rubio
Collins	Johnson (WI)	Schatz
Coons	Kaine	Schumer
Corker	King	Scott
Cornyn	Kirk	Sessions
Cowan	Klobuchar	Shaheen
Crapo	Landrieu	Shelby
Cruz	Leahy	Stabenow
Tester	Udall (NM)	Wicker
Thune	Vitter	Wyden
Toomey	Warner	
Udall (CO)	Warren	

NAYS—1

Sanders

NOT VOTING—2

Lee Whitehouse

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MANCHIN). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Minnesota.

BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT—Continued

Ms. KLOBUCHAR. It was a clear, good vote for our new Commerce Secretary. We are very excited about that vote, 97 to 1. I am going to speak to that, but before I do, I yield to my colleague from the State of Louisiana, Senator LANDRIEU, for 2 minutes.

Ms. LANDRIEU. Mr. President, I will speak as in morning business for up to 2 or 3 minutes. I just wish to take a point of personal privilege.

As we get to the end of this immigration debate and hopefully have a final vote on this bill sometime this week, it is a very important issue for our country, and there have been any number of Senators who have been involved in trying to negotiate a very complex and tough bill. The Gang of 8 has done a terrific job, in my view, of managing lots of very controversial aspects to this bill. But a group of us, not connected directly to the Gang of 8, have been working on a group of amendments that are not central to the bill or rather potentially—potentially, let me say—noncontroversial. We have been working with Republicans and Democrats parallel to the Gang of 8. I only ask the leadership on both sides, the Republican leadership, the Democratic leadership, to please look at the list that has been submitted for the record not once, not twice, not three times but five times—a list that has been well circulated—and if there are any objections to the specific ideas in the bill—not objections to the amendments but specific objections to the ideas of the amendments, the substance of the amendments—please talk with me and I will be happy to do everything I can to resolve any concerns.

As the Senator from Arizona knows so well—he has been in the middle of this debate for a long time now—there have been hundreds of amendments offered in the Judiciary Committee and voted on and there are over 250 amendments pending on the floor, some of

which are extremely controversial. The Republicans would like to vote on some of those, there are others the Democrats want to vote on, and I am fine to vote on all of them or none of them. I will stay here all night and vote on them. I don't have a dog in that hunt. What I have is a relatively small group of amendments that Republicans and Democrats who are not in the Gang of 8 have voted on or have been talking about and working on that, to our knowledge—and our knowledge may not be complete—have no voiced opposition against them, and we are hoping that whatever agreement is reached, this list of noncontroversial amendments would at least be given a chance for a voice vote in global. We don't need individual votes. We don't need a record vote. We just would like to have our voices heard.

I see the Senator from Arizona, and I don't know if he wants to respond to this, but I am happy if he wants to ask me a question or two.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Again, I can't speak for Senator GRASSLEY, who is managing the bill in an outstanding fashion, but I would like to point out, in conversations I have had with Senator GRASSLEY, these amendments are in process, and as the Senator mentioned, there are a number of them being cleared. In other words, rather than just being judged noncontroversial, which I certainly accept the word of the Senator from Louisiana, we need to clear them with everybody. I hope she understands, and I hope we can move forward rather rapidly with that process.

I don't dispute they are ''noncontroversial,'' but every Senator obviously wants to have these amendments cleared with them, and they have already started that process. I appreciate the advocacy and the involvement of the Senator from Louisiana. She has been extraordinarily involved in this issue by helping us make the package much better, and I hope she will show some more—I emphasize more—patience as we try to get this package agreed to by both sides.

Ms. LANDRIEU. I thank the Senator from Arizona, and I will show more patience. Everyone on the floor is showing a lot of patience with this very complicated bill, but I have asked privately and I will ask publicly for the process of clearing—clearing—noncontroversial amendments to begin.

There is also a process going on to clear votes on controversial amendments. I am aware of that—to clear votes—and a time agreement on controversial amendments. I am not asking for that. I am asking for clearances to begin for no votes, voice vote only, on noncontroversial amendments, and I am glad I have the Senator's support to look at that and, hopefully, we can work something out.

Mr. SCHUMER. Mr. President, will the Senator from Louisiana yield for a question?

Ms. LANDRIEU. I will yield to the Senator.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Senator from Louisiana, as Senator MCCAIN said, for her continued patience. I think what she proposes makes a great deal of sense. There are a whole lot of amendments—and we did this in committee under Senator LEAHY's leadership—that are not controversial and we could vote for. My only question is, I take it the Senator assumes, once they are cleared, they would be voted en bloc.

Ms. LANDRIEU. Correct, by voice.

Mr. SCHUMER. OK. I think this makes sense. We are working on the ones that require votes. We should be working simultaneously on the ones that are noncontroversial, and let us hope we can come to some agreement so we can all vote on this bill and move on to other business.

I yield the floor.

Ms. LANDRIEU. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I first wish to thank the Gang of 8 and our Judiciary Committee for their work. As was discussed in the last few minutes, there has been an incredible amount of patience and hard work that has gone into this bill, and I am very hopeful we will be able to work out the remaining issues and amendments. I think the strong vote yesterday showed an incredible sense of momentum and bipartisan compromise.

PRITZKER NOMINATION

Ms. KLOBUCHAR. Speaking of bipartisanship, I wish to address the recent vote, the 97-to-1 vote, for Ms. Penny Pritzker. This is a very positive development at a time when we are seeing a lot of nominations that have been stalled out. As a member of the Commerce Committee, I wish to spend a few minutes talking about her nomination.

I think we all know she is extremely well qualified. Over the course of her career, she has started and led a number of business ventures in a wide range of industries, such as finance, real estate, hospitality, and transportation. She has been an advocate for business and assisted companies in expanding into new markets. She is also a member of the President's Economic Recovery Advisory Board and is chairman of Skills for America's Future, helping to prepare workers for the 21st century.

When I met with Ms. Pritzker, I was impressed not only by her experienced command of what is going on right now with our economy, obviously, but also her understanding of the Department. As we know, the Department oversees the International Trade Administration, the Patent Office, the Economic Development Administration, the National Oceanic and Atmospheric Administration, and many others. But beyond that, we talked about the fact the Commerce Secretary can actually be an advocate for business today and for jobs today.

I think one thing long overdue is looking at our top exporting industries in America—whether it is farm machinery, agriculture, movies, all of our top exporting industries, medical devices—and seeing what we can do to help them expand in our country, not in other countries, so they are exporting to the world.

My State has been built on exports over the last few years. We have an unemployment rate of 5.3 percent. Certainly, the growth is due in part to the fact we have recovered now 93 percent of the jobs lost in the downturn in our State, but it is a lot about exports and it is also a lot about tourism, something with which Ms. Pritzker is well acquainted. I think this is literally the low-hanging fruit when it comes to exports. We lost 16 percent in international tourism since 9/11, and every point we add back is 161,000 jobs—161,000 jobs—right in this country.

We are starting to do that now. We are starting to do that now because we are finally advertising our country under Brand USA, something the Department of Commerce is greatly involved in overseas, but also because we are speeding up the wait time for visas, something the State Department and the Commerce Department have worked jointly on.

Every visa we get down to 2 to 3 days for a tourist visa means someone will choose to visit the Mall of America in Bloomington or choose to visit Las Vegas or choose to visit South Carolina instead of going to another country, instead of going to London or instead of going to Singapore. We want them to come to the United States of America.

I think this is a big part of the job the Commerce Secretary will need to do to continue the improvements we have seen with tourism, to make sure everyone knows they can have a great vacation in West Virginia and to keep that message going.

Another part of why I am excited about Ms. Pritzker in this job is because we are seeing more and more women in the workplace, as we know. We just did a report on that with the Joint Economic Committee. We need to see even more women in areas they haven't been involved in as much, such as manufacturing. The share of women workers in the manufacturing industry has been declining since 1990 and is now at 27 percent, the lowest level since 1971. At the same time, we have job openings in manufacturing, and we need people to be trained in the new skills for today's manufacturing. This is no longer your grandpa's factory floor. There are new skills needed in robotics, advanced degrees, and others to run the equipment, to make the equipment, and to repair the equipment.

On a more general matter with women—and this is something we discussed at our commerce hearing with

Ms. Pritzker—we just have 17 percent of board seats across manufacturing, 12 percent of executives, and 6 percent of CEOs. So there is a lot of work that can be done there.

I am very excited about this nomination and the work that is ahead for Ms. Pritzker, and I am glad to see such strong bipartisan support in the Senate.

NLRB NOMINATIONS

As we continue to negotiate the immigration bill, I would like to talk about one more issue that is vitally important to our country's middle class. I just focused on some of the business issues—whether it is reducing redtape for our businesses, making sure we bring our debt down in a reasonable way or simply looking industry by industry at what we can do to make sure our market share increases—our global market share in America—but we also have the issue of America's workers.

While I am here, I wish to talk about something vitally important to our country's middle class; that is, moving forward with the President's nominations for the National Labor Relations Board so it can get back to work protecting the rights of working Americans and employers.

Over the course of the last few months, the President has nominated a full slate of five very qualified people to serve on the NLRB—three Democrats and two Republicans—all of whom have sterling credentials and a track record of focusing on results and working across the aisle.

The first two nominees were named in February—February—the month we celebrate Valentine's Day, and we are now headed to the Fourth of July. The remaining three were nominated at the beginning of April. Yet we still haven't had a vote. In May, the Health, Education, Labor and Pensions Committee held a hearing on the five nominees to the NLRB. This was an important first step, and I commend Chairman HARKIN for moving forward on these nominations. However, until these nominees are confirmed and the NLRB is up and running, workers and businesses will continue to face uncertainty.

The NLRB rules impact people's daily lives and reflect our values as a country: child labor laws that prevent young kids from being exploited and forced to work instead of going to school, fair pay laws which ensure women get equal compensation for equal work, laws that mandate decent working conditions to protect people from being hurt or injured on the job, and laws that uphold the fundamental rights of workers to organize. The impact of the NLRB is critical to workers.

The Board is the only option available to employers and companies that become the victim of unfair labor actions or run into barriers during negotiations with labor unions. This is for both sides. It is there for employers and for workers. We have a responsibility to show some leadership and begin the process of vetting these nominees in the Senate so the NLRB can get back to work.

This is about providing stability and consistency to workers and businesses, but it is also about doing what is right for American families. My mom was a teacher. She taught public school until she was 70 years old, so I have seen firsthand how important it is for workers to have that right to organize, to have that right to make their case. This is why I have always believed we need a good NLRB, a fair NLRB.

We have a President who has put up five nominees, three Democrats, two Republicans. The last time I checked, this President won the election and he has the right to nominate people for this job.

America was built on a strong middle class, and the NLRB is a critical agency for keeping America moving forward, for ensuring every person can work a steady job, with good wages, provide for their families, and save a little for the future. So there is much at stake, and I urge my colleagues to put politics aside and allow the Senate to move forward with consideration of the full package of five nominees to the National Labor Relations Board.

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.

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

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

Ms. KLOBUCHAR. Mr. President, we are debating this historic comprehensive immigration reform, something that as a member of the Judiciary Committee I have worked long and hard on, and actually worked back in 2007 when I first got to the Senate. I can't tell you the difference it is doing this 5 years later than it was back in 2007. This time we have a coalition that is incredibly strong, that has withstood a lot of different questions and issues about this bill, that has been able to accommodate concerns raised within the Gang of 8 and then on the Judiciary Committee level, and now after last night's vote adding other requests and other things Members have. But I want to emphasize why this bill is so important from an economic standpoint.

When we were in the Judiciary Committee, we had hearings and we had a number of people testify about the bill and what this bill would do in terms of the debt—something I know the Presiding Officer cares about very much. We had a number of Republican economists come forward and talk about how this bill reduces the debt. There were some early figures out there. Then I held a hearing on the Joint Economic Committee and called Grover Norquist as a witness. I was the first Democratic Senator I know of to call Grover Norquist as my witness. But he came forward and talked about the effects this bill would have in terms of reducing the debt. Lo and behold, last week we got the true numbers from the nonpartisan Congressional Budget Office which showed that in fact this bill reduces the debt by $197 billion in 10 years. Then in response to a request from Senator SESSIONS, they also looked at the 20-year figure, and it showed it reduces the debt by $700 billion in 20 years. This is one example of what you are seeing with this bill.

We are going to see immigrant workers who have been in the shadows come out to get on a path to citizenship that will take 13 years, who will have to pay taxes, will have to pay fines, will have to learn English if they don't know English. They will have to show their records and make sure they don't have any significant criminal records in order to gain citizenship. But it also means they will be paying taxes that will contribute to the well-being of this country, and they will be paying into systems they haven't been paying into before that help other Americans.

The other point economically is the fact we are going to see a better legal immigration system. That is what our country was built on. Everyone came from another country, when you look at the history of our country. For me, it was Slovenian and Swiss immigrants. My grandfather worked 1,500 feet underground in mines and never even graduated from high school. He saved money in a coffee can to send my dad to college. My mom's side of the family came from Switzerland. My grandmother ran a cheese shop. So I am here standing on the floor of the Senate on the shoulders of immigrants, a grandfather who worked in the mines and another grandparent who worked in a cheese factory. Those are my immigrant roots. We all have them. We have to remember what this bill is about, and we have to remember that 90 of our Fortune 500 companies were actually formed by immigrants—200 formed by children of immigrants—and 30 percent of our U.S. Nobel laureates born in other countries.

So when we look at this, yes, we have to look at the enforcement side and enforcement of the border. That is incredibly important. But we also have to look at the economic engine of America that brought us to where we are and where we want to head and how we are going to compete internationally. We do that by welcoming in America's talent, which will be our talent—most of which is homegrown but some of which comes from other countries.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I wish to thank the Senator from Minnesota for her remarks and say how much I appreciate her work on this legislation, on the Judiciary Committee and beyond.

The chairman is here today. I wish to thank him for his leadership both on the committee and on the floor.

One way or another, something important is going to happen here this

week—which should happen more regularly than it does, but it does not, in the 4 years I have been here; that is, a bill that actually is the result of thoughtful bipartisan—in some cases I even describe it as nonpartisan—work that has been done first by the so-called Gang of 8 that I was pleased to be part of, then in the Judiciary Committee itself, and now on the floor of the Senate.

Before I talk about immigration, I want to mention we are still struggling out in Colorado this summer with these terrible wildfires. We have appreciated the Federal cooperation we have received. It is a reminder to me, when I stand on this floor, how important it is for us to get past this partisan gridlock we have and into a position where we are actually making shared decisions that will allow us, among other things, to do the investments we need to do to make sure our forests have the fire mitigation that will prevent them from catching and burning the way they are this summer in Colorado.

Today we have the opportunity to try to work together on immigration. Opponents have come out and said this bill is going to cost us money, this bill is going to make the deficit worse. It is exactly the opposite. The Congressional Budget Office has said if we pass this bill, we will see nearly $1 trillion of deficit reduction over 20 years. This Congressional Budget Office tells us it will increase our gross domestic product by 5.4 percent over that same period of time. So this bill is a deficit reduction bill. People around here who talk about deficit reduction—and I am one of them—finally have a chance to do it in a thoughtful and measured way, in a useful and constructive way, rather than through a series of mindless across-the-board cuts which we have seen as a consequence of the sequester. Even in Washington, DC, $1 trillion is real money. That is one reason we ought to pass this bill.

Another reason we ought to pass this bill is it creates a visa system that is actually aligned to the economic needs of the United States of America. Forty percent of Fortune 500 companies have been founded by immigrants. Nearly 1 in 10 business owners in Colorado are immigrants and generate $1.2 billion for our State's economy. Agriculture is a $40 billion industry in Colorado, and tourism is Colorado's second largest industry.

We have a growing high-tech sector in Colorado, and 23.6 percent of STEM graduates from our State research universities are immigrants. We want them to earn those degrees if they are doing it in the United States and then stay here in the United States, build businesses in this country, invest in our future with us in this country. Today, because we have a broken immigration system, we are saying to those graduates, Go back to China and compete with us; go back to India and compete with us; we have no use for your talents here in this country.

This bill fixes that. This bill has very important border security measures and measures to prevent future illegal immigration. I thank the Senator from Tennessee, who is on the floor, for his remarkable work with Senator HOEVEN to get us to this point. The agreement on border security, which maintains a real and attainable pathway to citizenship which was a bottom line for the Gang of 8 Senators who were working on this bill, was the result of several Senators who were willing and determined to find a way to get this done. So I thank Senator CORKER, I thank Senator HOEVEN, and I thank Senator MCCAIN and the other Republican Members of the Gang of 8 for getting us here. This is how the Senate should work—a process that leads to principled compromise.

On the border security amendment, some opponents of fixing our broken immigration system continue to say our bill doesn't do enough to secure the border. No reasonable person could look at this legislation and arrive at that conclusion: nearly $50 billion in additional spending at the border, 700 miles of fencing at the border; we double the number of border agents on the southern border of the United States; we go from roughly 22,000 to 44,000 border agents. Those numbers are directionally right. We double them. More money and Federal resources are devoted to securing our border than on all other law enforcement that the Federal Government undertakes, and now we are doubling it.

You might be critical and say, Well, you shouldn't spend that money, although, as I mentioned earlier, this bill results in deficit reduction of almost $1 trillion over 20 years. I could see how somebody might stand up and be critical about that. I can't see how somebody could seriously maintain this bill does not secure our border.

We call for an array of new technologies and resources at our border sectors to ensure 100-percent surveillance and rapid interdiction of threats and potential illegal crossings.

E-Verify is required to be used by every employer in the United States, so we don't end up the way we did the last time—with a broken system, where small businesses either became the INS or were given fake documents and people came here where there were jobs—illegally, not legally. This internal enforcement mechanism will allow us to make sure small businesses know who they are hiring, and we are turning away people who are here unlawfully and shouldn't work here in the United States of America.

This is the greatest country in the world. But 40 percent of the people who are here who are undocumented came lawfully to the United States, overstayed their visas, and it is the consequence of our having a system to check people on the way in but never checks them on the way out or whether they left at all. This bill fixes that problem with a complete entry-exit system, with improved biographic and biometric tracking of those who come into and leave our borders. It is about time for us to begin to apply 21st century technology to this broken immigration system we have.

There are many economic reasons why we should support this bipartisan legislation. We know it will help businesses, we know it will boost our economy, we know we are securing our borders. If people don't believe me on this, I hope they will listen to Senator JOHN MCCAIN and Senator JEFF FLAKE, who are the two Republican border Senators—Senators from a border State—who took me and others down there to see what the border actually looked like, who support this legislation, who have to go home to Arizona and be able to defend this legislation by saying it secures the borders of the United States of America. They know what they are talking about.

We also can't lose sight of what this bill means for families who are suffering under the current system. Here is one story from a bright young woman in Boulder, CO, who I had the fortunate pleasure to meet, Ana Karina Casas Ibarra. I first met Ana at a bagel shop in Boulder where my staff and I stopped in for a bite to eat. She waited on us and recognized me. When my staff overheard her explaining the dynamics of the 112th Congress, they suggested she apply for an internship in my office. She was an awesome intern. We had the opportunity to learn more about her story.

Fourteen years ago, her mother brought her and her two younger brothers to the United States to escape an abusive marriage. Her mom had consistently juggled two or three jobs to support them. Although Ana was a good student, an old Colorado law denied her in-State tuition. She had to work to pay for community college a few semesters at a time. Her brothers, who saw her opportunity denied, lost their motivation. One brother who speaks better English than Spanish was deported, and the other brother who has an American citizen wife and a baby is facing possible deportation right now. She just published her story in the Denver Post. She wrote:

> Too many families share similar horror stories of separation. There are 11 million people who have entered this country illegally, and the time is now to provide them with a path to citizenship.
>
> It is time for immigration reform.

I ask unanimous consent to have printed in the RECORD a copy of the Denver Post op-ed.

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

[From the Denver Post, June 23, 2013]

MY FAMILY NEEDS IMMIGRATION REFORM, SEN. BENNET

(By Ana Karina Casas Ibarra)

In 2012, I was working at a bagel shop in Boulder when Sen. Michael Bennet walked in. I immediately recognized him, handed him his bagel, and said, ''Here's your bagel,

senator.'' I didn't know then that this small interaction would change my life.

After the senator left the shop, I approached my co-workers, confused that they hadn't recognized him. Some knew that Jared Polis was our district's representative, but they didn't know Bennet. I explained to them the difference between the House and the Senate, and that Bennet was our representative, too.

Members of his staff overheard this conversation, and encouraged me to apply for an internship in the senator's office.

That fall, I interned for Sen. Bennet in Denver. I got the chance to talk with the senator, meet his constituents and witness how his staff solves problems for Coloradans. The experience was eye-opening and educational, deepening my interest in government and my belief in American democracy.

That belief has shaped my life. Fourteen years ago, when I was only 12, my mother brought my little brothers and me to the United States, crossing the border from Mexico to escape her abusive husband. Through the years, my mom has consistently juggled two or three jobs to support us.

I worked hard in school, earning good grades so I could get into a top college. But several anti-immigrant laws were passed in Colorado in 2006, including one that cut off in-state college tuition for undocumented students. Despite my good grades, I ended up applying to the Community College of Denver, the only school I could afford to attend. I alternated between going to college and taking semesters off to work and slowly save up for more classes.

My brothers' lives have been dramatically different from mine. They saw me work hard in high school only to be cut off from the opportunities I had earned. They watched me do other people's laundry, clean bathrooms and make sandwiches just to put myself through community college. They saw that same future for themselves and they lost the motivation to finish high school.

Luis, my middle brother, became depressed, refusing to eat, talk to anyone or go to school. I lived in fear that he might take his own life. Instead, in 2009, he was arrested and deported. I watched, powerless, as my family was torn apart. Luis, who lived the majority of his life in the U.S., who speaks better English than Spanish and whose family and friends all live here, is now alone in Mexico, the country our mother fled when he was just a boy.

Luis' deportation was a nightmare for my family. The feelings of pain, frustration and helplessness left permanent scars. Now my family's nightmare is happening again. My youngest brother was arrested last August when he was sitting in a parked car without a drivers' license. Our family—including my brother's wife, a U.S. citizen, and their baby girl—now waits in fear for his upcoming deportation hearing, terrified that our family will be torn apart once again.

The diverging paths of my life and my brothers' illustrate the precarious balance we have experienced. As difficult as it has been for me to work my way through high school and college, it is far too easy to get caught up in deportation proceedings as my brothers have. Too many families share similar horror stories of separation. There are 11 million people who have entered this country illegally, and the time is now to provide them with a path to citizenship.

It's time for immigration reform. I hope Sen. Bennet remembers me and my family's story when he works with the ''Gang of 8'' in Congress to draft a comprehensive immigration bill. As a former intern, a constituent and the sister of immigrants caught in our broken immigration system, I urge Sen. Bennet and his colleagues to create a path to citizenship for people like me.

My life was changed forever when my senator walked into that bagel shop. Now Sen. Bennet has the power to change the lives of families across the United States by championing fair, humane immigration reform that keeps families together and creates opportunities for all those immigrants seeking the American dream.

Mr. BENNET. I just wish to say, again, how proud I am of the work Senator CORKER and Senator HOEVEN have done to get us to this point. I hope we will come to an agreement on some amendments between now and the end or that we will just take up this bill.

It is time for us to pass it. It is time for us to fix this problem for our economy and for the families all across this country. I believe we can do it, and I think it is an opportunity for this Senate to show it can work in a bipartisan way that produces a meaningful piece of legislation that is very important to the American people.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I don't want to interrupt the flow of the proceedings, but I ask that my statement be made as if in morning business.

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

STUDENT LOAN RATES

Mr. PRYOR. Mr. President, in the next few short days, on July 1, the interest rate for subsidized Stafford loans are set to double. The problem is that with the subsidized Stafford loans, we are talking about students who tend to be lower income. Many of these students are first-generation college students, and they tend to be people who work the hardest to get what they have. They tend to not have very much money or resources and not very many connections. They don't have a lot of advantages.

We have had several people from around the State of Arkansas e-mail or write my office. One of those who wrote to me is Donovan. He is a father who works construction to support his kids. He has two kids in college, one in the Marines, and one about to graduate from high school. He cannot afford to pay his living expenses for himself and his family and their education without the help of student loans.

Kim is another. She is a first-generation college graduate who is working to pay off $85,000 in student loan debts. As she is paying that down, she doesn't have the money to save for her own children's education.

Brandon is another story. Brandon goes to Southern Arkansas University. He is working hard to afford his education and pay for it, but he is struggling with the high cost of tuition, room and board, and books. He is worried he is not going to be able to afford college if the interest rate goes up.

Last year the Senate and the Congress generally passed a provision to keep the interest rate of the subsidized Stafford loan at 3.4 percent. I think that is the right policy. I think we want Americans to further their education. I think it obviously helps their personal enrichment, it helps their family, their community, and helps our country to keep us competitive in this global economy.

Again, we are about to see a jump to 6.8 percent. The reason I am so concerned about it is that in my small State of Arkansas, there are 68,000 low-income and middle-income Arkansas students who rely on these loans.

Unfortunately, what has happened in the Congress and in the Senate is that we had two votes a couple weeks ago, both of which failed. What we see now is a lot of finger-pointing, a lot of press releases and press conferences. But this is an area where we should find a bipartisan solution. This is a classic case that if we work together, we can work it out. In the last few weeks, I have seen Senators come together and work out difficult problems. Surely we can work through this and work it out.

The House says it has a permanent fix. I disagree with that being a permanent fix. If we look at it, it doesn't compare well to the plan we voted down in the Senate a couple weeks ago. The Democratic plan in the Senate has a 3.4-percent flat interest rate. Their interest rate is market based, and it rides the 10-year Treasury. We have to go through the calculation on how they do it, but basically we all know that interest rates are not going down. Interest rates are not staying the same. Interest rates are going up, and everybody knows that.

When we start tying these things to interest rates—did we not learn anything in the housing crisis? If we get people on the adjustable rate mortgages, what happens? It sounds good on the front end, but then they can't pay. The same thing will happen with student loans. They would get them on the lower rate on the front end, and that will go up over time.

The House Republican plan actually lets a borrower change that rate on that loan every year. So they don't lock in once for 10 or 20 years, they would lock in one year at a time and then ride that interest rate annually. It is very problematic.

By the way, I disagree with President Obama. I think he happens to be wrong, and I think we need to find a bipartisan solution.

I have a couple of charts where we talk about this. This is the House Republican plan and these are the costs. The House Republican plan goes up. Basically, the interest rate payments will be almost $8,500. If we extend the current rate, it is $3,500-ish. If they don't do anything and double the current rate, it is $7,400, and that is real money. The difference here is that this is real money for folks who tend to start out with a lower income and don't have a lot of opportunity.

We can see what the so-called permanent fix does. It basically fixes it for higher payments over time, which means we are going to have fewer people who can plan to go to college as

well as fewer people who are able to go to college. We are going to have a higher default rate, which means more people don't pay back, which just creates more problems as we go. It will also hurt their spending power and again our competitiveness.

I supported the Democratic plan, but again I think there is merit in some of what the Republicans offered. I just hope this is a time when we can find a long-term solution, where we can come together and work it out. Students shouldn't be punished because of Congress's inability to work together.

Now is the time to come together. We need to come together for Donovan, Kim, Brandon—the three Arkansans I talked about—and for millions of students across the country. I know we can fix this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I wish to thank the Senator from Arkansas for his comments. I wish to speak to the amendment and the overall bill that is before us.

I thank the eight Senators who have brought us to this point where we are looking at landmark legislation. I thank all who were involved last night who went through the hurdle of putting in place the strongest border security plan anyone could have imagined.

I don't think anybody can now look at this immigration bill and say we are not doing what the majority of Americans want to see happen; that is, to secure the borders. I thank all involved in making that happen. I know over the last several days that has consumed our discussion—talking about the border being secure. Border security is something I know people in Tennessee and folks all across this country care about.

Again, I appreciate all the contributions that have been made. I thank those who were involved last night in a very strong bipartisan cloture vote. Hopefully, we will have the vote on the amendment soon. I understand there are negotiations underway to add as many as 20 or 30 more amendment opportunities for folks. I hope people will try to narrow down their list.

I cannot imagine how more amendments which can improve the bill is not something we all want to do. I wish to thank those working toward that end. We have plenty of time left this week to deal with a number of important amendments. Candidly, many of them, in my opinion, would make the bill stronger.

Today I wish to speak to two things. No. 1, we talked about security. I, as a Senator, in the 6½ years I have been here, have never had the opportunity to be a part of a piece of legislation that—if passed in both Houses and the President signs it, it becomes law—will immediately affect in a positive way 11 million citizens who are in the shadows today. In many ways, they are already part of our society and will now be able to come out and be even more productive for the United States of America. I am thrilled to have that opportunity.

It now appears this amendment is going to pass, and we will have the opportunity to have a balanced immigration bill. I think the American people are compassionate. I think if they understand that we have done what we can to keep this problem from occurring again in the future and if the people who came here in the way that they came are at the back of the line and have to do those things that are necessary to overcome that before they get their green card and then become citizens, I believe this is a bill that overwhelmingly will be supported by the American people. It gives every single one of us an opportunity to be a part of landmark legislation that immediately is going to affect 11 million people who now are in our country and many more people who come thereafter.

To move away from the human side—and I know we are going to have some budget points of order later—I wish to speak to the economic side, which is a side we have not talked about much.

Another first for me in the Senate is to vote for a bill that, if it passes, is going to bring $157 billion into the Treasury without raising anybody's taxes. Never have I had that opportunity. That is what we will be doing if we pass this legislation with the border security amendment that is now in place.

Over the next 10 years, CBO scores show that we are going to have $157 billion come into the Treasury without raising anybody's taxes because of the fact we are going to have people coming in out of the shadows. Over the next decade, CBO projects we are going to have over $700 billion coming into the Treasury.

I know the Presiding Officer has worked on deficit reduction. This will be the first opportunity we have had to do something such as this that in no way affects people negatively but causes us to have much more in the way of resources. We will have resources coming into the Treasury, lowering deficits, and, candidly, helping seniors who are concerned about whether we are going to be able to maintain momentum with many of the entitlement programs we have today.

CBO has actually scored something else. If this bill passes, real GDP growth is going to be at 3.3 percent over the first decade and 5.4 percent at the end of the second decade. Again, this bill is something that generates economic growth. While both sides of the aisle talked greatly about economic growth, I have to say that my side of the aisle tends to focus more time on that issue, and I applaud that. I think it is very important. I think it is a situation where a rising tide raises all boats, households do even better, and the standard of living increases. What this bill, if passed, is going to do is cause our GDP growth to be even higher over the next two decades.

I know people have talked a little bit about wages. In fairness, there is a study that does say that over the next decade there might be one-tenth of 1 percent effect on wages. What it says is that by the end of the second decade, wage increases are going to grow even more dramatically than they would without this bill.

Productivity is going to increase. CBO has recently scored that productivity is going to be much higher if we pass this piece of legislation. If people come out of the shadows, become more productive citizens, it actually causes us to produce even more goods and services in this Nation.

I think everyone understands that because the people who will be affected by this—the 11 million undocumented workers and people who are in this country—will be paying into the system for 10 years, at a minimum, and will not be allowed to participate in Social Security and Medicare. What they are doing is actually giving additional life to both of those programs—programs that seniors around this country depend on tremendously.

To digress, I know yesterday CBO said that if this amendment we are debating passes, it will have a tremendous impact on lessening the amount of illegal immigration we have in our country, which is something I know almost every American wants to see.

I know there will be some budget points of order. In my life as a Senator, I spent a lot of time on deficit reduction. As a matter of fact, I would put the efforts we have made in my office against almost anybody here. Over the last 6½ years, we have been focused on deficit reduction.

As I said, I have never in my life had an opportunity such as this as a Senator. If we pass this piece of legislation, by sheer force of what is going to happen out in the marketplace and what is going to happen by bringing people in out of the shadows so they can participate in a different way and without raising anybody's taxes—as a matter of fact, maybe it gives them an opportunity to lower people's taxes down the road—we are going to lower our deficit.

I know there will be budget points of order. I plan to vote to override those because I don't think the off-budget items are being counted in the way they should. I think all of us understand that Medicare and Social Security are in distress. Those programs are not being counted in what is going to be discussed later today with these points of order.

I encourage everyone to override these points of order, taking into account the benefits this is going to have on the off-budget items. By the way, typically when we are dealing with these ''off-budget items,'' we are actually dealing with them in the reverse, and that is that people are not taking into account the negativity that is going to impact them. In this case, there is actually a positive result.

So from a human standpoint, this is the right thing to do. From a border security standpoint, this is the right thing to do. From a deficit-reducing standpoint, this is the right thing to do. And for raising the standard of living for all Americans through economic growth, this is the right thing to do.

I thank the Chair for the time, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

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, I think we should get a little perspective, at least as I see it, on the Corker-Hoeven-Schumer substitute that was voted on earlier, and we will vote on again. I think this is what happened.

It became clear last week that the Gang of 8 bill was nowhere close to doing what it promised to do on enforcement. The flaws were too dramatic to hide and the CBO found it would only reduce illegal immigration by 25 percent after they had promised dramatic changes in it. And I pointed out that it had holes all through it, like Swiss cheese, and the CBO essentially confirmed that.

The bill was in trouble. Support for the gang's proposal began to fall, and the mood changed from over confidence among the supporters to even panic. The gang knew action had to be taken or things could be lost, so they got—they went to Senators CORKER and HOEVEN with this idea that they would just add 20,000 Border Patrol agents to our current agents on the border and 700 miles of fencing. Both of those projects they had steadfastly rejected, even rejecting the Cornyn amendment to add 5,000 agents. One of the Members of the Senate said it was dumb to do any fencing, and they opposed the fence.

Well, these provisions of new enforcement were contrary to what the supporters had been saying for weeks. They promised America their bill was the toughest ever, driving those messages into homes all over America with TV advertisements; with Senator RUBIO; big business; Mr. Zucherberg pretending he is a conservative advocate; running ads telling us all what we ought to know and do about this bill. The goal, I have to say, was to provide some sort of cover to get wavering Democrats and Republicans to sign on to this new bill that is going to add 20,000 agents.

Well, why would they be willing to make such a dramatic, unceremonious retreat on a position they had taken for months? First, they were desperate. Something needed to be done. Secondly, they know that the promises made in this substitute bill to build fences and to add 20,000 agents will never occur. It is not going to happen. So they are really not worried about that. It is a kabuki dance, a bob-and-weave, a rope-a-dope. Everybody in the Senate knows how this process is working. The staff know it, and I think probably most of the media understand it.

These promised actions are not going to happen in the future. The interests who push this bill have never wanted to end the illegality. I have been fighting on this for years. Every time we get close to fixing E-Verify, every time we get—in fact, we had debates, and I had to hold up bills to keep E-Verify from expiring. Forces were out there trying to kill E-Verify for years, and I held up legislation to insist that at least we keep it alive. We weren't able to strengthen it, which it needed desperately. That is the workplace situation, E-Verify is, where when a person applies for a job they run a quick computer check on a person's Social Security number to determine whether they have a lawful Social Security number. It identifies a lot of people who are illegally here and should not be taking jobs. So those forces have never wanted a lawful system, and they objected to things that occurred.

So their interests and the interests of those who met in secret to cobble this bill together have always favored more immigration, legal immigration, and it seems to me quite a bit of indifference to illegal. These are the forces that have voiced support for but blocked the creation of real border security fencing over the years.

They have voiced support for E-Verify with a blocked extension of it and strengthening of it. They have voiced support for an entry-exit visa system that works in all land, sea, and airports; indeed, we have passed bills to do that—biometric land, sea, and airports. This bill reduces that requirement through just entry-exit visa systems at air and seaports and not on land, and it is not biometric. That is a critical difference because now 40 percent of the people here illegally come on visas and overstay, and we have no idea who is leaving the country. We clock them in on entry, but we don't clock them out when they leave. So we don't know if anybody has overstayed.

That is the situation we are in. I see my friend, Senator VITTER, and I want him to have time to talk. I know he is due to be talking now. I would say one more thing as he prepares to deliver his remarks.

We were promised, when the bill passed, that the economy would be better, wages would improve, and GDP would be up, and unemployment wouldn't be adversely affected. The CBO report said unemployment will go up, and I have a chart they put out in their own report showing that. They say wages will go down over the next decade, and they say unemployment will go up. They say gross domestic product will increase some as a result of the situation of more people, but per capita, per person, GDP declines for 21 years.

So we need to know—at this time of high unemployment, slow growth, low-wage growth, we need to be very cautious about allowing millions of new workers to enter this economy at this time. We want to have immigration, but we want to have it at a rate that serves the national interests and increasing it dramatically is not appropriate.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that at 11:30 a.m. Wednesday, June 26, all postcloture time on the Leahy amendment No. 1183, as modified, be considered expired; that the pending amendment No. 1551 be withdrawn; that if a budget point of order is raised against the Leahy amendment No. 1183, as modified, during its consideration, and the applicable motion to waive is made, that at 11:30 a.m., the Senate then proceed to vote on the motion to waive the budget point of order; that if the point of order is waived, the Senate proceed to vote on the Leahy amendment No. 1183, as modified; that upon the disposition of the Leahy amendment, the Senate proceed to the vote on the motion to invoke cloture on the committee-reported substitute, as amended; that if cloture is invoked, it be considered as if cloture had been invoked at 1 a.m., Wednesday, June 26; and, finally, that the majority leader be recognized following the cloture vote, if cloture is invoked.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

Mr. VITTER. Mr. President, related to that unanimous consent agreement, I wish to make a budget point of order, which I will do in just a second. But I also ask unanimous consent that after I make the point of order and after the Senator from Vermont moves to waive it, I be recognized for up to 12 minutes to explain my budget point of order.

Mr. LEAHY. I have no objection.

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

Mr. VITTER. Mr. President, the pending measure, S. 744, as reported by the Judiciary Committee, would violate the Senate pay-go rule and increase the deficit.

Therefore, I raise a point of order against that measure pursuant to section 201(a) of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, the waiver provisions of applicable budget resolutions, and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to

waive all applicable sections of those acts and applicable budget resolutions for purposes of the pending bill and amendments, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The Senator from Louisiana.

Mr. VITTER. Mr. President, let me now talk briefly about my budget point of order. I made one specific budget point of order, perhaps the most serious, which is that this bill, as it came out of committee, increases the deficit, pure and simple—the thing we constantly rail against, the thing we constantly promise we will not do any more of. It increases the deficit.

However, that is not the only budget point of order. There are at least 11 budget points of order against this bill—the Senate pay-go point of order, which I just explained.

In addition, there is new direct spending authorized by the bill that would exceed the Judiciary Committee's authorization levels for a 5-year period. In addition, there is new direct spending exceeding those authorization levels for the 10-year period.

There are four points of order pursuant to section 403(e)(1) that lie against the emergency designations in the bill.

We say we are for budget discipline. The problem is that whenever we want to bust the caps, bust the numbers, we just call certain spending an emergency. This is clearly not emergency spending. This is an important problem, but it is not an unexpected emergency, such as a natural disaster or an attack by a foreign government. There are also four similar emergency designations made under section 4(g)(3) of the Statutory PAYGO Act of 2010.

So, again, there are at least 11 separate, distinct budget points of order that lie against the bill. That is a big deal, particularly when we are running record deficits and have record debt, particularly when all of us from both sides of the aisle have come to the floor regularly and said: This is a huge challenge, and we are doing something about it.

We are going to pass a bill that breaks those rules, that busts those caps, 11 different ways.

Technically, my budget points of order that I just enumerated are about the underlying bill, but most of these also apply to the Corker-Hoeven substitute—the Leahy substitute incorporating the Corker-Hoeven language. So they have the same budget problems, the same fundamental problems under that version.

This is very simple. It is about, are we serious in reining in deficits and debt or not? Are we serious or not?

There is a bit of good news. In the last several months, say, since September of last year, this body has raised this same sort of budget point of order seven different times—seven different times—saying that important bills bust the caps, increase the deficit, claim spending is an emergency when it is not. And seven different times since last September, we sustained those budget points of order. We as a body said: You are right. We should not do that. We should get serious about spending.

Seven times, by the way, on my side of the aisle virtually everyone supported that budget point of order, and we did that in many cases where it was difficult politically to do it—when veterans' benefits were at issue, when other important matters, such as Hurricane Sandy relief, were at issue. So we have shown some amount of discipline through these budget points of order seven out of seven times since September. The question now is, Are we going to do it again or are we going to cave?

Now, this pay-go point of order is perhaps the most serious because it is about increasing the deficit. That is what the point of order is about—actually increasing the deficit over the next 10 years.

We have to stop violating this rule if we are serious about deficit and debt. Pay-go originally banned counting Social Security revenues to mask the deficit. Spending in this bill is offset by $211 billion in Social Security revenue. So once again we are going to rob Social Security to claim we are moving toward balancing the budget.

We need to get serious on all of these budget issues. We need to maintain the record we have had here in the Senate since September. We need to sustain this important budget point of order when we vote tomorrow.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I support Senator VITTER's motion. There are multiple points of order that could be raised against this legislation. They have declared a number of the spending programs emergencies; if you designate an appropriation as an emergency, it does not count against the budget, but it is real spending all the same.

Normally, we would expect that border enforcement and hiring of officers would not be an emergency; neither would other aspects of what we are doing here be considered an emergency.

We were told by the sponsors of the legislation repeatedly that this bill will be paid for and it will be paid for by fees and fines contributed by those who are here illegally as part of their payment to get citizenship and legal status. Well, that comes nowhere close to funding the legislation.

This chart I have in the Chamber gives us some—I will get to it in a second. But this chart gives an indication of where we stand with regard to budget implications of the legislation.

So the fines and penalties and fees that are a part of this maybe bring in $6 or $7 billion. They said there was enough to pay for the bill. The bill originally started out at $6 billion, then it went to $8 billion, and then, with the Corker-Hoeven amendment, it jumped to $46 billion. There are no additional fees on the illegal aliens.

When they met with the support group, the Gang of 8 met with the real group who has been driving the bill—this coalition of special interests.

They went to them and said: We need to raise some more money.

And they said: Well, you cannot put any more fines on the people here illegally.

So they said: Yes, ma'am. We will not put any more fines on them. We will put more fees on legal immigrants in the future.

So they raised fees on legal immigrants but did not raise fees on the people who are here illegally who originally they said were going to pay for the entire bill. So that is important for us to fully understand. The money is simply not there.

I will note parenthetically that the 2007 immigration bill—that was on the floor and we debated and eventually failed—that bill would have raised as much as $8,000 per illegal individual. This bill only raises $2,000, and it is to be paid over 10 years. This is not a burdensome payment if you are going to say they pay a fine—as the sponsors of the legislation did—to become permanent residents and put them on a path to citizenship. So it is about $17 a month. I calculated it out roughly. That is not a big fine. You are allowed to work. You get a Social Security card, an ability to apply for any job in America on an equal status with anybody else who has been unemployed and looking for work, their children looking for work and need a job. Somebody who was just a few days before illegally here now has full power under this legislation, if it were passed, to take that job. So the idea that $17 a month is somehow going to be breaking the bank is not accurate.

The problem fundamentally with this situation is that it double counts billions of dollars. We need to understand how this process works, this double counting. It was part of the 2,000-plus page ObamaCare health care legislation. This thing is over a thousand pages—1,200 pages—and things get lost in it. What is lost fundamentally in it—and the supporters of it ought to be more candid about this—is that to make their argument that the bill is going to bring in more money than goes out, they have to double count Social Security and Medicare money. They just do. Senator CORKER has made that argument. Basically, we have this money coming in.

In one of the conventions of accounting that our budget team uses—the

Congressional Budget Office—it calculates all the money coming into the government, all the money going out of the government, regardless of whether or not there is a trust fund.

Another form of accounting accounts for the trust funds and accounts for general revenue. General revenue is on-budget. Off-budget is the Social Security trust fund and some other funds.

So look at this chart. I think it gives a picture of where we are. This is the true cost of this immigration bill. I am the ranking Republican on the Budget Committee. We wrestle with these numbers all the time. Under this, they claim they have a unified budget surplus of $197 billion. That is the accounting method where all the money coming in is counted against all the money going out. But if you remove the Social Security surplus, that is $211 billion. If you remove the Medicare surplus, that is $56 billion, showing, instead of having a surplus, we have a $70 billion deficit.

You say: Well, CBO said different.

No, CBO did not. CBO, in its report, explicitly shows that the on-budget accounting is negative, that it adds to the debt. It counts a surplus in Medicare and Social Security. Now, how could they do that? Well, these individuals—many of them do not have a Social Security Number and are not paying Social Security and Medicare taxes—the withholding of FICA on our paychecks. They are not paying that. Once legalized, they will pay that. There will be new money coming into the Treasury.

These sponsors of the bill, so desperate to promote their bill and say it is paid for, say that Social Security payment, that FICA payment, is now available for them to spend over here on all the things they want to spend the money on; therefore, it has created a surplus. But it ignores something very important: that each one of those individuals who have paid into Medicare, paid into Social Security, are going to draw out Medicare and Social Security. It is their money. It is their retirement money. You cannot put the money up for their retirement and spend it the same day and expect it to be there.

This is how this country is going broke. This is how they handled President Obama's ObamaCare. They double counted the money. Well, you say that is not accurate. Let me read the letter I got from the Congressional Budget Office Director the night before we voted, December 23. I voted against it. The ObamaCare legislation passed on Christmas Eve. They finally got the 60th vote before Senator Brown from Massachusetts could be installed. This is what the CBO said at the time:

> [T]he savings to the [Medicare] trust fund under PPACA—

That is the ObamaCare—

> would be received by the government only once, so they cannot be set aside to pay for future Medicare spending and, at the same time, pay for current spending on other parts of the legislation. . . . To describe the full amount of [Medicare] trust fund savings as both improving the government's ability to pay future Medicare benefits and financing new spending outside of Medicare would essentially double-count a large share of those savings and thus overstate the improvement in the government's fiscal position.

If that were a private business that sent out a solicitation to buy its stock and they said, we are on a good basis, we are making so much profit—and they are counting as their profit the money going into their employees' pension plan—I think they would be in big trouble, do you not? Because it is not their money, it is money committed to the employees' pension. You cannot claim it as profit and say, invest in my company, I am making a big profit, counting the money that is in the employees' retirement money.

Well, this is what we have been doing. The Senator from South Carolina used to say: We have been raiding trust funds. If we were in private business, we would be in jail. I think there is too much truth to that, frankly. So this is undisputedly real.

But because there is a score, a unified budget score, the method that says all money comes in and all money goes out, you have a surplus, you can count this as a surplus. Why is that? Well, because most of the people who will be legalized under this bill, those individuals are in a situation where they are younger, maybe 35. So they will pay into Medicare for a number of years, and Medicare for a number of years will see a surplus in their account.

But after they reach retirement age and start retiring, the money is going to be drawn out. In fact, right now the amount of money paid into Social Security and Medicare by American workers is not enough to cover the cost of their retirement. That is why both of those accounts are in serious trouble. We have got to do something about it. We need to be making it stronger, not weaker. This makes it weaker. You are taking the money that should have been going to fund the retirement accounts of the people who were previously illegal who are now legal and spending it on something else.

Senator VITTER is exactly right, there are multiple bases for making a budget point of order against this bill. I believe the motion to waive the budget point of order was a motion to waive all of them, so this will be the only one we will get to vote on. So there are others who could have been raised also.

So what about this argument that wages are supposed to be improved by the bill? We were told that and told that repeatedly. This is what the CBO report says, ''CBO estimates that S. 744 would cause the unemployment rate to increase slightly between 2014 and 2020.'' So this is a fact. So at a time of high unemployment, lower wages, we are passing legislation that will increase unemployment, make more people unable to find work.

This is a chart that was in the CBO report, not my chart. I did not make this chart; it is in their report. It points out the average wage would be lower than under current law over the first dozen years. So we are asked to vote for a bill that CBO says would make the average wage of American working people lower for a dozen years.

I do not see how that is rational, frankly. We have seen since 1999 the wages of American workers have been decreasing as compared to the inflation index. The amount of money they are making is falling compared to inflation. That is a tragic thing. It has been continuous. I thought it might be temporary, but it has been continuing steadily.

One expert, Professor Borjas at Harvard, attributed 40 percent of that to immigration already. This bill will dramatically increase the flow of immigration. So I am worried. This is a chart that has down here 2021, 2023, before it hits the line back where it was. Then you say, well, then it is improving. Not so. Not so. If the bill had not been passed, we would have had some increase all along. The lines would have been much higher. I do not know how many years it would take for this ever to get back to where it would have been if the bill did not pass.

That is what the CBO says. It is not that inconsistent with common sense, that at a time of high unemployment and you bring in millions of workers, it is going to pull down wages. If you bring more coal into America, you bring more iron into America, more cotton into America, the price of those products falls. It is supply and demand. You bring more labor in, you are going to have a lower wage rate, which David Frum has written is what the bill was designed for to begin with, pull down wages.

We need to think about this. I dispute this idea that there is no impact on wages by this immigration law. This is what will happen in the next 10 years: We are going to legalize 11 million people. About half of those are not working effectively in the real job force; maybe they are doing part-time work; maybe their family is taking care of them; maybe they are working in a restaurant or lawn care companies off the books. All of a sudden they are going to be given legal status. They will be able to apply for any job: truck-drivers, forklift operators, coal miners, steelworkers, work for the county commission, city council, State of Alabama. They can apply for all of those jobs. So you are going to see a large increase in the supply of labor available for jobs for which they were not eligible previously.

Second, what about the normal legal flow? We now admit about 1 million people a year into America. That is the most generous admission rate of any Nation in the world. It is pretty significant, very significant. We have been absorbing that. I think we can continue at that rate. However, this bill, in addition to the 1 million I just mentioned, will increase by at least 50 percent the number of immigrants who

come into the country every year hereafter, which is pretty significant.

In addition, there is another 4.5 million who are waiting to come into America. They have been tentatively approved, but there are limits on how many can come each year. So they are waiting their time. They call it a ''backlog.'' They are just waiting their time. That is 4.5 million. They have been accelerated.

Let's think this through. Under the current law, we were on track to admit 10 million people as immigrants into America. By immigrants, I mean people who want to stay here, get legal permanent residence and become citizens. We are on track for 10 million if you follow current law.

Under this bill, we will admit, over the next 10 years to lawful status in America, the 15 million I mentioned, the 11 million plus the 4.5. Then we are going to increase by 50 percent the annual admission rate from 1 million to 1.5, meaning 15 million over 10, which means 30 million. So the number of people who will be given permanent legal status in America over the next 10 years will be 30 million, not 10 if the law had been properly applied.

There is another category. Those are people we refer to generally as guest workers. Guest workers come not to become immigrants, not to stay in the country permanently, but come to work in an area where they can find a job. It is supposed to be in an area where there are not workers to do the work. That is the theory, at least. How will that be impacted by this new legislation? It is going to be double. So the number of guest workers, which is very large now, is going to double under this legislation.

I would say, first of all, it is common sense that the average wage is going to fall. It is common sense that unemployment will go up. It is common sense that it is going to be harder for Americans in this time of high unemployment and falling wages to get a decent job with health care and retirement benefits. It just is.

People can spin and they can quote Grover Norquist and those kinds of things to say otherwise, but Professor Borjas at Harvard says differently, a Federal Reserve economist in Atlanta says differently, the U.S. Commission on Civil Rights said they had hearings and every witness acknowledged it would be bad for American workers, particularly lower income workers, particularly for African-American and Hispanic workers who are already here. They will get hammered the most under this dramatic increase in workers.

They say it will increase GNP. Well, it will. You legalize 30 million, you are going to have a larger economy and it will be bigger. But the question is, per person, per capita, will America's productivity increase? Will our GDP increase?

Well, what did CBO find? This is their chart. It shows that it dropped. This is the baseline today. If we pass the bill, the per-capita GNP of the United States of America of each citizen drops. That does not make us wealthier as a Nation, as a person. So what if the economy grows a little bit but everyone has less because you have got more people? That is what they say: S. 744 would reduce per capita by 0.7 percent in 2023. That is 2023. This is about 16 years they chart that it will be lower than it would have been if the bill never passes.

So why would we want to pass legislation that clearly reduces the per capita wealth of America, our growth of GNP? I do not think that makes good sense. I am concerned about it. Nobody wants to talk about it, they just want to pretend there is no limit to the number of workers who can be brought in and that that will not have a societal impact on America.

Let's take a look at a few things here. This is the Washington Post from 2 weeks ago when we got the job report dealing with the jobs for the month of May. It was considered to be fairly positive. It was about our normal average increase during the recovery period from the recession. But it is still not much. Not so good.

Unemployment went up, even though we created, they said, 175,000 jobs. That sounded good. We created 175,000. But you have to create about that many jobs each month to stay level, because we have more people coming into the workforce each month.

Look at what they said in the article:

> The bulk of the job gains in May were in the service industry, which added about 57,000 jobs last month. Still, roughly half of those were temporary positions, suggesting that businesses remain uncertain of consumer demand.

They go on to note:

> Missing from the picture were production jobs in industries such as construction and manufacturing. . . . Meanwhile, manufacturing shed 8,000 workers. . . .

Manufacturing jobs went down by 8,000. The increase was in service industries. The increase in half of those were part-time or temporary, not full-time, permanent jobs.

Anybody who says we are in great shape with regard to job creation is not telling the truth.

An article in today's Wall Street Journal, ''Some Unemployed Keep Losing Ground,'' states that ''nearly 12 million Americans were unemployed in May, down from a peak of more than 15 million. . . . ''

At one point a few years ago, we had 15 million Americans working. We now have 12 million Americans working.

The percentage of Americans in the workforce continues to fall. It is the lowest since the 1970s when women were entering the workforce. That is why the percentage went up, but now we are down to that level again. People are not finding work.

The idea that we can bring in millions of workers well above the current rate and that this is somehow going to create jobs is hard for me to accept. The article states:

> ''At 175,000 jobs per month, we're years away,'' said Adam Looney, a Brookings economist, from where we need to be in unemployment rate. The real reason is economic growth has not increased much.

It goes on to cite some very sad numbers that show the danger for people who have been unemployed for longer periods of time. It does appear, unfortunately, that somebody who is older or somebody who has not found a job for quite a number of months finds it even harder to find a job in the future. This is the Wall Street Journal, and they support immigration aggressively, but this is their story. The article talked about Mr. Ken Gray.

> Ken Gray has experienced that frustration firsthand. In January of 2011, Mr. Gray's wife died after a battle with ovarian cancer; three months later, he was laid off from his job as an account manager at AT&T, where he had worked for more than 20 years. Still grieving from the loss of his wife, Mr. Gray says he was slow to turn his full attention to his job search. By the time he did, the Chicago resident was long-term unemployed, and he has struggled to get prospective employers even to respond to his applications.
>
> ''You just feel so discouraged,'' Mr. Gray said. ''You ask yourself what's the sense of sending a resume if you don't hear anything.''
>
> Now 59 years old, Mr. Gray been living off his dwindling savings since his unemployment benefits expired last year. He says he remains determined to find work. But long-term job seekers are twice as likely to leave the labor market as to find jobs, and many experts worry that many of them will never return to work. That could create a class of permanently unemployed workers and leave lasting scars on the economy.
>
> ''Once people reach a point where they no longer consider themselves employable . . . it is very difficult to pull them back,'' says Joe Carbone, president of WorkPlace, a Connecticut workforce-development agency. . . . ''We are losing thousands of people a day. This is like an epidemic.''

I don't think we can pretend this isn't reality. I think the CBO numbers probably understate the problem. Professor Borjas' studies would indicate that and others would indicate that.

Another example is from the New York Times, May 20, 1 month ago, written by Jessica Glazer:

> The men began arriving last Wednesday, first a trickle, then dozens. By Friday there were hundreds of them, along with a few women.
>
> They set up their tents and mattresses on the sidewalk in Long Island City, Queens, unpacked their Coronas and cards—and settled in to wait for as long as five days and nights for a slender chance at a union job as an elevator mechanic.
>
> On Monday morning. . . . Those in line—there were more than 800 by sun-up Monday—were hoping for a chance at job security, higher salaries and other benefits.
>
> Andres Loaiza, 25, had his eye on a position that includes minimal physical labor. . . . Every 18 to 20 months, the union accepts 750 applications for the 150 to 200 spots in its four-year apprenticeship program. . . . While they waited, the hopefuls lined the sidewalk along 36th Street. . . . The union had rented six port-a-potties and hired a 24-hour security guard. . . . Overnight, they brushed their teeth with bottles of water; tucked into

their sleeping bags, folding chairs or cars; and tried to get some rest.

On Saturday a light drizzle fell. Gerry Dubatowka, 20, whose father is in Local 3, waited for his shot.

He is studying electrical technology at Orange County Community College, but said he would rather work with his hands than be in school.

''I just want to do whatever, wherever I got to start,'' said Mr. Dubatowka. ''I want steady work all the time.''

For millions of Americans, this is what they want. They want a job with a retirement benefit, a health care benefit, and a steady job. We are not creating enough of them. That is the problem. Continuing:

After Sunday's drenching rain, Monday morning dawned gray. A few arguments erupted as people tried to cut the line. . . . At 9 a.m. Monday, the door opened. The first man in line disappeared inside and emerged moments later with a wide smile across his face.

''Yay! No. 1!'' one man yelled when he stepped onto the sidewalk.

''Good luck, big guy!'' said another.

This is the problem we are facing. I would share with my colleagues, at the rate of immigration in the future, we will have well over 100,000 new immigrants a month enter the country who are looking for jobs. We will have more than that enter, but we will probably have about 100,000-or-so-plus a month looking for jobs.

What does our Congressional Budget Office say about our future economic growth pattern? The CBO each year, as part of the budget process, lays out a 10-year projection of economic growth for America. They project all kinds of things. They are not perfect, but they use the best data available from the Labor Department, academic studies, private business analysis, and they project how many people would be employed. They are projecting for America's economy what I think a large majority of other economists and private sector people are predicting; that is, a new normal, where growth has not increased as fast as it has during boom times in the past. You have heard that phrase, ''a new normal.'' This is a new normal, and that is what we are facing.

They predict, in the second 5 years of our 10-year budget window, we will increase jobs in America by 75,000 a month, well below the amount of people immigrating to America to get jobs under this bill. Should we invite people to come who are not likely to have a job? Should we invite more people to come than we will have jobs for when they will make the new immigrants who arrive before them unable to have a good job?

Shall we bring in more immigrants than we can absorb, causing wages to decline for American citizens, making it harder for American citizens to find work? Do we take those people who are not finding jobs and do we then place them on the welfare rolls and put them on a government subsistence program when they have been independent and able to prosper previously in the private sector?

What is the right thing for America, colleagues? I think we have to think about that. These numbers from CBO show there will be adverse impacts on the economy, wages, and unemployment at a time when we need to be doing just the opposite. We need to be creating jobs, putting people to work. We simply have to give first priority to those to whom we owe our allegiance, the people who fought our wars, paid our taxes, and kept the country going when they were able to work.

I raise that point. People don't like to talk about it, but I do believe it is honest and true. A good immigration policy should be focused on a number of things. It should be focused first on the national interests, the interests of the American working people, whether they are lawful immigrants and not yet citizens or whether they are lawfully here as citizens. We owe our obligation first to that cohort of people. They are loyal to our country, and we owe them our loyalty first.

Then we bring in people at the rate we think we can absorb that is healthy for America. Maybe 1 million people a year is about the right rate. If that is where we are, I can accept that. To have it increased by 50 percent, to have the guest worker program doubled on top of allowing early entrants and legality to 15 million, that is a trend that I think is dangerous for America.

My position is this, let's be prudent, friends and colleagues. Let's be cautious. Let's not be increasing the legal flow by 50 percent at a time of high unemployment when it looks as if we are not going to be able to create enough jobs for those people who would be coming here. We surely don't need to be doubling, it seems to me, the guest worker program at a time when we have high unemployment.

This is where we are. I believe that needs to be considered. I think the American people who are out here watching what is going on in the Congress need to be asking their Senators and their Members of Congress who will be taking up these issues soon: Are you thinking about us? Whom are you thinking about? Are you thinking politics or are you thinking about me? Who is thinking about me?

You meet in secret with the Chamber of Commerce. You meet in secret with La Raza, you meet with the politicians, you meet with the meat packers group, and the immigration lawyers association, but you don't meet with the law enforcement officers who have told us this bill will not work.

You don't have representatives from the heart and soul of America in there. Nobody is expressing what kind of impact will be felt by them. This is what my concern is and one of my many concerns as we wrestle with legislation.

We can deal compassionately with the people who have been here for a long time, and I will support that. I believe we need a system that ends the lawlessness and a system that serves the national interests of American citizens.

I thank the Chair, and I yield the floor.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent that I be recognized as in morning business for such time as I may consume.

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

Mr. INHOFE. Let me comment also, the Senator from Alabama has done a yeoman's job. He has studied this issue and looked at all angles. He has one great advantage over me. He is an attorney who understands the ramifications. Let me just mention two things about the bill which concern me. One is that I have been privileged, maybe as much as any other Member of this Senate, to speak at naturalization ceremonies. If my colleagues have never done it before, I say to my fellow Senators, do it. One has a totally different perspective on this whole issue we are talking about; that is, getting to know people who go through the legal channels. You look up and see that these are people who learned the language, who have studied the history and, I daresay, would know as much about the history of the United States of America as we know in this Chamber.

Anything that is going to fast-track a citizenship is something that is of concern to me.

This is not why I am here. I decided to come down knowing that the President of the United States was going to make a talk, and in this talk I wish to make sure people understand what he is advocating is the largest tax increase in the history of this country. It is something we know he has been trying to do, in terms of his global warming activities, actually a long time before he was first elected 4½ years ago. His speech on global warming indicates he has started delivering on all the promises he gave the environmentalists during his campaign. When I talk about the environmentalists, I am talking about all the groups—good, well-meaning, some are not, some are extremists.

Leading up to his reelection campaign, the President had been given a pass by all these organizations because they knew if the American people thought he was going to do what we now know he is going to do, what he announced today, he would not be reelected because of the cost of it.

So he had been given a pass by the environmentalist groups, such as the Sierra Club, the Natural Resources Defense Fund, the Environmental Defense Fund, moveon.org, George Soros, Michael Moore—you know the crowd. They said: Fine, but as soon as you are reelected, since you can't be reelected again, we want to get all these things done. So all these groups want the President to use his regulatory power to make traditional forms of energy so expensive there is no option but to use their preferred alternatives.

They understood if the President wanted to get reelected he would need

to delay many of these regulations until after his reelection, and that is exactly what happened. They were willing to do this because they believed it was that important to reelect Barack Obama for a second term as President, as opposed to Mitt Romney or any of the others who were running. So they gave him a pass, and they didn't talk about this. As a result, he delayed many of the most significant regulations the EPA worked on during his first term until after the election.

One of those regulations was Boiler MACT. Let me explain MACT. MACT stands for maximum achievable control technology. It means what is the maximum in terms of something, such as emissions, that can take place where you have the technology to support it.

This rule sets limits—this is on Boiler MACT—on emissions of industrial and commercial boilers that are actually impossible to meet because the technology required by this rule isn't even available yet. It would cost the economy—and the analysis that was done, by the way, no one has disagreed with—$63.3 billion and would result in about 800,000 jobs being lost. It is called Boiler MACT. Every manufacturer has a boiler, and these are the standards that would be required—an emissions standard—where there is no technology to reach that at this time.

So the President waited to finalize the rule until the day after the election. He didn't want the rule to go out before then because he didn't want people to realize what it would cost until after election day.

Another rule is the Ozone National Ambient Air Quality Standards. It is called the NAAQ Standards, but it affects everyone in America. The President tried to redo President Bush's 2008 update of this standard during his first term. But as the election neared, and the cost of the regulation became clear, he completely punted the effort. Now, however, we know he is actually considering an update of this regulation that could lower the standard from 35 parts per billion to 60 parts per billion. This is on emissions, and this would put as many as 2,800 counties out of attainment.

Let me tell you what that means—and, by the way, we have 77 counties in my State of Oklahoma, and all 77 would be out of attainment. It means you can't go out and recruit industry or keep the jobs you have because you are out of attainment. That is an official standing. This would mean 2,800 counties would be out of attainment in the United States, including all in my State of Oklahoma.

One thing the environmentalists want that the President has not been able to deliver—and it is even worse than all the rest of this stuff—is to deliver on the CO_2 regulations, which is the crown jewel of environmental regulations. In fact, there is an MIT professor named Richard Lindzen, who is supposed to be one of the outstanding and perhaps the premier climate scientist in America today, who said the regulations on carbon dioxide are a ''bureaucrat's dream. If you control carbon, you control life.''

That is a pretty strong statement. This is because everything—every manufacturing process, every refinery, every hospital diagnostics machine, every home, every school, every church—would have to be regulated. If you can control carbon, you can control every decision anyone ever makes. This is what the liberals want. They want government to control everything, and their crown jewel is CO_2. That is where the whole thing started.

Remember, a lot of people are saying now: We never did say it was global warming, now it is climate change. They have changed it around quite a bit, as people realized some of these things aren't true. I can remember when people were talking about global warming—now we know we are actually in part of this cycle that is going down. But that is not important. What is important is they want to regulate carbon dioxide. That is their goal.

So the President first tried to push greenhouse gas emissions on the Nation in 2010 when the Democrats had supermajorities in both the House and the Senate. The last bill they had was called the Waxman-Markey bill—two House Members. It was a cap-and-trade bill. We all know what cap and trade is. We have been talking about it now for 12 years. That is where they cap emissions and then they can trade those around. They can buy and sell them and it results in a huge tax increase. It would have regulated any source of emissions that emitted 25,000 tons of greenhouse gas emissions or more.

That is very important because what the President announced today is far greater than that. In other words, those bills were only going to regulate the emissions of industries that emitted 25,000 tons of greenhouse gases each year. That came to a total cost of about $400 billion a year.

Again, I am using these without documentation now because I have been using them, and we have been documenting them for 12 years with no one arguing the fact that if we pass cap and trade at 25,000 tons of greenhouse gas emissions a year, it will cost about $400 billion. So that is a huge amount.

While that may not be the largest tax increase in history, what the President proposed today would be. Congress squarely rejected that, and while the bill passed the House, it failed miserably in the Senate. That is because it would have lowered the standards of living for the American people across the country, forced businesses to shut down, and it would equate to the biggest tax increase in American history.

And I think people understood that. That was what happened in the past. What the President wants to do is what they could not get passed in terms of legislation, so they are going to now do it by regulation. The American people knew what was going on, knew the impact this legislation would have, and they told their Representatives to vote against it, and they did. Many of those who voted for it are no longer in this Chamber. They were defeated in 2010.

With the President's reelection squarely secured, the environmentalists have been crying for the President to act aggressively on global warming. It is payback time. We understand, Mr. President, you couldn't push this thing by regulation before the election because you wouldn't have been reelected. But now you are reelected, and we have a law that says you can't be reelected again, so it is payback time. So he is doing this unilaterally, bypassing Congress, and using the authority he is claiming under the Clean Air Act.

In the words of a very prominent Democratic Congressman, JOHN DINGELL, this would be a ''glorious mess'' because instead of regulating only the biggest pollutants—such as in the Waxman-Markey bill, and those who wanted to regulate only industry that emitted over 25,000 tons a year—the Clean Air Act regulation would regulate any facility emitting over 250 tons. So it is not 25,000 tons that would be regulated, it is anything over 250 tons. You can't even calculate how much that would cost in terms of a tax increase.

As the President announced today, he will begin this process with the regulation of greenhouse gases from new and existing powerplants. The President may have said today he will work with the State utilities to make sure they get a policy they like, but that is just window dressing. It is putting lipstick on the pig. Legally, the President cannot get around the requirements of the Clean Air Act.

The Clean Air Act was passed a long time ago. In fact, I supported it. We had the Clean Air Act regulations back when I was serving in the House. They were good and they worked, but they do call for regulation of any facility emitting 250 tons of greenhouse gases a year. It wasn't meant for greenhouse gases that make those kinds of emissions. And while he might not be talking about it, the law he is using to justify greenhouse regulations would not let him stop with regulating just powerplants or allowing him to craft a policy that states that. He doesn't have a choice. The law requires him to eventually impose regulations on every single industry in the country—every single industry—one at a time, with unelected bureaucrats doing the heavy lifting along the way.

This means every school, every hospital, every apartment will eventually be regulated by the President's EPA, and at a much greater cost than the $400 billion a year that was expected under Waxman-Markey. Keep in mind, the Waxman-Markey bill was the last cap-and-trade bill they tried to pass through, and it was soundly defeated. In fact, it is so hard, no one has ever calculated what the cost will be to the American people if they had to regulate down to 250 tons.

Let me give an example. For my State of Oklahoma I always calculate at the first of each year how many Federal taxpayers we have in the State. Then I do the math every time something comes along. Well, in terms of regulating under those industries over 25,000 tons of emissions a year, that amounts to $400 billion, which is about $3,000 a year for each taxpayer in Oklahoma. That is what you have to stop and realize. The cost of this thing is not little, it is huge.

Today's announcement doesn't come as a surprise. We have known they have been working on these regulations since the President was first elected, scheming to give his environmental base exactly what they want.

Roger Martella, former general counsel of the EPA, recently said, ''Two years is about the minimal time it would take to go from soup to nuts on a rule like this,'' and ''these rules don't come out of the clear blue sky and involve lengthy internal deliberations before the public even gets the first peak at them.''

So we know what is going on right now has been happening for a long period of time. Further, the Congressional Research Service recently put out a report saying President Obama has spent $68.4 billion on climate change activities since he has been elected. This doesn't require a vote. This was all done by the President. So that has been taking place, and the CBO substantiated this by saying the annual spending on climate change has reached an annual level of $7.5 billion, with an additional $35 billion being provided in the President's $825 billion stimulus plan.

The President has been intent on giving his environmental base this victory for a long time, and he is willing to bypass Congress to make it happen. And the reason is because it would not pass Congress. We have had his bills here and they have been defeated every time.

I would look at the majority leader right now and say: I bet you couldn't come up with 35 votes to pass cap and trade in the Senate. But on regulations, he can do it without having to go out and get the votes.

The impact is clear: It is the crushing of our economy. As I spoke on the floor last night, developments in horizontal drilling and hydraulic fracturing have resulted in a boom in energy production. Oil production in America is up 40 percent in the last 4 years. It is not because President Obama is President; it is in spite of his policies because all these things have happened in hydraulic fracturing.

By the way, I know a little about that because the first hydraulic fracturing was done in my State of Oklahoma, and that was in 1949. There has never been a case of groundwater contamination in the years since then, in over 1 million applications.

Now, the 40 percent increase in production in this country in 4 years all came from the private and State lands. None of it came from the Federal Government because this administration would not let us drill and produce in that area. In fact, the report I just quoted said that on Federal lands it has been reduced by 7 percent.

So while overall oil production nationwide is up 40 percent, on the Federal lands it is down by 7 percent.

The President is setting us on a course of unilateral disarming of our economy the same as he is doing to the military. He wants to impose costly regulations to our energy and manufacturing sectors that no other nation on Earth has. China, India, Southeast Asia, Mexico, all these nations know you need cheap reliable energy. They have to have it in their countries. They are never going to pursue these regulations, and they are waiting for the day America does it unilaterally.

Why would that be? Because if we do it, they know our jobs are going to have to find energy someplace, and they will be after those jobs. Any unilateral greenhouse regulations we have in the United States will only shut down our domestic production.

In fact, when Lisa Jackson was the Director of the Environmental Protection Agency, I asked this question, and on live TV she gave me a very honest answer: If we were to pass any of these cap-and-trade bills—such as the ones I have been talking about—would this lower overall emissions of CO_2? And she said, No. Because the problem is not here; it is in China and India and Mexico, and other countries where they don't have regulations.

You could carry that argument out and say if you pass these things and we do it unilaterally in the United States, as the President suggested today, it is going to have the effect of increasing CO_2, because people will seek those countries where they can actually do this, where they don't have any restrictions at all. So there is no need for the President to take us down this path.

He is beholden to his environmental base which claims global warming is the biggest threat facing humanity. Many have said, even in recent months, that all the major weather events of the last decade have been the result of global warming. Some have even claimed Oklahoma's recent tornadoes are the result of global warming. This isn't true. Oklahoma University's weather center says this year has not been any different than years past. We have plotted our tornadoes since 1950.

The majority leader doesn't have tornadoes in the State of Nevada as we do in the State of Oklahoma. But we have been tracking them since the 1950s and the trend is about the same. It is not any higher this year, last year, and the year before than it has been in the past. It is because we have been having these events since the dawn of time that many environmentalists now refuse to refer to global warming as global warming, so they call it climate change or anything else the public will buy.

We will most likely not be hearing many of these environmentalists talk about the fact that during the last 15 years there has not been any increase in temperature, as reported in The Economist. But even if they did acknowledge this, with the term climate change, they have an alibi, because climate change by its name doesn't necessarily mean warming. It can mean anything. The President's announcement today of his new plan to regulate greenhouse gases to combat global warming does not come as a surprise. He has been working on it for years.

I would conclude and say, let's remember what it was that Richard Lindzen—the foremost authority in America on this subject—stated when he said regulating CO_2 is a bureaucrat's dream: If you control carbon, you control life.

And remember the other thing, and that is all the expense, all the trouble we are talking about going through, and all that the President announced today is not going to reduce CO_2—not according to a Republican, but to the Democratic former Director of the EPA.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, there will be no more rollcall votes tonight.

At 11:30 tomorrow, I remind everyone we have a motion to waive the budget point of order. We will also vote after that on the Leahy amendment No. 1183, as modified. Following that, we will have a vote on the motion to invoke cloture on the committee-reported substitute. So we have those votes already set up.

I have been at the White House for the last couple hours with Senator MCCONNELL. I got back to the cloakroom, and we are working on an amendment list. During my absence here the staff has been working very hard. We have worked amongst ourselves, we have worked with the Republicans trying to come up with a list of amendments. We are not there yet. I am informed that the last half hour or so we went backward rather than forward. But we are working on this. We can still do it. We have to keep our eye on the prize and make sure everyone is willing to give a little, because right now there are too many amendments that will never be agreed to. But this can be done, and we will continue to work. A majority of both caucuses wants amendments. Having said that, simple majorities won't do it. But I am hopeful and confident we are going to be able to work something out on amendments.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, there are a number of my colleagues who are going to be speaking in the next hour about the President's announcement today of his plan to address carbon pollution and the changes it is wreaking on our planet.

We just heard from the distinguished Senator from Oklahoma about the politics and motives behind the President's decision. We can disagree about the politics and motives, but I think we should be past the point of disagreeing about the facts.

The facts are that in the past 15 years, during which the distinguished Senator said we have not seen any increase in temperature, we have actually had the hottest decade on record. I will get the exact figures in a moment, but I think 10 of the 12 hottest years on record have been in the past 15 years. I heard the distinguished Senator say that so I don't have the exact numbers, but there has been a terrific spike.

If you go to the property casualty insurance industry—which is not an industry that is heavily involved with Democratic or liberal politics—these people who do their calculations make their living by trying to predict correctly, and their cold-hearted actuaries have no purpose other than to provide the insurance industry the best possible information. They are showing an exceptional spike in both the number and severity of storms we are seeing, and they are having to adjust their insurance practices accordingly.

I hope we can find a way to work together, because I think the President's step that he took today is one that is long overdue and vitally important to our economy, vitally important to our national security, vitally important to our international credibility and, most of all, vitally important to our children and grandchildren. This is the great issue and responsibility of our time, and I am delighted to see the President has stepped up to it.

I see the distinguished Senator from Hawaii is on the floor. He was at the President's announcement with me, and I know he wants to say a few words.

Trying to do something about this and put a price on carbon has been described as the biggest tax in history, perhaps, and as something that would amount to the crushing of our economy. I think it is pretty safe to show that neither of those statements is accurate.

For starters, there is nothing that says the government has to keep the money when it is in a carbon pollution fee. It could go straight back to American families and be essentially a wash in the economy. In fact, by going back to families 100 cents on the dollar and changing the economic behavior of the industry for the better, I think it will prove to be an economic plus.

Over and over, EPA regulations have been imposed that created more economic benefit for the country than they cost. I am confident this regulation, once it gets going, will create more economic benefit for the country than it will cost. And every dollar of it could go back. It would mean as much as $900 a year for every American family to offset any increase in energy cost and to spend how they will.

But to do something that Republicans ordinarily agree is important, and that is to set the market straight so there isn't an imbalance in which the price of a product doesn't reflect the true cost of a product, that is law 101, it is economics 101, it is fairness 101. It should not be a proposition we are debating.

I intend to stay here until this hour or so we have is concluded, and I yield to the distinguished Senator from Hawaii who was also at the President's announcement in the blazing heat. But since he is from Hawaii, he is more used to the heat than I am.

Mr. INHOFE. Would the Senator yield before he yields to the Senator from Hawaii?

Mr. WHITEHOUSE. I yield the floor, whoever seeks recognition.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Madam President, I was very encouraged by the President's speech today for a number of reasons. The main thing I found encouraging is he is obviously done waiting. And there are three reasons to be done waiting.

The first is it is very unlikely, given the current composition of the Congress, that the Congress will take action in the 113th. We have to recognize that political reality.

The second is from an ecological standpoint, we don't have the luxury of waiting. We don't have 5 or 8 or 12 years to wait and deliberate. We need to take action now in order to reverse global climate change.

The third is a matter of law. Under the EPA v. Massachusetts, the Supreme Court didn't just give the authority to the EPA to regulate carbon as a pollutant under the Clean Air Act; it effectively requires that the EPA move forward. So even if this President didn't believe in the science, even if this President weren't as passionate as he is about combating climate change, he would be required under the law to comply with the conditions of the Supreme Court decision.

Let's get one thing straight. In a way, it is a little sad this has to be asserted on the Senate floor as a political statement, but here it is: Climate change is real, it is caused by humans, and it is solvable. It is a real threat with a high cost. But if we act now, we can start a new era of economic and scientific leadership for American innovation.

I see our young pages here. This is an incredible opportunity for innovation, for partnership, for opportunity, for our economy to grow, and for us to again become a world leader to start a second industrial revolution in clean energy and clean technology.

The State of Hawaii was able to move forward with something called the Hawaii Clean Energy Initiative. What we have done is simply breathtaking. In a very short period of time, we have actually tripled clean energy production—and not from 2 percent to 6 percent but, rather, from 6 percent to around 18 percent—in a matter of a few years, all the while driving unemployment down.

So the old choice between economic development and economic opportunity and environmental protection, the premise that unfortunately some on the other side of the aisle cling to, which is we have to choose between protecting our health and our environment for future generations and economic opportunity in the short run, has been disproven.

We have great opportunities to be a leader in clean technology. That is why we have to support ARPA-E, that is why we have to support our DOE and national energy labs. The Hawaii Clean Energy Initiative is proof that we can do so.

I am very encouraged by the President's movement. I am pleased to work on a bipartisan basis with anyone who wants to legislate. If there are problems with the straight regulating of carbon, let's talk about that. But the only way to solve those problems is by legislating. If this body and the body across the Capitol are unwilling to act, I am pleased this administration will take action.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I thank the distinguished Senator from Hawaii. I ask unanimous consent, if he wishes to engage in a colloquy on the Senate floor, if that would be agreeable.

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

Mr. WHITEHOUSE. We were both at the President's speech today. One of the things the President mentioned that I think is an important point to bear in mind is carbon pollution isn't free right now. We are not going to suddenly impose a cost on the economy through regulation that otherwise would not be there.

I can speak for Rhode Island. We are paying the price right now in the price of food and goods that are more expensive because of wildfires and droughts. We are paying the price in the cost of repairs to homes and shorelines that have been damaged by floods and storms. We are paying the price in terms of increased taxes for more disaster services—not only in Rhode Island but across the country. We are paying the price in the form of hikes in our insurance premiums. We pay the price in softer ways—in days spent in the hospital with a child having an asthma attack when you could be working or at home. And certainly we pay the price in what you might call the lost victories of innovation we never achieved because we were so busy subsidizing these old fuels.

I wish to ask the Senator from Hawaii to comment for a moment on how he sees the costs in his home State of Hawaii, which is far away from my home State of Rhode Island, both very ocean and coastal States. But I would

love to hear his experience and his views as well.

Then I see the Senator from Connecticut is on the floor, who is welcomed to either join in the colloquy or to make a statement, as he wishes.

Mr. SCHATZ. Madam President, through the Chair, I would like to answer the Senator's question and then yield to the Senator from Connecticut.

I thank my friend for pointing out that this is not just for those of us who consider ourselves environmentalists, this has become an economic issue as well. This has become a question of our national strategic priorities. There is a reason that Admiral Locklear, the head of the U.S. Pacific Command, gave an address in which he called climate change the strategic threat in the Pacific theater. That is not because he is a member of the League of Conservation Voters or the Sierra Club, it is because he understands what is happening throughout the Pacific theater.

There is a reason that Secretary of the Navy Ray Mabus is leaning so heavily forward on the question of biofuels and clean energy. Again, it is not because his job is to be concerned with global climate change. His job is to make sure the Navy is as prepared as possible from a fuel standpoint and from a readiness standpoint. He sees new fuels as the way to go.

The other part of this equation from the Department of Defense perspective is the amount of money we have to spend forward operating to protect our fuel supplies and fuel lines. To the extent we can have smart grid technology, better battery storage technology, new renewable energy generation, and better efficiency, all of that helps our troops, especially as they are forward deployed.

I thank the Senator from Rhode Island for pointing out that there is a broadening recognition that this issue goes beyond conservation or anyone's particular concern with the natural environment narrowly speaking. This is a question about the cost of insurance, how much we have to spend on flood mitigation, and how much we have to spend in terms of disaster mitigation. This is now pervading our entire economy. It is costing the Federal Treasury billions of dollars, and so the cost of doing nothing at this point exceeds the cost of action.

I yield the floor for the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I thank both of my colleagues. We will soon be joined by another colleague in this colloquy, my colleague and friend from Connecticut Senator MURPHY.

I first want to thank the Senator from Rhode Island. He has been a constant and extraordinarily eloquent speaker on this subject. He has regularly been reminding us of our obligation even before the President outlined his vision of what we need to do today. I thank my friend, and I thank the President for his bold leadership and very effective and courageous action he is taking today.

Anybody who questions the need for action in this area need look no further than the shorelines of Connecticut which were devastated by Superstorm Sandy and have been repeatedly hit over this past year by a rash of unprecedented severe weather events. Connecticut has been through extraordinarily severe and serious weather events that may become the new normal.

We hate to think of these kinds of storms, tornadoes, and hurricanes as the regular order. In fact, that havoc may be the new normal for many States and, indeed, the new normal for all of America, which is why the President's leadership today is very important. Without action, we will suffer the effects of inertia and continued pollution contamination. Climate disruption is the result of human contribution, human inaction, and human failure to address these problems. In fact, inaction is unacceptable. Inertia is intolerable. This kind of leadership from the Senate, as well as from the President, is a moral obligation to protect the climate for our children and our grandchildren.

In the last 30 years asthma rates have doubled. In the last year alone our Nation has faced droughts, floods, and extreme temperatures in almost every corner of the country, which exacts a cost in dollars and in human lives as well as suffering. These kinds of extremes in climate are destructive and deadly. The health-related costs of climate change literally add billions more to our debt.

Connecticut has suffered major disasters six times since 2010. There have been six disasters in less than 4 years, and that compares with six disasters in a 30-year period from 1954 to 1985. So we know firsthand how climate disruption—it is not just climate change, it is climate disruption—can affect our daily lives.

We have an opportunity, as well as an imperative, to act now. We need to take simple steps, and we know what they are: upgrading and modernizing our existing powerplants so they emit less carbon, investing in clean energy research and development, and investing in fuel cells.

Connecticut is the fuel cell capital of the Nation and could be the fuel cell capital of the world. By doing what I just mentioned, combined with other measures that are easily within reach, we can help save lives and dollars in this effort. The investments we are making in infrastructure—the public investments—can also help us to go in this direction.

There are commonsense and necessary actions that we have an obligation and an opportunity to take now, and one of them is the appointment of Gina McCarthy to head the EPA. Her appointment is now stalled by the same paralyzing partisan gridlock that is all too common. This kind of partisan gamesmanship should stop. I know her well. I can assure this body of her qualifications, as I have done before.

She has worked in the Presiding Officer's State of Massachusetts, as well as my State of Connecticut. She has worked with Republican Governors. She has exemplified the kind of balanced, sensitive, and responsive approach to business needs and interests as well as to environmental protection.

She is well respected in the environment and business communities because of her dedication to developing practical solutions in facing this set of environmental challenges. Her leadership, along with the President's vision today, is so very important.

There is a group of us who are working together. I am proud to be a part of that effort. I have cosponsored legislation that would protect some of Connecticut's treasured bodies of water, including the Farmington River, the Salmon Brook, and Pawcatuck River as part of the National Wild and Scenic Rivers System.

I have joined with members of the New England delegation to urge the Army Corps of Engineers to complete its study of the Connecticut River so we can better understand the human impact on that river and improve its system. All of these efforts will be for naught if America and humankind fail to address the fundamental challenge we now face, which is to end our contribution to climate disruption, stop the drift and inertia, accept that we must act and act now. The President's plan is only an example of the kind of bold approach we need to combat the impacts of climate change.

With the Presiding Officer's approval, and with the Senator from Rhode Island's acquiescence, I will yield to my colleague from Connecticut for his comments. We share a State, and we also share a view that our children—his two and my four—will benefit from what we do together as a body, as a group, and as a country.

I yield the floor.

Mr. MURPHY. Madam President, we have a lot in common. We share the fact that we are both parents. In fact, I am the father of two little boys—a 4-year-old and a 1-year-old. If they are lucky enough, they might get to live to see the year 2100. They might be around for the end of this century, as opposed to the rest of us who will not see that day. I shudder to think about the Connecticut they are going to have to deal with 80-some years from today if we don't act right now.

This isn't science fiction that we are talking about. In New England we are talking about a 1- to 3-foot rise in sea level by the end of this century. Just a handful of inches is catastrophic in some parts of the globe, but a 3-foot rise in sea level in the State of Connecticut on a shoreline that has already been battered—as Senator

BLUMENTHAL mentioned—by storm after storm would be absolutely cataclysmic.

The Connecticut my children may be living in at the end of this century would bear almost no recognition to the one in which they live now. Every single week and every single month that we don't do something is another step closer to that future world which we now think of as one of fantasy.

Connecticut is also home to some of the biggest property and casualty insurance companies in the country—and, frankly, in the world. I think it is important to recognize the fact that our inability to act is bankrupting this country right now as we speak. The property and casualty industry has paid out $135 billion with respect to extreme weather events in 2012—$139 billion has been paid out. Now, that results in increased premiums, which results in skyrocketing costs for everybody across this country who is paying for property and casualty insurance.

The taxpayers have likely paid about $100 billion in terms of cleanup costs and remediation costs just over the last year alone. Superstorm Sandy, and the events that we have seen hit the gulf and the east coast, are bankrupting our Nation and bankrupting companies and private insurance policyholders as we speak. Those costs are catastrophic.

The reason we have such a big group of Senators down here applauding the President's actions is also because we know the United States cannot do this alone. We know we are going to have to convince countries such as India, China, and developing nations to join us in a global effort. We hope the international climate talks are on pace to get an agreement that could be operative by the end of this decade, in 2020.

The world is still scarred by a unanimous vote in this Chamber to reject the Kyoto protocols. The world is skeptical that the United States really has the courage to lead on this issue.

Even though this body remains paralyzed for the time being on this subject, having the President come out and make the proposals he has today will hopefully give some confidence to the people who will be sitting in Poland at the end of this year. Hopefully, they will work out a climate agreement over the next several years on which the United States—at least with respect to the administration and the Senators down on the floor—is willing to lead.

Finally, I was pleased to hear the President talk about the specific issue of fast-acting climate pollutants today. We are going to have to get a global agreement on carbon dioxide. In the meantime, as we try to figure out a bridge to that 2020 operative agreement, if we are able to work with the international community with respect to the climate pollutants of methane, black carbon, and HFCs, we can make an enormous dent as we get ready for that lasting agreement.

In fact, we just got good news last weekend that the President, along with the head of the Chinese Government, has come to an agreement to try to rework the Montreal protocols with respect to a reduction in the admittance of HFCs, one of the most disastrous and insidious climate pollutants.

This is a very good day. We have given a signal to the international community that we are ready to lead. We have given a signal to millions of kids across the country who hope they might be around at the end of this century and that this country might have some approximation to what we enjoy today.

There will be a big group of us—led by Senators WHITEHOUSE, MERKLEY, and BOXER—who will be ready to work with this President to enact this very bold plan. As I mentioned, one of the leaders of this effort is my good friend whom I yield to now, with the permission of the Presiding Officer, the Senator from Oregon.

Mr. MERKLEY. Madam President, I thank my colleagues from Connecticut and Maryland and Rhode Island who are down here sharing their stories and their concerns about carbon pollution and its impact on climate around the world.

Indeed, it was just last October that I was engaged in a triathlon. In the first stage, the swimming was in the ocean in North Carolina. I had been told to expect temperatures of 62 to 65 degrees. As I went down to the water with the first group of participants getting off the transport bus, the first in front of me stepped in the water and said: Hey, folks, this water is really warm. Come on in.

The temperature was not 62 degrees or 65 degrees, the temperature of the ocean was 72 degrees. A week later Hurricane Sandy struck the Northeast with incredibly devastating consequences, powered by this much warmer ocean water. That is one of the many effects we are seeing of increased carbon in the atmosphere, trapping the Earth's heat.

Perhaps the most important number we should all be aware of is the number 400. I put the number 400 on a chart so we could ponder it—400 parts per million. What that represents is a roughly 50-percent increase in carbon dioxide as it is represented in the broader atmosphere since the start of the Industrial Revolution, going from 270 to 400. That is a lot of heat-trapping gases added to the atmosphere.

Indeed, when we were at 350, scientists started to say, before we hit 400, we need to dramatically reduce the burning of fossil fuels so we will never hit 400 and the number will come back down and stabilize around 350.

If we were being graded as human civilization on this planet on our effectiveness in decreasing the burning of fossil fuels and keeping the concentration from increasing, we would be getting an F. We would be failing because not only did we soar from 350 to 400, but the rate of carbon pollution has doubled in the last 30 years. Thirty years ago the rate was, on average, one part per million per year. Now the average rate is two parts per million per year. So not only have we not decreased and leveled out, but the steepest of the curve has doubled, which means that 5 years from now we will be at 410 and 10 years from now we will be at 420. What this represents is a very bleak future for humans on this planet.

By various estimates, it has been somewhere between 3 million and 10 million years since our atmosphere had this level of carbon concentration. That means that in the time humans have been on this planet, which is less than 200,000 years, humans have never witnessed—have never lived in an atmosphere of this concentration. We have never left footprints in the sand when the atmosphere has this level of heat-trapping gases.

Now we see it everywhere. We see it in Oregon in terms of our cascade glaciers are getting smaller and our cascade snowpacks are getting smaller. Our pine beetle infestations—normally knocked down by cold winters—are getting larger. Our fires are getting larger, fed by drought and dead trees from the pine needles. Indeed, we have had three record-setting droughts in the Klamath Basin in the last 30 years—the worst ever droughts three times in the last 13 years.

We are even seeing it in our Pacific Ocean oysters. Those oysters, when they are tiny, are very sensitive to the acidity of the water. The acidity has gone up because carbon dioxide in the water has gone up.

We have many examples just in my home State. If we look across the rest of the United States, if we look across the globe, there are huge impacts everywhere, with multiples of impact at the poles, where the temperature change is faster.

I applaud the President for saying we must have a bold strategy to take on climate change. There are three big areas of carbon dioxide generation, and those are electricity generation, transportation, and buildings. His plan lays out strategies in all three areas, and that is good. That is a starting point for a much broader discussion on how we end our fossil fuel addiction. Addictions are hard to kick, but they are particularly hard to kick if we have someone who is trying to keep us hooked, and those who benefit from the profits of burning fossil fuels are very much trying to keep us hooked. So we have to recognize that requires an extra degree of dedication and effort on all of our parts.

I will wrap up and turn this over to my colleague from Maryland, who has been a terrific champion on this topic and who has seen firsthand in Maryland many of the effects of global warming.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, let me thank Senator MERKLEY for his

statement but more importantly for what he has done to elevate the discussion in the Senate on the need to deal with our environment, to deal with energy, to deal with climate change. He has been one of our true leaders in ways in which we can live sensibly and in a way that is good for our environment, good for our economy, and good for our health.

I also notice Senator WHITEHOUSE is on the floor. I know he helped organize all of us being here today. He has taken on a leadership position in the Senate in the area of climate change, and I personally wish to thank him because this has been a difficult challenge, to keep us focused on one of the most important issues of our time. When we talk about a legacy we want to leave to future generations, it is our environment, it is our health, it is our economy, it is our national security, and Senator WHITEHOUSE has been in the forefront of keeping us engaged on this issue so we could reach this day.

I applaud President Obama for his statements today, for his leadership, and for his action plan on dealing with climate change. It is comprehensive. It is extremely timely. I think it is a workable solution for us to be the leaders in the international community in dealing with the issues of climate change. First and foremost, it is based upon the best science. This is not a political issue, this is a science issue. Climate change is real, and the way we have to deal with it should be based upon the best science. That is what President Obama is seeking.

I heard some of my colleagues who are reluctant on this issue talk about the cost. I am glad they raised the issue of cost because when we passed the Clean Water Act and the Clean Air Act, the recommendations of some individuals who weren't exactly excited with the bill required that we do a cost-benefit analysis on the cost of regulation versus the benefit to our society. That cost-benefit analysis shows that we get four to eight times back in savings for what it costs to regulate to get clean air and clean water. That is just the direct economic issues. We also get a healthier lifestyle. We get air we can breathe. We are able to enjoy the environment. That is a plus in addition to the direct economic benefit.

I wish to talk about my experiences in Maryland. Maryland took a leadership position. We passed some of the toughest clean air standards in the country. We invested $1 billion in cleaning up our energy-generating plants. Do my colleagues know what that meant for Maryland? That meant 2,000 more jobs. We created jobs by cleaning up our environment. But we need national help. Why? Because air doesn't exactly stop at a State border, and we are downwind from many other States. The people in Maryland are suffering from dirty air not as a result of what is being generated in Maryland but what is being generated elsewhere, so we need national standards. That is exactly why the President has called for dramatic action and is taking dramatic action today.

Inaction will cost us dearly. We have had more episodes of extreme weather recently, and that is based upon science and the fact that weather is changing as a result of carbon pollution in our environment, greenhouse gas emissions. Between 2011 and 2012, those types of extreme weather events cost us more than $1 billion worth of damage. The taxpayers of this country paid for it because we believe that when we have emergency, extreme conditions, there is a community responsibility to help deal with it. Well, we can do something about it to mitigate that type of damage in the future, and the President did that today in his call for action in regard to climate change.

Superstorm Sandy has been referred to a couple of times on this floor. We saw the devastation of that storm, which was very close to where we are here in the Nation's Capital. Last year we had a record-setting number of continuous days of 95-plus-degree weather, so we know firsthand what is happening.

In my own State of Maryland and in this region, we pride ourselves on the Chesapeake Bay and what we have done to clean up the Chesapeake Bay. I was with Senator CARPER on Monday, and we had a good-news press conference on the Eastern Shore of Maryland talking about some of the positive results we have seen in the bay.

We have worked to reduce the nutrient levels in the bay, and that is a very positive element. It reduces the oxygen deprivation in the Chesapeake Bay, and as a result we have had fewer dead zones than we had in the 1980s. That is due to the hard work we have done in this region with farmers and developers to reduce the nutrient pollutants. Yes, we are dealing with storm water runoff with farmers and developers, but we also have to deal with the realities of climate change. Warmer water kills sea grass. Sea grasses are critically important for the diversity of the Chesapeake Bay. So this issue affects my region, it affects our entire country, and inaction can cause extreme damage.

The biggest sources of carbon pollution—and my colleagues have already talked about it—are powerplants. The President talked about that, and he talked about how we deal with transportation and how we deal with our buildings. No. 1 on our list should be conservation. The less energy we use is the easiest way we can reduce our carbon footprint. We also have to develop alternative fuels, and we have to be much more aggressive in doing that.

I heard a lot of people talk about the international reaction and what other countries are doing. Two weeks ago I was in China. I was in Beijing. I was there for a couple of days. I never saw the Sun, and that wasn't because there were clouds. There were no clouds in the sky. I couldn't see the Sun because of pollution. That is not unusual in Beijing. So China is now doing something about carbon emissions. They are doing it because they have a political problem because their people can see the pollution and they have a tough time breathing. People are actually issued masks that can supplement their oxygen intake because the pollution is so bad in China. They are taking action. They are developing alternative fuels. They are investing in solar and wind and in conservation because they know it is critically important.

Quite frankly, what is needed is U.S. leadership. The international community is waiting for America to assume the leadership role, and I think the international community is prepared to work with us. That is why President Obama's comments today were just so timely—so timely to show that the United States is prepared to take action and to lead in the international community so we all can pass on a cleaner environment, a safer world, a cleaner world, a more economically viable world, a world that is more secure for our children. President Obama took a giant step forward toward that vision with his comments today.

Let me yield very quickly back to the Senator from Rhode Island, if I might.

Mr. WHITEHOUSE. Madam President, I know the Senator from Texas is waiting to speak. I wish to, first of all, thank the Senator from Maryland, who is such a wonderful leader and ally and friend. He is very loyal to the needs and concerns of Maryland in this area. He has been terrific.

Earlier, the Senator from Oklahoma said—I think I am quoting him correctly—that in the past 15 years, there has not been any increase in temperature—I guess to suggest this isn't a real problem and we don't have to worry about it. I tried to get the figure right, but I have double-checked it, and I would like to correct myself. In the past 15 years, 13 of those 15 years are the 13 hottest years on record. So the past 15 years has been a period of very unusual heat.

What happens when you have that type of unusual heat? What happens when you have the climate disruption—to use the good phrase of Senator BLUMENTHAL. You end up with added storms.

This is a graph prepared by the insurance industry—not exactly a bunch of liberals. This is how they make their money. They want to get it right. They have graphed the storm activity, starting all the way over there in 1980, coming here to 2012.

So if you go back in the last 15 years here, you will see a significant increase in storm activity—the type of major storms the insurance industry has to pay for, so they care very deeply about this. They get their data right, and I think they can be trusted.

I also think that the 13 out of 15 being the hottest years on record can

be trusted because that is science that comes from NASA. I do not know where the Senator from Oklahoma was getting his data, but I will trust the scientists at NASA. These are people who have put an explorer the size of an SUV on the top of a rocket, fired it off into space, sent it to Mars, landed it on the surface of Mars, and they are now driving it around on the surface of Mars. I do not think these are scientists who are incapable of getting it right. So I trust the insurance industry for these numbers about storms. I trust the NASA scientists for the numbers about temperature.

I think it is pretty clear that we are way out of the bounds of history, as Mr. MERKLEY, the senior Senator from Oregon, said. The entire history of our species on this planet—until the Industrial Revolution and our great carbon dump—has been within 170 to 300 parts per million. That has been the range for as long as we have been a species on this planet—until this sudden up-surge, and that has now taken us to 400. It is a novelty, if that is not too frivolous a word to use for such an excursion outside of the bandwidth in which our species has inhabited this planet throughout our entire existence.

I see the Senator from New Mexico and the Senator from Texas organizing who is going to speak next, and I will respectfully yield to whichever one of them wishes to proceed. But I do want to thank my colleagues for coming to the floor today to discuss this issue. Senator MURPHY from Connecticut, Senator MERKLEY from Oregon, Senator SCHATZ from Hawaii, Senator BLUMENTHAL from Connecticut, Senator CARDIN from Maryland, and now Senator TOM UDALL from New Mexico all have been here on very short notice because we all want to support this President in his decision to move forward on regulating our carbon pollution and beginning to forestall the damage it is doing to our economies, to our States, to our coastlines, to our forests, to our farms. If anything, one could say it is about time, but it certainly is time, and I applaud that the President has stepped so well forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I thank Senator WHITEHOUSE very much—him and the other Senators who have been down here talking.

I would ask the Chair—Senator CRUZ has been very generous. It was his turn to go, and I said I could finish this in 5 minutes. So I would ask the Presiding Officer to indicate when 5 minutes is up, and I will yield the floor, then, to him and ask unanimous consent that he get the floor after me so that there is not any issue there.

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

Mr. UDALL of New Mexico. Madam President, I say to Senator WHITEHOUSE, one of the things the Senator and I know—and we have been asking for this and talking about this—we need Presidential leadership. We saw that today. The speech that was given here in Washington really detailed a lot of the important work that needs to be done.

We both serve on the Environment and Public Works Committee. We know how important it is to get an EPA Administrator in place and to move forward with the greenhouse gas regulations the Supreme Court has now said we can move on.

So this is a big day, and I think there are many of us in the Senate who are willing to work on a bipartisan basis. We hope a lot of our Republican friends will step forward and see that there is a space here to talk about climate, to try to work with each other.

I applaud the President for what he did today, how specific he was in terms of the EPA and greenhouse gases, how specific he was about policies throughout the government.

I wanted to, in what is left of my 5 minutes, talk a little bit about the Southwest. SHELDON WHITEHOUSE and the others have talked about their regions of the country, but really what we are talking about in the Southwest is that from the climate models—just business as usual that we see—if the temperatures go up 1 degree in other places in the United States, it is double that in the Southwest.

So essentially what you have is, if—and imagine a mouse and you are clicking on something on a screen and dragging it—what we see happening is New Mexico going 300 miles to the south, if you maintain business as usual and you get down the road about 75 years, although it is hard to look down that far—if you put New Mexico 300 miles to the south, you are down in the middle of the Chihuahuan Desert. It completely changes the landscape of New Mexico. Your forests are not going to hold snowpack anymore. Your temperatures are going to be much higher. Everything is going to change pretty dramatically.

Let me give an example. One of our communities in New Mexico has a watershed where they get 40 percent of their drinking water drawn from the snowpack and in two reservoirs. Many of our communities in New Mexico are like that. With snowpack gone, they will have to then go to another way of getting water. And making up 40 percent is very difficult, especially if the other areas—for example, the aquifers that are under that particular area or town—if those aquifers are also being drawn down because there is no snowpack. Then you just continually mine the waters. So that is the situation with the snowpack.

The other thing that is happening in our forests is they are burning much hotter, and they are burning out of control. We are seeing bigger and bigger fires. Every couple of years, we break the record from a few years back. With these fires burning so much hotter than they have ever burned before, the kinds of things you see is that the soil turns to almost dust. It cannot absorb water. It is not a natural forest environment. So this has a devastating, devastating impact, and it is overlain by a drought, which also has been going on about 12 or 13 years.

I want to point out and read from a recently issued report from one of our great national laboratories, Los Alamos National Laboratory, where they talked about the drought-stress for our forests. The drought-stress of forests in the Southwest ''is more severe than any event since the late 1500s megadrought''—the late 1500s megadrought—that ''probably led to deaths of a large proportion of trees living at the time.'' Climate projections predict that ''the mean forest drought-stress by the 2050s will exceed that of the most severe droughts in the past 1,000 years.''

So there is no doubt that climate change is real, that the costs are real and the costs are not just monetary. This is a direct challenge to our way of life, and no one can really put a price on that.

America needs a ''do it all, do it right'' energy policy, taking on the twin threats of climate change and dependence on foreign oil. With policies that encourage innovation in energy technologies, we can create jobs in an advanced energy economy.

So I am pleased to hear the President commit to taking bold actions. It would be even better if Congress moved forward with bipartisan actions. But we have seen that option hijacked time and time again.

It is time for us—as a nation—to move forward. The science and facts are clear. It demands a response that matches the scale of the problem.

In 2007, the Supreme Court ruled that the Clean Air Act requires EPA to set public health standards for climate change pollutants. The Senate has defeated several efforts to block EPA's efforts.

The President has committed to put limits on carbon pollution from existing powerplants—powerplants that are the single greatest source of U.S. greenhouse gas pollution.

The President is instructing EPA to work with the States and industry. I agree. The EPA recently reached a major agreement with New Mexico and our State's largest utility, PNM. As a result, we are cleaning up the air in New Mexico, reducing carbon pollution, with more natural gas and more renewable energy.

This type of collaboration should continue. But we need strong leadership at the EPA. On March 4, the President nominated Gina McCarthy to lead the Environmental Protection Agency.

And now, almost 4 months later, Ms. McCarthy is still awaiting action, delayed by a filibuster threat.

We need Ms. McCarthy at the helm of EPA, working with stakeholders to find win-wins on the environment and our economy.

The President has signaled that the problem of climate change cannot wait. The delays must end. We can reduce emissions in a smart way.

I urge my Republican colleagues to help us confirm Gina McCarthy as the Administrator of the EPA without further obstruction.

The President's action today is one of many crucial steps to address the problem, and I applaud him. Government at all levels, business leaders, and people across the country—and around the world—need to work together.

We need to develop adaptation strategies for those most affected by climate change. We need to protect future generations, with transitioning to an energy economy that produces cleaner energy.

My State is a very special place. Throughout my career, I have committed to protecting its pristine landscapes, its special ecosystems. This environmental stewardship runs deeply in my family.

Climate change threatens our economy in New Mexico and across the country. It affects our security, and our way of life.

The threat of global warming is real, and so must be our commitment to future generations.

So let me conclude and say that once again I thank Senator CRUZ for his courtesies.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Madam President, I ask unanimous consent that the Senate temporarily set aside all pending amendments so that I may offer my amendment No. 1580.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. CRUZ. Madam President, the amendment I would have called up had not the majority party objected is an amendment that would have corrected one of the most egregious aspects of the Gang of 8 bill; namely, it is a penalty that is imposed on U.S. employers for hiring U.S. citizens and for hiring legal permanent residents. It is a striking result of the Gang of 8 bill as it intersects with the ObamaCare legislation.

Let me explain how it operates. Right now, for any company with 50 or more employees, if that company does not provide a sufficiently high-dollar health insurance policy for low-income workers, that company faces a fine of $3,000 per worker. Moreover, that fine is not deductible in the company's taxes, which means that as an effective matter to the company, the penalty is in the order of $5,000 per employee when you factor in the tax consequences. That is the present status quo under ObamaCare. That is the penalty that is visited upon U.S. employers for hiring U.S. citizens and for hiring legal immigrants.

What does the Gang of 8 bill do to change that? Well, the Gang of 8 bill takes some 11 million people who are here illegally and it grants them what is called RPI status—registered provisional immigrant status. I have many concerns about legalization prior to securing the border, but this concern is altogether separate from that, and it is the simple reality that anyone granted RPI status—anyone granted legalization under the Gang of 8 bill—is exempted from ObamaCare, which means that the employers who would be hiring them do not face the ObamaCare tax of $5,000 per employee, whether U.S. citizen or legal immigrant.

What does this mean in reality? Let's take an example, a simple hypothetical. Madam President, I would ask you to envision a small business: Joe's Burger Shack. Joe's Burger Shack is owned by a small business owner. It is a series of small fast food restaurants in any given State. It could be my home State of Texas or any State across the Union.

Let's assume that Joe's Burger Shack has 100 employees and that at Joe's Burger Shack, with 100 employees, business is doing relatively well, people are eating more hamburgers, and Joe decides he wants to hire 5 more people. If Joe and Joe's Burger Shack decide they want to hire five more people, if Joe chooses to hire five U.S. citizens or if he chooses to hire five legal permanent residents—five legal immigrants—Joe faces a penalty of $25,000 for doing so—$5,000 apiece right off his bottom line to the IRS. In contrast, if Joe decides instead to hire five RPIs, who came here illegally among those 11 million who are here illegally but granted RPI legalization under the Gang of 8 bill, Joe pays a penalty of zero dollars.

Let me ask a simple, commonsense question. In this instance, who is Joe, the small business owner, going to hire? This bill creates an enormous incentive to hire those here illegally, and at the same time it does it by creating a statutory penalty for hiring U.S. citizens and for hiring legal immigrants. That makes no sense.

Let me give a second example. Suppose Joe is facing harder times. Because of ObamaCare penalties, Joe makes the decision that a great many fast food restaurants have made—to forcibly reduce workers' hours. ObamaCare kicks in when a worker works 30 hours a week, so a great many small businesses—and in particular fast food restaurants—have been forced to forcibly reduce their employees' hours to 29 hours a week or less.

Now, imagine that of Joe's 100 employees, 25 of them are RPIs—are formerly illegal immigrants who have received legalization under the Gang of 8—and 75 are either U.S. citizens or legal permanent residents.

Well, if Joe wants to reduce the hours of 25 of his employees both below the 30-hour threshold because times are hard and he cannot afford the burden ObamaCare is putting on his business, if Joe forcibly reduces the hours of 25 U.S. citizen employees or 25 legal immigrant employees to below 30 hours a week, Joe saves potentially $125,000 a year in tax penalties, $5,000 apiece times 25 employees.

In contrast, if Joe says instead, I want to reduce the hours forcibly of those who are here illegally who have received legalization through the Gang of 8, Joe saves zero dollars in tax penalties because he is not paying a tax penalty regardless of whether those here illegally are working 30 or 40 hours or more. The question I would pose to the Presiding Officer is, whose hours will Joe reduce?

This statute puts an enormous incentive, an incentive from Congress, for Joe to forcibly reduce the hours of U.S. citizens and of legal immigrants.

Let me give a third and even more stringent example. Imagine if Joe is facing great financial burden, as a lot of small businesses are, as a lot of small businesses are struggling. Imagine if Joe instead made the decision to fire all 100 workers, all 100 workers who happened to be U.S citizens or permanent legal residents and instead hire only those who are here illegally or have been legalized under the Gang of 8. The consequences, simply doing the math at $5,000 an employee, mean Joe could save $500,000 a year in tax penalties. Actually the way ObamaCare works, it is a complicated formula where there is an alternative avenue where Joe could well be paying $2,000 per employee minus 30, which would get down, when you factor in the tax savings, to about $200,000. But any way you measure it under ObamaCare's complicated tax penalty formula, Joe could potentially save hundreds of thousands of dollars by firing his U.S. employees—U.S. citizen employees or his legal resident employees and instead hiring those who are here illegally.

That does not make any sense. That is not an incentive anyone rationally would set up. That is what this Gang of 8 bill does. You know, to share how real this incentive is, this penalty for hiring U.S. citizens and legal permanent residents, I wish to read a letter from one of my constituents, Mr. Allen Tharp, who is chairman and CEO of Old England, Lion and Rose Restaurant, Ltd. in San Antonio.

He wrote a letter that reads as follows:

> My name is Allen Tharp. Since 1985, I have been the sole owner and CEO of Allen Tharp LLC, as well as the Lion and Rose restaurant chain, and a partner in the Golden Chick restaurants. Our corporate restaurants provide well over 1,000 jobs to fellow Texans, and our franchise restaurants provide many more.
>
> I've been following the current debate over immigration reform very closely and want you to be aware that this bill, coupled with the new ObamaCare legislation, makes it much more affordable for a business like mine to employ Registered Provisional Immigrants than American workers. I do not believe that was the intention of either legislation, but it is the irrefutable effect of both.

ObamaCare, as documented in numerous news stories, already creates an incentive for businesses to cut hours in order to avoid triggering the 50 full-time employee threshold that requires businesses to pay a fine if they do not provide government-approved health insurance. Because of this law, I have been forced to cut back every single hourly employee in each of my companies to no more than 28 hours per week. Cutting schedules from 40 to 28 hours per week has caused some hardship on many employees. However, our choice is to either provide part-time work or no work at all because our business cannot afford to comply with the severe consequences that would be imposed on us under this law if we continue to provide full-time employment to all these employees.

If the current immigration bill before the Senate, however, is made law, a business could hire Registered Provisional Immigrants instead of U.S. citizens and avoid triggering ObamaCare regulations and fines.

Hiring RPIs over American workers, from a purely economic point of view, would be the best thing for my business. I personally do not believe this is the right thing to do. But surely some of my competitors would. ObamaCare and the immigration bill is forcing employers to make extremely difficult choices. I do not want to be in the position of choosing to grow my business or choosing to pay my fellow Americans. I want to do both. ObamaCare and the immigration bill will prevent me from doing so.

This is a real CEO, facing the real incentives of running a business under ObamaCare and looking at what would happen if this Gang of 8 bill passed into law.

What are the potential counterarguments to this concern? Well, in the way of Washington, we do not actually have to predict, because the proponents of this bill have followed a long tried and true path in Washington; namely, they have gone to an ostensibly neutral reporter at a mainstream publication and urged them to ''fact check'' the claim the Gang of 8 bill with ObamaCare would put a penalty on hiring U.S. citizens and legal immigrants. And to fact check, the reporter compliantly gave the answers to the responses that are given by the Gang of 8. But I would suggest that those responses are, on their face, singularly unpersuasive. The first response the Washington Post Fact Checker put up was a claim that CRUZ is creating a mountain out of a mole hill because ''the impact on employers is almost too miniscule to be noticed.'' That is a quote from our friends at the Washington Post in their so-called ''fact check.'' The basis of this is they said, well, gosh, there are a lot of companies that do not have 50 employees. The number of companies with more than 50 employees is really small or, as they put it, ''almost too miniscule to be noticed.''

I am going to suggest the claim that companies with more than 50 employees comprise a share of the economy that is ''miniscule'' is facially absurd.

Indeed, if you look at the data, 71 percent of all U.S. employees work in a business with more than 50 employees. So, according to the Washington Post, it is an objective fact that the employers for 71 percent of U.S. employees are ''almost too miniscule to be noticed.'' To put that in raw numbers, that is 80 million employees. I would suggest 80 million employees is, on any measure, not miniscule.

The second basis of the so-called fact check, the second response from the bill's proponents was that, well, under current law it is illegal for a potential employer to ask about a person's immigration status. I would note this is a particularly facile response that almost surely came from a lawyer. As a lawyer myself, I will say it is precisely the sort of response that causes people to love lawyers as they do, oh, so much in today's society. Because, yes, it is true there is a provision in statute that says: You cannot ask about a person's immigration status and base employment decisions on that. But the statute also requires you to check their immigration status before you hire them. Moreover, there is no provision for employees volunteering this information. If this bill passes, if there is a massive incentive to hire RPIs over U.S. citizens, the simple reality is there will be massive economic incentives for employers to do so.

Let me note this point is utterly irrelevant when it comes to reducing employee hours. Because even if you engage in the ''Alice in Wonderland'' world where employers do not know if an individual is an RPI or a U.S. citizen, once they are hired, as a matter of legal requirement, they do know that. If they are then subsequently making a decision on whose hours to reduce, the overwhelming economic incentive would be to reduce the hours of the U.S. citizen or the legal immigrant rather than those who are currently here illegally.

I want to ask the Presiding Officer, this penalty on hiring U.S. citizens and on legal immigrants, who is this going to hurt the most? Well, it is not going to hurt companies that are doing nuclear science research. It is not going to hurt companies that are designing satellites. It is going to hurt the workers who are working in the sorts of jobs where they face competition from those who are here illegally. It is going to hurt workers, for example, in the fast-food industry. It is going to hurt workers who are working in landscaping, in construction.

Who is it going to hurt the most? If you look right now, today, under the Obama economy, who is being hurt the most by the Obama economy? Those who are the most vulnerable among us. Hispanics today have a 9.1-percent unemployment rate. Hispanic U.S. citizens, Hispanic legal immigrants will be directly harmed by this outcome. African Americans have a 13.5-percent unemployment rate right now under the Obama economy. It has gone up under President Obama. African-American workers will be hurt by this statutory penalty on hiring U.S. citizens and legal immigrants.

Teenagers face an unemployment rate of 24.5 percent. Teenagers, in particular, if you look at jobs, for example, in the fast-food industry, are so often the first or second job a young teenager gets as he or she begins to climb the economic ladder. If Congress passes a bill that puts a major economic penalty on hiring a U.S. citizen or legal permanent resident, he or she may never get that job.

I wish to read a letter from another constituent who is president of Painless Performance, a high-end car parts manufacturer in Fort Worth, TX. The letter reads as follows:

My name is Adrian Murray. I am an immigrant. My parents moved to America from Ireland 55 years ago to seek opportunity and a better life. At the time, new immigrants had to have a sponsor and proof of future employment. I still have the letters written to the INS on their behalf. My parents later became naturalized citizens and raised me to respect America, her customs and her laws.

That was back in the day when being an American citizen was prized. To stand before a judge with hand raised, pledging allegiance and fidelity to America was the dream of millions around the world. We devalue American citizenship by making it a cheap tool for political gain.

My parents taught me to respect America's exceptionalism and therefore honor the institutions of this nation. Because of their example, I have built a successful business with 52 employees. Many of those in my plant are legal immigrants from Vietnam. They, too, came here the right way and endured much hardship to earn their citizen status. What am I to tell them, that their sacrifice was meaningless, that they should have just snuck in, that their citizenship has no value, that the joke is on them?

Well, I would never exercise the option of replacing them with cheaper ObamaCare-exempted workers. Would they not be justified in questioning the motives and validity of a government which would even consider giving an employer that option? What has this nation come to?

It is getting harder and harder to recognize America. A nation which once proudly held fast to the virtues of liberty and freedom is now seriously contemplating a law which amounts to nothing more than thinly disguised human trafficking. Once the world's greatest deliberative body, the Senate is set to vote this bill into law without bothering even to read it. This cannot be. This must not stand.

It is not too late. At the outset of my remarks, I asked unanimous consent to call up my amendment to fix this problem, and the Democrats in this body objected. My amendment would address this problem by providing that ObamaCare shall be defunded until there are no longer any registered provisional immigrants in line. This is the one way to correct this problem, to correct the statutory penalty on U.S. citizens and legal immigrants, if this bill were to pass.

As we have just seen, the majority party has chosen to object to bringing up that amendment. Indeed, so far, we have not had an open debate on amendments on this bill. I would note that a number of proponents of this bill claimed they were going to fix this. Here are a few of the comments sponsors of this bill have made concerning the amnesty tax loophole.

From my friend, the senior Senator of Arizona, Mr. JOHN MCCAIN:

I think that is an issue, and I think that it needs to be addressed.

Also from Senator MCCAIN:

We cannot give people who are not citizens the same benefits; that is the fundamental principle . . . we are trying to work around it so that an American citizen is competitive for a job.

A quote from a senior Democratic aide:

We are willing to work through these issues as the bill works its way through the Senate.

I am sorry to tell you, those promises have not materialized. We haven't worked through these issues. I cannot help but think, with an issue such as this, of the very real impacts it has on so many families. At least in my family that impact would not have been hypothetical.

Fifty-five years ago my father came from Cuba as a legal immigrant. He was 18, and he couldn't speak English. When he arrived in Austin, TX, penniless, he took a job similar to so many other immigrants before him, washing dishes, making 50 cents an hour. I will say the food service industry has provided such an opening portal for millions of Americans and for millions of immigrants from throughout the world.

Yet if the Gang of 8 bill had been law in 1957, along with ObamaCare—my father who couldn't speak English, who was very glad to make 50 cents an hour so he could take that money and pay his way through the University of Texas, go on, get a higher paying job, start a business, and work toward the American dream—my father very well might have been fired because of the Gang of 8 bill, because the impact of this legislation would have been to cost his employer $5,000 for hiring him, a legal immigrant.

I have to tell you, my father's skills at age 18, I wouldn't characterize him as a high-skilled dishwasher. He told me he got that job because he couldn't speak English, and one didn't have to speak English to wash dishes. You had to be able to take a dish and stick it under the hot water.

This incentive would have been a massive incentive on his employer to say: Raphael, I am sorry, you are out of a job because we are going to hire someone who didn't follow the rules, didn't come here legally, came here illegally, because Congress penalizes us $5,000 for you, but it puts zero penalty on that individual who is here illegally. I cannot think of a more irrational, a more indefensible system than a statutory authority for hiring U.S. citizens or legal immigrants.

If this bill passes, a number of things will happen. If this bill passes, African-American unemployment, Hispanic unemployment will almost surely go up. It will be the Senate's fault because this bill will penalize hiring African Americans, U.S. citizens or legal immigrants and, instead, will incentivize hiring those who are here illegally.

If this bill passes, Hispanic unemployment will almost surely go up because this bill penalizes hiring Hispanics who are U.S. citizens or Hispanics who are legal immigrants who followed the rules.

If this bill passes, youth unemployment will almost certainly go up because it is young people in particular who are just beginning the journey up the economic ladder who will be most impacted by Congress deciding to put a $5,000 penalty on hiring that U.S. citizen, hiring that legal immigrant and, instead, give a preference for hiring those here illegally.

If this bill passes, union households' unemployment will very likely go up because it is working-class households that are facing the most direct competition. If that happens, it will be the fault of the Senate.

If this bill passes, unemployment among legal immigrants will almost certainly go up. What this bill says, if you hire an illegal immigrant, the IRS is going to impose a $5,000 penalty on you, the employer. If you don't hire that legal immigrant, if you reduce that legal immigrant's hours, if you hire instead someone who is here illegally, that penalty will go away.

I would suggest that is utterly and completely indefensible. Nobody in this body wants to see African-American unemployment go up. Nobody wants to see Hispanic unemployment go up, youth unemployment go up, union household unemployment go up, legal immigrant unemployment go up. Yet every one of those will happen if this Gang of 8 bill passes without fixing this problem. If that happens, all 100 Members of the Senate will be accountable to our constituents for explaining why we voted to put a Federal penalty on hiring U.S. citizens and hiring legal immigrants. In my view, it makes no sense, and it is indefensible. I very much hope this body will choose to pass my amendment and fix this gray defect in the Gang of 8 legislation.

Thank you. I yield the floor.

The PRESIDING OFFICER (Mr. DONNELLY). The Senator from Maine.

REMEMBERING WILLIAM D. HATHAWAY

Mr. KING. Mr. President, I rise in sadness because America and the State of Maine lost a friend yesterday, one of my predecessors in this office, Senator Bill Hathaway, who served 14 years in the Congress, 8 in the House and 6 in the Senate, from 1973 to 1978.

I knew him well because I worked for him as a staff member in the Senate. In fact, I was sworn in as a Senator 40 years to the day from the day I entered Senate service on behalf of Bill Hathaway in January of 1973.

I had a chance, as all staff members do, to see him up close, to see him operate as a Senator and as a person. I was asked today several questions about him and what characterized Bill Hathaway. The first thing I said was he always put people first. He really and truly didn't pay much attention to politics. He always wanted to do what was right. I remember being in his office in the Russell Senate Office Building and talking about the political ramifications of some bill or some vote.

He sat back in his chair and said: You know, it is hard enough around here to figure out what the right thing to do is. When you add the politics on top of it, it becomes practically impossible.

That was the way he thought and that was the way he acted. In fact, I once sent him a memo as a young staff member that had some political ramifications of a particular vote. I wish I had saved the memo because in his inimitable scrawl at the top of the page when it came back to me it said: I pay you for policy, not political advice.

That was the kind of guy he was. One of the things which I noticed about him, which was a tremendous influence on my life, was he was exactly the same person in private as he was in public. There wasn't a different Bill Hathaway on the stump, in Maine, making speeches or on television than the one I saw behind closed doors driving around Washington or around Maine, through the small towns, getting a haircut or spending time together. He was always the same person with the same values and the same concern for the people of Maine.

If you haven't gathered it already, Bill Hathaway taught me a lot about how to do this job.

Next to my dad, he was probably the most influential adult in my life when I was a young person. He was honest, he was smart, he was analytical, and he was motivated to do the right thing for the people of this country and the people of the State of Maine.

I have one personal story as well because I think it speaks to the kind of person he was.

Unfortunately, when I was working here in 1974, I was stricken with a dangerous and unusual form of cancer. I ended up having to have significant surgery. I, again, was one of many staff members who worked for Bill Hathaway, but one of the most vivid memories of my life was waking in the hospital after the surgery in the recovery room. Looking up, I saw my wife on one side of the bed and standing at the end of the bed in hospital green scrubs was Senator Bill Hathaway.

That was the kind of man he was. He was a politician but in a good sense of the word. He was a man who thought about the people who took so seriously the responsibilities of this office. We lost him yesterday. I think he was about 90 years old. He never lost his interest in Maine, in people or in the issues of the country.

I was fortunate to spend some time with him recently, and he hadn't lost a step when it came to thinking about these kinds of questions. He was good-natured, funny, and he was genuine.

As I said at the beginning, Maine and the United States of America lost a friend yesterday, and he is one whom I will miss terribly.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, fixing our broken immigration system is an urgent priority. As the son of an immigrant myself, I understand how important this is for families across the country and in my home State of New Mexico. I know how hard immigrants work in this country, how much they believe in America, and how much they are willing to give back to this Nation.

New Mexico's remarkable spirit is rooted in our diversity, our history, and our culture, which has always been enriched by our immigrant communities and family members. At the same time, the laws that govern our country's immigration system are antiquated and ineffective. I am encouraged that we are finally making progress toward a solution and finding some common ground on this critical issue.

We need a solution that includes a visa system that meets the needs of our economy, a tough but fair path to earned citizenship for the estimated 11 million people in our country who are undocumented and a plan that ensures the security of our borders.

Our broken immigration system does not match the realities of our Nation's economy. The H–2A program makes it difficult for farmers to hire the workers they need.

The H–1B program sends some of our most talented students back to their countries of origin, where they find themselves competing against American jobs rather than helping to create American jobs.

The labor pool, comprised of millions of undocumented workers, allows for worker exploitation and low wages. We must ensure that our laws enable our companies to retain the highly skilled foreign graduates of our universities in science, technology, engineering, and mathematics, the STEM field, in order to harness their skills, their creative activity, and their entrepreneurial spirit to create jobs in America.

A commitment to reform our country's immigration system also requires a commitment to our students. As a strong supporter of the DREAM Act, I am glad this legislation acknowledges that students should be treated differently. I wish to especially thank Senator DURBIN for his work seeing this through to the end.

Thousands of students across the country will gain more education and training, which translates into better and higher paying jobs. All these extra wages will circulate through the economy, spurring economic growth and new job creation.

I have met many DREAMers in New Mexico, and they are incredibly bright, hardworking, and, frankly, most of them don't know how to be anything but an American. DREAMers represent much of what is best about our Nation—hard work, motivation, and a willingness to serve this country in uniform. I believe it is time to make the DREAM Act a reality.

Finally, those of us who represent border communities understand there are a number of challenges they face that are unique. We have made great advances in border security in recent years. Illegal border crossing apprehensions are at historically low levels and have fallen in New Mexico by more than 90 percent since their peak back in 2005. We have more agents, more technology and infrastructure devoted to our border than ever before. Our challenge moving forward is to continue to ensure our Nation's safety while balancing the need of our border communities to thrive and benefit from their unique binational culture and economy.

The mission of Customs and Border Protection is to both safeguard our Nation's borders and facilitate lawful international trade and commerce. However, in the Paso del Norte region, which includes both west Texas and southern New Mexico, not all of our ports of entry are operating at full capacity. The high volume of commercial vehicles attempting to cross at the El Paso port makes it extremely difficult for CBP to efficiently service all the would-be crossers while also maintaining security.

My amendment to extend the hours of operation at the nearby Santa Teresa Port of Entry will lead to more efficient trade between the United States and Mexico, will help to grow our economy, create new jobs, and invest in border security efforts at our Nation's ports.

On the subject of increased commerce and the Paso del Norte region, I want to thank Secretary Napolitano for doing her part. Earlier this month she announced a plan to extend the border commercial zone in southern New Mexico. This initiative was spearheaded by former Senator Jeff Bingaman at the Federal level, and it received bipartisan unanimous support back at home in the New Mexico State Legislature. Increasing the number of visitors traveling to the region will help U.S. businesses, local economies, and bring in more tax revenue.

New Mexicans are eager for a solution. DREAM Act students deserve a solution, and, frankly, our economy requires a solution. With this in mind, I will continue to work with my colleagues to ensure we achieve accountable immigration reform that works for New Mexico and for our Nation.

Este es el ano.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. 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. BENNET. Mr. President, I wanted to come to the floor tonight to talk briefly about where we are in immigration reform. We are moving along this week. We have come out of several weeks of committee work, where there were a number of Republican amendments that were adopted as part of the process and a number of Democratic amendments adopted as part of the process.

As somebody who was involved in the negotiating group that led to the bill reaching the Judiciary Committee, I actually think it was improved by both Republicans and Democrats. It has been an unusual bipartisan effort, and it is the kind of effort the American people, certainly the people of Colorado, think is long overdue. They do not understand why we seem to be engaged in these fights that don't have anything to do with them instead of working to get together constructively to meet the challenges this country faces.

I think when it comes to this very difficult issue of immigration—and it is difficult, and there are strong feelings about it—it has been remarkable for that reason; that we have been able to see what I would describe not even as a bipartisan process but a nonpartisan process, with people actually coming together to resolve this issue. As a result, the objections to it, the substantive objections to it are falling away.

There was an objection that somehow the bill was being rushed through. Well, no, it went through the regular order, which is very rare for this place. It shouldn't be rare, but it is rare. It got a full hearing in the Judiciary Committee, and there has been a full hearing on the Senate floor.

There was an argument somehow it was going to create horrible deficits, and it turns out the nonpartisan Congressional Budget Office said, actually, in the first 10 years it is going to improve our deficit situation by $190 billion and over the next 10 years by another $700 billion—almost $1 trillion over the course of the next 20 years.

So, then, there was another argument, which was there is no border security as part of this legislation. In the Group of 8 we listened hard to what the border Senators JOHN MCCAIN and JEFF FLAKE, two Republicans from Arizona, had to say about what they believed they needed at the border. We went and visited the border with JOHN MCCAIN and JEFF FLAKE to see what they believed they needed on the Arizona border. But there were other Senators who weren't satisfied by what we put in that bill, and so there was an effort that was then led by Senator CORKER from Tennessee and Senator HOEVEN to amend the bill, and we supported it. I supported that amendment.

In fact, that amendment got 68 votes the other night—or something like that. We were missing a couple of Senators. We would have had 68 or 69 if everybody had been here.

That is progress because that has built support for the bill—Republicans and Democrats coming together around the border security issue. I think it is very hard for anybody to make a real

argument this is not a significant attempt to strengthen the border in this country.

We were already spending more money on border enforcement than we do on any other Federal law enforcement combined as it was. We had gone to about 22,000 Border Patrol agents already as it was. Now we are doubling that number—doubling—as an attempt to respond to a very reasonable concern the American people have that the border should be as secure as possible. So that is now part of this legislation.

So those are three things people have argued: The process was too fast, the bill was going to negatively affect the deficit, and our border is still insecure. Those were the arguments that were made.

Now we don't hear those arguments so much anymore. Now we hear scare stories about health care. We are hearing scare stories about how this will affect our economy even though the nonpartisan Congressional Budget Office has said we are going to see five additional points of gross domestic product growth—GDP growth—in the second 10 years of this bill passing, as a result of bringing people out of the shadows.

It is not as if the 11 million people who are here and who are undocumented are not working. They are working. Many of them are working in this country. Many of them are working in the agriculture sector in my State and in this country. Many are working in other industries as well all across the United States. But they are working in an unlawful way. They are working in a cash economy. They are working in a situation where they are easily exploited. Because of that, they drag down the wages of everybody in America.

Workers in my State who are here and who are legal—l-e-g-a-l—are having to compete in a marketplace where there are people who can pay less because they know there are people who have to take less because they do not have lawful recourse.

All the protections we put in this bill, all the protections to make sure, and rightfully so, an American is offered a job first; to ensure, and rightfully so, we are not bringing in a whole bunch of new people when there are Americans looking for work—all of those protections pale in comparison to the protection of bringing 11 million people out of the shadows and out of a cash economy and into a place where they are paid a lawful wage and they are paying their taxes to the U.S. Government.

If all someone cared about, if the only thing someone cared about when they got up in the morning and went to bed at night was rising wages for Americans, solving this issue finally for the 11 million would be the most important thing you could do. And we do that in this bill.

The opponents of this bill are not seriously suggesting they are going to go to the expense of sending 11 million people back to where they came from. They are not seriously suggesting, in answer to this issue, that nothing in the CBO report is true, that none of it makes sense, that this is about ObamaCare when what we are really trying to do for once in this place is solve a set of challenging issues in a bipartisan way.

Mr. President, even more than that, for a decade or more, because of our broken immigration system, the policy of this country has been to turn back talented people—even people educated at our universities, even people educated to be engineers and mathematicians. When they have graduated from college here, at our expense, in many cases, we have not said to them: Stay here and build your business. Compete here and help us grow this economy. Start a business—as half of the Fortune 100 or 500 companies have been started by immigrants. No. We have said: Go home. Go home to India and compete with us from there. Go home to China and hire other people over there.

If we pass this bill, we will say once again that this nation of immigrants is open for business, that we are open to the most creative and talented people in the world, that we want them to drive our economy in the United States just as they have generation after generation going back to our Founders.

It is a great testament to who we are and to the nature of our country that people want to come here, and under the right circumstances we should have them here. The CBO report—and I don't even care about the CBO report—makes it very clear—makes it very clear—what businesspeople in my State already know: It makes it clear to the agricultural industry in my State, the high-tech industry in my State, the ski resorts in my State that the objections of people of goodwill on this bill have been met through compromise and through principled agreement.

This is a good piece of legislation. We shouldn't, in this ninth or eleventh hour or whatever it is—the ninth inning—allow ourselves to get distracted by the politics seeking to divide us in this Chamber or in this country. And I don't believe we will. So I urge my colleagues to support the passage of this bill.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I hope the Senator wasn't rushed completing his statement, because I was listening intently and appreciating all he said today.

I haven't had the opportunity to express through the instruments of this floor how much I appreciate the Senator from Colorado. He has done such a terrific job. He has been one of the four Democrats. He hasn't sought a lot of press on this, but he has been a stalwart in getting this done for a couple reasons.

One, his State of Colorado is a perfect example as to why we need this bill. The demographics have changed in that State remarkably, as they have in my State of Nevada. His quiet concern for what we need to do and then his quiet movement to make sure we get the things done we need to is evident in this immigration bill.

Frankly, we had a discussion today in our caucus, as we have had on several occasions, about student loans. No one is better prepared to talk about that issue than the Senator from Colorado. He is not only concerned about what happens to students who are in college, but also he was a school superintendent, understanding what people who want to go to college have to deal with. So I appreciate very much the statements of the Senator from Colorado. He has done a remarkably good job, and the people of Colorado are so fortunate to have this good man in the Senate.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

CLIMATE CHANGE

Mr. LEAHY. Mr. President, I agree with the President that climate change represents one of the greatest challenges of our time, but it is also a challenge uniquely suited to our strengths as a country. Our scientists, researchers, universities and entrepreneurs stand ready to design and build new, less polluting energy sources. Vermont's and our country's farmers and forestland owners stand ready to grow renewable fuels. American businesses will innovate and develop new energy technologies that will reduce pollution and grow our economy with jobs that cannot be shipped overseas. Our workforce stands ready to modernize our power plants and retrofit our buildings to meet 21st century efficiency standards.

I stand ready to support the President, and Vermonters want to do our part. The important goals the President has laid out today will create jobs, save lives and protect and preserve our treasured natural resources for future generations.

No single step can accomplish the goals that President Obama has presented today, but we must begin now, and take these critical first steps together. We owe it to our children and grandchildren to address these threats and be responsible stewards of the earth. Just as any Vermonter who has hiked the 200 miles of Vermont's beautiful Long Trail can tell you, the journey begins with a commitment to reach a goal, and a first step in that direction.

Climate change is not a far-off or remote challenge. The impacts are overtaking us today around the globe and

in Vermont. In the past 2 years, hurricanes Irene and Sandy devastated the Northeast, while huge swaths from Texas to the Midwest have been gripped in a historic drought, and tornadoes have raked the heartland.

We can no longer willfully ignore these impacts or continue to deny the facts: The science is clear and definitive that human-induced climate change is happening and it is happening rapidly. We are obligated to reduce carbon emissions, and efforts to do so have the support of the American people.

Not only is the science clear, but the human and economic costs of climate change are hitting home. The severe weather events of just the past 2 years have caused damages in the United States in excess of $188 billion and left more than 1100 people dead. If we do not act now then the toll is sure to mount, with ever more destructive and deadly weather pounding our coasts, parching our Nation's agricultural center, and rising sea levels threatening our coastal communities. If we do not act now, the devastating impacts of climate change will only get worse.

But climate change is not just about weather disasters. For instance, we also have seen asthma rates double in the past 30 years, and our children and grandchildren will only suffer more asthma attacks as air pollution worsens. We already reduced smog and acid rain and have set limits for mercury, lead, and arsenic. It is time to set a limit on carbon pollution that causes climate change and assaults the public health.

The President's proposal will allow the United States to take further important steps toward the environmental quality and good jobs that will come with a cleaner and safer energy future. We can act now so that future generations—our children and grandchildren—will know that we took the steps that helped make their world safer and cleaner.

VOTE EXPLANATIONS

Mr. ENZI. Mr. President, I wish to note that on the evening of Monday, June 24, 2013 I missed Senate rollcall vote No. 160 on the motion to invoke cloture on the Leahy substitute amendment No. 1183 due to travel delays. I would like to make clear in the RECORD that if I were in attendance I would have voted in opposition of the motion to invoke cloture on this measure.

Mr. ISAKSON. Mr. President, I was unavoidably detained during rollcall vote No. 160 on the motion to invoke cloture on Leahy amendment No. 1183. Had I been present I would have voted nay.

ADDTIONAL STATEMENTS

REMEMEBERING W.A. ''BILL'' KRAUSE

● Mr. President, today I wish to remember an Iowa farm boy whose legendary work ethic simply worked wonders. As we bid farewell this week to one of Iowa's most successful entrepreneurs and cofounders of one of Iowa's most iconic businesses, Bill Krause's can-do spirit will inspire generations of Iowans. That is because the footprint this gentle giant leaves behind is one of a man who pioneered a wildly successful chain of convenience stores. Kum & Go is one of the Nation's largest family-owned chains in America with more than 420 stores doing business in 11 States.

A self-starter from an early age, Bill's tireless work ethic and visionary leadership skills reflect the very best of America's entrepreneurial spirit. Throughout his career, Bill was rewarded with the prizes and pitfalls of risk taking at its very best and at its very worst. Named Iowa Entrepreneur of the Year in 1992, Bill's varied business pursuits stretched beyond his signature success and prosperity in the convenience store industry, including fashion retailing, trucking, gaming, farming, banking, as well as interests in Iowa-based soccer and baseball teams. An honest-to-goodness rags to riches story, Bill always kept his eyes focused on the opportunity that lie ahead at the next bend, without losing sight of what mattered most in life: his family, faith, and friendships, including those of thousands of employees and the countless customers he loved to meet and greet in his stores.

After graduating from Eldora High School, Bill worked his way through college and graduated from his beloved alma mater, The University of Iowa, in 1957 with a degree in journalism. A lifelong Iowa Hawkeye fan, Bill is one of those uncommonly humble men of considerable means who never forgot from where he came.

That sense of loyalty later translated into valuable financial contributions, including a signature gift that launched a historic renovation to Kinnick Stadium. He earned a number of distinguished awards and accolades from The University of Iowa and for more than five decades supported the Hawkeye's celebrated athletics programs as a tireless fan and patron. He also served as adviser to deans of the Tippie College of Business, sharing his Main Street expertise with those tasked with teaching the next generation of business leaders. Putting his money where his mouth is, Bill founded a fund to jump-start the next generation of business leaders. Since 1998, the Krause Fund has provided more than 1,200 Iowa undergraduate students with the opportunity to learn about managing an endowed equity portfolio.

Bill Krause knew how to run a business, how to create jobs and how to keep customers satisfied. The narrative of his success was shaped by his humble beginnings, earning $10 a day at age 15. Years later with his father-in-law, Tony Gentle, he pioneered the convenience store concept of buying milk, bread and eggs at the local gas station when customers pulled up to fill their tanks. By all accounts, Bill's American success story bloomed as a result of his integrity, decency, passion and generosity.

His homegrown roots stretched deep, defining his contributions of time, talent and treasure to his church and community. He was awarded the St. Elizabeth Ann Seton Award by the National Catholic Education Association in 2007 and the Civitas Award from Dowling Catholic Schools in 2012. Through scholarship, service and sacrifice, Bill and Nancy Krause taught their 3 children and 12 grandchildren the real measure of success.

In fact, a few years ago a room at the Kum & Go headquarters in West Des Moines was known as the ''one-liner'' room because of the messages lining the walls. When asked, Bill said the legacy he hoped to leave behind mirrors one of the lines on the wall: ''It's nice to be important, but it's more important to be nice.'' Perhaps that is one of the reasons why he gave blazers to high school kids for their first job interviews. Or why he was a leading fund-raiser for minority and low-income students at Holy Family School in Des Moines.

Mr. President, may I suggest to the U.S. Senate that Bill Krause has more than secured this legacy throughout his professional and personal life. Barbara and I share our deepest condolences to Bill's family, especially to his wife Nancy, and to all those who are mourning the loss of this larger-than-life Iowan.●

CONGRATULATING PHILLIPE RIBIERO

● Mr. LEVIN. Mr. President, I am delighted to congratulate Pontiac High School chemistry and biology teacher Phillipe Ribiero for winning the qualifying round and advancing to the final round of the Make My Lab WoRx contest. This is a wonderful achievement that reflects his talent as an educator and the fine work that is happening across Michigan to ensure that the best and brightest are teaching our young people.

The 2013 Make My LabWoRx contest is part of a program developed by Astellas Pharma. It seeks to increase the understanding of the role science plays in human health and medicine. The contest is comprised of seven qualifying rounds that take place across the country, including Michigan. To participate in the contest, science teachers must submit a lesson plan or experiment, along with a video demonstration. Involvement in this program allows teachers to showcase their passion for teaching science in a

creative and exciting way. Mr. Ribiero's winning video and lesson plan instructed students on how to make an acid/base indicator using common household items. Mr. Ribiero's win in the 2013 Make My LabWoRx contest has provided Pontiac High School with a new microscope and funding necessary to purchase additional lab equipment.

A quality education is fundamental to the future success of our young people, and to the health and prosperity of our country. This award is indicative of Mr. Ribiero's creativity, dedication and hard work as a science teacher, and his ability to challenge Pontiac High School students academically and to nurture their growth as individuals. I am proud of the example he has set, which represents the best of our State's educational system.

I know that Mr. Ribiero's family, friends and the Pontiac High School community are all truly proud of his accomplishment. I also know my Senate colleagues join me in congratulating Phillipe Ribiero on this achievement. His work has brought pride to both Pontiac High School and the community at large. I wish Mr. Ribiero the best of luck as he continues to educate and inspire young minds for years to come.●

REMEMBERING ELIOT AND MURIEL BATTLE

● Mrs. MCCASKILL. Mr. President, I wish to offer tribute to a truly passionate team from Columbia, MO—Eliot and Muriel Battle—who together became key to forever changing race relations throughout Columbia.

One local newspaper recently wrote: ''You could not have Eliot without Muriel. What they accomplished, they accomplished together.'' And what they accomplished was astounding—a testament to the power of leadership by example.

Over the last decade, the city of Columbia and the University of Missouri have lauded this couple with various citywide recognitions and, for Eliot, an honorary degree, in honor of their lifelong efforts. Yet the most poignant recognition of all was the decision to name Columbia's newest high school ''Muriel Williams Battle High School.'' Education served as the backbone of the couple's series of first-ever accomplishments as they became pioneers in the desegregation of the city's public schools.

Seeing the new high school open became one of Eliot's last goals. And he met it with pride. Despite his declining health, he walked to the podium on June 2 to a standing ovation, spoke loud and clear, and received a second standing ovation at the end of his speech honoring his wife, who had passed 10 years earlier, in 2003. Nine days after the ceremony, he passed on too.

It is amazing how life works sometimes. Their story is one for all to know and understand. I would like to share a few highlights.

They moved to Columbia in 1956 in the heart of the civil rights movement, just a year after Rosa Parks would not give up her seat on the bus. In this era, many civil rights leaders had more radical approaches to change, but the Battles did not fit into these molds. Even though they also wanted quick change, they were a couple who lived ''quietly yet determined and unwavering,'' as one newspaper columnist noted, working behind the scenes of social justice and modeling the racial acceptance they wanted their community to adopt.

Both of the couple's first education jobs in Columbia were at Douglass School—Eliot as an assistant principal and, later, Muriel as a social studies teacher. Both had come from families that emphasized ''education was the answer'' for African Americans, Muriel once said. ''We grew up,'' she said, ''knowing we were going to college.'' It became clear quickly that both Eliot and Muriel wanted all Columbia children to have the same chance they did.

In 1960, Eliot became the first African-American faculty member at a newly integrated Hickman High School, serving as a guidance counselor. His approachable manner helped ease the tension of desegregation by mediating between some African-American families and White educators.

After Muriel's stint at Douglass School, she spent 30 years at West Junior High School, where she worked as a teacher, department chairperson, assistant principal, and principal. She retired as the school district's first female associate superintendent of secondary education.

Muriel was known for making all people of all ages and race feel valued and welcome even down to her school motto: ''We're glad you're here.''

Long into their retirement from education, the couple continued their efforts to promote diversity. Eliot became a founding member of the Minority Men's Network, served on the Columbia College board of Trustees, and wrote the 1997 book: ''A Letter to Young Black Men.''

Muriel formed the Battle Group, an education consulting firm that provided strategies to school districts, parent-teacher associations, and juvenile justice facilities, and dedicated time and money to building a Martin Luther King, Jr., memorial.

Their efforts toward overall community acceptance reached far beyond their professional lives. Two of their four children became the first African-American students to attend Grant Elementary—the first of Columbia's schools to be integrated.

They also integrated neighborhoods, being one of the first African-American families to move beyond the redlining real estate limits in Columbia and into a White neighborhood. Despite the hateful letters they received—and even after having a White neighbor shoot their family dog, Bingo—the couple led by example and continued to tell their children that these neighbors feared change and they had to push on.

As one local newspaper recounted, Battle's daughter said her father would routinely say ''They don't understand, and they are afraid. We have to live our lives and do the best we can, and if they knew better, they would do better.''

The community of Columbia was so lucky to have had this team move into its community and change it forever.

I ask my colleagues to join me in honoring the lives and accomplishments of Eliot and Muriel Battle.●

CLAIRE CITY, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Claire City, SD. Founded in 1913, Claire City will celebrate its 100th anniversary this year.

Located in Roberts County, Claire City possesses a strong sense of community that makes South Dakota an outstanding place to live and work. On August 15, 1913, many people gathered along the treeless prairie to buy lots for $100 to $600 in this new town named after Claire Feeney. Claire City has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of Claire City has much to be proud of and I am confident that Claire City's success will continue well into the future.

Claire City will commemorate the centennial anniversary of its founding with celebrations held from June 28th through June 30th featuring events such as a parade, tractor pull, and an auction of centennial items. I would like to offer my congratulations to the citizens of Claire City on this milestone anniversary and wish them continued prosperity in the years to come.●

TRIBUTE TO BRITTANY ANDERSON

● Mr. THUNE. Mr. President, today I recognize Brittany Anderson, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Brittany is a graduate of Roosevelt High School in Sioux Falls, SD. Currently, she is attending Wheaton College, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Brittany for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO KATIE HAUGEN

● Mr. THUNE. Mr. President, today I recognize Katie Haugen, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Katie is a graduate of Saint Thomas More High School in Rapid City, SD. Currently, she is attending Black Hills State University, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Katie for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO COLE KIRBY

● Mr. THUNE. Mr. President, today I recognize Cole Kirby, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Cole is a graduate of Sage High School in Newport Coast, CA. Currently, he is attending Georgetown University, where he is majoring in finance. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Cole for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO JAMES REYNOLDS

● Mr. THUNE. Mr. President, today I recognize James Reynolds, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

James is a graduate of Derby High School in Derby, KS. Currently, he is attending Wichita State University, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to James for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO AUBURN RITTERBUSH

● Mr. THUNE. Mr. President, today I recognize Auburn Ritterbush, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Auburn is a graduate of RAF Lakenheath in Suffolk, England. Currently, she is attending Black Hills State University, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Auburn for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO HAMILTON ZACHARIAHS

● Mr. THUNE. Mr. President, today I recognize Hamilton Zachariahs, an intern in my Washington, DC office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Hamilton is a graduate of Lincoln High School in Sioux Falls, SD. Currently, he is attending the University of Michigan, where he is majoring in business. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Hamilton for all of the fine work he has done and wish him continued success in the years to come.●

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–2073. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetamiprid; Pesticide Tolerances'' (FRL No. 9391–2) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2074. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyproconazole; Pesticide Tolerances'' (FRL No. 9387–3) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2075. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triforine, Pesticide Tolerances; Technical Correction'' (FRL No. 9389–9) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2076. A communication from the Secretary of Defense, transmitting, pursuant to law, a report to Congress on the Nuclear Employment Strategy of the United States; to the Committee on Armed Services.

EC–2077. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13466 of June 26, 2008, and expanded in Executive Order 13551 of August 20, 2010, and addressed further in Executive Order 13570 of April 18, 2011, with respect to the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula; to the Committee on Banking, Housing, and Urban Affairs.

EC–2078. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination to Defer Sanctions; California; South Coast Air Quality Management District'' (FRL No. 9826–3) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Environment and Public Works.

EC–2079. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri; Infrastructure SIP Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards'' (FRL No. 9825–7) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Environment and Public Works.

EC–2080. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York; Infrastructure SIP for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter Standards'' (FRL No. 9825–1) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Environment and Public Works.

EC–2081. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Diego Air Pollution Control District'' (FRL No. 9815–5) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Environment and Public Works.

EC–2082. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Change of Address for Region 7; Technical Correction'' (FRL No. 9825–5) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Environment and Public Works.

EC–2083. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Charlotte, Raleigh/Durham and Winston-Salem Carbon Monoxide Limited Maintenance Plan'' (FRL No. 9824–5) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Environment and Public Works.

EC–2084. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Oregon: Heat Smart Program and Enforcement Procedures'' (FRL No. 9802–7) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Environment and Public Works.

EC–2085. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Kansas; Infrastructure SIP Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards'' (FRL No. 9825–6) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Environment and Public Works.

EC–2086. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Reasonably Available Control Technology for the 1997 8-Hour Ozone Standard'' (FRL No. 9797–2) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Environment and Public Works.

EC–2087. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Florida; Approval of Recodification of the Florida Administrative Code; Correcting Amendments'' (FRL No. 9824–2) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Environment and Public Works.

EC–2088. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 9390–6) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Environment and Public Works.

EC–2089. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries'' (FRL No. 9751–4) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Environment and Public Works.

EC–2090. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act 2012 Annual Report to Congress''; to the Committee on Foreign Relations.

EC–2091. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–056); to the Committee on Foreign Relations.

EC–2092. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''William D. Ford Federal Direct Loan Program; Interim Final Rule'' (RIN1840–AD13) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2093. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers'' (CFDA Nos. 84.133E–5; 84.133E–6; 84.133E–7; and 84.133E–8) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2094. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Rehabilitation Research and Training Centers'' (CFDA No. 84.133B–1) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2095. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers'' (CFDA No. 84.133E–4) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2096. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Advanced Rehabilitation Research Training Program'' (CFDA No. 84.133P–1) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2097. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers'' (CFDA No. 84.133E–3) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2098. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the Commission's Seventy-Second Financial Statement for the period of October 1, 2011 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–2099. A communication from the Director, Office of Diversity Management and Equal Opportunity, Office of the Under Secretary of Defense (Readiness and Force Management), transmitting, pursuant to law, additional fiscal year 2012 reports from the Department of Defense Components relative to the implementation of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with a preamble:

S. Res. 144. A resolution concerning the ongoing conflict in the Democratic Republic of the Congo and the need for international efforts supporting long-term peace, stability, and observance of human rights.

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 151. A resolution urging the Government of Afghanistan to ensure transparent and credible presidential and provincial elections in April 2014 by adhering to internationally accepted democratic standards, establishing a transparent electoral process, and ensuring security for voters and candidates.

S. Res. 165. A resolution calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko in light of the recent European Court of Human Rights ruling.

By Mr. MENENDEZ, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 166. A resolution commemorating the 50th anniversary of the founding of the Organization of African Unity (OAU) and commending its successor, the African Union.

S. Res. 167. A resolution reaffirming the strong support of the United States for the peaceful resolution of territorial, sovereignty, and jurisdictional disputes in the Asia-Pacific maritime domains.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Richard J. Engler, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

*Allison M. Macfarlane, of Maryland, to be a Member of the Nuclear Regulatory Commission for a term expiring June 30, 2018.

*Marilyn A. Brown, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2017.

By Mr. MENENDEZ for the Committee on Foreign Relations.

*Daniel R. Russel, of New York, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

*Geoffrey R. Pyatt, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Nominee: Geoffrey R. Pyatt.

Post: Klev.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount date, donee:

1. Self: None.

2. Spouse: $63, 3/30 and 5/30/ 2012, Obama/ Biden.

3. Children and Spouses: Mary D. Pyatt, William R. Pyatt, Claire M. Pyatt, None.

4. Parents: Kedar D. Pyatt, Jr., Mary M. Pyatt, None.

5. Grandparents: N/A

6. Brothers and Spouses: David B. Pyatt/ Jamie Pyatt, None.

7. Sisters and Spouses: Kira & Eric Lynch, Rebecca & Darren Quinn, None.

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*Tulinabo Salama Mushingi, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Nominee: Tulinabo Mushingi.

Post: Burkina Faso.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: Rebecca Mushingi $100.00, 10/4/ 2012, Obama Victory Fund; $100.00 7/16/2012, Obama for America; $45.00, 2/20/2012, Obama for America.

3. Children and Spouses: Furaha Mushingi: $3.00, 2012, Obama for America.

4. Parents: Bahiga & Namazi Mushingi—deceased.

5. Grandparents: Bahiga & Mwandafunga—deceased.

6. Brothers and Spouses: None ever visited/lived in the USA.
7. Sisters and Spouses: None ever visited/lived in the USA.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. BENNET (for himself and Mr. JOHANNS):

S. 1216. A bill to improve and increase the availability of on-job training and apprenticeship programs carried out by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORKER (for himself, Mr. WARNER, Mr. JOHANNS, Mr. TESTER, Mr. HELLER, Ms. HEITKAMP, Mr. MORAN, and Mrs. HAGAN):

S. 1217. A bill to provide secondary mortgage market reform, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. MANCHIN):

S. 1218. 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 Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1219. A bill to authorize the Pechanga Band of Luiseno Mission Indians Water Rights Settlement, and for other purposes; to the Committee on Indian Affairs.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 1220. A bill to amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. CORNYN):

S. 1221. A bill to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. BAUCUS):

S. 1222. A bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RUBIO (for himself and Mr. NELSON):

S. Res. 186. A resolution congratulating the Miami Heat for winning the 2013 National Basketball Association Finals; considered and agreed to.

ADDITIONAL COSPONSORS

S. 231

At the request of Mr. PORTMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 231, a bill to reauthorize the Multinational Species Conservation Funds Semipostal Stamp.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 658

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 658, a bill to amend titles 10 and 32, United States Code, to enhance capabilities to prepare for and respond to cyber emergencies, and for other purposes.

S. 789

At the request of Mr. BAUCUS, the names of the Senator from Arizona (Mr. FLAKE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from Oklahoma (Mr. COBURN) and the Senator from Illinois (Mr. DURBIN) 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. 815

At the request of Mr. MERKLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 815, a bill to prohibit the employment discrimination on the basis of sexual orientation or gender identity.

S. 842

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor 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. 892

At the request of Mr. KIRK, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 892, a bill to amend the Iran Threat Reduction and Syria Human Rights Act of 2012 to impose sanctions with respect to certain transactions in foreign currencies, and for other purposes.

S. 1069

At the request of Mrs. GILLIBRAND, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1069, a bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1114

At the request of Mr. BROWN, the name of the Senator from North Carolina (Mrs. HAGAN) 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. 1143

At the request of Mr. MORAN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 1158

At the request of Mr. WARNER, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors 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. 1166

At the request of Mr. ISAKSON, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1166, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1183

At the request of Mr. THUNE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1183, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 1192

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1192, a bill to implement common sense controls on the taxpayer-funded salaries of government contractors by limiting reimbursement for excessive compensation.

S. 1195

At the request of Mr. BARRASSO, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 1195, a bill to repeal the renewable fuel standard.

S. 1199

At the request of Mr. HOEVEN, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1199, a bill to improve energy performance in Federal buildings, and for other purposes.

S. 1211

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of 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.

S. 1212

At the request of Mr. UDALL of Colorado, the name of the Senator from

Alaska (Ms. MURKOWSKI) was added as a cosponsor of 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.

S. 1215

At the request of Mr. LEAHY, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1215, a bill to strengthen privacy protections, accountability, and oversight related to domestic surveillance conducted pursuant to the USA PATRIOT Act and the Foreign Intelligence Surveillance Act of 1978.

S.J. RES. 15

At the request of Mr. CARDIN, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S.J. Res. 15, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 144

At the request of Mr. COONS, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 144, a resolution concerning the ongoing conflict in the Democratic Republic of the Congo and the need for international efforts supporting long-term peace, stability, and observance of human rights.

S. RES. 151

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 151, a resolution urging the Government of Afghanistan to ensure transparent and credible presidential and provincial elections in April 2014 by adhering to internationally accepted democratic standards, establishing a transparent electoral process, and ensuring security for voters and candidates.

S. RES. 165

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 165, a resolution calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko in light of the recent European Court of Human Rights ruling.

S. RES. 167

At the request of Mr. MENENDEZ, the names of the Senator from Indiana (Mr. DONNELLY) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. Res. 167, a resolution reaffirming the strong support of the United States for the peaceful resolution of territorial, sovereignty, and jurisdictional disputes in the Asia-Pacific maritime domains.

AMENDMENT NO. 1244

At the request of Mr. ISAKSON, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of amendment No. 1244 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1328

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 1328 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1593

At the request of Ms. HEITKAMP, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 1593 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1618

At the request of Mr. NELSON, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 1618 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 Ms. COLLINS (for herself and Mr. BAUCUS):

S. 1222. A bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today to introduce legislation to extend and improve a program aimed at addressing the unique needs of rural schools. The Rural Education Achievement Program, or REAP, is designed to help level the playing field for small and high-poverty rural school systems. It is the only dedicated federal funding stream to aid rural school districts in overcoming certain challenges associated with geographic isolation.

Nearly ⅓ of America's public schools are in rural areas, and more than 21 percent of our public school students attend these schools. Students in rural America should have the same access to federal dollars and quality education as those students who attend schools in urban and suburban communities. For this reason, in 2001, I worked with former Senator Kent Conrad to author the law creating REAP, and I am now pleased to work with Senator MAX BAUCUS on its reauthorization. REAP created two grant programs: the Small and Rural Schools Achievement program SRSA, which provides additional funding and flexibility to small rural school districts, and the Rural and Low-Income School program, RLIS, which provides additional funding for poor rural school districts.

Prior to enactment of this law, rural school districts received funds based on school enrollment. In many of these districts, Federal formula programs, which are population-based, do not produce enough resources to carry out important programs, which these grant programs help make possible. One school district in Maine, for example, received only $28 in 2001 to fund a district-wide Safe and Drug-free school program.

In addition, small and rural school districts often forgo Federal education dollars because they lack the personnel and the resources to apply for competitive grants. Having fewer personnel also creates additional challenges in providing professional development opportunities. By allowing rural school districts to combine funds, as well as providing additional funds, REAP gives these districts the levels of resources required to undertake significant educational reform. Funds from this program have already helped to support new technology in classrooms, distance learning opportunities, and professional development activities, as well as a vast array of other programs that will help rural districts.

The REAP Reauthorization Act of 2013 would reauthorize and implement a few improvements to the law. These changes would allow Federal funds to be even more closely targeted to geographically isolated districts. One important reform would allow program eligible districts to participate in the Rural and Low-Income School program if they would not receive financial benefits from the Small and Rural Schools Achievement program.

Education is an essential driver for good jobs for our citizens. This rings true especially in rural America, where schools are the linchpin of rural communities. I am pleased to have the support of the Maine School Management Association for the REAP Reauthorization Act of chair of the Senate Rural Education Caucus, I will continue to work toward our goal of advancing the educational interests of rural schools and districts.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

MAINE SCHOOL MANAGEMENT ASSOCIATION,
Augusta, ME, June 24, 2013.

Re Reauthorization of REAP

Hon. SUSAN COLLINS,
Dirksen Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS, The Maine School Boards Association and the Maine School Superintendents Association want to thank you for your continued sponsorship of the REAP Program. Specifically, our Associations are pleased to support the 2013 Reauthorization of REAP. Throughout the years, REAP funding has helped to provide equity for many small schools in Maine and our expectation is that will continue with this Reauthorization.

Both the National School Boards Association and the American Association of School Administrators are also supportive of the Reauthorization of REAP.

The Maine School Boards Association and the Maine School Superintendents Association appreciate your continued support for public education. We want to commend you for your willingness to pay attention to various legislative issues that may impact Maine public schools. We also want to praise your staff for their expertise and accessibility to our organizations. As always, our Associations are available as a resource to you and to your staff.

Sincerely,

CORNELIA BROWN,
Executive Director.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 186—CONGRATULATING THE MIAMI HEAT FOR WINNING THE 2013 NATIONAL BASKETBALL ASSOCIATION FINALS

Mr. RUBIO (for himself and Mr. NELSON) submitted the following resolution; which was considered and agreed to:

S. RES. 186

Whereas, on June 20, 2013, the Miami Heat defeated the San Antonio Spurs by a score of 95 to 88 in Miami, Florida, winning the third National Basketball Association (NBA) Finals in the history of the Miami Heat franchise;

Whereas the Miami Heat have won back-to-back championships and have kept the Larry O'Brien Championship Trophy in Miami;

Whereas, during the 2013 NBA Playoffs, the Miami Heat defeated the Milwaukee Bucks, the Chicago Bulls, the Indiana Pacers, and the San Antonio Spurs;

Whereas, the Miami Heat earned an overall record of 82-23 and the right to be named NBA champions;

Whereas LeBron James, who averaged 25.3 points, 10.9 rebounds, and 7 assists during the NBA Finals, was named the Most Valuable Player of the NBA Finals for the second consecutive year;

Whereas Dwyane Wade has been an integral player on all three Miami Heat championship teams;

Whereas each member of the Miami Heat 2012-13 season roster, including Ray Allen, Chris Andersen, Joel Anthony, Shane Battier, Chris Bosh, Mario Chalmers, Norris Cole, Udonis Haslem, Juwan Howard, LeBron James, James Jones, Rashard Lewis, Mike Miller, Jarvis Varnado, and Dwyane Wade, played an essential role in bringing a third NBA Championship to Miami;

Whereas Erik Spoelstra and his assistant coaches Bob McAdoo, Keith Askins, Ron Rothstein, David Fizdale, Chad Kammerer, Octavio De La Grana, Bill Foran, as well as trainers Jay Sabol, Rey Jaffet, and Rob Pimental, worked with the Miami Heat players and maintained a standard of excellence;

Whereas owner Micky Arison has built a first-class sports franchise and provided unwavering commitment to bringing another championship to the city of Miami;

Whereas, over his 18 seasons with the Miami Heat, team President Pat Riley has provided the team with an unprecedented level of dedication and leadership; and

Whereas the Miami Heat brought the city of Miami, the State of Florida, and their fans around the world a third ''white hot'' NBA Championship: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Miami Heat on its victory in the 2013 National Basketball Association Finals; and

(2) requests the Secretary of the Senate to transmit for appropriate display an official copy of this resolution to—

(A) the owner of the Miami Heat, Micky Arison;

(B) the President of the Miami Heat, Pat Riley; and

(C) the coach of the Miami Heat, Erik Spoelstra.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1663. Mr. PORTMAN (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.

SA 1664. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1665. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1666. 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 1667. Mr. BLUMENTHAL (for himself 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 1668. Mr. WARNER (for himself, Ms. MIKULSKI, Mr. WICKER, Mr. KAINE, Ms. MURKOWSKI, Ms. LANDRIEU, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1669. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1670. 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 1671. 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 1672. 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 1673. 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 1674. 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 1675. 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 1676. 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 1677. 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 1678. Mr. CARPER (for himself and 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 1679. Mr. CARPER (for himself, Mr. MCCAIN, and 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 1680. 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 1681. Mrs. MURRAY (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1682. 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 1683. Mr. PORTMAN (for himself, Mr. CHIESA, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1684. Mr. PORTMAN (for himself, Mr. CHIESA, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1685. 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 1686. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1687. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1688. 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 1689. 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 1690. Mr. MORAN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1691. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1692. Mr. UDALL of New Mexico (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1693. Mr. UDALL of New Mexico (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1694. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1695. Mr. BROWN (for himself, Mr. MANCHIN, Mr. GRASSLEY, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1696. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1697. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1698. 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 1699. 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 1700. 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 1701. 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 1702. 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 1703. 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 1704. Mr. UDALL of New Mexico (for himself, Mr. HEINRICH, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1705. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1706. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1707. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1708. 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 1709. 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 1710. 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 1711. 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 1712. Ms. HIRONO (for herself, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mr. FRANKEN, Mr. LEAHY, Ms. MIKULSKI, Mrs. SHAHEEN, Ms. CANTWELL, Ms. STABENOW, Ms. BALDWIN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. SCHUMER, Mr. DURBIN, Mr. BENNET, and 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 1713. Ms. HIRONO (for herself, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mr. LEAHY, Mr. FRANKEN, Ms. MIKULSKI, Mrs. SHAHEEN, Ms. CANTWELL, Ms. STABENOW, Ms. BALDWIN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. SCHUMER, Mr. DURBIN, Mr. BENNET, and 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 1714. 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 1715. 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 1716. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1717. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1718. Ms. HIRONO (for herself, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mr. LEAHY, Mr. FRANKEN, Ms. MIKULSKI, Mrs. SHAHEEN, Ms. CANTWELL, Ms. STABENOW, Ms. BALDWIN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. SCHUMER, and 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 1719. 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 1720. Mrs. MURRAY (for herself, Mr. PORTMAN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1663. Mr. PORTMAN (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 appropriate place, insert the following:

SEC. _____. EMPLOYMENT VERIFICATION SYSTEM IMPROVEMENTS.

(a) TRIGGER.—In addition to the conditions set forth in section 3(c)(2)(A), 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, unless the Secretary, after consultation with the Comptroller General of the United States, and as part of the written certification submitted to the President and Congress pursuant to section 3(c)(2)(A), certifies that the Secretary has implemented the mandatory employment verification system, including the full incorporation of the photo tool and additional security measures, required by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 3101, and has required the system's use by all employers to prevent unauthorized workers from obtaining employment in the United States.

(b) EMPLOYMENT VERIFICATION SYSTEM.—Section 274A (8 U.S.C. 1324a), as amended by section 3101, is further amended—

(1) in subsection (a)(5)(A)(ii), by inserting ", by clear and convincing evidence," after demonstrates; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—Any employer hiring an individual for employment in the United States shall comply with the following requirements and the requirements under subsection (d) to verify that the individual has employment authorized status.

"(1) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

"(A) IN GENERAL.—

"(i) EXAMINATION BY EMPLOYER.—An employer shall attest, under penalty of perjury on a form prescribed by the Secretary, that the employer has verified the identity and employment authorization status of the individual—

"(I) by examining—

"(aa) a document specified in subparagraph (C); or

"(bb) a document specified in subparagraph (D) and a document specified in subparagraph (E); and

"(II) by utilizing an identity authentication mechanism described in clause (iii) or (iv) of subparagraph (F).

"(ii) PUBLICATION OF DOCUMENTS.—The Secretary shall publish a picture of each document specified in subparagraphs (C) and (E) on the U.S. Citizenship and Immigration Services website.

"(B) REQUIREMENTS.—

"(i) FORM.—The form referred to in subparagraph (A)(i)—

"(I) shall be prescribed by the Secretary not later than 6 months after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act;

"(II) shall be available as—

"(aa) a paper form;

"(bb) a form that may be completed by an employer via telephone or video conference;

"(cc) an electronic form; and

"(dd) a form that is integrated electronically with the requirements under subparagraph (F) and subsection (d).

"(ii) ATTESTATION.—Each such form shall require the employer to sign an attestation with a handwritten, electronic, or digital signature, according to standards prescribed by the Secretary.

"(iii) COMPLIANCE.—An employer has complied with the requirements under this paragraph with respect to examination of the documents included in subclauses (I) and (II) of subparagraph (A)(i) if—

"(I) the employer has, in good faith, followed applicable regulations and any written procedures or instructions provided by the Secretary; and

"(II) a reasonable person would conclude that the documentation is genuine and relates to the individual presenting such documentation.

"(C) DOCUMENTS ESTABLISHING IDENTITY AND EMPLOYMENT AUTHORIZED STATUS.—A document is specified in this subparagraph if the document is unexpired (unless the validity of the document is extended by law) and is 1 of the following:

"(i) A United States passport or passport card issued to an individual pursuant to the Secretary of State's authority under the Act entitled An Act to regulate the issue and validity of passports, and for other purposes, approved July 3, 1926 (22 U.S.C. 211a).

"(ii) A document issued to an alien evidencing that the alien is lawfully admitted for permanent residence or another document issued to an individual evidencing the individual's employment authorized status, as designated by the Secretary, if the document—

"(I) contains a photograph of the individual, or such other personal identifying information relating to the individual as the Secretary determines, by regulation, to be sufficient for the purposes of this subparagraph;

"(II) is evidence of employment authorized status; and

"(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(iii) An enhanced driver's license or identification card issued to a national of the United States by a State, an outlying possession of the United States, or a federally recognized Indian tribe that—

"(I) meets the requirements under section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note); and

"(II) the Secretary has certified by notice published in the Federal Register and through appropriate notice directly to employers registered in the System 3 months prior to publication that such enhanced license or card is suitable for use under this subparagraph based upon the accuracy and security of the issuance process, security features on the document, and such other factors as the Secretary may prescribe.

"(iv) A passport issued by the appropriate authority of a foreign country accompanied

by a Form I–94 or Form I–94A (or similar successor record), or other documentation as designated by the Secretary that specifies the individual's status in the United States and the duration of such status if the proposed employment is not in conflict with any restriction or limitation specified on such form or documentation.

''(v) A passport issued by the Federated States of Micronesia or the Republic of the Marshall Islands with evidence of nonimmigrant admission to the United States under the Compact of Free Association between the United States and the Federated States of Micronesia or the Republic of the Marshall Islands.

''(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document is specified in this subparagraph if the document is unexpired (unless the validity of the document is extended by law) and is 1 of the following:

''(i) A driver's license or identity card that is not described in subparagraph (C)(iii) and is issued to an individual by a State or an outlying possession of the United States, a federally recognized Indian tribe, or an agency (including military) of the Federal Government if the driver's license or identity card includes, at a minimum—

''(I) the individual's photograph, name, date of birth, gender, and driver's license or identification card number; and

''(II) security features to make the license or card resistant to tampering, counterfeiting, and fraudulent use.

''(ii) A voter registration card.

''(iii) A document that complies with the requirements under section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note).

''(iv) For individuals under 18 years of age who are unable to present a document listed in clause (i) or (ii), documentation of personal identity of such other type as the Secretary determines will provide a reliable means of identification, which may include an attestation as to the individual's identity by a parent or legal guardian under penalty of perjury.

''(E) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document is specified in this subparagraph if the document is unexpired (unless the validity of the document is extended by law) and is 1 of the following:

''(i) A social security account number card issued by the Commissioner, other than a card which specifies on its face that the card is not valid to evidence employment authorized status or has other similar words of limitation.

''(ii) Any other documentation evidencing employment authorized status that the Secretary determines and publishes in the Federal Register and through appropriate notice directly to employers registered within the System to be acceptable for purposes of this subparagraph if such documentation, including any electronic security measures linked to such documentation, contains security features to make such documentation resistant to tampering, counterfeiting, and fraudulent use.

''(F) IDENTITY AUTHENTICATION MECHANISM.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) COVERED IDENTITY DOCUMENT.—The term 'covered identity document' means a valid—

''(aa) United States passport, passport card, or a document evidencing lawful permanent residence status or employment authorized status issued to an alien;

''(bb) enhanced driver's license or identity card issued by a participating State or an outlying possession of the United States; or

''(cc) photograph and appropriate identifying information provided by the Secretary of State pursuant to the granting of a visa.

''(II) PARTICIPATING STATE.—The term 'participating State' means a State that has an agreement with the Secretary to provide the Secretary, for purposes of identity verification in the System, with photographs and appropriate identifying information maintained by the State.

''(ii) REQUIREMENT FOR IDENTITY AUTHENTICATION.—In addition to verifying the documents specified in subparagraph (C), (D), or (E), the System shall require each employer to verify the identity of each new hire using the identity authentication mechanism described in clause (iii) or, for an individual whose identity is not able to be verified using that mechanism, to use the additional security measures provided in clause (iv) after such measures become available. A failure of the System to verify the identity of an individual due to the use of an identity authentication mechanism shall result in a further action notice under subsection (d)(4)(C)(iii).

''(iii) PHOTO TOOL.—

''(I) USE REQUIREMENT.—An employer that hires an individual who has a presented a covered identity document to establish his or her identity and employment authorization under subsection (c) shall verify the identity of such individual using the photo tool described in subclause (II).

''(II) DEVELOPMENT REQUIREMENT.—The Secretary shall develop and maintain a photo tool that enables employers to match the photo on a covered identity document provided to the employer to a photo maintained by a U.S. Citizenship and Immigration Services or other appropriate database.

''(III) INDIVIDUAL QUERIES.—The photo tool capability shall be incorporated into the System and made available to employers not later than 1 year after the date on which regulations are published implementing subsection (d).

''(IV) LIMITATIONS ON USE OF INFORMATION.—Information and images acquired from State motor vehicle databases through the photo tool developed under subclause (II)—

''(aa) may only be used for matching photos to a covered identity document for the purposes of employment verification;

''(bb) shall not be collected or stored by the Federal Government; and

''(cc) may only be disseminated in response to an individual photo tool query.

''(iv) ADDITIONAL SECURITY MEASURES.—

''(I) USE REQUIREMENT.—An employer seeking to hire an individual whose identity is not able to be verified using the photo tool described in clause (iii), because the employee did not present a covered document for employment eligibility verification purposes, shall verify the identity of such individual using the additional security measures described in subclause (II).

''(II) DEVELOPMENT REQUIREMENT.—The Secretary shall develop, after publication in the Federal Register and an opportunity for public comment, specific and effective additional security measures to adequately verify the identity of an individual whose identity is not able to be verified using the photo tool described in clause (iii). Such additional security measures—

''(aa) shall be kept up-to-date with technological advances;

''(bb) shall provide a means of identity authentication in a manner that provides a high level of certainty as to the identity of such individual, using immigration and identifying information that may include review of identity documents or background screening verification techniques using publicly available information; and

''(cc) shall be incorporated into the System and made available to employers not later than 1 year after the date on which regulations are published implementing subsection (d).

''(III) COMPREHENSIVE USE.—An employer may employ the additional security measures set forth in this clause with respect to all individuals the employer hires if the employer notifies the Secretary of such election at the time the employer registers for use of the System under subsection (d)(4)(A)(i) or anytime thereafter. An election under this subclause may be withdrawn 90 days after the employer notifies the Secretary of the employer's intent to discontinue such election.

''(v) AUTOMATED VERIFICATION.—The Secretary—

''(I) may establish a program, in addition to the identity authentication mechanism described in subparagraph (F)(iii), in which the System automatically verifies information contained in a covered identity document issued by a participating State, which is presented under subparagraph (D)(i), including information needed to verify that the covered identity document matches the State's records;

''(II) may not maintain information provided by a participating State in a database maintained by U.S. Citizenship and Immigration Services; and

''(III) may not utilize or disclose such information, except as authorized under this section.

''(G) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents specified in subparagraph (B), (C), or (D) does not reliably establish identity or that employment authorized status is being used fraudulently to an unacceptable degree, the Secretary—

''(i) may prohibit or restrict the use of such document or class of documents for purposes of this subsection; and

''(ii) shall directly notify all employers registered within the System of the prohibition through appropriate means.

''(H) AUTHORITY TO ALLOW USE OF CERTAIN DOCUMENTS.—If the Secretary has determined that another document or class of documents, such as a document issued by a federally recognized Indian tribe, may be used to reliably establish identity or employment authorized status, the Secretary—

''(i) may allow the use of that document or class of documents for purposes of this subsection after publication in the Federal Register and an opportunity for public comment;

''(ii) shall publish a description of any such document or class of documents on the U.S. Citizenship and Immigration Services website; and

''(iii) shall directly notify all employers registered within the System of the addition through appropriate means.

''(2) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—An individual, upon commencing employment with an employer, shall—

''(A) attest, under penalty of perjury, on the form prescribed by the Secretary, that the individual is—

''(i) a citizen of the United States;

''(ii) an alien lawfully admitted for permanent residence;

''(iii) an alien who has employment authorized status; or

''(iv) otherwise authorized by the Secretary to be hired for such employment;

''(B) provide such attestation by a handwritten, electronic, or digital signature; and

''(C) provide the individual's social security account number to the Secretary, unless

the individual has not yet been issued such a number, on such form as the Secretary may require.

''(3) RETENTION OF VERIFICATION RECORD.—

''(A) IN GENERAL.—After completing a form for an individual in accordance with paragraphs (1) and (2), the employer shall retain a version of such completed form and make such form available for inspection by the Secretary or the Office of Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice during the period beginning on the hiring date of the individual and ending on the later of—

''(i) the date that is 3 years after such hiring date; or

''(ii) the date that is 1 year after the date on which the individual's employment with the employer is terminated.

''(B) REQUIREMENT FOR ELECTRONIC RETENTION.—The Secretary—

''(i) shall permit an employer to retain the form described in subparagraph (A) in electronic form; and

''(ii) shall permit an employer to retain such form in paper, microfiche, microfilm, portable document format, or other media.

''(4) COPYING OF DOCUMENTATION AND RECORDKEEPING.—The Secretary may promulgate regulations regarding—

''(A) copying documents and related information pertaining to employment verification presented by an individual under this subsection; and

''(B) retaining such information during a period not to exceed the required retention period set forth in paragraph (3).

''(5) PENALTIES.—An employer that fails to comply with any requirement under this subsection may be penalized under subsection (e)(4)(B).

''(6) PROTECTION OF CIVIL RIGHTS.—

''(A) IN GENERAL.—Nothing in this section may be construed to diminish any rights otherwise protected by Federal law.

''(B) PROHIBITION ON DISCRIMINATION.—An employer shall use the procedures for document verification set forth in this paragraph for all employees without regard to race, color, religion, sex, national origin, or, unless specifically permitted in this section, to citizenship status.

''(7) RECEIPTS.—The Secretary may authorize the use of receipts for replacement documents, and temporary evidence of employment authorization by an individual to meet a documentation requirement under this subsection on a temporary basis not to exceed 1 year, after which time the individual shall provide documentation sufficient to satisfy the documentation requirements under this subsection.

''(8) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to directly or indirectly authorize the issuance, use, or establishment of a national identification card.

''(d) EMPLOYMENT VERIFICATION SYSTEM.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—The Secretary, in consultation with the Commissioner, shall establish the Employment Verification System.

''(B) MONITORING.—The Secretary shall create the necessary processes to monitor—

''(i) the functioning of the System, including the volume of the workflow, the speed of processing of queries, the speed and accuracy of responses;

''(ii) the misuse of the System, including the prevention of fraud or identity theft;

''(iii) whether the use of the System results in wrongful adverse actions or discrimination based upon a prohibited factor against citizens or nationals of the United States or individuals who have employment authorized status; and

''(iv) the security, integrity, and privacy of the System.

''(C) PROCEDURES.—The Secretary—

''(i) shall create processes to provide an individual with direct access to the individual's case history in the System, including—

''(I) the identities of all persons or entities that have queried the individual through the System;

''(II) the date of each such query; and

''(III) the System response for each such query; and

''(ii) in consultation with the Commissioner, shall develop—

''(I) protocols to notify an individual, in a timely manner through the use of electronic correspondence or mail, that a query for the individual has been processed through the System; or

''(II) a process for the individual to submit additional queries to the System or notify the Secretary of potential identity fraud.

''(2) PARTICIPATION REQUIREMENTS.—

''(A) FEDERAL GOVERNMENT.—Except as provided in subparagraph (B), all agencies and departments in the executive, legislative, or judicial branches of the Federal Government shall participate in the System beginning on the earlier of—

''(i) the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, to the extent required under section 402(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) and as already implemented by each agency or department; or

''(ii) the date that is 90 days after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

''(B) FEDERAL CONTRACTORS.—Federal contractors shall participate in the System as provided in the final rule relating to employment eligibility verification published in the Federal Register on November 14, 2008 (73 Fed. Reg. 67,651), or any similar subsequent regulation, for which purpose references to E-Verify in the final rule shall be construed to apply to the System.

''(C) CRITICAL INFRASTRUCTURE.—

''(i) IN GENERAL.—Beginning on the date that is 1 year after the date on which regulations are published implementing this subsection, the Secretary may authorize or direct any employer, person, or entity responsible for granting access to, protecting, securing, operating, administering, or regulating part of the critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))) to participate in the System to the extent the Secretary determines that such participation will assist in the protection of the critical infrastructure.

''(ii) NOTIFICATION TO EMPLOYERS.—The Secretary shall notify an employer required to participate in the System under this subparagraph not later than 90 days before the date on which the employer is required to participate.

''(D) EMPLOYERS WITH MORE THAN 10,000 EMPLOYEES.—Not later than 1 year after regulations are published implementing this subsection, all employers with more than 10,000 employees shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

''(E) EMPLOYERS WITH MORE THAN 500 EMPLOYEES.—Not later than 2 years after regulations are published implementing this subsection, all employers with more than 500 employees shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

''(F) EMPLOYERS WITH MORE THAN 20 EMPLOYEES.—Not later than 3 years after regulations are published implementing this subsection, all employers with more than 20 employees shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

''(G) AGRICULTURAL EMPLOYMENT.—Not later than 4 years after regulations are published implementing this subsection, employers of employees performing agricultural employment (as defined in section 218A of this Act and section 2202 of the Border Security, Economic Opportunity, and Immigration Modernization Act) shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents. An agricultural employee shall not be counted for purposes of subparagraph (D), (E), or (F).

''(H) ALL EMPLOYERS.—Not later than 4 years after regulations are published implementing this subsection, all employers shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

''(I) TRIBAL GOVERNMENT EMPLOYERS.—

''(i) RULEMAKING.—In developing regulations to implement this subsection, the Secretary shall—

''(I) consider the effects of this section on federally recognized Indian tribes and tribal members; and

''(II) consult with the governments of federally recognized Indian tribes.

''(ii) REQUIRED PARTICIPATION.—Not later than 4 years after regulations are published implementing this subsection, all employers owned by, or entities of, the government of a federally recognized Indian tribe shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

''(J) IMMIGRATION LAW VIOLATORS.—

''(i) ORDERS FINDING VIOLATIONS.—An order finding any employer to have violated this section or section 274C may, in the Secretary's discretion, require the employer to participate in the System with respect to newly hired employees and employees with expiring temporary employment authorization documents, if such employer is not otherwise required to participate in the System under this section. The Secretary shall monitor such employer's compliance with System procedures.

''(ii) PATTERN OR PRACTICE OF VIOLATIONS.—The Secretary may require an employer that is required to participate in the System with respect to newly hired employees to participate in the System with respect to the employer's current employees if the employer is determined by the Secretary or other appropriate authority to have engaged in a pattern or practice of violations of the immigration laws of the United States.

''(K) VOLUNTARY PARTICIPATION.—The Secretary may permit any employer that is not required to participate in the System under this section to do so on a voluntary basis.

''(3) CONSEQUENCE OF FAILURE TO PARTICIPATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the failure, other than a de minimis or inadvertent failure, of an employer that is required to participate in the System to comply with the requirements of the System with respect to an individual—

''(i) shall be treated as a violation of subsection (a)(1)(B) with respect to that individual; and

''(ii) creates a rebuttable presumption that the employer has violated paragraph (1)(A) or (2) of subsection (a).

''(B) EXCEPTION.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply in a criminal prosecution.

''(ii) USE AS EVIDENCE.—Nothing in this paragraph may be construed to limit the use in the prosecution of a Federal crime, in a manner otherwise consistent with Federal criminal law and procedure, of evidence relating to the employer's failure to comply with requirements of the System.

''(4) PROCEDURES FOR PARTICIPANTS IN THE SYSTEM.—

''(A) IN GENERAL.—An employer participating in the System shall register such participation with the Secretary and, when hiring any individual for employment in the United States, shall comply with the following:

''(i) REGISTRATION OF EMPLOYERS.—The Secretary, through notice in the Federal Register, shall prescribe procedures that employers shall be required to follow to register with the System.

''(ii) UPDATING INFORMATION.—The employer is responsible for providing notice of any change to the information required under subclauses (I), (II), and (III) of clause (v) before conducting any further inquiries within the System, or on such other schedule as the Secretary may prescribe.

''(iii) TRAINING.—The Secretary shall require employers to undergo such training as the Secretary determines to be necessary to ensure proper use, protection of civil rights and civil liberties, privacy, integrity, and security of the System. To the extent practicable, such training shall be made available electronically on the U.S. Citizenship and Immigration Services website.

''(iv) NOTIFICATION TO EMPLOYEES.—The employer shall inform individuals hired for employment that the System—

''(I) will be used by the employer;

''(II) may be used for immigration enforcement purposes; and

''(III) may not be used to discriminate or to take adverse action against a national of the United States or an alien who has employment authorized status.

''(v) PROVISION OF ADDITIONAL INFORMATION.—The employer shall obtain from the individual (and the individual shall provide) and shall record in such manner as the Secretary may specify—

''(I) the individual's social security account number;

''(II) if the individual does not attest to United States citizenship or status as a national of the United States under subsection (c)(2), such identification or authorization number established by the Department as the Secretary shall specify; and

''(III) such other information as the Secretary may require to determine the identity and employment authorization of an individual.

''(vi) PRESENTATION OF DOCUMENTATION.—The employer, and the individual whose identity and employment authorized status are being confirmed, shall fulfill the requirements under subsection (c).

''(B) SEEKING CONFIRMATION.—

''(i) IN GENERAL.—An employer shall use the System to confirm the identity and employment authorized status of any individual during—

''(I) the period beginning on the date on which the individual accepts an offer of employment and ending 3 business days after the date on which employment begins; or

''(II) such other reasonable period as the Secretary may prescribe.

''(ii) LIMITATION.—An employer may not make the starting date of an individual's employment or training or any other term and condition of employment dependent on the receipt of a confirmation of identity and employment authorized status by the System.

''(iii) REVERIFICATION.—If an individual has a limited period of employment authorized status, the individual's employer shall reverify such status through the System not later than 3 business days after the last day of such period.

''(iv) OTHER EMPLOYMENT.—For employers directed by the Secretary to participate in the System under paragraph (2)(C)(i) to protect critical infrastructure or otherwise specified circumstances in this section to verify their entire workforce, the System may be used for initial verification of an individual who was hired before the employer became subject to the System, and the employer shall initiate all required procedures on or before such date as the Secretary shall specify.

''(v) NOTIFICATION.—

''(I) IN GENERAL.—The Secretary shall provide, and the employer shall utilize, as part of the System, a method of notifying employers of a confirmation or nonconfirmation of an individual's identity and employment authorized status, or a notice that further action is required to verify such identity or employment eligibility (referred to in this subsection as a further action notice).

''(II) PROCEDURES.—The Secretary shall—

''(aa) directly notify the individual and the employer, by means of electronic correspondence, mail, text message, telephone, or other direct communication, of a nonconfirmation or further action notice;

''(bb) provide information about filing an administrative appeal under paragraph (6) and a filing for review before an administrative law judge under paragraph (7); and

''(cc) establish procedures to directly notify the individual and the employer of a confirmation.

''(III) IMPLEMENTATION.—The Secretary may provide for a phased-in implementation of the notification requirements under this clause, as appropriate. The notification system shall cover all inquiries not later than 1 year from the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

''(C) CONFIRMATION OR NONCONFIRMATION.—

''(i) INITIAL RESPONSE.—

''(I) IN GENERAL.—Except as provided in subclause (II), the System shall provide—

''(aa) a confirmation of an individual's identity and employment authorized status or a further action notice at the time of the inquiry; and

''(bb) an appropriate code indicating such confirmation or such further action notice.

''(II) ALTERNATIVE DEADLINE.—If the System is unable to provide immediate confirmation or further action notice for technological reasons or due to unforeseen circumstances, the System shall provide a confirmation or further action notice not later than 3 business days after the initial inquiry.

''(ii) CONFIRMATION UPON INITIAL INQUIRY.—If the employer receives an appropriate confirmation of an individual's identity and employment authorized status under the System, the employer shall record the confirmation in such manner as the Secretary may specify.

''(iii) FURTHER ACTION NOTICE AND LATER CONFIRMATION OR NONCONFIRMATION.—

''(I) NOTIFICATION AND ACKNOWLEDGMENT THAT FURTHER ACTION IS REQUIRED.—Not later than 3 business days after an employer receives a further action notice of an individual's identity or employment eligibility under the System, or during such other reasonable time as the Secretary may prescribe, the employer shall notify the individual for whom the confirmation is sought of the further action notice and any procedures specified by the Secretary for addressing such notice. The further action notice shall be given to the individual in writing and the employer shall acknowledge in the System under penalty of perjury that it provided the employee with the further action notice. The individual shall affirmatively acknowledge in writing, or in such other manner as the Secretary may specify, the receipt of the further action notice from the employer. If the individual refuses to acknowledge the receipt of the further action notice, or acknowledges in writing that the individual will not contest the further action notice under subclause (II), the employer shall notify the Secretary in such manner as the Secretary may specify.

''(II) CONTEST.—Not later than 10 business days after receiving notification of a further action notice under subclause (I), the individual shall contact the appropriate Federal agency and, if the Secretary so requires, appear in person for purposes of verifying the individual's identity and employment eligibility. The Secretary, in consultation with the Commissioner and other appropriate Federal agencies, shall specify an available secondary verification procedure to confirm the validity of information provided and to provide a confirmation or nonconfirmation. Any procedures for reexamination shall not limit in any way an employee's right to appeal a nonconfirmation.

''(III) NO CONTEST.—If the individual refuses to acknowledge receipt of the further action notice, acknowledges that the individual will not contest the further action notice as provided in subclause (I), or does not contact the appropriate Federal agency within the period specified in subclause (II), following expiration of the period specified in subclause (II), a nonconfirmation shall be issued. The employer shall record the nonconfirmation in such manner as the Secretary may specify and terminate the individual's employment. An individual's failure to contest a further action notice shall not be considered an admission of guilt with respect to any violation of this section or any provision of law.

''(IV) CONFIRMATION OR NONCONFIRMATION.—Unless the period is extended in accordance with this subclause, the System shall provide a confirmation or nonconfirmation not later than 10 business days after the date on which the individual contests the further action notice under subclause (II). If the Secretary determines that good cause exists, after taking into account adverse impacts to the employer, and including time to permit the individual to obtain and provide needed evidence of identity or employment eligibility, the Secretary shall extend the period for providing confirmation or nonconfirmation for stated periods beyond 10 business days. When confirmation or nonconfirmation is provided, the confirmation system shall provide an appropriate code indicating such confirmation or nonconfirmation.

''(V) REEXAMINATION.—Nothing in this section shall prevent the Secretary from establishing procedures to reexamine a case where a confirmation or nonconfirmation has been provided if subsequently received information indicates that the confirmation or nonconfirmation may not have been correct. Any procedures for reexamination shall not limit in any way an employee's right to appeal a nonconfirmation.

''(VI) EMPLOYEE PROTECTIONS.—An employer may not terminate employment or take any other adverse action against an individual solely because of a failure of the individual to have identity and employment eligibility confirmed under this subsection until—

''(aa) a nonconfirmation has been issued;

''(bb) if the further action notice was contested, the period to timely file an administrative appeal has expired without an appeal

or the contestation to the further action notice is withdrawn; or

''(cc) if an appeal before an administrative law judge under paragraph (7) has been filed, the nonconfirmation has been upheld or the appeal has been withdrawn or dismissed.

''(iv) NOTICE OF NONCONFIRMATION.—Not later than 3 business days after an employer receives a nonconfirmation, or during such other reasonable time as the Secretary may provide, the employer shall notify the individual who is the subject of the nonconfirmation, and provide information about filing an administrative appeal pursuant to paragraph (6) and a request for a hearing before an administrative law judge pursuant to paragraph (7). The nonconfirmation notice shall be given to the individual in writing and the employer shall acknowledge in the System under penalty of perjury that it provided the notice (or adequately attempted to provide notice, but was unable to do so despite reasonable efforts). The individual shall affirmatively acknowledge in writing, or in such other manner as the Secretary may prescribe, the receipt of the nonconfirmation notice from the employer. If the individual refuses or fails to acknowledge the receipt of the nonconfirmation notice, the employer shall notify the Secretary in such manner as the Secretary may prescribe.

''(D) CONSEQUENCES OF NONCONFIRMATION.—

''(i) TERMINATION OF CONTINUED EMPLOYMENT.—Except as provided in clause (iii), an employer that has received a nonconfirmation regarding an individual and has made reasonable efforts to notify the individual in accordance with subparagraph (C)(iv) shall terminate the employment of the individual upon the expiration of the time period specified in paragraph (7).

''(ii) CONTINUED EMPLOYMENT AFTER NONCONFIRMATION.—If the employer continues to employ an individual after receiving nonconfirmation and exhaustion of all appeals or expiration of all rights to appeal if not appealed, in violation of clause (i), a rebuttable presumption is created that the employer has violated paragraphs (1)(A) and (2) of subsection (a). Such presumption shall not apply in any prosecution under subsection (k)(1).

''(iii) EFFECT OF ADMINISTRATIVE APPEAL OR REVIEW BY ADMINISTRATIVE LAW JUDGE.—If an individual files an administrative appeal of the nonconfirmation within the time period specified in paragraph (6)(A), or files for review with an administrative law judge specified in paragraph (7)(A), the employer shall not terminate the individual's employment under this subparagraph prior to the resolution of the administrative appeal unless the Secretary or Commissioner terminates the stay under paragraph (6)(B) or (7)(B).

''(iv) WEEKLY REPORT.—The Director of U.S. Citizenship and Immigration Services shall submit a weekly report to the Assistant Secretary for Immigration and Customs Enforcement that includes, for each individual who receives final nonconfirmation through the System—

''(I) the name of such individual;

''(II) his or her social security number or alien file number;

''(III) the name and contact information for his or her current employer; and

''(IV) any other critical information that the Assistant Secretary determines to be appropriate.

''(v) OTHER REFERRAL.—The Director of U.S. Citizenship and Immigration Services shall refer to the Assistant Secretary for Immigration and Customs Enforcement for appropriate action by the Assistant Secretary or for referral by the Assistant Secretary to another law enforcement agency, as appropriate—

''(I) any case in which the Director believes that a social security number has been falsely or fraudulently used; and

''(II) any case in which a false or fraudulent document is used by an employee who has received a further action notice to resolve such notice.

''(E) OBLIGATION TO RESPOND TO QUERIES AND ADDITIONAL INFORMATION.—

''(i) IN GENERAL.—Employers shall comply with requests for information from the Secretary and the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, including queries concerning current and former employees, within the time frame during which records are required to be maintained under this section regarding such former employees, if such information relates to the functioning of the System, the accuracy of the responses provided by the System, or any suspected misuse, discrimination, fraud, or identity theft in the use of the System. Failure to comply with a request under this clause constitutes a violation of subsection (a)(1)(B).

''(ii) ACTION BY INDIVIDUALS.—

''(I) IN GENERAL.—Individuals being verified through the System may be required to take further action to address questions identified by the Secretary or the Commissioner regarding the documents relied upon for purposes of subsection (c).

''(II) NOTIFICATION.—Not later than 3 business days after the receipt of such questions regarding an individual, or during such other reasonable time as the Secretary may prescribe, the employer shall—

''(aa) notify the individual of any such requirement for further actions; and

''(bb) record the date and manner of such notification.

''(III) ACKNOWLEDGMENT.—The individual shall acknowledge the notification received from the employer under subclause (II) in writing, or in such other manner as the Secretary may prescribe.

''(iii) RULEMAKING.—

''(I) IN GENERAL.—The Secretary, in consultation with the Commissioner and the Attorney General, is authorized to issue regulations implementing, clarifying, and supplementing the requirements under this subparagraph—

''(aa) to facilitate the functioning, accuracy, and fairness of the System;

''(bb) to prevent misuse, discrimination, fraud, or identity theft in the use of the System; or

''(cc) to protect and maintain the confidentiality of information that could be used to locate or otherwise place at risk of harm victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking, and of the applicant or beneficiary of any petition described in section 384(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a)(2)).

''(II) NOTICE.—The regulations issued under subclause (I) shall be—

''(aa) published in the Federal Register; and

''(bb) provided directly to all employers registered in the System.

''(F) DESIGNATED AGENTS.—The Secretary shall establish a process—

''(i) for certifying, on an annual basis or at such times as the Secretary may prescribe, designated agents and other System service providers seeking access to the System to perform verification queries on behalf of employers, based upon training, usage, privacy, and security standards prescribed by the Secretary;

''(ii) for ensuring that designated agents and other System service providers are subject to monitoring to the same extent as direct access users; and

''(iii) for establishing standards for certification of electronic I–9 programs.

''(G) REQUIREMENT TO PROVIDE INFORMATION.—

''(i) IN GENERAL.—No later than 3 months after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary, in consultation with the Secretary of Labor, the Secretary of Agriculture, the Commissioner, the Attorney General, the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration, shall commence a campaign to disseminate information respecting the procedures, rights, and remedies prescribed under this section.

''(ii) CAMPAIGN REQUIREMENTS.—The campaign authorized under clause (i)—

''(I) shall be aimed at increasing the knowledge of employers, employees, and the general public concerning employer and employee rights, responsibilities, and remedies under this section; and

''(II) shall be coordinated with the public education campaign conducted by U.S. Citizenship and Immigration Services.

''(iii) ASSESSMENT.—The Secretary shall assess the success of the campaign in achieving the goals of the campaign.

''(iv) AUTHORITY TO CONTRACT.—In order to carry out and assess the campaign under this subparagraph, the Secretary may, to the extent deemed appropriate and subject to the availability of appropriations, contract with public and private organizations for outreach and assessment activities under the campaign.

''(v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $40,000,000 for each of the fiscal years 2014 through 2016.

''(H) AUTHORITY TO MODIFY INFORMATION REQUIREMENTS.—Based on a regular review of the System and the document verification procedures to identify misuse or fraudulent use and to assess the security of the documents and processes used to establish identity or employment authorized status, the Secretary, in consultation with the Commissioner, after publication of notice in the Federal Register and an opportunity for public comment, may modify, if the Secretary determines that the modification is necessary to ensure that the System accurately and reliably determines the identity and employment authorized status of employees and maintain existing protections against misuse, discrimination, fraud, and identity theft—

''(i) the information that shall be presented to the employer by an individual;

''(ii) the information that shall be provided to the System by the employer; and

''(iii) the procedures that shall be followed by employers with respect to the process of verifying an individual through the System.

''(I) SELF-VERIFICATION.—Subject to appropriate safeguards to prevent misuse of the system, the Secretary, in consultation with the Commissioner, shall establish a secure self-verification procedure to permit an individual who seeks to verify the individual's own employment eligibility to contact the appropriate agency and, in a timely manner, correct or update the information contained in the System.

''(5) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE SYSTEM.—An employer shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local

criminal or civil law for any employment-related action taken with respect to a job applicant or employee in good faith reliance on information provided by the System.

''(6) ADMINISTRATIVE APPEAL.—

''(A) IN GENERAL.—An individual who is notified of a nonconfirmation may, not later than 10 business days after the date that such notice is received, file an administrative appeal of such nonconfirmation with the Commissioner if the notice is based on records maintained by the Commissioner, or in any other case, with the Secretary. An individual who did not timely contest a further action notice timely received by that individual for which the individual acknowledged receipt may not be granted a review under this paragraph.

''(B) ADMINISTRATIVE STAY OF NONCONFIRMATION.—The nonconfirmation shall be automatically stayed upon the timely filing of an administrative appeal, unless the nonconfirmation resulted after the individual acknowledged receipt of the further action notice but failed to contact the appropriate agency within the time provided. The stay shall remain in effect until the resolution of the appeal, unless the Secretary or the Commissioner terminates the stay based on a determination that the administrative appeal is frivolous or filed for purposes of delay.

''(C) REVIEW FOR ERROR.—The Secretary and the Commissioner shall develop procedures for resolving administrative appeals regarding nonconfirmations based upon the information that the individual has provided, including any additional evidence or argument that was not previously considered. Any such additional evidence or argument shall be filed within 10 business days of the date the appeal was originally filed. Appeals shall be resolved within 20 business days after the individual has submitted all evidence and arguments the individual wishes to submit, or has stated in writing that there is no additional evidence that the individual wishes to submit. The Secretary and the Commissioner may, on a case by case basis for good cause, extend the filing and submission period in order to ensure accurate resolution of an appeal before the Secretary or the Commissioner.

''(D) PREPONDERANCE OF EVIDENCE.—Administrative appeal under this paragraph shall be limited to whether a nonconfirmation notice is supported by a preponderance of the evidence.

''(E) DAMAGES, FEES, AND COSTS.—No money damages, fees or costs may be awarded in the administrative appeal process under this paragraph.

''(7) REVIEW BY ADMINISTRATIVE LAW JUDGE.—

''(A) IN GENERAL.—Not later than 30 days after the date an individual receives a final determination on an administrative appeal under paragraph (6), the individual may obtain review of such determination by filing a complaint with a Department of Justice administrative law judge in accordance with this paragraph.

''(B) STAY OF NONCONFIRMATION.—The nonconfirmation related to such final determination shall be automatically stayed upon the timely filing of a complaint under this paragraph, and the stay shall remain in effect until the resolution of the complaint, unless the administrative law judge determines that the action is frivolous or filed for purposes of delay.

''(C) SERVICE.—The respondent to complaint filed under this paragraph is either the Secretary or the Commissioner, but not both, depending upon who issued the administrative order under paragraph (6). In addition to serving the respondent, the plaintiff shall serve the Attorney General.

''(D) AUTHORITY OF ADMINISTRATIVE LAW JUDGE.—

''(i) RULES OF PRACTICE.—The Secretary shall promulgate regulations regarding the rules of practice in appeals brought pursuant to this subsection.

''(ii) AUTHORITY OF ADMINISTRATIVE LAW JUDGE.—The administrative law judge shall have power to—

''(I) terminate a stay of a nonconfirmation under subparagraph (B) if the administrative law judge determines that the action is frivolous or filed for purposes of delay;

''(II) adduce evidence at a hearing;

''(III) compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing;

''(IV) resolve claims of identity theft; and

''(V) enter, upon the pleadings and any evidence adduced at a hearing, a decision affirming or reversing the result of the agency, with or without remanding the cause for a rehearing.

''(iii) SUBPOENA.—In case of contumacy or refusal to obey a subpoena lawfully issued under this section and upon application of the administrative law judge, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt of such court.

''(iv) TRAINING.—An administrative law judge hearing cases shall have special training respecting employment authorized status verification.

''(E) ORDER BY ADMINISTRATIVE LAW JUDGE.—

''(i) IN GENERAL.—The administrative law judge shall issue and cause to be served to the parties in the proceeding an order which may be appealed as provided in subparagraph (G).

''(ii) CONTENTS OF ORDER.—Such an order shall uphold or reverse the final determination on the request for reconsideration and order lost wages and other appropriate remedies as provided in subparagraph (F).

''(F) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—In cases in which the administrative law judge reverses the final determination of the Secretary or the Commissioner made under paragraph (6), and the administrative law judge finds that—

''(I) the nonconfirmation was due to gross negligence or intentional misconduct of the employer, the administrative law judge may order the employer to pay the individual lost wages, and reasonable costs and attorneys' fees incurred during administrative and judicial review; or

''(II) such final determination was erroneous by reason of the negligence of the Secretary or the Commissioner, the administrative law judge may order the Secretary or the Commissioner to pay the individual lost wages, and reasonable costs and attorneys' fees incurred during the administrative appeal and the administrative law judge review.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 120 days after completion of the administrative law judge's review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first. If the individual obtains employment elsewhere at a lower wage rate, the individual shall be compensated for the difference in wages for the period ending 120 days after completion of the administrative law judge review process. No lost wages shall be awarded for any period of time during which the individual was not in employment authorized status.

''(iii) PAYMENT OF COMPENSATION.—Notwithstanding any other law, payment of compensation for lost wages, costs, and attorneys' fees under this paragraph, or compromise settlements of the same, shall be made as provided by section 1304 of title 31, United States Code. Appropriations made available to the Secretary or the Commissioner, accounts provided for under section 286, and funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund shall not be available to pay such compensation.

''(G) APPEAL.—No later than 45 days after the entry of such final order, any person adversely affected by such final order may seek review of such order in the United States Court of Appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

''(8) MANAGEMENT OF THE SYSTEM.—

''(A) IN GENERAL.—The Secretary is authorized to establish, manage, and modify the System, which shall—

''(i) respond to inquiries made by participating employers at any time through the internet, or such other means as the Secretary may designate, concerning an individual's identity and whether the individual is in employment authorized status;

''(ii) maintain records of the inquiries that were made, of confirmations provided (or not provided), and of the codes provided to employers as evidence of their compliance with their obligations under the System; and

''(iii) provide information to, and require action by, employers and individuals using the System.

''(B) DESIGN AND OPERATION OF SYSTEM.—The System shall be designed and operated—

''(i) to maximize its reliability and ease of use by employers consistent with protecting the privacy and security of the underlying information, and ensuring full notice of such use to employees;

''(ii) to maximize its ease of use by employees, including direct notification of its use, of results, and ability to challenge results;

''(iii) to respond accurately to all inquiries made by employers on whether individuals are authorized to be employed and to register any times when the system is unable to receive inquiries;

''(iv) to maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, misuse by employers and employees, and discrimination;

''(v) to require regularly scheduled refresher training of all users of the System to ensure compliance with all procedures;

''(vi) to allow for auditing of the use of the System to detect misuse, discrimination, fraud, and identity theft, to protect privacy and assess System accuracy, and to preserve the integrity and security of the information in all of the System, including—

''(I) to develop and use tools and processes to detect or prevent fraud and identity theft, such as multiple uses of the same identifying information or documents to fraudulently gain employment;

''(II) to develop and use tools and processes to detect and prevent misuse of the system by employers and employees;

''(III) to develop tools and processes to detect anomalies in the use of the system that may indicate potential fraud or misuse of the system;

''(IV) to audit documents and information submitted by employees to employers, including authority to conduct interviews with

employers and employees, and obtain information concerning employment from the employer;

''(vii) to confirm identity and employment authorization through verification and comparison of records as determined necessary by the Secretary;

''(viii) to confirm electronically the issuance of the employment authorization or identity document and—

''(I) if such photograph is available, to display the digital photograph that the issuer placed on the document so that the employer can compare the photograph displayed to the photograph on the document presented by the employee; or

''(II) if a photograph is not available from the issuer, to confirm the authenticity of the document using additional security measures set forth in subsection (c)(1)(F)(iv);

''(ix) to employ specific and effective additional security measures set forth in subsection (c)(1)(F)(iv) to adequately verify the identity of an individual that are designed and operated—

''(I) to use state-of-the-art technology to determine to a high degree of accuracy whether an individual presenting biographic information is the individual with that true identity;

''(II) to retain under the control of the Secretary the use of all determinations communicated by the System, regardless of the entity operating the system pursuant to a contract or other agreement with a nongovernmental entity or entities to the extent helpful in acquiring the best technology to implement the additional security measures;

''(III) to be integrated with the System so that employment authorizations will be determined for all individuals identified as presenting their true identities through the databases maintained by the Commissioner of Social Security and the Secretary;

''(IV) to use tools and processes to detect and prevent further action notices and final nonconfirmations that are not correlated to fraud or identity theft;

''(V) to make risk-based assessments regarding the reliability of a claim of identity made by an individual presenting biographic information and to tailor the identity determination in accordance with those assessments;

''(VI) to permit queries to be presented to individuals subject to identity verification at the time their identities are being verified in a manner that permits rapid communication through Internet, mobile phone, and landline telephone connections to facilitate identity proofing;

''(VII) to generate queries that conform to the context of the identity verification process and the circumstances of the individual whose identity is being verified;

''(VIII) to use publicly available databases and databases under the jurisdiction of the Commissioner of Social Security, the Secretary, and the Secretary of State to formulate queries to be presented to individuals whose identities are being verified, as appropriate;

''(IX) to not retain data collected by the System within any database separate from the database in which the operating system is located and to limit access to the existing databases to a reference process that shields the operator of the System from acquiring possession of the data beyond the formulation of queries and verification of responses;

''(X) to not permit individuals or entities using the System to access any data related to the individuals whose identities are being verified beyond confirmations, further action notices, and final nonconfirmations of identity;

''(XI) to include, if feasible, a capability for permitting document or other inputs that can be offered to individuals and entities using the System and that may be used at the option of employees to facilitate identity verification, but would not be required of either employers or employees; and

''(XII) to the greatest extent possible, in accordance with the time frames specified in this section; and

''(x) to provide appropriate notification directly to employers registered with the System of all changes made by the Secretary or the Commissioner related to allowed and prohibited documents, and use of the System.

''(C) SAFEGUARDS TO THE SYSTEM.—

''(i) REQUIREMENT TO DEVELOP.—The Secretary, in consultation with the Commissioner and other appropriate Federal and State agencies, shall develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the records accessed or maintained by the System. The Secretary, in consultation with the Commissioner and other appropriate Federal and State agencies, shall develop and deploy appropriate privacy and security training for the Federal and State employees accessing the records under the System.

''(ii) PRIVACY AUDITS.—The Secretary, acting through the Chief Privacy Officer of the Department, shall conduct regular privacy audits of the policies and procedures established under clause (i) and the Department's compliance with the limitations set forth in subsection (c)(1)(F)(iii)(IV), including any collection, use, dissemination, and maintenance of personally identifiable information and any associated information technology systems, as well as scope of requests for this information. The Chief Privacy Officer shall review the results of the audits and recommend to the Secretary any changes necessary to improve the privacy protections of the program.

''(iii) ACCURACY AUDITS.—

''(I) IN GENERAL.—Not later than November 30 of each year, the Inspector General of the Department of Homeland Security shall submit a report to the Secretary, with a copy to the President of the Senate and the Speaker of the House of Representatives, that sets forth the error rate of the System for the previous fiscal year and the assessments required to be submitted by the Secretary under subparagraphs (A) and (B) of paragraph (10). The report shall describe in detail the methodology employed for purposes of the report, and shall make recommendations for how error rates may be reduced.

''(II) ERROR RATE DEFINED.—In this clause, the term error rate means the percentage determined by dividing—

''(aa) the number of employment authorized individuals who received further action notices, contested such notices, and were subsequently found to be employment authorized; by

''(bb) the number of System inquiries submitted for employment authorized individuals.

''(III) ERROR RATE DETERMINATION.—The audits required under this clause shall—

''(aa) determine the error rate for identity determinations pursuant to subsection (c)(1)(F) for individuals presenting their true identities in the same manner and applying the same standards as for employment authorization; and

''(bb) include recommendations, as provided in subclause (I), but no reduction in fines pursuant to subclause (IV).

''(IV) REDUCTION OF PENALTIES FOR RECORDKEEPING OR VERIFICATION PRACTICES FOLLOWING PERSISTENT SYSTEM INACCURACIES.—Notwithstanding subsection (e)(4)(C)(i), in any calendar year following a report by the Inspector General under subclause (I) that the System had an error rate higher than 0.3 percent for the previous fiscal year, the civil penalty assessable by the Secretary or an administrative law judge under that subsection for each first-time violation by an employer who has not previously been penalized under this section may not exceed $1,000.

''(iv) RECORDS SECURITY PROGRAM.—Any person, including a private third party vendor, who retains document verification or System data pursuant to this section shall implement an effective records security program that—

''(I) ensures that only authorized personnel have access to document verification or System data; and

''(II) ensures that whenever such data is created, completed, updated, modified, altered, or corrected in electronic format, a secure record is created that establishes the date of access, the identity of the individual who accessed the electronic record, and the particular action taken.

''(v) RECORDS SECURITY PROGRAM.—In addition to the security measures described in clause (iv), a private third party vendor who retains document verification or System data pursuant to this section shall implement an effective records security program that—

''(I) provides for backup and recovery of any records maintained in electronic format to protect against information loss, such as power interruptions; and

''(II) ensures that employees are trained to minimize the risk of unauthorized or accidental alteration or erasure of such data in electronic format.

''(vi) AUTHORIZED PERSONNEL DEFINED.—In this subparagraph, the term authorized personnel means anyone registered as a System user, or anyone with partial or full responsibility for completion of employment authorization verification or retention of data in connection with employment authorization verification on behalf of an employer.

''(D) AVAILABLE FACILITIES AND ALTERNATIVE ACCOMMODATIONS.—The Secretary shall make appropriate arrangements and develop standards to allow employers or employees, including remote hires, who are otherwise unable to access the System to use electronic and telephonic formats (including video conferencing, scanning technology, and other available technologies), Federal Government facilities, public facilities, or other available locations in order to utilize the System.

''(E) RESPONSIBILITIES OF THE SECRETARY.—

''(i) IN GENERAL.—As part of the System, the Secretary shall maintain a reliable, secure method, which, operating through the System and within the time periods specified, compares the name, alien identification or authorization number, or other information as determined relevant by the Secretary, provided in an inquiry against such information maintained or accessed by the Secretary in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and number, whether the alien has employment authorized status (or, to the extent that the Secretary determines to be feasible and appropriate, whether the records available to the Secretary verify the identity or status of a national of the United States), and such other information as the Secretary may prescribe.

''(ii) PHOTOGRAPH DISPLAY.—As part of the System, the Secretary shall establish a reliable, secure method, which, operating through the System, displays the digital photograph described in subparagraph (B)(viii)(I).

''(iii) TIMING OF NOTICES.—The Secretary shall have authority to prescribe when a confirmation, nonconfirmation, or further action notice shall be issued.

''(iv) USE OF INFORMATION.—The Secretary shall perform regular audits under the System, as described in subparagraph (B)(vi) and shall utilize the information obtained from such audits, as well as any information obtained from the Commissioner pursuant to part E of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), for the purposes of this section and to administer and enforce the immigration laws.

''(v) IDENTITY FRAUD PROTECTION.—To prevent identity fraud, not later than 18 months after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary shall—

''(I) in consultation with the Commissioner, establish a program to provide a reliable, secure method for an individual to temporarily suspend or limit the use of the individual's social security account number or other identifying information for verification by the System; and

''(II) for each individual being verified through the System—

''(aa) notify the individual that the individual has the option to limit the use of the individual's social security account number or other identifying information for verification by the System; and

''(bb) provide instructions to the individuals for exercising the option referred to in item (aa).

''(vi) ALLOWING PARENTS TO PREVENT THEFT OF THEIR CHILD'S IDENTITY.—The Secretary, in consultation with the Commissioner, shall establish a program that provides a reliable, secure method by which parents or legal guardians may suspend or limit the use of the social security account number or other identifying information of a minor under their care for the purposes of the System. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

''(vii) PROTECTION FROM MULTIPLE USE.—The Secretary and the Commissioner shall establish a procedure for identifying and handling a situation in which a social security account number has been identified to be subject to unusual multiple use in the System or is otherwise suspected or determined to have been compromised by identity fraud. Such procedure shall include notifying the legitimate holder of the social security number at the appropriate time.

''(viii) MONITORING AND COMPLIANCE UNIT.—The Secretary shall establish or designate a monitoring and compliance unit to detect and reduce identity fraud and other misuse of the System.

''(ix) CIVIL RIGHTS AND CIVIL LIBERTIES ASSESSMENTS.—

''(I) REQUIREMENT TO CONDUCT.—The Secretary shall conduct regular civil rights and civil liberties assessments of the System, including participation by employers, other private entities, and Federal, State, and local government entities.

''(II) REQUIREMENT TO RESPOND.—Employers, other private entities, and Federal, State, and local entities shall timely respond to any request in connection with such an assessment.

''(III) ASSESSMENT AND RECOMMENDATIONS.—The Officer for Civil Rights and Civil Liberties of the Department shall review the results of each such assessment and recommend to the Secretary any changes necessary to improve the civil rights and civil liberties protections of the System.

''(F) GRANTS TO STATES.—

''(i) IN GENERAL.—The Secretary shall create and administer a grant program to help provide funding for reimbursement of the actual costs to States that grant—

''(I) the Secretary access to driver's license information as needed to confirm that a driver's license presented under subsection (c)(1)(D)(i) confirms the identity of the subject of the System check, and that a driver's license matches the State's records; and

''(II) such assistance as the Secretary may request in order to resolve further action notices or nonconfirmations relating to such information.

''(ii) CONSTRUCTION WITH THE DRIVER'S PRIVACY PROTECTION ACT OF 1994.—The provision of a photograph to the Secretary as described in clause (i) may not be construed as a violation of section 2721 of title 18, United States Code, and is a permissible use under subsection (b)(1) of that section.

''(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), $500,000,000 to carry out this subparagraph.

''(G) RESPONSIBILITIES OF THE SECRETARY OF STATE.—As part of the System, the Secretary of State shall provide to the Secretary access to passport and visa information as needed to confirm that a passport, passport card, or visa presented under subsection (c)(1)(C) confirms the identity of the subject of the System check, and that a passport, passport card, or visa photograph matches the Secretary of State's records, and shall provide such assistance as the Secretary may request in order to resolve further action notices or nonconfirmations relating to such information.

''(H) UPDATING INFORMATION.—The Commissioner, the Secretary, and the Secretary of State shall update their information in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

''(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, no department, bureau, or other agency of the United States Government or any other entity shall utilize, share, or transmit any information, database, or other records assembled under this subsection for any purpose other than for employment verification or to ensure secure, appropriate and nondiscriminatory use of the System.

''(10) ANNUAL REPORT AND CERTIFICATION.—Not later than 18 months after the promulgation of regulations to implement this subsection, and annually thereafter, the Secretary shall submit to Congress a report that includes the following:

''(A) An assessment, as submitted to the Secretary by the Inspector General of the Department of Homeland Security pursuant to paragraph (8)(C)(iii)(I), of the accuracy rates of further action notices and other System notices provided by employers to individuals who are authorized to be employed in the United States.

''(B) An assessment, as submitted to the Secretary by the Inspector General of the Department of Homeland Security pursuant to paragraph (8)(C)(iii)(I), of the accuracy rates of further action notices and other System notices provided directly (by the System) in a timely fashion to individuals who are not authorized to be employed in the United States.

''(C) An assessment of any challenges faced by small employers in utilizing the System.

''(D) An assessment of the rate of employer noncompliance (in addition to failure to provide required notices in a timely fashion) in each of the following categories:

''(i) Taking adverse action based on a further action notice.

''(ii) Use of the System for nonemployees or other individuals before they are offered employment.

''(iii) Use of the System to reverify employment authorized status of current employees except if authorized to do so.

''(iv) Use of the System selectively, except in cases in which such use is authorized.

''(v) Use of the System to deny employment or post-employment benefits or otherwise interfere with labor rights.

''(vi) Requiring employees or applicants to use any self-verification feature or to provide self-verification results.

''(vii) Discouraging individuals who receive a further action notice from challenging the further action notice or appealing a determination made by the System.

''(E) An assessment of the rate of employee noncompliance in each of the following categories:

''(i) Obtaining employment when unauthorized with an employer complying with the System in good faith.

''(ii) Failure to provide required documents in a timely manner.

''(iii) Attempting to use fraudulent documents or documents not related to the individual.

''(iv) Misuse of the administrative appeal and judicial review process.

''(F) An assessment of the amount of time taken for—

''(i) the System to provide the confirmation or further action notice;

''(ii) individuals to contest further action notices;

''(iii) the System to provide a confirmation or nonconfirmation of a contested further action notice;

''(iv) individuals to file an administrative appeal of a nonconfirmation; and

''(v) resolving administrative appeals regarding nonconfirmations.

''(11) ANNUAL GAO STUDY AND REPORT.—

''(A) REQUIREMENT.—The Comptroller General shall, for each year, undertake a study to evaluate the accuracy, efficiency, integrity, and impact of the System.

''(B) REPORT.—Not later than 18 months after the promulgation of regulations to implement this subsection, and yearly thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

''(i) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within the required periods, including a separate assessment of such rate for naturalized United States citizens, nationals of the United States, and aliens.

''(ii) An assessment of the privacy and confidentiality of the System and of the overall security of the System with respect to cybertheft and theft or misuse of private data.

''(iii) An assessment of whether the System is being implemented in a manner that is not discriminatory or used for retaliation against employees.

''(iv) An assessment of the most common causes for the erroneous issuance of nonconfirmations by the System and recommendations to correct such causes.

''(v) The recommendations of the Comptroller General regarding System improvements.

''(vi) An assessment of the frequency and magnitude of changes made to the System and the impact on the ability for employers to comply in good faith.

''(vii) An assessment of the direct and indirect costs incurred by employers in complying with the System, including costs associated with retaining potential employees through the administrative appeals process and receiving a nonconfirmation.

''(viii) An assessment of any backlogs or delays in the System providing the confirmation or further action notice and impacts to hiring by employers.

''(ix) An assessment of the effect of the identity authentication mechanism and any other security measures set forth in subsection (c)(1)(F)(iv) to verify identity incorporated into the System or otherwise used by employers on employees.

''(12) OUTREACH AND PARTNERSHIP.—

''(A) OUTREACH.—The Secretary is authorized to conduct outreach and establish programs to assist employers in verifying employment authorization and preventing identity fraud.

''(B) PARTNERSHIP INITIATIVE.—The Secretary may establish partnership initiatives between the Federal Government and private sector employers to foster cooperative relationships and to strengthen overall hiring practices.''.

(c) TAXPAYER ADDRESS INFORMATION.—Section 6103(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(8) TAXPAYER ADDRESS INFORMATION FURNISHED TO SECRETARY OF HOMELAND SECURITY.—Upon written request from the Secretary of Homeland Security, the Secretary shall disclose the mailing address of any taxpayer who is entitled to receive a notification from the Secretary of Homeland Security pursuant to paragraphs (1)(C) and (8)(E)(vii) of section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) for use only by employees of the Department of Homeland for the purpose of mailing such notification to such taxpayer.''.

(d) SOCIAL SECURITY ACCOUNT STATEMENTS.—Section 1143(a)(2) of the Social Security Act (8 U.S.C. 1320b–13(a)(2)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) to the extent resources are available, information in the Commissioner's records indicating that a query was submitted to the employment verification system established under section 274A (d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) under that individual's name or social security number; and

''(G) a toll-free telephone number operated by the Department of Homeland Security for employment verification system inquiries and a link to self-verification procedure established under section 274A(d)(4)(I) of such Act.''.

(e) GOOD FAITH COMPLIANCE.—Section 274B(a) (8 U.S.C. 1324b(a)), as amended by section 3105(a) of this Act, is further amended by adding at the end the following:

''(10) TREATMENT OF CERTAIN VIOLATIONS AFTER REASONABLE STEPS IN GOOD FAITH.—Notwithstanding paragraphs (4), (6), and (7), a person, other entity, or employment agency shall not be liable for civil penalties described in section 274B(g)(2)(B)(iv) that are related to a violation of any such paragraph if the person, entity, or employment agency has taken reasonable steps, in good faith, to comply with such paragraphs at issue, unless the person, other entity, or employment agency—

''(A) was, for similar conduct, subject to—

''(i) a reasonable cause determination by the Office of Special Counsel for Immigration Related Unfair Employment Practices; or

''(ii) a finding by an administrative law judge that a violation of this section has occurred; or

''(B) committed the violation in order to interfere with 'workplace rights' (as defined in section 274A(b)(8)).

''(11) GOOD FAITH.—As used in paragraph (10), the term 'good faith' shall not include any action taken in order to interfere with 'workplace rights' (as defined in section 274A(b)(8)). Neither the Office of Special Counsel nor an administrative law judge hearing a claim under this section shall have any authority to assess workplace rights other than those guaranteed under this section.

''(12) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

''(A) to permit the Office of Special Counsel for Immigration-Related Unfair Employment Practices or an administrative law judge hearing a claim under this Section to enforce any workplace rights other than those guaranteed under this section; or

''(B) to prohibit any person, other entity, or employment agency from using an identity verification system, service, or method (in addition to the employment verification system described in section 274A(d)), until the date on which the employer is required to participate in the System under section 274A(d)(2) and the additional security measures mandated by section 274A(c)(F)(iv) have become available to verify the identity of a newly hired employee, if such system—

''(i) is used in a uniform manner for all newly hired employees;

''(ii) is not used for the purpose or with the intent of discriminating against any individual;

''(iii) provides for timely notice to employees run through the system of a mismatch or failure to confirm identity; and

''(iv) sets out procedures for employees run through the system to resolve a mismatch or other failure to confirm identity.

''(13) LIABILITY.—A person, entity, or employment agency that uses an identity verification system, service, or method in a way that conflicts with the requirements set forth in paragraph (10) shall be subject to liability under paragraph (4)(I).''.

(f) MAINTENANCE OF REASONABLE LEVELS OF SERVICE AND ENFORCEMENT.—Notwithstanding section 3301(b)(1), amounts appropriated pursuant to such section shall be used to maintain reasonable levels of service and enforcement rather than a specific numeric increase in the number of Department personnel dedicated to administering the Employment Verification System.

SA 1664. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

This Act shall become effective 8 days after enactment.

SA 1665. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the amendment, strike ''8 days'' and insert ''7 days''.

SA 1666. 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 appropriate place, insert the following:

SEC. _____. BORDER PATROL RATE OF PAY.

(a) PURPOSE.—The purposes of this section are—

(1) to strengthen U.S. Customs and Border Protection 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. Customs and Border Protection 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 basic 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 basic 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. Customs and Border Protection 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. Customs and Border Protection 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)—

''(A) the border patrol agent shall be scheduled to work, for 5 days per week—

''(i) 8 hours of regular time per day; and

''(ii) 2 additional hours of scheduled overtime during each day the border patrol agent is scheduled to work under clause (i);

''(B) for the hours of regular time work described in subparagraph (A)(i), the border patrol agent shall receive pay at the level 1 border patrol rate of pay;

''(C) for the hours of regularly scheduled overtime work described in subparagraph (A)(ii), the border patrol agent shall not receive—

''(i) additional compensation under this section or any other provision of law; or

''(ii) compensatory time off;

''(D) any hours during which the border patrol agent is available to work during a work period shall be included in the hours of regular time or regularly scheduled overtime scheduled under subparagraph (A); and

''(E) 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)—

''(A) the border patrol agent shall be scheduled to work, for 5 days per week—

''(i) 8 hours of regular time per day; and

''(ii) 1 additional hour of scheduled overtime during each day the border patrol agent is scheduled to work under clause (i);

''(B) for the hours of regular time work described in subparagraph (A)(i), the border patrol agent shall receive pay at the level 2 border patrol rate of pay;

''(C) for the hours of regularly scheduled overtime work described in subparagraph (A)(ii), the border patrol agent shall not receive—

''(i) additional compensation under this section or any other provision of law; or

''(ii) compensatory time off;

''(D) any hours during which the border patrol agent is available to work during a work period shall be included in the hours of regular time or regularly scheduled overtime scheduled under subparagraph (A); and

''(E) 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)—

''(A) the border patrol agent shall be scheduled to work 8 hours of regular time per day and 5 days per week;

''(B) any hours during which the border patrol agent is available to work during a work period shall be included in the hours of regular time scheduled under subparagraph (A); and

''(C) the border patrol agent 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—

''(1) shall receive premium pay for night work in accordance with subsections (a) and (b) of section 5545 and Sunday and holiday pay in accordance with section 5546, without regard to the election of the border patrol agent under subsection (b)(1)(A), except that section 5546(d) shall not apply and eligibility for pay for, and the rate of pay for, any overtime work shall be determined in accordance with this section and section 5542(a)(7); and

''(2) shall not be eligible for any other form of premium pay under this title, except as provided in section 5542(a)(7).

''(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. Customs and Border Protection to require a border patrol agent to perform hours of overtime work in accordance with the needs of U.S. Customs and Border Protection, including if needed 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 (as determined in accordance with paragraphs (1) and (2)) for hours of overtime work that are officially ordered or approved in advance of the work assignment; 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 (as determined in accordance with paragraphs (1) and (2)) for hours of overtime work that are officially ordered or approved in advance of the work assignment; 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 to be eligible for the level 2 border patrol rate of pay 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 (as determined in accordance with paragraphs (1) and (2)) for hours of overtime work that are officially ordered or approved in advance of the work assignment; 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)(i) Except as provided in clause (ii), 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.

''(ii) U.S. Customs and Border Protection may, as it determines appropriate, waive the limitation under clause (i) for hours of overtime work, but such waiver must be approved in advance of any work being performed that would be subject to compensatory time under subsection (B)(ii)(II), (C)(ii)(II), or (D)(ii)(II).

''(F) A border patrol agent—

''(i) may not earn 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)) who was employed as a border patrol agent on December 31, 2013 and is 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.''.

(f) AVAILABILITY OF FUNDS.—In addition to any amounts provided in an appropriations Act or otherwise made available to U.S. Customs and Border Protection, amounts made available pursuant to section 6 of this Act may be used for pay authorized under this section or an amendment made by this section, including for paying basic pay under subsection (d)(1).

SA 1667. Mr. BLUMENTHAL (for himself 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:

Beginning on page 1000, strike line 20 and all that follows through page 1001, line 20, and insert the following:

''(ii) was younger than 16 years of age on the date on which the alien initially entered the United States; and

''(iii)(I)(aa) has earned a high school diploma, a commensurate alternative award from a public or private high school or secondary school, or has obtained a general education development certificate recognized under State law, or a high school equivalency diploma in the United States and has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States; and

''(bb)(AA) has acquired a degree from an institution of higher education or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

''(BB) has served in the Uniformed Services for at least 4 years and, if discharged, received an honorable discharge; or

''(II) is under 18 years of age on the date the immigrant submits an application for such adjustment and is enrolled in school or has completed a general education development certificate on the date the immigrant submits an application for adjustment.

''(B) SPECIAL PROVISIONS.—

''(i) EXCEPTION TO AGE REQUIREMENT.—An alien lawfully admitted for permanent residence pursuant to subparagraph (A)(iii)(II) may be naturalized notwithstanding the age requirements in section 334.

''(ii) REQUIREMENTS UNDER SECTION 316.—An alien may naturalize under section 316 no sooner than 5 years after the date on which the alien was lawfully admitted for permanent residence pursuant to subparagraph (A)(iii)(II).

''(C) HARDSHIP EXCEPTION.—''.

SA 1668. Mr. WARNER (for himself, Ms. MIKULSKI, Mr. WICKER, Mr. KAINE, Ms. MURKOWSKI, Ms. LANDRIEU, and Mr. COCHRAN) 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. ____. FLEXIBILITY WITH RESPECT TO CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.

(a) IN GENERAL.—Subject to subsection (b), if an employer in the seafood industry 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 in the seafood industry may not bring H–2B nonimmigrants into the United States under subsection (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—

(1) completes a new assessment of the local labor market by—

(A) listing job orders on local newspapers on 2 separate Sundays; and

(B) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer's place of employment; and

(2) 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 in the seafood industry who brings H–2B nonimmigrants into the United States during the 120-day period specified in subsection (a) to be staggering the date of need in violation of any applicable provision of law.

(d) H–2B NONIMMIGRANT DEFINED.—In this section, the term ''H-2B nonimmigrant'' means an alien admitted to the United States pursuant to section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

SA 1669. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REQUIREMENTS FOR ADJUSTMENT OF STATUS FOR CERTAIN ALIENS WHO ENTERED THE UNITED STATES AS CHILDREN.

Notwithstanding paragraph (1)(A)(iv)(I) of section 245D(b) of the Immigration and Nationality Act, as added by section 2103, an alien is not eligible for an adjustment of status under that section 245D(b) unless the alien has acquired a degree from an institution of higher education.

SA 1670. 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 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 1671. 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 ''3 years''.

On page 1140, strike lines 10 through 13.

On page 1141, line 6, strike ''1 year'' and insert ''3 years''.

SA 1672. 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 1062 after line 2 insert: ''An employer shall not be required to provide such written record to the alien or to the Secretary of Agriculture more than once per year.''

SA 1673. 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 appropriate place, insert the following:

SEC. _____. OUTREACH TO IMMIGRANT COMMUNITIES.

(a) 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.

(b) PURPOSE.—The purpose of the program authorized under subsection (a) 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.

(c) 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—

(1) at appropriate offices that provide services or information to aliens; and

(2) through websites that are—

(A) maintained by the Attorney General; and

(B) intended to provide information regarding immigration matters to aliens.

(d) FOREIGN LANGUAGE MATERIALS.—Any educational materials used to carry out the program authorized under subsection (a) shall, to the extent practicable, be made available to immigrant communities in appropriate languages, including English and Spanish.

(e) 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 section.

SA 1674. 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 appropriate place, insert the following:

SEC. _____. 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 1675. 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:

Strike section 2108 and insert the following:

SEC. 2108. HIRING.

(a) HIRING RULES EXEMPTION.—The Secretary is authorized to make term, temporary limited, and part-time appointments of employees who will implement this title and the amendments made by this title without regard to the number of such employees, their ratio to permanent full-time employees, and the duration of their employment.

(b) AUTHORITY TO WAIVE ANNUITY LIMITATIONS.—Section 824(g)(2)(B) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)(2)(B)) is amended by striking ''2009'' and inserting ''2017''.

SA 1676. 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. _____. OVERSIGHT OF TRUST FUND.

(a) OFFICE OF INSPECTOR GENERAL.—

(1) PLAN.—Not later than 90 days after the date of enactment of this Act, the Inspector General of the Department, in consultation with the Inspectors General of other relevant agencies, shall submit a plan for oversight of the implementation of this Act and the amendments made by this Act. In developing the plan under this paragraph, the Inspector General shall give particular emphasis to management of the Comprehensive Immigration Reform Trust Fund established under section 6 (in this section referred to as the ''Trust Fund'') and oversight of the deployment of resources, infrastructure, and funds under the Comprehensive Southern Border Security Strategy and the Southern Border Fencing Strategy and to implement the Employment Verification System established under section 274A(d)(1)(A) of the Immigration and Nationality Act (as amended by section 3101 of this Act).

(2) AVAILABILITY OF FUNDS.—In addition to the amounts made available under subsection (c), there are authorized to be appropriated to the Inspector General of the Department such sums as are necessary to conduct oversight under the plan submitted under paragraph (1).

(b) DEPARTMENT PLAN.—Not later than 90 days after the date of 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 plan that describes the actions the Department shall take, the employees the Department shall assign, and the procedures the Department shall implement to ensure that funds from the Trust Fund are—

(1) spent efficiently and effectively;

(2) well managed, including with respect to the awarding and administration of contracts and the validation of technology; and

(3) managed so as to comply with all applicable financial audit standards.

(c) AVAILABILITY OF FUNDS.—For the purposes of ensuring the funds in the Trust Fund are spent efficiently and effectively and are well managed and for the cost of conducting the audits required under section 6(c), 0.5 percent of funds deposited in the Trust Fund each fiscal year under section 6(a)(2) shall be provided in each such fiscal year to the Secretary, who shall transfer half of the amount received each fiscal year to the Inspector General of the Department. Amounts made available under this subsection shall remain available until the end of the 10th fiscal year beginning after the date on which the amounts are made available to the Secretary.

SA 1677. 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. _____. 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 decision-making 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 1678. Mr. CARPER (for himself and 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. _____. 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.

SA 1679. Mr. CARPER (for himself, Mr. MCCAIN, and 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 appropriate place, insert the following:

SEC. _____. DEPLOYING FORCE MULTIPLIERS AT AND BETWEEN PORTS OF ENTRY.

(a) ANALYSIS OF OPERATIONAL REQUIREMENTS BETWEEN PORTS OF ENTRY.—

(1) IN GENERAL.—As part of the Comprehensive Southern Border Security Strategy required to be submitted section 5(a), and in order to inform the Secretary about the technologies that may need to be redeployed or replaced pursuant to paragraphs (4) and (5) of such section, the Commissioner of U.S. Customs and Border Protection shall undertake a sector by sector analysis of the border to determine the specific technologies that are most effective in identifying illegal cross-border traffic for each particular Border Patrol sector and station along the border in order to achieve the goal of persistent surveillance.

(2) REQUIREMENTS.—The analysis conducted under paragraph (1) shall—

(A) include a comparison of the costs and benefits for each type of technology;

(B) estimate total life cycle costs for each type of technology; and

(C) identify specific performance metrics for assessing the performance of the technologies.

(b) ENHANCEMENTS.—In order to achieve surveillance between ports of entry along the Southwest border for 24 hours per day and 7 days per week, and using the analysis conducted under subsection (a), the Commissioner of U.S. Customs and Border Protection shall—

(1) deploy additional mobile, video, and man-portable surveillance systems;

(2) ensure, to the extent practicable, that all aerial assets, including assets owned before the date of enactment of this Act, are outfitted with advanced sensors that can be used to detect cross-border activity, including infrared cameras, radars, or other technologies as appropriate;

(3) deploy tethered aerostat systems, including systems to detect low-flying aircraft across the entire border, as well as systems to detect the movement of people and vehicles;

(4) operate unarmed unmanned aerial vehicles equipped with advanced sensors in every Border Patrol sector to ensure coverage for 24 hours per day and 7 days a week, unless—

(A) severe or prevailing weather precludes operations in a given sector;

(B) the Secretary determines that national security requires unmanned aerial vehicles to be deployed elsewhere; or

(C) the Secretary determines that a request from the governor of a State to deploy unmanned aerial vehicles to assist with disaster recovery efforts or extraordinary law enforcement operations is in the national interest;

(5) attempt, to the greatest extent practicable, to provide an alternate form of surveillance in a sector from which the Secretary redeployed an unmanned aerial system pursuant to subparagraph (B) or (C) of paragraph (4);

(6) deploy unarmed additional fixed-wing aircraft and helicopters;

(7) increase horse patrols in the Southwest border region; and

(8) acquire and deploy watercraft and other equipment to provide support for border-related maritime anti-crime activities.

(c) LIMITATION.—

(1) IN GENERAL.—Notwithstanding subsection (b), U.S. Border Patrol may not operate unarmed, unmanned aerial vehicles in the San Diego and El Centro Sectors, except within 3 miles of the Southern border.

(2) EXCEPTION.—The limitation under paragraph (1) shall not restrict—

(A) the maritime operations of U.S. Customs and Border Protection; or

(B) the Secretary's authority to deploy unmanned aerial vehicles—

(i) during a national security emergency;

(ii) in response to a request from the governor of California for assistance during disaster recovery efforts; or

(iii) for other law enforcement purposes.

(d) FLEET CONSOLIDATION.—In acquiring technological assets under subsection (b) and section 5(a), the Commissioner of U.S. Customs and Border Protection shall, to the greatest extent practicable, implement a plan for streamlining the fleet of aircraft, helicopters, aerostats, and unmanned aerial vehicles of U.S. Customs and Border Protection to generate savings in maintenance costs and training costs for pilots and other personnel needed to operate the assets.

(e) ANALYSIS OF OPERATIONAL REQUIREMENTS AT PORTS OF ENTRY.—

(1) IN GENERAL.—To help facilitate cross-border traffic and provide increased situational awareness of inbound and outbound trade and travel, and in order to inform the Secretary about the technologies that may need to be redeployed or replaced pursuant to paragraphs (4) and (5) of section 5(a), the Commissioner of U.S. Customs and Border Protection shall—

(A) conduct an assessment of the technology needs at ports of entry; and

(B) prioritize such technology needs based on the results of the assessment conducted pursuant to subparagraph (A).

(2) REQUIREMENTS.—In carrying out subsection (a), the Commissioner of U.S. Customs and Border Protection shall—

(A) consult with officers and agents in the field; and

(B) consider a variety of fixed and mobile technologies, including—

(i) hand-held biometric and document readers;

(ii) fixed and mobile license plate readers;

(iii) radio frequency identification documents and readers;

(iv) interoperable communication devices;

(v) nonintrusive scanning equipment; and

(vi) document scanning kiosks.

(3) IMPLEMENTATION.—Based on the results of the assessment conducted under this subsection, the Commissioner of U.S. Customs and Border Protection shall deploy additional technologies to land, air, and sea ports of entry.

(f) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated to U.S. Customs and Border Protection such sums as may be necessary to carry out this section during the fiscal years 2014 through 2018.

SA 1680. 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:

At the appropriate place, insert the following:

SEC. _____. PROTECTION OF DOMESTIC VIOLENCE SURVIVORS.

(a) RELIEF FROM CERTAIN RESTRICTIONS ON ADJUSTMENT OF STATUS.—

(1) RELIEF FROM CERTAIN RESTRICTIONS FOR DOMESTIC VIOLENCE SURVIVORS.—Section 245(d) (8 U.S.C. 1255(d)), as amended by section 2310(c) of this Act, is amended in paragraph (1) in the second sentence by striking the period at the end and inserting ", unless the alien is the spouse of an alien lawfully admitted for legal permanent residence or of a citizen of the United States and is a VAWA self-petitioner.".

(2) CONFORMING APPLICATION IN CANCELLATION OF REMOVAL.—Section 240A(b)(2)(A)(i) (8 U.S.C. 1229b(b)(2)(A)(i)) is amended—

(A) in subclause (II), by striking "or" at the end;

(B) in subclause (III), by adding "or" at the end; and

(C) by adding at the end the following:

"(IV) the alien entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or the child of the alien who is described in such section) was battered or subject to extreme cruelty by the United States citizen who filed the petition to accord status under such section;".

(3) APPLICATION UNDER SUSPENSION OF DEPORTATION FOR DOMESTIC VIOLENCE SURVIVORS.—The Secretary or the Attorney General may suspend the deportation of an alien who is in deportation proceedings initiated prior to March 1, 1997 and adjust to the status of an alien lawfully admitted for permanent residence, if the alien—

(A) has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such suspension;

(B) has been battered or subjected to extreme cruelty in the United States by a spouse or immediate family member who is a United States citizen or a lawful permanent resident, or the alien entered the United States as an alien described in section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) with the intent to enter into a valid marriage and the alien was battered or subject to extreme cruelty by the United States citizen who filed the petition to accord status under such section, or the child of the alien who is described in this subparagraph;

(C) demonstrates that during all of such time in the United States the alien was and is a person of good moral character; and

(D) is a person whose deportation would, in the opinion of the Secretary or Attorney General, result in extreme hardship to the alien or the alien's parent or child.

(4) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to aliens admitted before, on, or after such date.

(b) RELIEF FOR DOMESTIC VIOLENCE SURVIVOR VISA WAIVER ENTRANTS.—

(1) IN GENERAL.—Section 217(b)(2) (8 U.S.C. 1187(b)(2)) is amended by inserting '', as a VAWA self-petitioner or for relief under section 101(a)(15)(T), section 101(a)(15)(U), section 240A(b)(2), or under any prior statute providing comparable relief, notwithstanding any other provision of law,'' after ''asylum,''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to waivers provided under section 217(b)(2) of the Immigration and Nationality Act before, on, or after such date as if it had been included in such waivers.

(c) APPLICABILITY OF SECTION 212(E) TO SPOUSES AND CHILDREN OF J–1 EXCHANGE VISITORS.—In addition to the individuals described in section 2405(c) of this Act, applicants approved for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act and VAWA self-petitioners, as defined in section 101(a)(51) of such Act, shall not be subject to the requirements of section 212(e) of such Act (8 U.S.C. 1182(e)).

(d) WAIVER RELATING TO CERTAIN CRIMES.—Section 212(h), as amended by section 3711(c)(1)(B) of this Act, is amended by striking ''and (E)'' and inserting ''(E), and (K)''.

SA 1681. Mrs. MURRAY (for herself and Mr. CRAPO) 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. _____. 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'' means, 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.

SA 1682. 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:

At the appropriate place, insert the following:

SEC. _____. OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES.

Section 705 of the Homeland Security Act of 2002 (6 U.S.C. 345) is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

''(6) investigate complaints and information indicating possible abuses of civil rights or civil liberties by employees and officials of the Department or that are related to Departmental activities (unless the Inspector General of the Department determines that such a complaint or such information should be investigated by the Inspector General) and, using the information gained by such investigations, make recommendations to the Secretary and directorates, offices, and other components of the Department for improvements in policy, supervision, training, and practice related to civil rights or civil liberties, or for the relevant office to review the matter and take appropriate disciplinary or other action.'';

(2) by redesignating subsection (b) as subsection (e);

(3) by inserting after subsection (a) the following:

''(b) INVESTIGATION OF COMPLAINTS.—The head of each directorate, office, or component of the Department and the head of any other executive agency shall ensure that the directorate, office, or component provides the Officer for Civil Rights and Civil Liberties with speedy access, and in no event later than 30 days after the date on which the directorate, office, or component receives a request from the Officer, to any information determined by the Officer to be relevant to the exercise of the duties and responsibilities under subsection (a) or to any investigation carried out under this section, whether by providing relevant documents or access to facilities or personnel.

''(c) SUBPOENAS.—

''(1) IN GENERAL.—In carrying out the duties and responsibilities under subsection (a) or as part of an investigation carried out under this section, the Officer for Civil Rights and Civil Liberties may require by subpoena access to—

''(A) any institution or entity outside of the Federal Government that is the subject of or related to an investigation under this section; and

''(B) any individual, document, record, material, file, report, memorandum, policy, procedure, investigation, video or audio recording or other media, or quality assurance report relating to any institution or entity outside of the Federal Government that is the subject of or related to an investigation under this section.

''(2) ISSUANCE AND SERVICE.—A subpoena issued under this subsection shall—

''(A) bear the signature of the Officer for Civil Rights and Civil Liberties; and

''(B) be served by any person or class of persons designated by the Officer or an officer or employee designated for that purpose.

''(3) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued

under this subsection, the United States district court for the judicial district in which the institution, entity, or individual is located may issue an order requiring compliance. Any failure to obey the order of the court may be punished by the court as contempt of that court.

''(4) USE OF INFORMATION.—Any material obtained under a subpoena issued under this subsection—

''(A) may not be used for any purpose other than a purpose set forth in subsection (a);

''(B) may not be transmitted by or within the Department for any purpose other than a purpose set forth in subsection (a); and

''(C) shall be redacted, obscured, or otherwise altered if used in any publicly available manner to the extent necessary to prevent the disclosure of any personally identifiable information.

''(d) RECOMMENDATIONS.—For any final recommendation or finding made under this section by the Officer for Civil Rights and Civil Liberties to the Secretary or a directorate, office, or other component of the Department—

''(1) the Secretary shall ensure that the Department—

''(A) responds to the recommendation or finding within 30 days after the date on which the Officer communicates the recommendation or finding; and

''(B) within 60 days after the date on which the Officer communicates the recommendation or finding, provides the Officer with a plan for implementation of the recommendation or finding;

''(2) within 30 days after the date on which the Officer receives an implementation plan under paragraph (1), the Officer shall assess the plan and determine whether the plan sufficiently addresses the underlying recommendation;

''(3) if the Officer determines under paragraph (2) that an implementation plan is insufficient, the Secretary shall ensure that the Department submits a revised implementation plan that complies with the underlying recommendation within 30 days after the date on which the Officer communicates the determination; and

''(4) absent any provision of law to the contrary, the Officer shall provide the complainant with a summary of any findings or recommendations made under this section by the Officer, which shall be redacted, obscured, or otherwise altered to protect the disclosure of any personally identifiable information, other than the complainant's.''; and

(4) in subsection (e), as so redesignated—

(A) by striking ''The Secretary shall'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall'';

(B) by striking ''and the appropriate committees and subcommittees of Congress'' and inserting ''the appropriate committees and subcommittees of Congress, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee)'';

(C) by striking '', and detailing any allegations'' and all that follows through ''such allegations.'' and inserting ''and a compilation of the information provided in the quarterly reports under paragraph (2).''; and

(D) by adding at the end the following:

''(2) QUARTERLY REPORTS.—

''(A) IN GENERAL.—The Officer for Civil Rights and Civil Liberties shall submit to the President of the Senate, the Speaker of the House of Representatives, the appropriate committees and subcommittees of Congress, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), on a quarterly basis, a report detailing—

''(i) each nonfrivolous allegation of abuse received by the Officer during the quarter covered by the report; and

''(ii) each final recommendation made or carried out under subsection (a) that was completed during the quarter covered by the report.

''(B) CONTENTS.—Each report under this paragraph shall detail—

''(i) for each allegation described in subparagraph (A)(i) subject to a completed investigation, any final recommendation made by the Officer for Civil Rights and Civil Liberties and any action or response taken by the Department in response; and

''(ii) any matter or investigation carried out under this section that has been open or pending for more than 2 years.

''(3) INFORMING THE PUBLIC.—The Officer for Civil Rights and Civil Liberties shall—

''(A) make each report submitted under this subsection available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(B) otherwise inform the public of the activities of the Officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.''.

SA 1683. Mr. PORTMAN (for himself, Mr. CHIESA, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INADMISSABILITY OF ALIENS WITH FELONY CONVICTIONS FOR DOMESTIC VIOLENCE, STALKING, OR CHILD ABUSE.

Subparagraph (K)(i)(I) of section 212(a)(2) (8 U.S.C. 1182(a)(2)), as added by section 3711(c)(1)(A) of this Act, is amended by striking ''the alien served at least 1 year imprisonment'' and inserting the following: ''a sentence of 1 year imprisonment or more may be imposed''.

SA 1684. Mr. PORTMAN (for himself, Mr. CHIESA, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NO DISCRETION FOR CRIMES INVOLVING MORAL TURPITUDE THAT ARE CERTAIN CRIMES AGAINST CHILDREN.

(a) IMMIGRATION JUDGES.—Subparagraph (D)(ii) of section 240(c)(4) (8 U.S.C. 1229a(c)(4)), as added by section 2314(a) of this Act, is amended—

(1) in subclause (I), by striking ''or'' at the end;

(2) by redesignating subclause (II) as subclause (III); and

(3) by inserting after subclause (I) the following:

''(II) been convicted of a crime involving moral turpitude that is a crime of child abuse, child neglect, contributing to the delinquency of a minor through sexual acts, or child abandonment; or''.

(b) SECRETARY.—Subsection (w)(2) of section 212 (8 U.S.C. 1182), as added by section 2314(b) of this Act, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) been convicted of a crime involving moral turpitude that is a crime of child abuse, child neglect, contributing to the delinquency of a minor through sexual acts, or child abandonment; or''.

SA 1685. 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 appropriate place, insert the following:

SEC. _____. SECURING CITIZENSHIP FOR OCCUPATIONS REQUIRING EXPEDITING.

(a) SHORT TITLE.—This section may be cited as the ''Securing Citizenship for Occupations Requiring Expediting Act'' or the ''SCORE Act''.

(b) PERSONS MAKING EXTRAORDINARY ATHLETIC CONTRIBUTIONS.—Section 316 (8 U.S.C. 1427), as amended by section 2307(d), is further amended—

(1) in subsection (a), by striking ''or within the district of the Service in the United States'';

(2) in subsection (f)(1)—

(A) by striking ''and the Commissioner of Immigration'' and inserting '', Secretary of Homeland Security''; and

(B) by striking ''or district of the Service in the United States''; and

(3) by adding at the end the following:

''(h)(1) Subject to paragraph (2), if the Secretary of Homeland Security determines that an applicant who is otherwise eligible for naturalization will make an extraordinary contribution to the United States by representing the United States in an imminent international athletic competition, the applicant may be naturalized without regard to the residence and physical presence requirements under this section.

''(2) Paragraph (1) shall not apply if—

''(A) the applicant has not resided continuously in the United States for at least 6 months between the date on which the applicant was lawfully admitted for permanent residence and the date on which the applicant is naturalized; or

''(B) the alien is described in clause (i), (ii), (iii), (iv), or (v) of section 208(b)(2)(A).

''(3) In making a determination under paragraph (1), the Secretary shall presume that the applicant meets the requirement under such paragraph if the alien is—

''(A) certified by the United States Olympic Committee as a probable future Olympic athlete; or

''(B) certified by an official United States governing body of a sport as a probable future player in an international tournament sponsored by that sport's international governing body.

''(4) The Secretary shall charge each applicant under this subsection a processing fee in an amount that is 500 percent greater than the standard fee charged by the Secretary for processing naturalization applications.

''(5) The Secretary shall provide for the expedited consideration and adjudication of applications for naturalization under this subsection.

''(6) An applicant for naturalization under this subsection may be administered the oath of allegiance under section 337(a) by any district court of the United States, without regard to the residence of the applicant.

''(7) The number of aliens naturalized under this subsection in any fiscal year shall not exceed 50.

''(8) The Secretary shall notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives of the filing of an application for naturalization under this section within a reasonable time after such filing.''.

SA 1686. Mr. SESSIONS 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. ___. EXTENSION OF IDENTITY THEFT OFFENSES.

(a) FRAUD AND RELATED ACTIVITIES RELATING TO IDENTIFICATION DOCUMENTS.—Section 1028 of title 18, United States Code, is amended in subsection (a)(7), by striking ''of another person'' and inserting ''that is not his or her own''.

(b) AGGRAVATED IDENTITY THEFT.—Section 1028A(a) of title 18, United States Code, is amended by striking ''of another person'' both places it appears and inserting ''that is not his or her own''.

SEC. ___. WAIVER OF FEDERAL LAWS WITH RESPECT TO BORDER SECURITY ACTIONS ON DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF AGRICULTURE LANDS.

(a) PROHIBITION ON SECRETARIES OF THE INTERIOR AND AGRICULTURE.—The Secretary of the Interior or the Secretary of Agriculture shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on Federal land located within 100 miles of an international land border that is under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, to execute search and rescue operations and to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the international land borders of the United States.

(b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION.—U.S. Customs and Border Protection shall have immediate access to Federal land within 100 miles of the international land border under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture for purposes of conducting the following activities on such land that prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the international land borders of the United States:

(1) Construction and maintenance of roads.

(2) Construction and maintenance of barriers.

(3) Use of vehicles to patrol, apprehend, or rescue.

(4) Installation, maintenance, and operation of communications and surveillance equipment and sensors.

(5) Deployment of temporary tactical infrastructure.

(c) CLARIFICATION RELATING TO WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any termination date relating to the waiver referred to in this subsection), the waiver by the Secretary of Homeland Security on April 1, 2008, under section 102(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note; Public Law 104–208) of the laws described in paragraph (2) with respect to certain sections of the international border between the United States and Mexico and between the United States and Canada shall be considered to apply to all Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture within 100 miles of the international land borders of the United States for the activities of U.S. Customs and Border Protection described in subsection (c).

(2) DESCRIPTION OF LAWS WAIVED.—The laws referred to in paragraph (1) are limited to the Wilderness Act (16 U.S.C. 1131 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), Public Law 86–523 (16 U.S.C. 469 et seq.), the Act of June 8, 1906 (commonly known as the ''Antiquities Act of 1906''; 16 U.S.C. 431 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), the National Park Service Organic Act (16 U.S.C. 1 et seq.), the General Authorities Act of 1970 (Public Law 91–383) (16 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95–625, 92 Stat. 3467), and the Arizona Desert Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law 101–628).

(d) PROTECTION OF LEGAL USES.—This section shall not be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, mining, or public-use recreational and backcountry airstrips on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or

(2) any additional authority to restrict legal access to such land.

(e) EFFECT ON STATE AND PRIVATE LAND.—This Act shall—

(1) have no force or effect on State or private lands; and

(2) not provide authority on or access to State or private lands.

(f) TRIBAL SOVEREIGNTY.—Nothing in this section supersedes, replaces, negates, or diminishes treaties or other agreements between the United States and Indian tribes.

(g) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report describing the extent to which implementation of this section has affected the operations of U.S. Customs and Border Protection in the year preceding the report.

Subtitle __—Interior Enforcement

SEC. __00. SHORT TITLE.

This subtitle may be cited as the ''Strengthen and Fortify Enforcement Act'' or the ''SAFE Act''.

SEC. __01. FUNDING.

Of the amounts authorized to be appropriated pursuant to section 3301(b), $300,000,000 to carry out title III and this subtitle and the amendments made by title III and this subtitle.

CHAPTER 1—IMMIGRATION LAW ENFORCEMENT BY STATES AND LOCALITIES

SEC. __11. DEFINITION AND SEVERABILITY.

(a) STATE DEFINED.—For the purposes of this chapter, the term ''State'' has the meaning given to such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

(b) SEVERABILITY.—If any provision of this chapter, or the application of such provision to any person or circumstance, is held invalid, the remainder of this chapter, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

SEC. __12. IMMIGRATION LAW ENFORCEMENT BY STATES AND LOCALITIES.

(a) IN GENERAL.—Subject to section 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)), States, or political subdivisions of States, may enact, implement and enforce criminal penalties that penalize the same conduct that is prohibited in the criminal provisions of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))), as long as the criminal penalties do not exceed the relevant Federal criminal penalties. States, or political subdivisions of States, may enact, implement and enforce civil penalties that penalize the same conduct that is prohibited in the civil violations of immigration laws (as defined in such section 101(a)(17)), as long as the civil penalties do not exceed the relevant Federal civil penalties.

(b) LAW ENFORCEMENT PERSONNEL.—Law enforcement personnel of a State, or of a political subdivision of a State, may investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens for the purposes of enforcing the immigration laws of the United States to the same extent as Federal law enforcement personnel. Law enforcement personnel of a State, or of a political subdivision of a State, may also investigate, identify, apprehend, arrest, or detain aliens for the purposes of enforcing the immigration laws of a State or of a political subdivision of State, as long as those immigration laws are permissible under this section. Law enforcement personnel of a State, or of a political subdivision of a State, may not remove aliens from the United States.

SEC. __13. 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 date of the enactment 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 information that the Secretary may possess regarding any alien against whom a final order of removal has been issued, any alien who has entered into a voluntary departure agreement, any alien who has overstayed their authorized period of stay, and any alien whose visas has been revoked. The National Crime Information Center shall enter such information into the Immigration Violators File of the National Crime Information Center database, regardless of whether—

(1) the alien received notice of a final order of removal;

(2) the alien has already been removed; or

(3) sufficient identifying information is available with respect to the alien.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—

(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 by not later than 6 months after the date of the enactment of this Act.

SEC. __14. TECHNOLOGY ACCESS.

States shall have access to Federal programs or technology directed broadly at identifying inadmissible or deportable aliens.

SEC. __15. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION ABOUT APPREHENDED ALIENS.

(a) PROVISION OF INFORMATION.—In compliance with section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644), each State, and each political subdivision of a State, shall provide the Secretary in a timely manner with the information specified in subsection (b) with respect to each alien apprehended 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 referred to in subsection (a) is as follows:

(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 reason for stopping, detaining, apprehending, or arresting the alien.

(5) If applicable, the alien's driver's license number and the State of issuance of such license.

(6) If applicable, the type of any other identification document issued to the alien, any designation number contained on the identification document, and the issuing entity for the identification document.

(7) If applicable, the license plate number, make, and model of any automobile registered to, or driven by, the alien.

(8) A photo of the alien, if available or readily obtainable.

(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) CONSTRUCTION.—Nothing in this section shall 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 take effect on the date that is 120 days after the date of the enactment of this Act and shall apply with respect to aliens apprehended on or after such date.

SEC. __16. FINANCIAL ASSISTANCE TO STATE AND LOCAL POLICE AGENCIES THAT ASSIST IN THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) GRANTS FOR SPECIAL EQUIPMENT FOR HOUSING AND PROCESSING CERTAIN ALIENS.—From amounts made available to make grants under this section, the Secretary shall make grants to States, and to political subdivisions of States, for procurement of equipment, technology, facilities, and other products that facilitate and are directly related to investigating, apprehending, arresting, detaining, or transporting aliens who are inadmissible or deportable, including additional administrative costs incurred under this chapter.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a State, or a political subdivision of a State, must have the authority to, and shall have a written policy and a practice to, assist in the enforcement of the immigration laws of the United States in the course of carrying out the routine law enforcement duties of such State or political subdivision of a State. Entities covered under this section may not have any policy or practice that prevents local law enforcement from inquiring about a suspect's immigration status.

(c) FUNDING.—There is authorized to be appropriated for grants under this section such sums as may be necessary for fiscal year 2014 and each subsequent fiscal year.

(d) GAO AUDIT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit of funds distributed to States, and to political subdivisions of a State, under subsection (a).

SEC. __17. INCREASED FEDERAL DETENTION SPACE.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, detention facilities in the United States, for aliens detained pending removal from the United States or a decision regarding such removal. Each facility shall have a number of beds necessary to effectuate this purposes of this chapter.

(2) DETERMINATIONS.—The location of any detention facility built or acquired in accordance with this subsection shall be determined by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

SEC. __18. FEDERAL CUSTODY OF INADMISSIBLE AND DEPORTABLE ALIENS IN THE UNITED STATES APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.

(a) STATE APPREHENSION.—

(1) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by inserting after section 240C the following:

''CUSTODY OF INADMISSIBLE AND DEPORTABLE ALIENS PRESENT IN THE UNITED STATES

''SEC. 240D. (a) TRANSFER OF CUSTODY BY STATE AND LOCAL OFFICIALS.—If a State, or a political subdivision of the State, exercising authority with respect with respect to the apprehension or arrest of an inadmissible or deportable alien submits to the Secretary of Homeland Security a request that the alien be taken into Federal custody, notwithstanding any other provision of law, regulation, or policy the Secretary—

''(1) shall take the alien into custody not later than 48 hours after the detainer has been issued following the conclusion of the State or local charging process or dismissal process, or if no State or local charging or dismissal process is required, the Secretary should issue a detainer and take the alien into custody not later than 48 hours after the alien is apprehended; and

''(2) shall request that the relevant State or local law enforcement agency temporarily hold the alien in their custody or transport the alien for transfer to Federal custody.

''(b) POLICY ON DETENTION IN FEDERAL, CONTRACT, STATE, OR LOCAL DETENTION FACILITIES.—In carrying out section 241(g)(1), the Attorney General or Secretary of Homeland Security shall ensure that an alien arrested under this title shall be held in custody, pending the alien's examination under this section, in a Federal, contract, State, or local prison, jail, detention center, or other comparable facility. Notwithstanding any other provision of law, regulation or policy, such facility is adequate for detention, if—

''(1) such a facility is the most suitably located Federal, contract, State, or local facility available for such purpose under the circumstances;

''(2) an appropriate arrangement for such use of the facility can be made; and

''(3) the facility satisfies the standards for the housing, care, and security of persons held in custody by a United States Marshal.

''(c) REIMBURSEMENT.—The Secretary of Homeland Security shall reimburse a State, and a political subdivision of a State, for all reasonable expenses, as determined by the Secretary, incurred by the State, or political subdivision, as a result of the incarceration and transportation of an alien who is inadmissible or deportable as described in subsections (a) and (b). Compensation provided for costs incurred under such subsections shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State, or of a political subdivision of a State, plus the cost of transporting the alien from the point of apprehension to the place of detention, and to the custody transfer point if the place of detention and place of custody are different.

''(d) SECURE FACILITIES.—The Secretary of Homeland Security shall ensure that aliens incarcerated pursuant to this title are held in facilities that provide an appropriate level of security.

''(e) TRANSFER.—

''(1) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transfer of apprehended aliens from the custody of States, and political subdivisions of a State, to Federal custody.

''(2) CONTRACTS.—The Secretary may enter into contracts, including appropriate private contracts, to implement this subsection.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 240C the following new item:

''Sec. 240D. Custody of aliens unlawfully present in the United States.''.

(b) GAO AUDIT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit of compensation to States, and to political subdivisions of a State, for the incarceration of inadmissible or deportable aliens under section 240D(a) of the Immigration and Nationality Act (as added by subsection (a)(1)).

(c) EFFECTIVE DATE.—Section 240D of the Immigration and Nationality Act, as added by subsection (a), shall take effect on the date of the enactment of this Act, except that subsection (e) of such section shall take effect on the date that is 120 day after the date of the enactment of this Act.

SEC. __19. TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) ESTABLISHMENT OF TRAINING MANUAL AND POCKET GUIDE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish—

(1) a training manual for law enforcement personnel of a State, or of a political subdivision of a State, to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of inadmissible and deportable aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(2) an immigration enforcement pocket guide for law enforcement personnel of a State, or of a political subdivision of a State, to provide a quick reference for such personnel in the course of duty.

(b) AVAILABILITY.—The training manual and pocket guide established in accordance with subsection (a) shall be made available to all State and local law enforcement personnel.

(c) APPLICABILITY.—Nothing in this section shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide with them while on duty.

(d) COSTS.—The Secretary shall be responsible for any costs incurred in establishing the training manual and pocket guide.

(e) TRAINING FLEXIBILITY.—

(1) IN GENERAL.—The Secretary shall make training of State and local law enforcement officers available through as many means as possible, including through residential training at the Center for Domestic Preparedness, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses. E-learning through a secure, encrypted distributed learning system that has all its servers based in the United States, is scalable, survivable, and can have a portal in place not later than 30 days after the date of the enactment of this Act, shall be made available by the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel.

(2) FEDERAL PERSONNEL TRAINING.—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.

(3) CLARIFICATION.—Nothing in this chapter or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer to assist in the enforcement of Federal immigration laws.

(4) PRIORITY.—In carrying out this subsection, priority funding shall be given for existing web-based immigration enforcement training systems.

SEC. __20. IMMUNITY.

Notwithstanding any other provision of law, a law enforcement officer of a State or local law enforcement agency who is acting within the scope of the officer's official duties shall be immune, to the same extent as a Federal law enforcement officer, from personal liability arising out of the performance of any duty described in this chapter, including the authorities to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody, an alien for the purposes of enforcing the immigration laws of the United States (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) or the immigration laws of a State or a political subdivision of a State.

SEC. __21. CRIMINAL ALIEN IDENTIFICATION PROGRAM.

(a) CONTINUATION AND EXPANSION.—

(1) IN GENERAL.—The Secretary shall continue to operate and implement a program that—

(A) identifies removable criminal aliens in Federal and State correctional facilities;

(B) ensures such aliens are not released into the community; and

(C) removes such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The program shall be extended to all States. Any State that receives Federal funds for the incarceration of criminal aliens (pursuant to the State Criminal Alien Assistance Program authorized under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) or other similar program) shall—

(A) cooperate with officials of the program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to officials of such program as a condition of receiving such funds.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State, or of a political subdivision of a State, are authorized to—

(1) hold a criminal alien for a period of up to 14 days after the alien has completed the alien's sentence under State or local law in order to effectuate the transfer of the alien to Federal custody when the alien is inadmissible or deportable; or

(2) issue a detainer that would allow aliens who have served a prison sentence under State or local law to be detained by the State or local prison or jail until the Secretary can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as video conferencing, shall be used to the maximum extent practicable in order to make the program available in remote locations. Mobile access to Federal databases of aliens and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) EFFECTIVE DATE.—This section shall take effect of the date of the enactment of this Act, except that subsection (a)(2) shall take effect on the date that is 180 days after such date.

SEC. __22. CLARIFICATION OF CONGRESSIONAL INTENT.

Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (1) by striking ''may enter'' and all that follows through the period at the end and inserting the following: ''shall enter into a written agreement with a State, or any political subdivision of a State, upon request of the State or political subdivision, pursuant to which an officer or employee of the State or subdivision, who is determined by the Secretary to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to extent consistent with State and local law. No request from a bona fide State or political subdivision or bona fide law enforcement agency shall be denied absent a compelling reason. No limit on the number of agreements under this subsection may be imposed. The Secretary shall process requests for such agreements with all due haste, and in no case shall take not more than 90 days from the date the request is made until the agreement is consummated.'';

(2) by redesignating paragraph (2) as paragraph (5) and paragraphs (3) through (10) as paragraphs (7) through (14), respectively;

(3) by inserting after paragraph (1) the following:

''(2) An agreement under this subsection shall accommodate a requesting State or political subdivision with respect to the enforcement model or combination of models, and shall accommodate a patrol model, task force model, jail model, any combination thereof, or any other reasonable model the State or political subdivision believes is best suited to the immigration enforcement needs of its jurisdiction.

''(3) No Federal program or technology directed broadly at identifying inadmissible or deportable aliens shall substitute for such agreements, including those establishing a jail model, and shall operate in addition to any agreement under this subsection.

''(4)(A) No agreement under this subsection shall be terminated absent a compelling reason.

''(B)(i) The Secretary shall provide a State or political subdivision written notice of intent to terminate at least 180 days prior to date of intended termination, and the notice shall fully explain the grounds for termination, along with providing evidence substantiating the Secretary's allegations.

''(ii) The State or political subdivision shall have the right to a hearing before an administrative law judge and, if the ruling is against the State or political subdivision, to appeal the ruling to the Federal Circuit Court of Appeals and, if the ruling is against the State or political subdivision, to the Supreme Court.

''(C) The agreement shall remain in full effect during the course of any and all legal proceedings.''; and

(4) by inserting after paragraph (5) (as redesignated) the following:

''(6) The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including through residential training at the Center for Domestic Preparedness and the Federal Law Enforcement Training Center, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses. Distance learning through a secure, encrypted distributed learning system that has all its servers based in the United States, is scalable, survivable, and can have a portal in place not later than 30 days after the date of the enactment of this Act, shall be made available by the COPS Office of the Department of Justice and the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel. Preference shall be given to private sector-based web-based immigration enforcement training programs for which the Federal Government has already provided support to develop.''.

SEC. __23. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP).

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended—

(1) by striking ''Attorney General'' the first place such term appears and inserting ''Secretary of Homeland Security'';

(2) by striking ''Attorney General'' each place such term appears thereafter and inserting ''Secretary'';

(3) in paragraph (3)(A), by inserting ''charged with or'' before ''convicted''; and

(4) by amending paragraph (5) to read as follows:

''(5) There are authorized to be appropriated to carry out this subsection such

sums as may be necessary for fiscal year 2014 and each subsequent fiscal year.''.

SEC. __14. 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'' in 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 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 law or restrict a State or political subdivision of a State from complying with Federal law or coordinating with Federal 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—

''(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.—The Secretary shall determine annually which State or political subdivision of a State are not in compliance with section and shall report such determinations to Congress on March 1 of each year.

''(3) REPORTS.—The Attorney General shall issue a report concerning the compliance of any particular State or political subdivision at the request of the House or Senate Judiciary Committee. Any jurisdiction that is found to be out of compliance shall be ineligible to receive Federal financial assistance as provided in paragraph (1) for a minimum period of 1 year, and shall only become eligible again after the Attorney General certifies that the jurisdiction is in compliance.

''(4) REALLOCATION.—Any funds that are not allocated to a State or to a political subdivision of a State, due to the failure of the State, or of the political subdivision of the State, to comply with subsection (c) 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 one year after the date of the enactment of this Act.

SEC. __25. CLARIFYING THE AUTHORITY OF ICE DETAINERS.

Except as otherwise provided by Federal law or rule of procedure, the Secretary shall execute all lawful writs, process, and orders issued under the authority of the United States, and shall command all necessary assistance to execute the Secretary's duties.

CHAPTER 2—NATIONAL SECURITY

SEC. __31. REMOVAL OF, AND DENIAL OF BENEFITS TO, TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) by inserting ''or the Secretary of Homeland Security'' after ''if the Attorney General''; and

(2) by amending clause (v) to read as follows:

''(v) the alien is described in subparagraph (B)(i) or (F) of section 212(a)(3), unless, in the case of an alien described in subparagraph (IV), (V), or (IX) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in the discretion of the Secretary or the Attorney General, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States; or''.

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) of such Act (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking ''inadmissible under'' and inserting ''described in''; and

(2) by striking ''deportable under'' and inserting ''described in''.

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) of such Act (8 U.S.C. 1229c(b)(1)(C)) is amended by striking ''deportable under section 237(a)(2)(A)(iii) or section 237(a)(4);'' and inserting ''described in paragraph (2)(A)(iii) or (4) of section 237(a);''.

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) of such Act (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'' wherever that term appears;

(2) in clause (iii), by striking ''or'' at the end;

(3) in clause (iv), by striking the period at the end and inserting ''; or'';

(4) by inserting after clause (iv) the following:

''(v) the alien is described in subparagraph (B)(i) or (F) of section 212(a)(3), unless, in the case of an alien described in subparagraph (IV), (V), or (IX) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in discretion of the Secretary or the Attorney General, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States.''; and

(5) by striking the final sentence.

(e) RECORD OF ADMISSION.—

(1) IN GENERAL.—Section 249 of such Act (8 U.S.C. 1259) is amended to read as follows:

''RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972

''SEC. 249. The Secretary of Homeland Security, in the discretion of the Secretary and under such regulations as the Secretary may prescribe, may enter a record of lawful admission for permanent residence in the case of any alien, if no such record is otherwise available and the alien—

''(1) entered the United States before January 1, 1972;

''(2) has continuously resided in the United States since such entry;

''(3) has been a person of good moral character since such entry;

''(4) is not ineligible for citizenship;

''(5) is not described in paragraph (1)(A)(iv), (2), (3), (6)(C), (6)(E), or (8) of section 212(a); and

''(6) did not, at any time, without reasonable cause fail or refuse to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability.

Such recordation shall be effective as of the date of approval of the application or as of the date of entry if such entry occurred prior to July 1, 1924.''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by amending the item relating to section 249 to read as follows:

''Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to January 1, 1972.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and sections 208(b)(2)(A), 212(a), 240A, 240B, 241(b)(3), and 249 of the Immigration and Nationality Act, as so amended, shall apply to—

(1) all aliens in removal, deportation, or exclusion proceedings;

(2) all applications pending on, or filed after, the date of the enactment of this Act; and

(3) with respect to aliens and applications described in paragraph (1) or (2) of this subsection, acts and conditions constituting a ground for exclusion, deportation, or removal occurring or existing before, on, or after the date of the enactment of this Act.

SEC. __32. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(2) by inserting after paragraph (1) the following:

''(2) one who the Secretary of Homeland Security or Attorney General determines to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information;'';

(3) in paragraph (9) (as redesignated), by inserting '', regardless whether the crime was classified as an aggravated felony at the time of conviction, except that the Secretary of Homeland Security or Attorney General may, in the unreviewable discretion of the Secretary or Attorney General, determine that this paragraph shall not apply in the case of a single aggravated felony conviction (other than murder, manslaughter, homicide, rape, or any sex offense when the victim of such sex offense was a minor) for which completion of the term of imprisonment or the sentence (whichever is later) occurred 10 or more years prior to the date of application'' after ''(as defined in subsection (a)(43))''; and

(4) by striking the first sentence the follows paragraph (10) (as redesignated) and inserting following: ''The fact that any person is not within any of the foregoing classes shall not preclude a discretionary finding for

other reasons that such a person is or was not of good moral character. The Secretary or the Attorney General shall not be limited to the applicant's conduct during the period for which good moral character is required, but may take into consideration as a basis for determination the applicant's conduct and acts at any time.''

(b) AGGRAVATED FELONS.—Section 509(b) of the Immigration Act of 1990 (8 U.S.C. 1101 note) is amended to read as follows:

''(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 29, 1990, and shall apply to convictions occurring before, on or after such date.''.

(c) TECHNICAL CORRECTION TO THE INTELLIGENCE REFORM ACT.—Section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended by striking ''adding at the end'' and inserting ''inserting after paragraph (8)''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of enactment of this Act, shall apply to any act that occurred before, on, or after such date and shall apply to any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws pending on or filed after such date. The amendments made by subsection (c) shall take effect as if enacted in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

SEC. __33. TERRORIST BAR TO NATURALIZATION.

(a) NATURALIZATION OF PERSONS ENDANGERING THE NATIONAL SECURITY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1426) is amended by adding at the end the following:

''(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—No person shall be naturalized who the Secretary of Homeland Security determines to have been at any time an alien described in section 212(a)(3) or 237(a)(4). Such determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information.''.

(b) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is amended by striking ''other Act;'' and inserting ''other Act; and no application for naturalization shall be considered by the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced: *Provided*, That the findings of the Attorney General in terminating removal proceedings or in canceling the removal of an alien pursuant to the provisions of this Act, shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established his eligibility for naturalization as required by this title;''.

(c) PENDING DENATURALIZATION OR REMOVAL PROCEEDINGS.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended by adding at the end the following: ''No petition shall be approved pursuant to this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could (whether directly or indirectly) result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.''.

(d) CONDITIONAL PERMANENT RESIDENTS.—Sections 216(e) and section 216A(e) of the Immigration and Nationality Act (8 U.S.C. 1186a(e) and 1186b(e)) are each amended by striking the period at the end and inserting '', if the alien has had the conditional basis removed pursuant to this section.''.

(e) DISTRICT COURT JURISDICTION.—Subsection 336(b) of the Immigration and Nationality Act, 8 U.S.C. 1447(b), is amended to read as follows:

''(b) If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period after the date on which the Secretary of Homeland Security completes all examinations and interviews conducted under such section, as such terms are defined by the Secretary of Homeland Security pursuant to regulations, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary of Homeland Security for the Secretary's determination on the application.''.

(f) CONFORMING AMENDMENT.—Section 310(c) of the Immigration and Nationality Act (8 U.S.C. 1421(c)) is amended—

(1) by inserting '', not later than the date that is 120 days after the Secretary of Homeland Security's final determination,'' after ''seek''; and

(2) by striking the second sentence and inserting the following: ''The burden shall be upon the petitioner to show that the Secretary's denial of the application was not supported by facially legitimate and bona fide reasons. Except in a proceeding under section 340, notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to determine, or to review a determination of the Secretary made at any time regarding, whether, for purposes of an application for naturalization, an alien is a person of good moral character, whether the alien understands and is attached to the principles of the Constitution of the United States, or whether an alien is well disposed to the good order and happiness of the United States.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other case or matter under the immigration laws pending on, or filed after, such date.

SEC. __34. DENATURALIZATION FOR TERRORISTS.

(a) IN GENERAL.—Section 340 of the Immigration and Nationality Act is amended—

(1) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (e) the following:

''(f)(1) If a person who has been naturalized participates in any act described in paragraph (2), the Attorney General is authorized to find that, as of the date of such naturalization, such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization, and upon such finding shall set aside the order admitting such person to citizenship and cancel the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively.

''(2) The acts described in this paragraph are the following:

''(A) Any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means.

''(B) Engaging in a terrorist activity (as defined in clauses (iii) and (iv) of section 212(a)(3)(B)).

''(C) Incitement of terrorist activity under circumstances indicating an intention to cause death or serious bodily harm.

''(D) Receiving military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in section 212(a)(3)(B)(vi)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts that occur on or after such date.

SEC. __35. USE OF 1986 IRCA LEGALIZATION INFORMATION FOR NATIONAL SECURITY PURPOSES.

(a) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1160(b)(6)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (A), by striking ''Department of Justice,'' and inserting ''Department of Homeland Security,'';

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(4) by inserting after subparagraph (B) the following:

''(C) AUTHORIZED DISCLOSURES.—

''(i) CENSUS PURPOSE.—The Secretary of Homeland Security may provide, in his discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

''(ii) NATIONAL SECURITY PURPOSE.—The Secretary of Homeland Security may provide, in his discretion, for the furnishing, use, publication, or release of information furnished under this section in any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence or the national security.''; and

(5) in subparagraph (D), as redesignated, by striking ''Service'' and inserting ''Department of Homeland Security''.

(b) ADJUSTMENT OF STATUS UNDER THE IMMIGRATION REFORM AND CONTROL ACT OF 1986.—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)), is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (A), by striking ''Department of Justice,'' and inserting ''Department of Homeland Security,'';

(3) by amending subparagraph (C) to read as follows:

''(C) AUTHORIZED DISCLOSURES.—

''(i) CENSUS PURPOSE.—The Secretary of Homeland Security may provide, in his discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

''(ii) NATIONAL SECURITY PURPOSE.—The Secretary of Homeland Security may provide, in his discretion, for the furnishing, use, publication, or release of information furnished under this section in any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence or the national security.''; and

(4) in subparagraph (D), striking ''Service'' and inserting ''Department of Homeland Security''.

SEC. __36. BACKGROUND AND SECURITY CHECKS.

(a) REQUIREMENT TO COMPLETE BACKGROUND AND SECURITY CHECKS.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

''(h) Notwithstanding any other provision of law (statutory or nonstatutory), including but not limited to section 309 of Public Law 107–173, sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, neither the Secretary of Homeland Security, the Attorney General, nor any court may—

''(1) grant, or order the grant of or adjudication of an application for adjustment of status to that of an alien lawfully admitted for permanent residence;

''(2) grant, or order the grant of or adjudication of an application for United States citizenship or any other status, relief, protection from removal, employment authorization, or other benefit under the immigration laws;

''(3) grant, or order the grant of or adjudication of, any immigrant or nonimmigrant petition; or

''(4) issue or order the issuance of any documentation evidencing or related to any such grant, until such background and security checks as the Secretary may in his discretion require have been completed or updated to the satisfaction of the Secretary.

''(i) Notwithstanding any other provision of law (statutory or nonstatutory), including but not limited to section 309 of Public Law 107–173, sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, neither the Secretary of Homeland Security nor the Attorney General may be required to—

''(1) grant, or order the grant of or adjudication of an application for adjustment of status to that of an alien lawfully admitted for permanent residence,

''(2) grant, or order the grant of or adjudication of an application for United States citizenship or any other status, relief, protection from removal, employment authorization, or other benefit under the immigration laws,

''(3) grant, or order the grant of or adjudication of, any immigrant or nonimmigrant petition, or

''(4) issue or order the issuance of any documentation evidencing or related to any such grant, until any suspected or alleged materially false information, material misrepresentation or omission, concealment of a material fact, fraud or forgery, counterfeiting, or alteration, or falsification of a document, as determined by the Secretary, relating to the adjudication of an application or petition for any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this subsection has been investigated and resolved to the Secretary's satisfaction.

''(j) Notwithstanding any other provision of law (statutory or nonstatutory), including section 309 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to require any of the acts in subsection (h) or (i) to be completed by a certain time or award any relief for failure to complete or delay in completing such acts.''.

(b) CONSTRUCTION.—

(1) IN GENERAL.—Chapter 4 of title III of the Immigration and Nationality Act (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

''CONSTRUCTION

''SEC. 362. (a) IN GENERAL.—Nothing in this Act or any other law, except as provided in subsection (d), shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or a consular officer to grant any application, approve any petition, or grant or continue any relief, protection from removal, employment authorization, or any other status or benefit under the immigration laws by, to, or on behalf of—

''(1) any alien deemed by the Secretary to be described in section 212(a)(3) or section 237(a)(4); or

''(2) any alien with respect to whom a criminal or other proceeding or investigation is open or pending (including, but not limited to, issuance of an arrest warrant, detainer, or indictment), where such proceeding or investigation is deemed by the official described in subsection (a) to be material to the alien's eligibility for the status or benefit sought.

''(b) DENIAL OR WITHHOLDING OF ADJUDICATION.—An official described in subsection (a) may, in the discretion of the official, deny (with respect to an alien described in paragraph (1) or (2) of subsection (a)) or withhold adjudication of pending resolution of the investigation or case (with respect to an alien described in subsection (a)(2) of this section) any application, petition, relief, protection from removal, employment authorization, status or benefit.

''(c) JURISDICTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 309 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to review a decision to deny or withhold adjudication pursuant to subsection (b) of this section.

''(d) WITHHOLDING OF REMOVAL AND TORTURE CONVENTION.—This section does not limit or modify the applicability of section 241(b)(3) or the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations and provisos contained in the United States Senate resolution of ratification of the Convention, as implemented by section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277) with respect to an alien otherwise eligible for protection under such provisions.''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 361 the following:

''362. Construction.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications for immigration benefits pending on or after such date.

SEC. __37. TECHNICAL AMENDMENTS RELATING TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) TRANSIT WITHOUT VISA PROGRAM.—Section 7209(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking ''the Secretary, in conjunction with the Secretary of Homeland Security,'' and inserting ''the Secretary of Homeland Security, in consultation with the Secretary of State,''.

(b) TECHNOLOGY ACQUISITION AND DISSEMINATION PLAN.—Section 7201(c)(1) of such Act is amended by inserting ''and the Department of State'' after ''used by the Department of Homeland Security''.

CHAPTER 3—REMOVAL OF CRIMINAL ALIENS

SEC. __41. DEFINITION OF AGGRAVATED FELONY AND CONVICTION.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking ''The term 'aggravated felony' means—'' and inserting ''Notwithstanding any other provision of law, the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, or in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—'';

(2) in subparagraph (A), by striking ''murder, rape, or sexual abuse of a minor;'' and inserting ''murder, manslaughter, homicide, rape (whether the victim was conscious or unconscious), or any offense of a sexual nature involving a victim under the age of 18 years;'';

(3) in subparagraph (I), by striking ''or 2252'' and inserting ''2252, or 2252A''.

(4) in subparagraph (F), by striking ''at least one year;'' and inserting ''is at least one year, except that if the conviction records do not conclusively establish whether a crime constitutes a crime of violence, the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence;''

(5) in subparagraph (N), by striking paragraph ''(1)(A) or (2) of'';

(6) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year'';

(7) in subparagraph (U), by striking ''an attempt or conspiracy to commit an offense described in this paragraph'' and inserting ''attempting or conspiring to commit an offense described in this paragraph, or aiding, abetting, counseling, procuring, commanding, inducing, or soliciting the commission of such an offense.''; and

(8) by striking the undesignated matter following subparagraph (U).

(b) DEFINITION OF CONVICTION.—Section 101(a)(48) of such Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

''(C) Any reversal, vacatur, expungement, or modification to a conviction, sentence, or conviction record that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a determination of guilt or of a guilty plea (except in the case of a guilty plea that was made on or after March 31, 2010, shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a determination of guilt or of a guilty plea (except in the case of a guilty plea that was made on or after March 31, 2010), except where the alien establishes a pardon consistent with section 237(a)(2)(A)(vi).''.

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—The amendments made by subsection (a)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to any act or conviction that occurred before, on, or after such date.

(2) APPLICATION OF IIRIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. __42. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subparagraph (a)(2)(A)(i)—

(A) in subclause (I), by striking ''or'' at the end;

(B) in subclause (II), by adding ''or'' at the end; and

(C) by inserting after subclause (II) the following:

''(III) a violation of (or a conspiracy or attempt to violate) an offense described in section 408 of title 42, United States Code (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification documents, authentication features, and information);''.

(2) by adding at the end of subsection (a)(2) the following :

''(J) PROCUREMENT OF CITIZENSHIP OR NATURALIZATION UNLAWFULLY.—Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of, a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18, United States Code (relating to the procurement of citizenship or naturalization unlawfully) is inadmissible.

''(K) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

''(L) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

''(M) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS, CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding.

''(iii) WAIVER AUTHORIZED.—The waiver authority available under section 237(a)(7) with respect to section 237(a)(2)(E)(i) shall be available on a comparable basis with respect to this subparagraph.

''(iv) CLARIFICATION.—If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence.''; and

(3) in subsection (h)—

(A) by striking ''The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ''The Attorney General or the Secretary of Homeland Security may, in the discretion of the Attorney General or the Secretary, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), (K), and (M) of subsection (a)(2)'';

(B) by striking ''a criminal act involving torture.'' and inserting ''a criminal act involving torture, or has been convicted of an aggravated felony.'';

(C) by striking ''if either since the date of such admission the alien has been convicted of an aggravated felony or the alien'' and inserting ''if since the date of such admission the alien''; and

(D) by inserting ''or Secretary of Homeland Security'' after ''the Attorney General'' wherever that phrase appears.

(b) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(B)) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by inserting ''or'' at the end; and

(3) by inserting after clause (iii) the following:

''(iv) of a violation of, or an attempt or a conspiracy to violate, section 1425(a) or (b) of Title 18 (relating to the procurement of citizenship or naturalization unlawfully),''.

(c) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(G) Any alien who at any time after admission has been convicted of a violation of (or a conspiracy or attempt to violate) section 408 of title 42, United States Code (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification) is deportable.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) to any act that occurred before, on, or after the date of the enactment of this Act; and

(2) to all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(e) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act where such eligibility did not exist before these amendments became effective.

SEC. __43. ESPIONAGE CLARIFICATION.

Section 212(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)), is amended to read as follows:

''(A) Any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally in, or who is engaged in, or with respect to clauses (i) and (iii) of this subparagraph has engaged in—

''(i) any activity—

''(I) to violate any law of the United States relating to espionage or sabotage; or

''(II) to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information;

''(ii) any other unlawful activity; or

''(iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means;

is inadmissible.''.

SEC. __44. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

Section 3291 of title 18, United States Code, is amended by striking ''No person'' through the period at the end and inserting the following: ''No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses) and 75 (relating to passport, visa, and immigration offenses), or for a violation of any criminal provision of sections 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act, or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information is filed within ten years after the commission of the offense.''.

SEC. __45. CONFORMING AMENDMENT TO THE DEFINITION OF RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended by striking ''section 1542'' through ''section 1546 (relating to fraud and misuse of visas, permits, and other documents)'' and inserting ''sections 1541-1548 (relating to passports and visas)''.

SEC. __46. CONFORMING AMENDMENTS FOR THE AGGRAVATED FELONY DEFINITION.

(a) IN GENERAL.—Subparagraph (P) of section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking ''(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)'' and inserting ''which is described in any

section of chapter 75 of title 18, United States Code,''; and

(2) by inserting after ''first offense'' the following: ''(i) that is not described in section 1548 of such title (relating to increased penalties), and (ii)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. __47. PRECLUDING REFUGEE OR ASYLEE ADJUSTMENT OF STATUS FOR AGGRAVATED FELONS.

(a) IN GENERAL.—Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) is amended by adding at the end thereof the following: ''However, an alien who is convicted of an aggravated felony is not eligible for a waiver or for adjustment of status under this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply—

(1) to any act that occurred before, on, or after the date of the enactment of this Act; and

(2) to all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

SEC. __48. INADMISSIBILITY AND DEPORTABILITY OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) in subparagraph (T), by striking ''and'';

(2) in subparagraph (U); by striking the period at the end and inserting ''; and''; and

(3) by inserting after subparagraph (U) the following:.

''(V) A second conviction for driving while intoxicated (including a conviction for driving while under the influence of or impaired by alcohol or drugs) without regard to whether the conviction is classified as a misdemeanor or felony under State law.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply to convictions entered on or after such date.

SEC. __49. DETENTION OF DANGEROUS ALIENS.

(a) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) BEGINNING OF PERIOD.—The removal period begins on the latest of the following:

''(i) The date the order of removal becomes administratively final.

''(ii) If the alien is not in the custody of the Secretary on the date the order of removal becomes administratively final, the date the alien is taken into such custody.

''(iii) If the alien is detained or confined (except under an immigration process) on the date the order of removal becomes administratively final, the date the alien is taken into the custody of the Secretary, after the alien is released from such detention or confinement.'';

(3) in paragraph (1), by amending subparagraph (C) to read as follows:

''(C) SUSPENSION OF PERIOD.—

''(i) EXTENSION.—The removal period shall be extended beyond a period of 90 days and the Secretary may, in the Secretary's sole discretion, keep the alien in detention during such extended period if—

''(I) the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal that is subject to an order of removal;

''(II) a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal;

''(III) the Secretary transfers custody of the alien pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency; or

''(IV) a court or the Board of Immigration Appeals orders a remand to an immigration judge or the Board of Immigration Appeals, during the time period when the case is pending a decision on remand (with the removal period beginning anew on the date that the alien is ordered removed on remand).

''(ii) RENEWAL.—If the removal period has been extended under clause (C)(i), a new removal period shall be deemed to have begun on the date—

''(I) the alien makes all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order;

''(II) the stay of removal is no longer in effect; or

''(III) the alien is returned to the custody of the Secretary.

''(iii) MANDATORY DETENTION FOR CERTAIN ALIENS.—In the case of an alien described in subparagraphs (A) through (D) of section 236(c)(1), the Secretary shall keep that alien in detention during the extended period described in clause (i).

''(iv) SOLE FORM OF RELIEF.—An alien may seek relief from detention under this subparagraph only by filing an application for a writ of habeas corpus in accordance with chapter 153 of title 28, United States Code. No alien whose period of detention is extended under this subparagraph shall have the right to seek release on bond.'';

(4) in paragraph (3)—

(A) by adding after ''If the alien does not leave or is not removed within the removal period'' the following: ''or is not detained pursuant to paragraph (6) of this subsection''; and

(B) by striking subparagraph (D) and inserting the following:

''(D) to obey reasonable restrictions on the alien's conduct or activities that the Secretary prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.'';

(5) in paragraph (4)(A), by striking ''paragraph (2)'' and inserting ''subparagraph (B)''; and

(6) by striking paragraph (6) and inserting the following:

''(6) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS.—

''(A) DETENTION REVIEW PROCESS FOR COOPERATIVE ALIENS ESTABLISHED.—For an alien who is not otherwise subject to mandatory detention, who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and who has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Secretary of State or other Federal official and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

''(B) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

''(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of the Secretary's sole discretion, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(C)). An alien whose detention is extended under this subparagraph shall have no right to seek release on bond.

''(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security, in the exercise of the Secretary's sole discretion, may continue to detain an alien beyond the 90 days authorized in clause (i)—

''(I) until the alien is removed, if the Secretary, in the Secretary's sole discretion, determines that there is a significant likelihood that the alien—

''(aa) will be removed in the reasonably foreseeable future; or

''(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent removal;

''(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing—

''(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either (AA) the alien has been convicted of one or more aggravated felonies (as defined in section 101(a)(43)(A)) or of one or more crimes identified by the Secretary of Homeland Security by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or (BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(III) pending a certification under subclause (II), so long as the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period, as provided in paragraph (1)(C)).

''(iii) NO RIGHT TO BOND HEARING.—An alien whose detention is extended under this subparagraph shall have no right to seek release on bond, including by reason of a certification under clause (ii)(II).

''(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (dd) of subparagraph (B)(ii)(II) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or the Attorney General's designee provide for a hearing to make the determination described in item (dd)(BB) of subparagraph (B)(ii)(II).

''(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention by a Federal court, the Board of Immigration Appeals, or if an immigration judge orders a stay of removal, the Secretary of Homeland Security, in the exercise of the Secretary's discretion, may impose conditions on release as provided in paragraph (3).

''(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody, if removal becomes likely in the reasonably foreseeable future, the alien fails to comply with the conditions of release, or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary, in the Secretary's sole discretion, determines that the alien can be detained under subparagraph (B). This section shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

''(F) REVIEW OF DETERMINATIONS BY SECRETARY.—A determination by the Secretary under this paragraph shall not be subject to review by any other agency.''.

(b) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) CLERICAL AMENDMENT.—(A) Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by striking ''Attorney General'' each place it appears (except in the second place that term appears in section 236(a)) and inserting ''Secretary of Homeland Security''.

(B) Section 236(a) of such Act (8 U.S.C. 1226(a)) is amended by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General—''.

(C) Section 236(e) of such Act (8 U.S.C. 1226(e)) is amended by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''.

(2) LENGTH OF DETENTION.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following:

''(f) LENGTH OF DETENTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, an alien may be detained under this section for any period, without limitation, except as provided in subsection (h), until the alien is subject to a final order of removal.

''(2) CONSTRUCTION.—The length of detention under this section shall not affect detention under section 241.''.

(3) DETENTION OF CRIMINAL ALIENS.—Section 236(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)) is amended, in the matter following subparagraph (D) to read as follows:

''any time after the alien is released, without regard to whether an alien is released related to any activity, offense, or conviction described in this paragraph; to whether the alien is released on parole, supervised release, or probation; or to whether the alien may be arrested or imprisoned again for the same offense. If the activity described in this paragraph does not result in the alien being taken into custody by any person other than the Secretary, then when the alien is brought to the attention of the Secretary or when the Secretary determines it is practical to take such alien into custody, the Secretary shall take such alien into custody.''.

(4) ADMINISTRATIVE REVIEW.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226), as amended by paragraph (2), is further amended by adding at the end the following:

''(g) ADMINISTRATIVE REVIEW.—

''(1) IN GENERAL.—The Attorney General's review of the Secretary's custody determinations under subsection (a) for the following classes of aliens shall be limited to whether the alien may be detained, released on bond (of at least $1,500 with security approved by the Secretary), or released with no bond:

''(A) Aliens in exclusion proceedings.

''(B) Aliens described in section 212(a)(3) or 237(a)(4).

''(C) Aliens described in subsection (c).

''(2) SPECIAL RULE.—The Attorney General's review of the Secretary's custody determinations under subsection (a) for aliens in deportation proceedings subject to section 242(a)(2) of the Act (as in effect prior to April 1, 1997, and as amended by section 440(c) of Public Law 104–132) shall be limited to a determination of whether the alien is properly included in such category.

''(h) RELEASE ON BOND.—

''(1) IN GENERAL.—An alien detained under subsection (a) may seek release on bond. No bond may be granted except to an alien who establishes by clear and convincing evidence that the alien is not a flight risk or a risk to another person or the community.

''(2) CERTAIN ALIENS INELIGIBLE.—No alien detained under subsection (c) may seek release on bond.''.

(5) CLERICAL AMENDMENTS.—(A) Section 236(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)(B)) is amended by striking ''conditional parole'' and inserting ''recognizance''.

(B) Section 236(b) of such Act (8 U.S.C. 1226(b)) is amended by striking ''parole'' and inserting ''recognizance''.

(c) SEVERABILITY.—If any of the provisions of this section or any amendment by this section, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this section and of amendments made by this section, and the application of the provisions and of the amendments made by this section to any other person or circumstance shall not be affected by such holding.

(d) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall take effect upon the date of enactment of this Act, and section 241 of the Immigration and Nationality Act, as so amended, shall in addition apply to—

(A) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(B) acts and conditions occurring or existing before, on, or after such date.

(2) The amendments made by subsection (b) shall take effect upon the date of the enactment of this Act, and section 236 of the Immigration and Nationality Act, as so amended, shall in addition apply to any alien in detention under provisions of such section on or after such date.

SEC. __50. GROUNDS OF INADMISSIBILITY AND DEPORTABILITY FOR ALIEN GANG MEMBERS.

(a) DEFINITION OF GANG MEMBER.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(53)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons that has as one of its primary purposes the commission of 1 or more of the following criminal offenses and the members of which engage, or have engaged within the past 5 years, in a continuing series of such offenses, or that has been designated as a criminal gang by the Secretary of Homeland Security, in consultation with the Attorney General, as meeting these criteria. The offenses described, whether in violation of Federal or State law or foreign law and regardless of whether the offenses occurred before, on, or after the date of the enactment of this paragraph, are the following:

''(i) A 'felony drug offense' (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(ii) An offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

''(iii) A crime of violence (as defined in section 16 of title 18, United States Code).

''(iv) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

''(v) Any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

''(vi) A conspiracy to commit an offense described in clauses (i) through (v).

''(B) Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conduct occurred before, on, or after the date of the enactment of this paragraph.''.

(b) INADMISSIBILITY.—Section 212(a)(2) of such Act (8 U.S.C. 1182(a)(2)), as amended by section 302(a)(2) of this Act, is further amended by adding at the end the following:

''(N) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is inadmissible who a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe—

''(i) to be or to have been a member of a criminal gang (as defined in section 101(a)(53)); or

''(ii) to have participated in the activities of a criminal gang (as defined in section 101(a)(53)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.''.

(c) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)), as amended by section 302(c) of this Act, is further amended by adding at the end the following:

''(H) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is deportable who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

''(i) is or has been a member of a criminal gang (as defined in section 101(a)(53)); or

''(ii) has participated in the activities of a criminal gang (as so defined), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.''.

(d) DESIGNATION.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by inserting after section 219 the following:

''DESIGNATION

''SEC. 220. (a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, and the Secretary of State may designate a groups or association as a criminal street gangs if their conduct is described in section 101(a)(53) or if the group or association conduct poses a significant risk that threatens the security and the public safety of United States nationals or the national security, homeland security, foreign policy, or economy of the United States.

''(b) EFFECTIVE DATE.—Designations under subsection (a) shall remain in effect until the designation is revoked after consultation between the Secretary of Homeland Security, the Attorney General, and the Secretary of State or is terminated in accordance with Federal law.''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 219 the following:

''220. Designation.''.

(e) MANDATORY DETENTION OF CRIMINAL STREET GANG MEMBERS.—

(1) IN GENERAL.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)(D)) is amended—

(A) by inserting ''or 212(a)(2)(N)'' after ''212(a)(3)(B)''; and

(B) by inserting ''or 237(a)(2)(H)'' before ''237(a)(4)(B)''.

(2) ANNUAL REPORT.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the number of aliens detained under the amendments made by paragraph (1).

(f) ASYLUM CLAIMS BASED ON GANG AFFILIATION.—

(1) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting ''who is described in section 212(a)(2)(N)(i) or section 237(a)(2)(H)(i) or who is'' after ''to an alien''.

(2) INELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(A) in clause (v), by striking ''or'' at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following:

''(vi) the alien is described in section 212(a)(2)(N)(i) or section 237(a)(2)(H)(i) (relating to participation in criminal street gangs); or''.

(g) TEMPORARY PROTECTED STATUS.—Section 244 of such Act (8 U.S.C. 1254a) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (c)(2)(B), by adding at the end the following:

''(iii) the alien is, or at any time after admission has been, a member of a criminal gang (as defined in section 101(a)(53)).''; and

(3) in subsection (d)——

(A) by striking paragraph (3); and

(B) in paragraph (4), by adding at the end the following: ''The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. __51. LAUNDERING OF MONETARY INSTRUMENTS.

(a) ADDITIONAL PREDICATE OFFENSES.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting ''section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),'' after ''section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),''; and

(2) by inserting ''section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens),'' after ''section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),''.

(b) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1) so that subparagraph (B) reads as follows:

''(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) so that subparagraph (B) reads as follows:

''(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. __52. INCREASED CRIMINAL PENALTIES RELATING TO ALIEN SMUGGLING AND RELATED OFFENSES.

(a) IN GENERAL.—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324), is amended to read as follows:

''SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

''(a) CRIMINAL OFFENSES AND PENALTIES.—

''(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

''(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

''(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

''(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from one country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or lawful authority;

''(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

''(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

''(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

''(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

''(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1) shall, for each alien in respect to whom a violation of paragraph (1) occurs—

''(A) except as provided in subparagraphs (C) through (G), if the violation was not committed for commercial advantage, profit, or private financial gain, be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

''(B) except as provided in subparagraphs (C) through (G), if the violation was committed for commercial advantage, profit, or private financial gain—

''(i) be fined under such title, imprisoned for not more than 20 years, or both, if the violation is the offender's first violation under this subparagraph; or

''(ii) be fined under such title, imprisoned for not more than 25 years, or both, if the violation is the offender's second or subsequent violation of this subparagraph;

''(C) if the violation furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, be fined under such title, imprisoned for not more than 20 years, or both;

''(D) be fined under such title, imprisoned not more than 20 years, or both, if the violation created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

''(i) transporting the person in an engine compartment, storage compartment, or other confined space;

''(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

''(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

''(E) if the violation caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, be fined under such title, imprisoned for not more than 30 years, or both;

''(F) be fined under such title and imprisoned for not more than 30 years if the violation involved an alien who the offender knew or had reason to believe was—

''(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

''(ii) intending to engage in terrorist activity;

''(G) if the violation caused or resulted in the death of any person, be punished by death or imprisoned for a term of years up to life, and fined under title 18, United States Code.

''(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year.

''(4) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

''(b) SEIZURE AND FORFEITURE.—

''(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

''(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

''(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law may include:

''(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

''(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

''(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

''(c) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except:

''(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

''(2) other officers responsible for the enforcement of Federal criminal laws.

''(d) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if:

''(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

''(2) the deposition otherwise complies with the Federal Rules of Evidence.

''(e) DEFINITIONS.—In this section:

''(1) CROSS THE BORDER TO THE UNITED STATES.—The term 'cross the border' refers to the physical act of crossing the border, regardless of whether the alien is free from official restraint.

''(2) LAWFUL AUTHORITY.—The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

''(3) PROCEEDS.—The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

''(4) UNLAWFUL TRANSIT.—The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which or to which the alien is traveling or moving.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by striking the item relating to section 274 and inserting the following:

''Sec. 274. Alien smuggling and related offenses.''.

(c) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)——

(i) by inserting '', alien smuggling crime,'' after ''any crime of violence''; and

(ii) by inserting '', alien smuggling crime,'' after ''such crime of violence''; and

(B) in subparagraph (D)(ii), by inserting '', alien smuggling crime,'' after ''crime of violence''; and

(2) by adding at the end the following:

''(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).''.

SEC. __53. PENALTIES FOR ILLEGAL ENTRY OR PRESENCE.

(a) IN GENERAL.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended to read as follows:

''ILLEGAL ENTRY

''SEC. 275. (a) IN GENERAL.—

''(1) ILLEGAL ENTRY OR PRESENCE.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

''(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

''(B) knowingly eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including by failing to stop at the command of such officer);

''(C) knowingly enters or crosses the border to the United States and, upon examination or inspection, knowingly makes a false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws);

''(D) knowingly violates the terms or conditions of the alien's admission or parole into the United States; or

''(E) knowingly is unlawfully present in the United States (as defined in section 212(a)(9)(B)(ii) subject to the exceptions set forth in section 212(a)(9)(B)(iii)).

''(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1):

''(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

''(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

''(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

''(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

''(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(A) alleged in the indictment or information; and

''(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration, customs, or agriculture officer.

''(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

''(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

''(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

''(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

''(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by striking the item relating to section 275 and inserting the following:

''275. Illegal entry.''.

SEC. __54. ILLEGAL REENTRY.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended to read as follows:

''REENTRY OF REMOVED ALIEN

''SEC. 276. (a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

''(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection was convicted before such removal or departure:

''(1) for 3 or more misdemeanors or for a felony, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(2) for a felony for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

''(3) for a felony for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

''(4) for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, or for 3 or more felonies of any kind, the alien shall be fined under such title, imprisoned not more than 25 years, or both.

''(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

''(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(1) alleged in the indictment or information; and

''(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

''(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

''(2) with respect to an alien previously denied admission and removed, the alien—

''(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

''(B) had complied with all other laws and regulations governing the alien's admission into the United States.

''(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien.

''(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

''(h) DEFINITIONS.—For purposes of this section and section 275, the following definitions shall apply:

''(1) CROSSES THE BORDER TO THE UNITED STATES.—The term 'crosses the border' refers to the physical act of crossing the border, regardless of whether the alien is free from official restraint.

''(2) FELONY.—The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(3) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

''(4) REMOVAL.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

''(5) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

SEC. __55. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

Chapter 75 of title 18, United States Code, is amended to read as follows:

''CHAPTER 75—PASSPORTS AND VISAS

''Sec.
''1541. Issuance without authority.
''1542. False statement in application and use of passport.
''1543. Forgery or false use of passport.
''1544. Misuse of a passport.
''1545. Schemes to defraud aliens.
''1546. Immigration and visa fraud.
''1547. Attempts and conspiracies.
''1548. Alternative penalties for certain offenses.
''1549. Definitions.

''§ 1541. Issuance without authority

''(a) IN GENERAL.—Whoever—

''(1) acting or claiming to act in any office or capacity under the United States, or a State, without lawful authority grants, issues, or verifies any passport or other instrument in the nature of a passport to or for any person; or

''(2) being a consular officer authorized to grant, issue, or verify passports, knowingly grants, issues, or verifies any such passport to or for any person not owing allegiance, to the United States, whether a citizen or not;

shall be fined under this title or imprisoned not more than 15 years, or both.

''(b) DEFINITION.—In this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''§ 1542. False statement in application and use of passport

''Whoever knowingly—

''(1) makes any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or

''(2) uses or attempts to use, or furnishes to another for use any passport the issue of which was secured in any way by reason of any false statement;

shall be fined under this title or imprisoned not more than 15 years, or both.

''§ 1543. Forgery or false use of passport

''Whoever—

''(1) falsely makes, forges, counterfeits, mutilates, or alters any passport or instrument purporting to be a passport, with intent that the same may be used; or

''(2) knowingly uses, or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same;

shall be fined under this title or imprisoned not more than 15 years, or both.

''§ 1544. Misuse of a passport

''Whoever knowingly—

''(1) uses any passport issued or designed for the use of another;

''(2) uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

''(3) secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, stolen, or produced or issued without lawful authority; or

''(4) violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States;

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1545. Schemes to defraud aliens

''Whoever inside the United States, or in or affecting interstate or foreign commerce, in connection with any matter that is authorized by or arises under the immigration laws of the United States or any matter the offender claims or represents is authorized by or arises under the immigration laws of the United States, knowingly executes a scheme or artifice—

''(1) to defraud any person, or

''(2) to obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, or promises;

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1546. Immigration and visa fraud

''Whoever knowingly—

''(1) uses any immigration document issued or designed for the use of another;

''(2) forges, counterfeits, alters, or falsely makes any immigration document;

''(3) mails, prepares, presents, or signs any immigration document knowing it to contain any materially false statement or representation;

''(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged,

counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

''(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws;

''(6) transfers or furnishes, without lawful authority, an immigration document to another person for use by a person other than the person for whom the immigration document was issued or designed; or

''(7) produces, issues, authorizes, or verifies, without lawful authority, an immigration document;

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1547. Attempts and conspiracies

''Whoever attempts or conspires to violate this chapter shall be punished in the same manner as a person who completes that violation.

''§ 1548. Alternative penalties for certain offenses

''(a) TERRORISM.—Whoever violates any section in this chapter to facilitate an act of international terrorism or domestic terrorism (as such terms are defined in section 2331), shall be fined under this title or imprisoned not more than 25 years, or both.

''(b) DRUG TRAFFICKING OFFENSES.—Whoever violates any section in this chapter to facilitate a drug trafficking crime (as defined in section 929(a)) shall be fined under this title or imprisoned not more than 20 years, or both.

''§ 1549. Definitions

''In this chapter:

''(1) An 'application for a United States passport' includes any document, photograph, or other piece of evidence attached to or submitted in support of the application.

''(2) The term 'immigration document' means any instrument on which is recorded, by means of letters, figures, or marks, matters which may be used to fulfill any requirement of the Immigration and Nationality Act.''.

SEC. __56. FORFEITURE.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(I) Any property, real or personal, that has been used to commit or facilitate the commission of a violation of chapter 75, the gross proceeds of such violation, and any property traceable to any such property or proceeds.''.

SEC. __57. EXPEDITED REMOVAL FOR ALIENS INADMISSIBLE ON CRIMINAL OR SECURITY GROUNDS.

(a) IN GENERAL.—Section 238(b) of the Immigration and Nationality Act (8 U.S.C. 1228(b)) is amended–

(1) in paragraph (1)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security in the exercise of discretion''; and

(B) by striking ''set forth in this subsection or'' and inserting ''set forth in this subsection, in lieu of removal proceedings under'';

(2) in paragraph (3), by striking ''paragraph (1) until 14 calendar days'' and inserting ''paragraph (1) or (3) until 7 calendar days'';

(3) by striking ''Attorney General'' each place it appears in paragraphs (3) and (4) and inserting ''Secretary of Homeland Security'';

(4) in paragraph (5)—

(A) by striking ''described in this section'' and inserting ''described in paragraph (1) or (2)''; and

(B) by striking ''the Attorney General may grant in the Attorney General's discretion'' and inserting ''the Secretary of Homeland Security or the Attorney General may grant, in the discretion of the Secretary or Attorney General, in any proceeding'';

(5) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(6) by inserting after paragraph (2) the following new paragraph:

''(3) The Secretary of Homeland Security in the exercise of discretion may determine inadmissibility under section 212(a)(2) (relating to criminal offenses) and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal proceedings under section 240, with respect to an alien who

''(A) has not been admitted or paroled;

''(B) has not been found to have a credible fear of persecution pursuant to the procedures set forth in section 235(b)(1)(B); and

''(C) is not eligible for a waiver of inadmissibility or relief from removal.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act but shall not apply to aliens who are in removal proceedings under section 240 of the Immigration and Nationality Act as of such date.

SEC. __58. INCREASED PENALTIES BARRING THE ADMISSION OF CONVICTED SEX OFFENDERS FAILING TO REGISTER AND REQUIRING DEPORTATION OF SEX OFFENDERS FAILING TO REGISTER.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)), as amended by section 302(a) of this Act, is further amended—

(1) in subclause (II), by striking ''or'' at the end;

(2) in subclause (III), by adding ''or'' at the end; and

(3) by inserting after subclause (III) the following:

''(IV) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender);''.

(b) DEPORTABILITY.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)), as amended by sections 302(c) and 311(c) of this Act, is further amended—

(1) in subparagraph (A), by striking clause (v); and

(2) by adding at the end the following:

''(I) Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender) is deportable.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. __59. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A), by amending clause (viii) to read as follows:

''(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.''; and

(2) in subparagraph (B)(i)—

(A) by redesignating the second subclause (I) as subclause (II); and

(B) by amending such subclause (II) to read as follows:

''(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)), is amended by striking ''204(a)(1)(A)(viii)(I))'' each place such term appears and inserting ''204(a)(1)(A)(viii))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to petitions filed on or after such date.

SEC. __60. CLARIFICATION TO CRIMES OF VIOLENCE AND CRIMES INVOLVING MORAL TURPITUDE.

(a) INADMISSIBLE ALIENS.—Section 212(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)) is amended by adding at the end the following:

''(iii) CLARIFICATION.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.''.

(b) DEPORTABLE ALIENS.—

(1) GENERAL CRIMES.—Section 237(a)(2)(A) of such Act (8 U.S.C. 1227(a)(2)(A)), as amended by section 320(b) of this Act, is further amended by inserting after clause (iv) the following:

''(v) CRIMES INVOLVING MORAL TURPITUDE.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.''.

(2) DOMESTIC VIOLENCE.—Section 237(a)(2)(E) of such Act (8 U.S.C. 1227(a)(2)(E)) is amended by adding at the end the following:

''(iii) CRIMES OF VIOLENCE.—If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. __61. PENALTIES FOR FAILURE TO OBEY REMOVAL ORDERS.

(a) IN GENERAL.—Section 243(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1253(a)(1)) is amended—

(1) by inserting ''212(a) or'' before ''237(a),'' ; and

(2) by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts that are described in subparagraphs (A) through (D) of section 243(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1253(a)(1)) that occur on or after the date of the enactment of this Act.

SEC. __62. PARDONS.

(a) DEFINITION.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by section 311(a) of this Act, is further amended by adding at the end the following:

''(54) The term 'pardon' means a full and unconditional pardon granted by the President of the United States, Governor of any of

the several States or constitutionally recognized body.''.

(b) DEPORTABILITY.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended—

(1) in paragraph (2)(A), by striking clause (vi); and

(2) by adding at the end the following:

''(8) PARDONS.—

''(A) IN GENERAL.—In the case of an alien who has been convicted of a crime and is subject to removal due to that conviction, if the alien, subsequent to receiving the criminal conviction, is granted a pardon, the alien shall not be deportable by reason of that criminal conviction.

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of an alien granted a pardon if the pardon is granted in whole or in part to eliminate that alien's condition of deportability.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to a pardon granted before, on, or after such date.

CHAPTER 4—AID TO U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICERS

SEC. __71. ICE IMMIGRATION ENFORCEMENT AGENTS.

(a) IN GENERAL.—The Secretary shall authorize all immigration enforcement agents and deportation officers of the Department who have successfully completed basic immigration law enforcement training to exercise the powers conferred by—

(1) section 287(a)(5)(A) of the Immigration and Nationality Act to arrest for any offense against the United States;

(2) section 287(a)(5)(B) of such Act to arrest for any felony;

(3) section 274(a) of such Act to arrest for bringing in, transporting, or harboring certain aliens, or inducing them to enter;

(4) section 287(a) of such Act to execute warrants of arrest for administrative immigration violations issued under section 236 of the Act or to execute warrants of criminal arrest issued under the authority of the United States; and

(5) section 287(a) of such Act to carry firearms, provided that they are individually qualified by training and experience to handle and safely operate the firearms they are permitted to carry, maintain proficiency in the use of such firearms, and adhere to the provisions of the enforcement standard governing the use of force.

(b) PAY.—Immigration enforcement agents shall be paid on the same scale as Immigration and Customs Enforcement deportation officers and shall receive the same benefits.

SEC. __72. ICE DETENTION ENFORCEMENT OFFICERS.

(a) AUTHORIZATION.—The Secretary is authorized to hire 2,500 Immigration and Customs Enforcement detention enforcement officers.

(b) DUTIES.—Immigration and Customs Enforcement detention enforcement officers who have successfully completed detention enforcement officers' basic training shall be responsible for—

(1) taking and maintaining custody of any person who has been arrested by an immigration officer;

(2) transporting and guarding immigration detainees;

(3) securing Department detention facilities; and

(4) assisting in the processing of detainees.

SEC. __73. ENSURING THE SAFETY OF ICE OFFICERS AND AGENTS.

(a) BODY ARMOR.—The Secretary shall ensure that every Immigration and Customs Enforcement deportation officer and immigration enforcement agent on duty is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Enough body armor must be purchased to cover every agent in the field.

(b) WEAPONS.—Such Secretary shall ensure that Immigration and Customs Enforcement deportation officers and immigration enforcement agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. Such weapons shall include, at a minimum, standard-issue handguns, M–4 (or equivalent) rifles, and Tasers.

(c) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act.

SEC. __74. ICE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—An ICE Advisory Council shall be established not later than 3 months after the date of the enactment of this Act.

(b) MEMBERSHIP.—The ICE Advisory Council shall be comprised of 7 members.

(c) APPOINTMENT.—Members shall to be appointed in the following manner:

(1) One member shall be appointed by the President;

(2) One member shall be appointed by the Chairman of the Judiciary Committee of the House of Representatives;

(3) One member shall be appointed by the Chairman of the Judiciary Committee of the Senate;

(4) One member shall be appointed by the Local 511, the ICE prosecutor's union; and

(5) Three members shall be appointed by the National Immigration and Customs Enforcement Council.

(d) TERM.—Members shall serve renewable, 2-year terms.

(e) VOLUNTARY.—Membership shall be voluntary and non-remunerated, except that members will receive reimbursement from the Secretary for travel and other related expenses.

(f) RETALIATION PROTECTION.—Members who are employed by the Secretary shall be protected from retaliation by their supervisors, managers, and other Department employees for their participation on the Council.

(g) PURPOSE.—The purpose of the Council is to advise Congress and the Secretary on issues including the following:

(1) The current status of immigration enforcement efforts, including prosecutions and removals, the effectiveness of such efforts, and how enforcement could be improved;

(2) The effectiveness of cooperative efforts between the Secretary and other law enforcement agencies, including additional types of enforcement activities that the Secretary should be engaged in, such as State and local criminal task forces;

(3) Personnel, equipment, and other resource needs of field personnel;

(4) Improvements that should be made to the organizational structure of the Department, including whether the position of immigration enforcement agent should be merged into the deportation officer position; and

(5) The effectiveness of specific enforcement policies and regulations promulgated by the Secretary, and whether other enforcement priorities should be considered.

(h) REPORTS.—The Council shall provide quarterly reports to the Chairmen and Ranking Members of the Judiciary Committees of the Senate and the House of Representatives and to the Secretary. The Council members shall meet directly with the Chairmen and Ranking Members (or their designated representatives) and with the Secretary to discuss their reports every 6 months.

SEC. __75. PILOT PROGRAM FOR ELECTRONIC FIELD PROCESSING.

(a) IN GENERAL.—The Secretary shall establish a pilot program in at least five of the 10 Immigration and Customs Enforcement field offices with the largest removal caseloads to allow Immigration and Customs deportation officers and immigration enforcement agents to—

(1) electronically process and serve charging documents, including Notices to Appear, while in the field; and

(2) electronically process and place detainers while in the field.

(b) DUTIES.—The pilot program described in subsection (a) shall be designed to allow deportation officers and immigration enforcement agents to use handheld or vehicle-mounted computers to—

(1) enter any required data, including personal information about the alien subject and the reason for issuing the document;

(2) apply the electronic signature of the issuing officer or agent;

(3) set the date the alien is required to appear before an immigration judge, in the case of Notices to Appear;

(4) print any documents the alien subject may be required to sign, along with additional copies of documents to be served on the alien; and

(5) interface with the ENFORCE database so that all data is stored and retrievable.

(c) CONSTRUCTION.—The pilot program described in subsection (a) shall be designed to replace, to the extent possible, the current paperwork and data-entry process used for issuing such charging documents and detainers.

(d) DEADLINE.—The Secretary shall initiate the pilot program described in subsection (a) within 6 months of the date of enactment of this Act.

(e) REPORT.—The Government Accountability Office shall report to the Judiciary Committee of the Senate and the House of Representatives no later than 18 months after the date of enactment of this Act on the effectiveness of the pilot program and provide recommendations for improving it.

(f) ADVISORY COUNCIL.—The ICE Advisory Council established by section 3764 shall include an recommendations on how the pilot program should work in the first quarterly report of the Council, and shall include assessments of the program and recommendations for improvement in each subsequent report.

(g) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

SEC. __76. ADDITIONAL ICE DEPORTATION OFFICERS AND SUPPORT STAFF.

(a) IN GENERAL.—The Secretary shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty Immigration and Customs Enforcement deportation officers by 5,000 above the number of full-time positions for which funds were appropriated for fiscal year 2013.

(b) SUPPORT STAFF.—The Secretary shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time support staff for Immigration and Customs Enforcement deportation officers by 700 above the number of full-time positions for which funds were appropriated for fiscal year 2013.

SEC. __77. ADDITIONAL ICE PROSECUTORS.

The Secretary shall increase by 60 the number of full-time trial attorneys working for the Immigration and Customs Enforcement Office of the Principal Legal Advisor.

CHAPTER 5—MISCELLANEOUS ENFORCEMENT PROVISIONS

SEC. __81. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

''(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.'';

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

''(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.'';

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

''(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.''.

(iv) in subparagraph (C), as redesignated, by striking ''subparagraphs (C) and(D)(ii)'' and inserting ''subparagraphs (D) and (E)(ii)'';

(v) in subparagraph (D), as redesignated, by striking ''subparagraph (B)'' each place that term appears and inserting ''subparagraph (C)'';

(vi) in subparagraph (E), as redesignated, by striking ''subparagraph (B)'' each place that term appears and inserting ''subparagraph (C)'';

(F) in paragraph (4), by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'';

(2) in subsection (b)(2), by striking ''a period exceeding 60 days'' and inserting ''any period in excess of 45 days'';

(3) by amending subsection (c) to read as follows:

''(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

''(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

''(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

''(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

''(4) FAILURE TO COMPLY WITH AGREEMENT.—

''(A) IN GENERAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

''(i) ineligible for the benefits of the agreement;

''(ii) subject to the penalties described in subsection (d); and

''(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

''(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

''(5) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.'';

(4) by amending subsection (d) to read as follows:

''(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

''(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

''(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

''(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

''(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

''(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.''; and

(5) by amending subsection (e) to read as follows:

''(e) ELIGIBILITY.—

''(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

''(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens.''.

(6) in subsection (f), by adding at the end the following: ''Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.''.

(b) RULEMAKING.—The Secretary shall within one year of the date of enactment of this Act promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. __82. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking ''seeks admission within 5 years of the date of such removal (or within 20 years'' and inserting ''seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal''; and

(2) in clause (ii), by striking ''seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of'' and inserting ''seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after''.

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D of such Act (8 U.S.C. 324d) is amended—

(1) in subsection (a), by striking ''Commissioner'' and inserting ''Secretary of Homeland Security''; and

(2) by adding at the end the following:

''(c) INELIGIBILITY FOR RELIEF.—

''(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

''(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

''(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

''(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered before, on, or after such date.

SEC. __83. REINSTATEMENT OF REMOVAL ORDERS.

(a) IN GENERAL.—Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended to read as follows:

''(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—If the Secretary of Homeland Security finds that an alien has entered the United States illegally after having been removed, deported, or excluded or having departed voluntarily, under an order of removal, deportation, or exclusion, regardless of the date of the original order or the date of the illegal entry—

''(A) the order of removal, deportation, or exclusion is reinstated from its original date and is not subject to being reopened or reviewed notwithstanding section 242(a)(2)(D);

''(B) the alien is not eligible and may not apply for any relief under this Act, regardless of the date that an application or request for such relief may have been filed or made; and

''(C) the alien shall be removed under the order of removal, deportation, or exclusion at any time after the illegal entry.

Reinstatement under this paragraph shall not require proceedings under section 240 or other proceedings before an immigration judge''.

(b) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following:

''(h) JUDICIAL REVIEW OF REINSTATEMENT UNDER SECTION 241(A)(5).—

''(1) REVIEW OF REINSTATEMENT.—Judicial review of determinations under section 241(a)(5) is available in an action under subsection (a).

''(2) NO REVIEW OF ORIGINAL ORDER.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, any other habeas corpus provision, or sections 1361 and 1651 of such title, no court shall have jurisdiction to review any cause or claim, arising from, or relating to, any challenge to the original order.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if enacted on April 1, 1997, and shall apply to all orders reinstated or after that date by the Secretary (or by the Attorney General prior to March 1, 2003), regardless of the date of the original order.

SEC. __84. CLARIFICATION WITH RESPECT TO DEFINITION OF ADMISSION.

Section 101(a)(13)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(A)) is amended by adding at the end the following: ''An alien's adjustment of status to that of lawful permanent resident status under any provision of this Act, or under any other provision of law, shall be considered an 'admission' for any purpose under this Act, even if the adjustment of status occurred while the alien was present in the United States.''.

SEC. __85. REPORTS TO CONGRESS ON THE EXERCISE AND ABUSE OF PROSECUTORIAL DISCRETION.

(a) IN GENERAL.—Not later than 180 days after the end of each fiscal year, the Secretary and the Attorney General shall each provide to the Committees on the Judiciary of the House of Representatives and of the Senate a report on the following:

(1) Aliens apprehended or arrested by State or local law enforcement agencies who were identified by the Department in the previous fiscal year and for whom the Department did not issue detainers and did not take into custody despite the Department's findings that the aliens were inadmissible or deportable.

(2) Aliens who were applicants for admission in the previous fiscal year but not clearly and beyond a doubt entitled to be admitted by an immigration officer and who were not detained as required pursuant to section 235(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(2)(A)).

(3) Aliens who in the previous fiscal year were found by Department officials performing duties related to the adjudication of applications for immigration benefits or the enforcement of the immigration laws to be inadmissible or deportable who were not issued notices to appear pursuant to section 239 of such Act (8 U.S.C. 1229) or placed into removal proceedings pursuant to section 240 (8 U.S.C. 1229a), unless the aliens were placed into expedited removal proceedings pursuant to section 235(b)(1)(A)(i) (8 U.S.C. 1225(b)(1)(A)(5)) or section 238 (8 U.S.C. 1228), were granted voluntary departure pursuant to section 240B, were granted relief from removal pursuant to statute, were granted legal nonimmigrant or immigrant status pursuant to statute, or were determined not to be inadmissible or deportable.

(4) Aliens issued notices to appear that were cancelled in the previous fiscal year despite the Department's findings that the aliens were inadmissible or deportable, unless the aliens were granted relief from removal pursuant to statute, were granted voluntary departure pursuant to section 240B of such Act (8 U.S.C. 1229c), or were granted legal nonimmigrant or immigrant status pursuant to statute.

(5) Aliens who were placed into removal proceedings, whose removal proceedings were terminated in the previous fiscal year prior to their conclusion, unless the aliens were granted relief from removal pursuant to statute, were granted voluntary departure pursuant to section 240B, were granted legal nonimmigrant or immigrant status pursuant to statute, or were determined not to be inadmissible or deportable.

(6) Aliens granted parole pursuant to section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(7) Aliens granted deferred action, extended voluntary departure or any other type of relief from removal not specified in the Immigration and Nationality Act or where determined not to be inadmissible or deportable.

(b) CONTENTS OF REPORT.—The report shall include a listing of each alien described in each paragraph of subsection (a), including when in the possession of the Department their names, fingerprint identification numbers, alien registration numbers, and reason why each was granted the type of prosecutorial discretion received. The report shall also include current criminal histories on each alien from the Federal Bureau of Investigation.

CHAPTER __—OTHER MATTERS

SEC. __91. REQUIRING HEIGHTENED SCRUTINY OF APPLICATIONS FOR ADMISSION FROM PERSONS LISTED ON TERRORIST DATABASES.

Section 222 (8 U.S.C. 1202), as amended by section 4410, is further amended by adding at the end the following:

''(j) REQUIRING HEIGHTENED SCRUTINY OF APPLICATIONS FOR ADMISSION FROM PERSONS LISTED ON TERRORIST DATABASES.—

''(1) REQUIREMENT FOR BIOGRAPHIC AND BIOMETRIC SCREENING.—Notwithstanding any other provision of this Act, the Secretary of State shall require every alien applying for admission to the United States to submit to biographic and biometric screening to determine whether the alien's name or biometric information is listed in any terrorist watch list or database maintained by any agency or department of the United States.

''(2) EXCLUSIONS.—No alien applying for a visa to the United States shall be granted such visa by a consular officer if the alien's name or biometric information is listed in any terrorist watch list or database referred to in paragraph (1) unless—

''(A) screening of the alien's visa application against interagency counterterrorism screening systems which compare the applicant's information against data in all counterterrorism watch lists and databases reveals no potentially pertinent links to terrorism;

''(B) the consular officer submits the application for further review to the Secretary of State and the heads of other relevant agencies, including the Secretary of Homeland Security and the Director of National Intelligence; and

''(C) the Secretary of State, after consultation with the Secretary of Homeland Security, the Director of National Intelligence, and the heads of other relevant agencies, certifies that the alien is admissible to the United States.''.

SEC. __92. VISA REVOCATION.

(a) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY AND THE SECRETARY OF STATE.—

(1) IN GENERAL.—Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by striking subsections (b) and (c) and inserting the following:

''(b) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—

''(1) IN GENERAL.—Notwithstanding section 104(a) of the Immigration and Nationality

Act (8 U.S.C. 1104(a)) or any other provision of law, and except as provided in subsection (c) and except for the authority of the Secretary of State under subparagraphs (A) and (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), the Secretary—

''(A) shall have exclusive authority to issue regulations, establish policy, and administer and enforce the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and all other immigration or nationality laws relating to the functions of consular officers of the United States in connection with the granting and refusal of a visa; and

''(B) may refuse or revoke any visa to any alien or class of aliens if the Secretary, or designee, determines that such refusal or revocation is necessary or advisable in the security interests of the United States.

''(2) EFFECT OF REVOCATION.—The revocation of any visa under paragraph (1)(B)—

''(A) shall take effect immediately; and

''(B) shall automatically cancel any other valid visa that is in the alien's possession.

''(3) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review a decision by the Secretary of Homeland Security to refuse or revoke a visa, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a refusal or revocation.

''(c) AUTHORITY OF THE SECRETARY OF STATE.—

''(1) IN GENERAL.—The Secretary of State may direct a consular officer to refuse a visa requested by an alien if the Secretary of State determines such refusal to be necessary or advisable in the interests of the United States.

''(2) LIMITATION.—No decision by the Secretary of State to approve a visa may override a decision by the Secretary of Homeland Security under subsection (b).''.

(2) CONFORMING AMENDMENT.—Section 237(a)(1)(B) (8 U.S.C. 1227(a)(1)(B)) is amended by striking ''under section 221(i)''.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to visa refusals and revocations occurring before, on, or after such date.

(b) TECHNICAL CORRECTIONS TO THE HOMELAND SECURITY ACT.—Section 428(a) of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by—

(1) striking ''subsection'' and inserting ''section''; and

(2) striking ''consular office'' and inserting ''consular officer''.

(c) VISA REVOCATION INFORMATION.—Section 428

SEC. __93. CANCELLATION OF ADDITIONAL VISAS.

(a) IN GENERAL.—Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by inserting ''and any other nonimmigrant visa issued by the United States that is in the possession of the alien'' after ''such visa''; and

(2) in paragraph (2)(A), by striking ''(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality'' and inserting ''(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a visa issued before, on, or after such date.

SEC. __94. VISA INFORMATION SHARING.

(a) IN GENERAL.—Section 222(f) (8 U.S.C. 1202(f)(2)) is amended—

(1) by striking ''issuance or refusal'' and inserting ''issuance, refusal, or revocation'';

(2) in paragraph (2), by striking ''and on the basis of reciprocity'';

(3) in paragraph (2)(A)—

(A) by inserting '' (i)'' after ''for the purpose of''; and

(B) by striking ''illicit weapons; or'' and inserting ''illicit weapons, or (ii) determining a person's deportability or eligibility for a visa, admission, or other immigration benefit;'';

(4) in paragraph (2)(B)—

(A) by striking ''for the purposes'' and inserting ''for one of the purposes''; and

(B) by striking ''or to deny visas to persons who would be inadmissible to the United States'' and inserting ''; or''; and

(5) by adding before the period 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.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date of the enactment of the Act.

SEC. __95. AUTHORIZING THE DEPARTMENT OF STATE TO NOT INTERVIEW CERTAIN INELIGIBLE VISA APPLICANTS.

(a) IN GENERAL.—Section 222(h)(1) (8 U.S.C. 1202(h)(1)) is amended by inserting '' the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application or'' after ''unless''.

(b) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall issue guidance to consular officers on the standards and processes for implementing the authority to deny visa applications without interview in cases where the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application.

(c) REPORTS.—Not less frequently than once each quarter, the Secretary of State shall submit to the Congress a report on the denial of visa applications without interview, including—

(1) the number of such denials; and

(2) a post-by-post breakdown of such denials.

SEC. __96. FUNDING FOR THE VISA SECURITY PROGRAM.

(a) IN GENERAL.—The Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108-447) is amended, in the fourth paragraph under the heading ''Diplomatic and Consular Programs'', by striking ''Beginning'' through the period at the end and inserting the following: ''Beginning in fiscal year 2005 and thereafter, the Secretary of State is authorized to charge surcharges related to consular services in support of enhanced border security that are in addition to the immigrant visa fees in effect on January 1, 2004: Provided, That funds collected pursuant to this authority shall be credited to the appropriation for U.S. Immigration and Customs Enforcement for the fiscal year in which the fees were collected, and shall be available until expended for the funding of the Visa Security Program established by the Secretary of Homeland Security under section 428(e) of the Homeland Security Act of 2002 (Public Law 107–296): Provided further, That such surcharges shall be 10 percent of the fee assessed on immigrant visa applications.''.

(b) REPAYMENT OF APPROPRIATED FUNDS.—Twenty percent of the funds collected each fiscal year under the heading ''Diplomatic and Consular Programs'' in the Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108-447), as amended by subsection (a), shall be deposited into the general fund of the Treasury as repayment of funds appropriated pursuant to section 407(c) of this Act until the entire appropriated sum has been repaid.

SEC. __97. EXPEDITIOUS EXPANSION OF VISA SECURITY PROGRAM TO HIGH-RISK POSTS.

(a) IN GENERAL.—Section 428(i) of the Homeland Security Act of 2002 (6 U.S.C. 236(i)) is amended to read as follows:

''(i) VISA ISSUANCE AT DESIGNATED HIGH-RISK POSTS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall conduct an on-site review of all visa applications and supporting documentation before adjudication at the top 30 visa-issuing posts designated jointly by the Secretaries of State and Homeland Security as high-risk posts.''.

(b) ASSIGNMENT OF PERSONNEL.—Not later than one year after the date of enactment of this section, the Secretary of Homeland Security shall assign personnel to the visa-issuing posts referenced in section 428(i) of the Homeland Security Act of 2002 (6 U.S.C. 236(i)), as amended by this section, and communicate such assignments to the Secretary of State.

(c) APPROPRIATIONS.—There is authorized to be appropriated $60,000,000 for each of the fiscal years 2014 and 2015, which shall be used to expedite the implementation of section 428(i) of the Homeland Security Act, as amended by this section.

SEC. __98. EXPEDITED CLEARANCE AND PLACEMENT OF DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT OVERSEAS EMBASSIES AND CONSULAR POSTS.

Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by adding at the end the following:

''(j) EXPEDITED CLEARANCE AND PLACEMENT OF DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT OVERSEAS EMBASSIES AND CONSULAR POSTS.—Notwithstanding any other provision of law, and the processes set forth in National Security Defense Directive 38 (dated June 2, 1982) or any successor Directive, the Chief of Mission of a post to which the Secretary of Homeland Security has assigned personnel under subsection (e) or (i) shall ensure, not later than one year after the date on which the Secretary of Homeland Security communicates such assignment to the Secretary of State, that such personnel have been stationed and accommodated at post and are able to carry out their duties.''.

SEC. __99. INCREASED CRIMINAL PENALTIES FOR STUDENT VISA INTEGRITY.

Section 1546 of title 18, United States Code, is amended by striking ''10 years'' and inserting ''15 years (if the offense was committed by an owner, official, or employee of an educational institution with respect to such institution's participation in the Student and exchange Visitor Program), 10 years''.

SEC. __99A. VISA FRAUD.

(a) TEMPORARY SUSPENSION OF SEVIS ACCESS.—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(d)) is amended—

(1) in paragraph (1)(A), by striking ''institution,,'' and inserting ''institution,''; and

(2) by adding at the end the following:

''(3) EFFECT OF REASONABLE SUSPICION OF FRAUD.—If the Secretary of Homeland Security has reasonable suspicion that an owner of, or a designated school official at, an approved institution of higher education, an

other approved educational institution, or a designated exchange visitor program has committed fraud or attempted to commit fraud relating to any aspect of the Student and Exchange Visitor Program, the Secretary may immediately suspend, without notice, such official's or such school's access to the Student and Exchange Visitor Information System (SEVIS), including the ability to issue Form I–20s, pending a final determination by the Secretary with respect to the institution's certification under the Student and Exchange Visitor Program.''.

(b) EFFECT OF CONVICTION FOR VISA FRAUD.—Such section 641(d), as amended by subsection (a)(2), is further amended by adding at the end the following:

''(4) PERMANENT DISQUALIFICATION FOR FRAUD.—A designated school official at, or an owner of, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program who is convicted for fraud relating to any aspect of the Student and Exchange Visitor Program shall be permanently disqualified from filing future petitions and from having an ownership interest or a management role, including serving as a principal, owner, officer, board member, general partner, designated school official, or any other position of substantive authority for the operations or management of the institution, in any United States educational institution that enrolls nonimmigrant alien students described in subparagraph (F) or (M) of section 101(a)(15) the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).''.

SEC. __99B. BACKGROUND CHECKS.

(a) IN GENERAL.—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(d)), as amended by section 411(b) of this Act, is further amended by adding at the end the following:

''(5) BACKGROUND CHECK REQUIREMENT.—

''(A) IN GENERAL.—An individual may not serve as a designated school official or be granted access to SEVIS unless the individual is a national of the United States or an alien lawfully admitted for permanent residence and during the most recent 3-year period—

''(i) the Secretary of Homeland Security has—

''(I) conducted a thorough background check on the individual, including a review of the individual's criminal and sex offender history and the verification of the individual's immigration status; and

''(II) determined that the individual has not been convicted of any violation of United States immigration law and is not a risk to national security of the United States; and

''(ii) the individual has successfully completed an on-line training course on SEVP and SEVIS, which has been developed by the Secretary.

''(B) INTERIM DESIGNATED SCHOOL OFFICIAL.—

''(i) IN GENERAL.—An individual may serve as an interim designated school official during the period that the Secretary is conducting the background check required by subparagraph (A)(i)(I).

''(ii) REVIEWS BY THE SECRETARY.—If an individual serving as an interim designated school official under clause (i) does not successfully complete the background check required by subparagraph (A)(i)(I), the Secretary shall review each Form I–20 issued by such interim designated school official.

''(6) FEE.—The Secretary is authorized to collect a fee from an approved school for each background check conducted under paragraph (6)(A)(i). The amount of such fee shall be equal to the average amount expended by the Secretary to conducted such background checks.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. __99C. FLIGHT SCHOOLS NOT CERTIFIED BY FAA.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Homeland Security shall prohibit any flight school in the United States from accessing SEVIS or issuing a Form I–20 to an alien seeking a student visa pursuant to subparagraph (F)(i) or (M)(i) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) if the flight school has not been certified to the satisfaction of the Secretary and by the Federal Aviation Administration pursuant to part 141 or part 142 of title 14, Code of Federal Regulations (or similar successor regulations).

(b) TEMPORARY EXCEPTION.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary may waive the requirement under subsection (a) that a flight school be certified by the Federal Aviation Administration if such flight school—

(1) was certified under the Student and Exchange Visitor Program on the date of the enactment of this Act;

(2) submitted an application for certification with the Federal Aviation Administration during the 1-year period beginning on such date; and

(3) continues to progress toward certification by the Federal Aviation Administration.

SEC. __99D. REVOCATION OF ACCREDITATION.

At the time an accrediting agency or association is required to notify the Secretary of Education and the appropriate State licensing or authorizing agency of the final denial, withdrawal, suspension, or termination of accreditation of an institution pursuant to section 496 of the Higher Education Act of 1965 (20 U.S.C. 1099b), such accrediting agency or association shall notify the Secretary of Homeland Security of such determination and the Secretary of Homeland Security shall immediately withdraw the school from the SEVP and prohibit the school from accessing SEVIS.

SEC. __99E. REPORT ON RISK ASSESSMENT.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that contains the risk assessment strategy that will be employed by the Secretary to identify, investigate, and take appropriate action against schools and school officials that are facilitating the issuance of Form I–20 and the maintenance of student visa status in violation of the immigration laws of the United States.

SEC. __99F. IMPLEMENTATION OF GAO RECOMMENDATIONS.

Not later than 180 days after the date of the enactment of this act, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that describes—

(1) the process in place to identify and assess risks in the SEVP;

(2) a risk assessment process to allocate SEVP's resources based on risk;

(3) the procedures in place for consistently ensuring a school's eligibility, including consistently verifying in lieu of letters;

(4) how SEVP identified and addressed missing school case files;

(5) a plan to develop and implement a process to monitor state licensing and accreditation status of all SEVP-certified schools;

(6) whether all flight schools that have not been certified to the satisfaction of the Secretary and by the Federal Aviation Administration have been removed from the program and have been restricted from accessing SEVIS;

(7) the standard operating procedures that govern coordination among SEVP, Counterterrorism and Criminal Exploitation Unit, and U.S. Immigration and Customs Enforcement field offices; and

(8) the established criteria for referring cases of a potentially criminal nature from SEVP to the counterterrorism and intelligence community.

SEC. __99G. IMPLEMENTATION OF SEVIS II.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security shall complete the deployment of both phases of the 2nd generation Student and Exchange Visitor Information System (commonly known as ''SEVIS II'').

SEC. __99H. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle:

(1) SEVIS.—The term ''SEVIS'' means the Student and Exchange Visitor Information System of the Department.

(2) SEVP.—The term ''SEVP'' means the Student and Exchange Visitor Program of the Department.

SEC. __99I. ACCREDITATION REQUIREMENTS.

(a) COLLEGES, UNIVERSITIES, AND LANGUAGE TRAINING PROGRAMS.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(F)(i)—

(A) by striking ''section 214(1) at an established college, university, seminary, conservatory or in an accredited language training program in the United States'' and inserting ''section 214(m) at an accredited college, university, or language training program, or at an established seminary, conservatory, academic high school, elementary school, or other academic institution in the United States''; and

(B) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(C) by amending paragraph (52) to read as follows:

''(52) Except as provided in section 214(m)(4), the term 'accredited college, university, or language training program' means a college, university, or language training program that is accredited by an accrediting agency recognized by the Secretary of Education.''.

(b) OTHER ACADEMIC INSTITUTIONS.—Section 214(m) (8 U.S.C. 1184(m)) is amended by adding at the end the following:

''(3) The Secretary of Homeland Security shall require accreditation of an academic institution (except for seminaries or other religious institutions) for purposes of section 101(a)(15)(F) if—

''(A) that institution is not already required to be accredited under section 101(a)(15)(F)(i); and

''(B) an appropriate accrediting agency recognized by the Secretary of Education is able to provide such accreditation.

''(4) The Secretary of Homeland Security, in the Secretary's discretion, may waive the accreditation requirement in paragraph (3) or section 101(a)(15)(F)(i) with respect to an institution if such institution—

''(A) is otherwise in compliance with the requirements of section 101(a)(15)(F)(i); and

''(B) has been a candidate for accreditation for at least 1 year and continues to progress toward accreditation by an accrediting agency recognized by the Secretary of Education.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall—

(A) take effect on the date that is 180 days after the date of enactment of this Act; and

(B) apply with respect to applications for nonimmigrant visas that are filed on or after the effective date described in subparagraph (A).

(2) TEMPORARY EXCEPTION.—During the 3-year period beginning on the effective date described in paragraph (1)(A), an institution that is newly required to be accredited under this section may continue to participate in the Student and Exchange Visitor Program notwithstanding the institution's lack of accreditation if the institution—

(A) was certified under the Student and Exchange Visitor Program on such date;

(B) submitted an application for accreditation to an accrediting agency recognized by the Secretary of Education during the 6-month period ending on such date; and

(C) continues to progress toward accreditation by such accrediting agency.

SEC. __99J. VISA FRAUD.

(a) TEMPORARY SUSPENSION OF SEVIS ACCESS.—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(d)) is amended—

(1) in paragraph (1)(A), by striking ''institution,,'' and inserting ''institution,''; and

(2) by adding at the end the following:

''(3) EFFECT OF REASONABLE SUSPICION OF FRAUD.—If the Secretary of Homeland Security has reasonable suspicion that an owner of, or a designated school official at, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program has committed fraud or attempted to commit fraud relating to any aspect of the Student and Exchange Visitor Program, the Secretary may immediately suspend, without notice, such official's or such school's access to the Student and Exchange Visitor Information System (SEVIS), including the ability to issue Form I–20s, pending a final determination by the Secretary with respect to the institution's certification under the Student and Exchange Visitor Program.''.

(b) EFFECT OF CONVICTION FOR VISA FRAUD.—Such section 641(d), as amended by subsection (a)(2), is further amended by adding at the end the following:

''(4) PERMANENT DISQUALIFICATION FOR FRAUD.—A designated school official at, or an owner of, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program who is convicted for fraud relating to any aspect of the Student and Exchange Visitor Program shall be permanently disqualified from filing future petitions and from having an ownership interest or a management role, including serving as a principal, owner, officer, board member, general partner, designated school official, or any other position of substantive authority for the operations or management of the institution, in any United States educational institution that enrolls nonimmigrant alien students described in subparagraph (F) or (M) of section 101(a)(15) the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).''.

SA 1687. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ACQUISITION OF ADDITIONAL UNMANNED AERIAL VEHICLES AND UNMANNED AERIAL SYSTEMS.

Notwithstanding paragraphs (1) and (2) of section 1106(a), the Commissioner of U.S. Customs and Border Protection may not acquire additional unmanned aerial vehicles or unmanned aircraft systems until after the Inspector General of the Department submits a report to Congress, which certifies that U.S. Customs and Border Protection has implemented all the recommendations contained in the report submitted by the Office of the Inspector General of the Department to U.S. Customs and Border Protection on May 30, 2012, titled ''CBP's Use of Unmanned Aircraft Systems in the Nation's Border Security'', including—

(1) analyzing requirements and developing plans to achieve the unmanned aerial system mission availability objective and acquiring funding to provide necessary operations, maintenance, and equipment;

(2) developing and implementing procedures to coordinate and support stakeholders' mission requests; and

(3) establishing interagency agreements with external stakeholders for reimbursement of expenses incurred fulfilling mission requests, to the extent authorized by law.

SA 1688. 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. ____. GROUNDS FOR INELIGIBILITY FOR REGISTERED PROVISIONAL IMMIGRANT STATUS.

Section 245B(b) of the Immigration and Nationality Act, as added by section 2101, is further amended by striking paragraph (3) and inserting the following:

''(3) GROUNDS FOR INELIGIBILITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an alien is ineligible for registered provisional immigrant status if the Secretary determines that the alien—

''(i) has a conviction for—

''(I) an offense classified as a felony in the convicting jurisdiction (other than a State or local offense for which an essential element was the alien's immigration status, or a violation of this Act);

''(II) an aggravated felony (as defined in section 101(a)(43) at the time of the conviction);

''(III) an offense (unless the applicant demonstrates, by clear and convincing evidence, that he or she is innocent of the offense, that he or she is the victim of such offense, or that no offense occurred), which is classified as a misdemeanor in the convicting jurisdiction, and which involved—

''(aa) domestic violence or child abuse and neglect (as such terms are defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)));

''(bb) assault resulting in bodily injury or the violation of a protection order (as such terms are defined in section 2266 of title 18, United States Code); or

''(cc) driving while intoxicated (as defined in section 164 of title 23, United States Code);

''(IV) 2 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 violations 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 in section 237(a)(6));

''(ii) is inadmissible under section 212(a), except that in determining an alien's inadmissibility—

''(I) paragraphs (4), (5), (7), and (9)(B) of section 212(a) shall not apply;

''(II) subparagraphs (A), (C), (D), (F), and (G) of section 212(a)(6) and paragraphs (9)(C) and (10)(B) of section 212(a) shall not apply unless based on the act of unlawfully entering the United States after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; and

''(III) paragraphs (6)(B) and (9)(A) of section 212(a) shall not apply unless the relevant conduct began on or after the date on which the alien files an application for registered provisional immigrant status under this section;

''(iii) is an alien who the Secretary knows or has reasonable grounds to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in section 212(a)(3)(B)(iv)); or

''(iv) was, on April 16, 2013—

''(I) an alien lawfully admitted for permanent residence;

''(II) an alien admitted as a refugee under section 207 or granted asylum under section 208; or

''(III) an alien who, according to the records of the Secretary or the Secretary of State, is lawfully present in the United States in any nonimmigrant status (other than an alien considered to be a nonimmigrant solely due to the application of section 244(f)(4) or the amendment made by section 702 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229)), notwithstanding any unauthorized employment or other violation of nonimmigrant status.

''(B) WAIVER.—

''(i) IN GENERAL.—The Secretary may waive the application of any provision of section 212(a) that is not listed in clause (ii) on behalf of an alien for humanitarian purposes, to ensure family unity, or if such a waiver is otherwise in the public interest. Any discretionary authority to waive grounds of inadmissibility under section 212(a) conferred under any other provision of this Act shall apply equally to aliens seeking registered provisional status under this section.

''(ii) EXCEPTIONS.—The discretionary authority under clause (i) may not be used to waive—

''(I) subparagraph (B), (C), (D)(ii), (E), (G), (H), or (I) of section 212(a)(2);

''(II) section 212(a)(3);

''(III) subparagraph (A), (C), (D), or (E) of section 212(a)(10); or

''(IV) with respect to misrepresentations relating to the application for registered provisional immigrant status, section 212(a)(6)(C)(i).

''(C) CONVICTION EXPLAINED.—For purposes of this paragraph, the term 'conviction' does not include a judgment that has been expunged, set aside, or the equivalent.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require the Secretary to commence removal proceedings against an alien.''.

SA 1689. 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. ____. ELIMINATION OF GOVERNMENT-FUNDED COUNSEL FOR ALIENS IN IMMIGRATION PROCEEDINGS.

(a) APPOINTMENT OF COUNSEL IN IMMIGRATION PROCEEDINGS.—Section 292 (8 U.S.C.

1362), as amended by section 3502, is further amended—

(1) in subsection (a), by inserting ''(at no expense to the Government)'' after ''being represented'';

(2) in subsection (b), by striking the second sentence; and

(3) by striking subsection (c).

(b) APPOINTMENT OF COUNSEL IN REMOVAL PROCEEDINGS.—Section 240(b)(4) (8 U.S.C. 1229a(b)(4)), as amended by section 3502, is further amended—

(1) in subparagraph (A), by inserting '', at no expense to the Government,'' after ''being represented''; and

(2) in the flush text at the end, by striking the second sentence.

(c) REPEAL.—Subsections (b), (c), and (d) of section 2104 of this Act and the amendments to section 242 of the Immigration and Nationality Act made by section 2104(b) of this Act are repealed.

(d) ELIMINATION OF OFFICE OF LEGAL ACCESS PROGRAMS.—Notwithstanding section 3503, the Attorney General may not establish or maintain an Office of Legal Access Programs.

SA 1690. Mr. MORAN (for himself and Ms. LANDRIEU) 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. ___. ADDITIONAL REQUIREMENTS FOR STEM EDUCATION PROGRAMS.

(a) LOW-INCOME STEM SCHOLARSHIP PROGRAM.—For purposes of paragraph (3)(B) of 286(s) of the Immigration and Nationality Act, as added by section 4104(b), the Director of the National Science Foundation shall consider veterans to be an underrepresented group.

(b) NATIONAL EVALUATION.—In conducting the annual evaluation of the implementation and impact of the activities funded by the STEM Education and Training Account under section 4104(d), the Secretary of Education shall include an assessment of—

(1) engagement in STEM fields of underrepresented groups such as women and minorities; and

(2) achievement in STEM fields of underrepresented groups such as women and minorities.

(c) IDENTIFYING AND DISSEMINATING BEST PRACTICES.—The Secretary of Education shall, directly or through a grant or contract, identify State best practices with respect to STEM education and share that information broadly.

SEC. ___. USE OF H–1B VISA FEES.

(a) IN GENERAL.—Section 214(c)(9)(C) (8 U.S.C. 1184(c)(9)(C)) is amended to read as follows:

''(C) Fees collected under this paragraph shall be deposited in the Treasury as follows:

''(i) Until the amount collected for a fiscal year under this paragraph equals $275,000,000, in the H–1B Nonimmigrant Petitioner Account for use in accordance with section 286(s).

''(ii) After the amount collected for a fiscal year under this paragraph exceeds $275,000,000—

''(I) 5 percent shall be deposited in the H–1B Nonimmigrant Petitioner Account for use as described in paragraph (5) of section 286(s);

''(II) 5 percent shall be deposited in the H–1B Nonimmigrant Petitioner Account for use as described in paragraph (6) of section 286(s); and

''(III) 90 percent shall be deposited in the STEM Education and Training Account for use as described in section 286(w).''.

(b) CONFORMING AMENDMENT.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by striking ''collected under paragraphs (9) and (11) of section 214(c).'' and inserting ''described in clause (i), (ii)(I), and (ii)(II) of paragraph (9)(C) of section 214(c) and collected under paragraph (11) of such section.''.

SA 1691. Mr. UDALL of New Mexico 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. _____. DEPARTMENT OF HOMELAND SECURITY BORDER OVERSIGHT TASK FORCE MODIFICATIONS.

(a) HEARINGS AND EVIDENCE.—

(1) IN GENERAL.—Notwithstanding section 1113(b)(1), the Department of Homeland Security Border Oversight Task Force established under section 1113 (referred to in this section as the ''DHS Task Force'') or, on the authority of the DHS Task Force, any portion of the DHS Task Force, may, for the purpose of carrying out this section—

(A) hold hearings, sit and act, take testimony, receive evidence, administer oaths; and

(B) subject to subsection (b), require, by subpoena or otherwise provide for, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the DHS Task Force, or such portion thereof, may determine advisable.

(2) OPEN TO THE PUBLIC.—Hearings and other activities conducted under paragraph (1) shall be open to the public unless the DHS Task Force, or, on the authority of the DHS Task Force, any portion of the DHS Task Force, determines that such is not appropriate, including for reasons relating to the disclosure of information or material regarding the national security interests of the United States or the disclosure of sensitive law enforcement data.

(b) SUBPOENAS.—

(1) ISSUANCE.—

(A) IN GENERAL.—A subpoena may be issued under this subsection only—

(i) by the agreement of the Chair and the Vice Chair; or

(ii) by the affirmative recorded vote of 16 members of the DHS Task Force.

(B) SIGNATURE.—Subpoenas issued under this subsection may be—

(i) issued under the signature of the Chair and Vice Chair or any member designated by a majority of the DHS Task Force; and

(ii) served by any person designated by the Chair and Vice Chair or by any member designated by a majority of the DHS Task Force.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as contempt of that court.

(B) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena, the Task Force may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before a grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(c) SUNSET.—Notwithstanding section 1113(e), the DHS Task Force shall continue operations indefinitely.

SA 1692. Mr. UDALL of New Mexico (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADDITIONAL PERMANENT DISTRICT COURT JUDGESHIPS IN NEW MEXICO.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the district of New Mexico.

(b) CONVERSION OF TEMPORARY JUDGESHIP TO PERMANENT JUDGESHIP.—The existing judgeship for the district of New Mexico authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 133 note; Public Law 107–273; 116 Stat. 1788), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbent in that office shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table contained in section 133(a) of title 28, United States Code, is amended by striking the item relating to the district of New Mexico and inserting the following:

''New Mexico ..... 8''.

SA 1693. Mr. UDALL of New Mexico (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. BORDER ENFORCEMENT SECURITY TASK FORCE.

(a) 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).

(b) 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.

(c) FUNDING.—There are authorized to be appropriated, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), such sums as may be necessary to carry out this subsection.

SA 1694. Mr. UDALL of New Mexico 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. _____. ELIGIBLE USE OF GRANT FUNDS.

In addition to the uses described in section 1104(c)(3), grants awarded under that section may be used for maintenance of, and improvements to, all public roads, including locally owned public roads and roads on tribal land—

(a) that are located within 100 miles of—

(1) the Northern border; or

(2) the Southern border; and

(b) on which federally owned motor vehicles comprise more than 50 percent of the vehicular traffic.

SA 1695. Mr. BROWN (for himself, Mr. MANCHIN, Mr. GRASSLEY, and Mr. SESSIONS) 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. _____. HIRE QUALIFIED AMERICANS FIRST.

Section 212(n)(1)(G) (8 U.S.C. 1182(n)(1)(G)), as amended by section 4211(c)(2) of this Act, is further amended by striking clause (iii) and inserting the following:

''(iii) has offered the job to any United States worker who applies and is equally or better qualified for the job for which the nonimmigrant or nonimmigrants is or are sought.''.

SA 1696. Mr. BROWN 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. _____. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) IN GENERAL.—None of the amounts appropriated or otherwise made available under this Act may be used for a project for the construction, alteration, maintenance, or repair of a fence along the Southern border unless all of the iron, steel, and manufactured goods used in the fence are produced in the United States.

(b) WAIVER.—Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) PUBLICATION OF WAIVER JUSTIFICATION.—If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) SAVINGS PROVISION.—This section shall be applied in a manner consistent with United States obligations under international agreements.

SA 1697. Mr. CORKER 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. _____. SECURE COMMUNITIES.

(a) IN GENERAL.—The Secretary shall initiate removal proceedings, in accordance with chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), against all individuals who are arrested for an offense that poses a danger to the community and are identified through Secure Communities as—

(1) unlawfully present in the United States;

(2) having previously been removed and not lawfully reentered; or

(3) otherwise removable.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the availability of any relief authorized under the Immigration and Nationality Act.

(c) SEMIANNUAL REPORT.—Every 6 months, the Secretary shall submit a report to Congress that identifies, for the most recent 6-month and 12-month periods—

(1) the total number of individuals identified through Secure Communities as meeting 1 of the conditions set forth in paragraphs (1) through (3) of subsection (a);

(2) the number of individuals described in paragraph (1) against whom removal proceedings were not initiated, categorized by immigration status;

(3) of the individuals described in paragraph (2), the total number who U.S. Immigration and Customs Enforcement were authorized to take into custody and remove, including individuals who are—

(A) unlawfully present;

(B) unlawfully present and in removal proceedings;

(C) previously removed;

(D) under warrant for removal; or

(E) lawfully present and in removal proceedings; and

(4) of the individuals described in paragraph (2), the total number who were rearrested on a separate occasion after previously being identified through Secure Communities as meeting 1 of the conditions set forth in paragraphs (1) through (3) of subsection (a), categorized by immigration status and the type of offense that led to such rearrest.

SA 1698. 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:

At the end, add the following:

SEC. ____. PROTECTION OF NATIONAL SECURITY AND PUBLIC SAFETY.

(a) DISCLOSURES.—Section 245E(a) (as amended by section 2104(a)) is amended by striking paragraphs (2) and (3) and inserting 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.''.

(b) 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 1699. 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:

At the appropriate place, insert the following:

SEC. _____. 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. _____. 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. _____. 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. _____. 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. _____. 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. _____. 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. _____. 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. _____. 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. _____. 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 1700. 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:

At the appropriate place, add the following:

SEC. 1204. 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 1,500 additional U.S. Customs and Border Protection officers (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) and 350 additional full-time support staff, compared to the number of such officers and 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. 1205. 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 1701. 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:

At the appropriate place, 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 in section 237(a)(6));

''(ii) is inadmissible under section 212(a), except that in determining an alien's inadmissibility—

''(I) paragraphs (4), (5), (7), and (9)(B) of section 212(a) shall not apply;

''(II) subparagraphs (A), (C), (D), (F), and (G) of section 212(a)(6) and paragraphs (9)(C) and (10)(B) of section 212(a) shall not apply unless based on the act of unlawfully entering the United States after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; and

''(III) paragraphs (6)(B) and (9)(A) of section 212(a) shall not apply unless the relevant conduct began on or after the date on which the alien files an application for registered provisional immigrant status under this section;

''(iii) is an alien who the Secretary knows or has reasonable grounds to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in section 212(a)(3)(B)(iv)); or

''(iv) was, on April 16, 2013—

''(I) an alien lawfully admitted for permanent residence;

''(II) an alien admitted as a refugee under section 207 or granted asylum under section 208; or

''(III) an alien who, according to the records of the Secretary or the Secretary of State, is lawfully present in the United States in any nonimmigrant status (other

than an alien considered to be a nonimmigrant solely due to the application of section 244(f)(4) or the amendment made by section 702 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229)), notwithstanding any unauthorized employment or other violation of nonimmigrant status.

''(B) WAIVER.—

''(i) IN GENERAL.—The Secretary may waive the application of any provision of section 212(a) that is not listed in clause (ii) on behalf of an alien for humanitarian purposes, to ensure family unity, or if such a waiver is otherwise in the public interest. Any discretionary authority to waive grounds of inadmissibility under section 212(a) conferred under any other provision of this Act shall apply equally to aliens seeking registered provisional status under this section.

''(ii) EXCEPTIONS.—The discretionary authority under clause (i) may not be used to waive—

''(I) subparagraph (B), (C), (D)(ii), (E), (G), (H), or (I) of section 212(a)(2);

''(II) section 212(a)(3);

''(III) subparagraph (A), (C), (D), or (E) of section 212(a)(10); or

''(IV) with respect to misrepresentations relating to the application for registered provisional immigrant status, section 212(a)(6)(C)(i).

''(C) CONVICTION EXPLAINED.—For purposes of this paragraph, the term 'conviction' does not include a judgment that has been expunged, set aside, or the equivalent.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require the Secretary to commence removal proceedings against an alien.

''(4) APPLICABILITY OF OTHER PROVISIONS.—Sections 208(d)(6) and 240B(d) shall not apply to any alien filing an application for registered provisional immigrant status under this section.

''(5) DEPENDENT SPOUSE AND CHILDREN.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may classify the spouse or child of a registered provisional immigrant as a registered provisional immigrant dependent if the spouse or child—

''(i) was physically present in the United States on or before December 31, 2012, and has maintained continuous presence in the United States from that date until the date on which the registered provisional immigrant is granted such status, with the exception of absences from the United States that are brief, casual, and innocent, whether or not such absences were authorized by the Secretary; and

''(ii) meets all of the eligibility requirements set forth in this subsection, other than the requirements of clause (ii) or (iii) of paragraph (2)(A).

''(B) EFFECT OF TERMINATION OF LEGAL RELATIONSHIP OR DOMESTIC VIOLENCE.—If the spousal or parental relationship between an alien who is granted registered provisional immigrant status under this section and the alien's spouse or child is terminated due to death or divorce or the spouse or child has been battered or subjected to extreme cruelty by the alien (regardless of whether the legal relationship terminates), the spouse or child may apply for classification as a registered provisional immigrant.

''(C) EFFECT OF DISQUALIFICATION OF PARENT.—Notwithstanding subsection (c)(3), if the application of a spouse or parent for registered provisional immigrant status is terminated or revoked, the husband, wife, or child of that spouse or parent shall be eligible to apply for registered provisional immigrant status independent of the parent or spouse.

''(c) APPLICATION PROCEDURES.—

''(1) IN GENERAL.—An alien, or the dependent spouse or child of such alien, who meets the eligibility requirements set forth in subsection (b) may apply for status as a registered provisional immigrant or a registered provisional immigrant dependent, as applicable, by submitting a completed application form to the Secretary during the application period set forth in paragraph (3), in accordance with the final rule promulgated by the Secretary under the Border Security, Economic Opportunity, and Immigration Modernization Act. An applicant for registered provisional immigrant status shall be treated as an applicant for admission.

''(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 satisfied any applicable Federal tax liability.

''(B) DEFINITION OF APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means all Federal income taxes assessed in accordance with section 6203 of the Internal Revenue Code of 1986.

''(C) DEMONSTRATION OF COMPLIANCE.—An applicant may demonstrate compliance with this paragraph by submitting appropriate documentation, in accordance with regulations promulgated by the Secretary, in consultation with the Secretary of the Treasury.

''(3) APPLICATION PERIOD.—

''(A) INITIAL PERIOD.—Except as provided in subparagraph (B), the Secretary may only accept applications for registered provisional immigrant status from aliens in the United States during the 1-year period beginning on the date on which the final rule is published in the Federal Register pursuant to paragraph (1).

''(B) EXTENSION.—If the Secretary determines, during the initial period described in subparagraph (A), that additional time is required to process applications for registered provisional immigrant status or for other good cause, the Secretary may extend the period for accepting applications for such status for an additional 18 months.

''(4) APPLICATION FORM.—

''(A) REQUIRED INFORMATION.—

''(i) IN GENERAL.—The application form referred to in paragraph (1) shall collect such information as the Secretary determines to be necessary and appropriate, including, for the purpose of understanding immigration trends—

''(I) an explanation of how, when, and where the alien entered the United States;

''(II) the country in which the alien resided before entering the United States; and

''(III) other demographic information specified by the Secretary.

''(ii) PRIVACY PROTECTIONS.—Information described in subclauses (I) through (III) of clause (i), which shall be provided anonymously by the applicant on the application form referred to in paragraph (1), shall be subject to the same confidentiality provisions as those set forth in section 9 of title 13, United States Code.

''(iii) REPORT.—The Secretary shall submit a report to Congress that contains a summary of the statistical data about immigration trends collected pursuant to clause (i).

''(B) FAMILY APPLICATION.—The Secretary shall establish a process through which an alien may submit a single application under this section on behalf of the alien, his or her spouse, and his or her children who are residing in the United States.

''(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 1702. 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:

Strike title V.

SA 1703. 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:

At the appropriate place, insert the following:

SEC. _____. PROTECTING AMERICAN BUSINESSES.

(a) DUTIES OF COMMISSIONER.—Notwithstanding section 4701(d)(6), the Commissioner of the Bureau of Immigration and Labor Market Research is not authorized to conduct a quarterly survey of unemployment rates in construction occupations.

(b) ADMISSION OF W NONIMMIGRANT WORKERS.—Section 220, as added by section 4703(a) of this Act, is amended—

(1) in subsection (a), by striking paragraph (4);

(2) in subsection (e)(5), by striking subparagraph (B) and inserting 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.''; and

(3) in subsection (h), by striking paragraph (5).

SA 1704. Mr. UDALL of New Mexico (for himself, Mr. HEINRICH, 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:

At the appropriate place, insert the following:

SEC. ___. 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 for each fiscal year shall be made available to health authorities of States along the Northern border and 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 and 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) 30 percent shall be made available to States along the Northern border; and

(2) 70 percent shall be made available to States along the Southern border.

SA 1705. Ms. COLLINS (for herself and Mr. KING) 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. ___. LOGGING EMPLOYMENT.

The definition of ''agricultural employment'' in section 218A(a)(1) of the Immigration and Nationality Act, as added by section 2232, shall be implemented to includes logging employment, as described in section 655.103(c)(4)of title 20, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

SA 1706. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DENIALS OF ASYLUM CLAIMS.

(a) ADJUDICATION.—Section 208(d)(6) (8 U.S.C. 1158(d)(6)) is amended to read as follows:

''(6) FRIVOLOUS APPLICATIONS.—

''(A) KNOWINGLY FRIVOLOUS APPLICATIONS.—If the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice under paragraph (4)(A), the alien may, at the discretion of the Attorney General, be permanently ineligible for any benefits under this Act, effective as of the date of a final determination on such application.

''(B) DETERMINATIONS BY ASYLUM OFFICERS.—

''(i) IN GENERAL.—If an asylum officer, as defined in section 235(b)(1)(E), determines that an alien has made a frivolous application for asylum, the asylum officer may dismiss the application.

''(ii) RECONSIDERATION.—The Board of Immigration Appeals or an immigration judge may review and reverse the determination of an asylum officer under clause (i) if the Board or judge determines that the asylum claim involved is plausible.''.

(b) INFORMATION.—Section 208 (8 U.S.C. 1158) is amended by adding at the end the following:

''(f) INFORMATION.—With respect to an application for asylum that comes before an immigration judge or asylum officer (as defined in section 235(b)(1)(E)), the judge or officer involved shall obtain detailed country conditions information relevant to eligibility for asylum or the withholding of removal from the Department of State. Such information shall include—

''(1) an assessment of the accuracy of the applicant's assertions about conditions in his or her country of nationality or habitual residence and his or her particular situation;

''(2) information about whether individuals who are similarly situated to the applicant are persecuted or tortured in his or her country of nationality or habitual residence and the frequency of such persecution or torture; and

''(3) other information determined by the judge or officer to be relevant to prevent fraud.''.

(c) INCREASE IN STAFFING.—The Secretary shall provide for an increase in the staff of the U.S. Citizenship and Immigration Services and the Fraud Detection and National Security Directorate at Asylum Offices to oversee, detect, and increase the anti-fraud operations and prosecutions relating to fraudulent asylum activities.

(d) FUNDING.—The Secretary of Homeland Security shall use amounts derived through fees provided for in this Act (or an amendment made by this Act) to carry out subsections (a) through (c) (and the amendments made by such subsections)).

SA 1707. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LAW ENFORCEMENT AND NATIONAL SECURITY CHECKS.

(a) REFUGEES.—Section 207(c)(1) (8 U.S.C. 1157(c)(1)), as amended by section 3409(a) of this Act, is amended by striking ''No alien shall be admitted as a refugee until the identity of the applicant, including biographic and biometric data, has been checked against all appropriate records or databases maintained by the Secretary of Homeland Security, the Attorney General, the Secretary of State, and other Federal records or databases that the Secretary of Homeland Security considers necessary, to determine any national security, law enforcement, or other grounds on which the alien may be inadmissible to the United States or ineligible to apply for or be granted refugee status.'' and inserting ''No alien shall be admitted as a refugee until the identity of the applicant, including biographic and biometric data, has been checked against all appropriate records or databases maintained by the Secretary of Homeland Security, the Attorney General, the Secretary of State, the National Counterterrorism Center, and other Federal records or databases that the Secretary of Homeland Security considers necessary, to determine any national security, law enforcement, or other grounds on which the alien may be inadmissible to the United States or ineligible to apply for or be granted refugee status.''.

(b) ASYLEES.—Section 208(d)(5)(A) (8 U.S.C. 1158(d)(5)(A)), as amended by section 3409(b) of this Act, is amended—

(1) by amending clause (i) to read as follows:

''(i) asylum shall not be granted—

''(I) until the identity of the applicant, using biographic and biometric data, has been checked against all appropriate records or databases maintained by the Secretary of Homeland Security, the Attorney General, the Secretary of State, the National Counterterrorism Center, and other Federal records or databases that the Secretary of Homeland Security considers necessary, to determine any national security, law enforcement, or other grounds on which the alien may be inadmissible to the United States or ineligible to apply for or be granted asylum; and

''(II) any information related to the applicant in such a record or database supports the applicant's eligibility for asylum;'';

(2) in clause (iv), by striking ''and'' at the end;

(3) in clause (v), by striking the period at the end and inserting a semicolon and ''and''; and

(4) by adding at the end the following:

''(vi) asylum shall not be granted unless, notwithstanding any derogatory information, the applicant has met the burden of proof contained in subsection (b)(1)(B).''.

SA 1708. 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:

At the appropriate place, insert the following:

SEC. _____. APPLICABILITY OF THE MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.

Section 218A(g)(2) of the Immigration and Nationality Act, as added by section 2232 of this Act, is amended—

(1) in subparagraph (B)—

(A) by striking ''A nonimmigrant'' and inserting the following:

''(i) IN GENERAL.—A nonimmigrant''; and

(B) by adding at the end 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.''; and

(2) in subparagraph (C), by striking clause (iv) and inserting 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 1709. 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:

At the appropriate place, insert the following:

SEC. _____. QUALIFYING EMPLOYMENT.

Section 245F(a) of the Immigration and Nationality Act, as added by section 2212 of this Act, is amended by striking paragraph (1) and inserting 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 1710. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform

and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIREMENTS FOR ADJUSTMENT OF STATUS FOR CERTAIN ALIENS WHO ENTERED THE UNITED STATES AS CHILDREN.

Section 245D(b)(1)(A)(i) of the Immigration and Nationality Act, as added by section 2101, is further amended by inserting before the semicolon the following: ''or has been a dependent nonimmigrant visa holder under subparagraph (E), (H), or (L) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) for at least 5 years''.

SA 1711. 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:

At the appropriate place, insert the following:

SEC. ___. CRIMINAL GANGS.

(a) DEFINITION OF CRIMINAL GANG.—Section 101(a) (8 U.S.C. 1101(a)) is amended by inserting after paragraph (51) the following:

''(52)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons—

''(i) that has as 1 of its primary purposes the commission of 1 or more of the criminal offenses described in subparagraph (B); and

''(ii) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subparagraph (B).

''(B) The offenses described in this subparagraph are the following, whether in violation of Federal or State law or in violation of the law of a foreign country:

''(i) A felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(ii) A felony offense involving firearms or explosives or in violation of section 931 of title 18, United States Code (relating to purchase, ownership, or possession of body armor by violent felons).

''(iii) An offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

''(iv) A felony crime of violence (as defined in section 16 of title 18, United States Code).

''(v) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary

''(vi) Any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title(relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title(relating to interstate transportation of stolen motor vehicles or stolen property).

''(vii) Conspiracy to commit an offense described in specified in clauses (i) through (vi).''.

(b) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended by inserting after subparagraph (I) the following:

''(J) ALIENS IN CRIMINAL GANGS.—Any alien is inadmissible who—

''(i) is a member of a criminal gang unless the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a criminal gang; and

''(ii) is determined by an immigration judge to be a danger to the community.''.

(c) GROUNDS FOR DEPORTATION.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(G) ALIENS IN CRIMINAL GANGS.—Any alien is removable who—

''(i) is a member of a criminal gang unless the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a criminal gang; and

''(ii) is determined by an immigration judge to be a danger to the community.''.

(d) GROUND OF INELIGIBILITY FOR REGISTERED PROVISIONAL IMMIGRANT STATUS.—An alien who is 18 years of age or older is ineligible for registered provisional immigrant status if the Secretary determines that the alien—

(1) is a member of a criminal gang (as defined in section 101(a)(52) of the Immigration and Nationality Act, as amended by subsection (a)) unless the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a criminal gang; and

(2) has been determined by the Secretary to be a danger to the community.

(e) INAPPLICABILITY OF OTHER AMENDMENTS.—The amendments made by section 3701 of this Act shall have no force or effect.

SA 1712. Ms. HIRONO (for herself, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mr. FRANKEN, Mr. LEAHY, Ms. MIKULSKI, Mrs. SHAHEEN, Ms. CANTWELL, Ms. STABENOW, Ms. BALDWIN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. SCHUMER, Mr. DURBIN, Mr. BENNET, and 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. _____. MERIT-BASED POINTS TRACK ONE MODIFICATIONS.

(a) FINDINGS.—Congress finds that—

(1) In many countries around the world, women do not have as many opportunities for education, choices for careers, or opportunities for career advancement as men do in those countries.

(2) It is important that our future immigration system take into account the disparate treatment that women experience in other countries, and provide women a fair opportunity to immigrate to the United States through a merit point system.

(3) Under the current U.S. employment-based immigration system green cards are awarded to men over women nearly four-to-one.

(4) Like the current employment-based system, the high-skill tier one in the merit point system is more likely to be used by men because of the greater opportunities available to men in other countries.

(5) The purpose of the third tier in the merit point system is to provide women a fairer opportunity to compete for green cards by focusing the point categories on careers and experiences that are available to women in other countries.

(b) WORLDWIDE LEVEL OF MERIT-BASED IMMIGRANTS.—Section 201(e) (8 U.S.C. 1151(e)), as amended by section 2301(a)(1), 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 280,000.

''(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).''.

(c) MERIT-BASED IMMIGRANTS.—Section 203(c), as added by section 2301(a)(2) of this Act, is amended to read as follows:

''(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.

''(1) 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) CIVIC INVOLVEMENT.—An alien who has demonstrated significant Civic involvement, including humanitarian and volunteer activities, shall be allocated 2 points.

''(D) 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.

''(E) HUMANITARIAN CONCERNS.—An alien who is or has been the primary caregiver of a United States citizen parent or sibling suffering an extreme hardship, shall be allocated 10 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) 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) DEFINITIONS.—In this subsection:

(A) HIGH DEMAND TIER 1 OCCUPATION.—The term 'high demand tier 1 occupation' means 1 of the 5 occupations for which the highest number of nonimmigrants described in section 101(a)(15)(H)(i) were sought to be admitted by employers during the previous fiscal year.

''(B) HIGH DEMAND TIER 2 OCCUPATION.—The term 'high demand tier 2 occupation' means 1 of the 5 occupations for which the highest number of positions were sought to become registered positions by employers under section 220(e) during the previous fiscal year.

''(C) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(D) ZONE 1 OCCUPATION.—The term 'zone 1 occupation' means an occupation that requires little or no preparation and is classified as a zone 1 occupation on—

(i) the Occupational Information Network Database (0*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

''(E) ZONE 2 OCCUPATION.—The term 'zone 2 occupation' means an occupation that requires some preparation and is classified as a zone 2 occupation on—

(i) the Occupational Information Network Database (0*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

''(F) ZONE 3 OCCUPATION.—The term 'zone 3 occupation' means an occupation that requires medium preparation and is classified as a zone 3 occupation on—

''(i) the Occupational Information Network Database (0*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

(G) ZONE 4 OCCUPATION.—The term 'zone 4 occupation' means an occupation that requires considerable preparation and is classified as a zone 4 occupation on—

(i) the Occupational Information Network Database (0*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

''(H) ZONE 5 OCCUPATION.—The term 'zone 5 occupation' means an occupation that requires extensive preparation and is classified as a zone 5 occupation on—

''(i) the Occupational Information Network Database (0*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.''.

''(d) RULE OF CONSTRUCTION.—

The amendments made by this section shall apply notwithstanding Title II or any other section of this Act.

SA 1713. Ms. HIRONO (for herself, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mr. LEAHY, Mr. FRANKEN, Ms. MIKULSKI, Mrs. SHAHEEN, Ms. CANTWELL, Ms. STABENOW, Ms. BALDWIN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. SCHUMER, Mr. DURBIN, Mr. BENNET, and 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. _____. MERIT-BASED POINTS TRACK ONE MODIFICATIONS.

(a) WORLDWIDE LEVEL OF MERIT-BASED IMMIGRANTS.—Section 201(e) (8 U.S.C. 1151(e)), as amended by section 2301(a)(1), 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 280,000.

''(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 8½ 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).''.

(b) MERIT-BASED IMMIGRANTS.—Section 203(c), as added by section 2301(a)(2) of this Act, is amended to read as follows:

''(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, ⅔ of such visas shall be available for aliens allocated visas under tier 1 in the following fiscal year and ⅓ 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, ⅔ of such visas shall be available for aliens allocated visas under tier 2 in the following fiscal year and ⅓ 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.

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) CIVIC INVOLVEMENT.—An alien who has demonstrated significant civic involvement, including humanitarian and volunteer activities, shall be allocated 2 points.

''(D) 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.

''(E) HUMANITARIAN CONCERNS.—An alien who is or has been the primary caregiver of a United States citizen parent or sibling suffering an extreme hardship, shall be allocated 10 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) 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) DEFINITIONS.—In this subsection:

''(A) HIGH DEMAND TIER 1 OCCUPATION.—The term 'high demand tier 1 occupation' means 7 of the 5 occupations for which the highest number of nonimmigrants described in section 107(a)(15)(H)(i) were sought to be admitted by employers during the previous fiscal year.

''(B) HIGH DEMAND TIER 2 OCCUPATION.—The term 'high demand tier 2 occupation' means 1 of the 5 occupations for which the highest number of positions were sought to become registered positions by employers under section 220(e) during the previous fiscal year.

''(C) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(D) ZONE 1 OCCUPATION.—The term 'zone 1 occupation' means an occupation that requires little or no preparation and is classified as a zone 1 occupation on—

''(i) the Occupational Information Network Database (O*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

''(E) ZONE 2 OCCUPATION.—The term 'zone 2 occupation' means an occupation that requires some preparation and is classified as a zone 2 occupation on—

''(i) the Occupational Information Network Database (O*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

''(F) ZONE 3 OCCUPATION.—The term 'zone 3 occupation' means an occupation that requires medium preparation and is classified as a zone 3 occupation on—

''(i) the Occupational Information Network Database (O*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

''(G) ZONE 4 OCCUPATION.—The term 'zone 4 occupation' means an occupation that requires considerable preparation and is classified as a zone 4 occupation on—

''(i) the Occupational Information Network Database (O*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

''(H) ZONE 5 OCCUPATION.—The term 'zone 5 occupation' means an occupation that requires extensive preparation and is classified as a zone 5 occupation on—

''(i) the Occupational Information Network Database (O*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.''.

''(d) RULE OF CONSTRUCTION—

The amendments made by this section shall apply notwithstanding Title II or any other section of this Act.

SA 1714. 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:

At the appropriate place insert the following:

SEC. ____. INCLUSION OF ACCOUNTING FROM H-1B CAP.

Section 214(g)(5)(C) (8 U.S.C. 1184(g)(5)(C)), as amended by section 4101(b), is further amended by inserting ''or accounting,'' after ''physical sciences,''.

SA 1715. 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:

On page 1646, beginning on line 23, strike ''the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.'' and insert ''the Border Security, Economic Opportunity, and Immigration Modernization Act.''.

On page 1667, beginning on line 20, strike ''4105(e)(4) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996'' and insert ''4104(e) of the Border Security,

Economic Opportunity, and Immigration Modernization Act''.

SA 1716. Mr. WARNER 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. _____. REQUIREMENTS FOR INVEST VISA.

(a) INVEST NONIMMIGRANTS.—Section 214(s)(3) of the Immigration and Nationality Act, as added by section 4801, is further amended—

(1) in subparagraph (A), by striking ''$250,000'' and inserting ''an additional $150,000''; and

(2) by adding at the end the following:

''The alien may obtain a 2-year renewal if the alien sold his or her United States business entity to an unrelated United States business entity for an amount not less than $250,000, in a bona fide arm's-length transaction, and prior to such sale, the alien's United States business entity created no fewer than 3 qualified jobs.''.

(b) INVEST IMMIGRANTS.—Section 203(b)(6) of the Immigration and Nationality Act, as added by section 4802, is further amended—

(1) in subparagraph (A)—

(A) by striking clause (ii) and inserting the following:

''(ii) QUALIFIED ENTREPRENEUR.—

''(I) IN GENERAL.—The term 'qualified entrepreneur' means an individual who—

''(aa) has a significant ownership interest, which need not constitute a majority interest, in a United States business entity;

''(bb) is employed in a senior executive position of such United States business entity; and

''(cc) had a substantial role in the founding or early-stage growth and development of such United States business entity.

''(II) WAIVER OF SIGNIFICANT OWNER INTEREST REQUIREMENT.—Notwithstanding subclause (I)(aa), the Secretary may determine that an individual that does not have a significant ownership interest in a United States business entity but that otherwise meets the requirements of subclause (I) is a qualified entrepreneur if the business entity was acquired in a bona fide arm's length transaction by another United States business entity.'';

(B) in clause (v), by striking subclause (III) and inserting the following:

''(III)(aa) pays a wage that is not less than 250 percent of the Federal minimum wage; or

''(bb) provides to the holder of the position equity compensation in an amount equal to not less than 1 percent of the equity of the United States business entity on an 'as-converted' basis.''; and

(C) in clause (viii)(III), by striking items (cc) and (dd) and inserting the following:

''(cc) has been advising such entity or other similar funds or a series of funds for at least 2 years; and

''(dd) has advised such entity or a similar fund or a series of funds with respect to at least 2 investments of not less than $500,000 made by such entity or similar fund or series of funds during at least 2 of the most recent 3 years.'';

(2) by striking subparagrah (B) and inserting the following:

''(B) AVAILABILITY OF VISAS.—

''(i) IN GENERAL.—Visas shall be available, in a number not to exceed 10,000 for each fiscal year, to qualified immigrants seeking to enter the United States for the purpose of creating new businesses, as described in this paragraph.

''(ii) ADDITIONAL VISAS.—

''(I) IN GENERAL.—An additional 5,000 visas for each fiscal year shall be reallocated from unused visas if the Secretary determines, after receiving the report required by subclause (II), that the provision of visas under this paragraph has been effective in creating new businesses and that there would be additional economic benefit derived from the provision of additional visas under this paragraph.

''(II) GAO REPORT.—Not later than 30 days after the end of each fiscal year, the Comptroller General of the United States shall submit to Congress and the Secretary a report on the effectiveness of providing visas under this section in creating new businesses and recommendations with respect to the provision of such visas. The Secretary shall provide any necessary data to Comptroller General upon request.'';

(3) in subparagraph (C)(i)(III)—

(A) by striking ''3-year period'' and inserting ''6-year period'';

(B) in item (bb)(BB)—

(i) by striking ''2-year period'' and inserting ''3-year period''; and

(ii) by inserting after ''revenue'' the following: '', in any 12-month period during that 3-year period,''.

SA 1717. Mr. WARNER 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 1298, strike line 18 and all that follows through page 1299, line 11, and insert the following:

SEC. 2552. FILING OF APPLICATIONS NOT REQUIRING REGULAR INTERNET ACCESS.

(a) ELECTRONIC FILING NOT REQUIRED.—

(1) IN GENERAL.—The Secretary may not require that an applicant or petitioner for permanent residence or United States citizenship use an electronic method to file any application, or to access a customer account as the sole means of applying for such status.

(2) SUNSET DATE.—This subsection shall cease to be effective on October 1, 2020.

(b) NOTIFICATION REQUIREMENT.—Beginning on October 1, 2020, the Secretary may not require that an applicant or petitioner for permanent residence or citizenship of the United States use an electronic method to file any application or to access a customer account unless the Secretary notifies the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives of such requirement not later than 30 days before the effective date of such requirement.

(c) ENABLING DIGITAL PAPERWORK PROCESSING.—In order to improve efficiency and to discourage fraud, the Secretary may provide incentives to encourage digital filing, including expedited processing, modified filing fees, or discounted membership in trusted traveler programs, if the Secretary provides electronic access to a digital application process in application support centers, district offices, or other ubiquitous, commercial, and nongovernmental organization locations designated by the Secretary.

On page 1418, strike lines 12 through 19 and insert the following:

SEC. 3103. INCREASING SECURITY AND INTEGRITY OF GOVERNMENT-ISSUED CREDENTIALS AND SYSTEMS.

(a) ASSESSMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary, in coordination with the National Institute of Standards and Technology, shall submit an assessment, with recommendations to Congress on—

(1) the feasibility of automated biometric comparison to verify that the person presenting the employment authorization document is the rightful holder;

(2) how best to enable United States citizens and aliens lawfully present in the United States to better secure the accuracy and privacy of their digital interactions with Federal information systems; and

(3) a timetable for the actions described in paragraphs (1) and (2).

(b) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish an advisory committee to support a public-private, multi-stakeholder process that includes relevant Federal agencies and groups representing the State governors, motor vehicle administrators, civil liberties groups, public safety organizations, representatives of the technology, financial services and healthcare sectors, and such other public or private entities as the Secretary considers appropriate.

(2) FUNCTIONS.—The advisory committee established pursuant to paragraph (1) shall—

(A) collect and analyze recommendations from the stakeholders described in paragraph (1) with respect to the assessment conducted under subsection (a); and

(B) provide Congress with any ongoing recommendations for legislative and administrative action regarding improvements to the security, integrity, and privacy of government issued credentials and systems.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to enter into agreements with the National Academy of Sciences to provide reviews and intellectual support for the mission of the advisory committee established pursuant to subsection (b)(1).

SA 1718. Ms. HIRONO (for herself, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mr. LEAHY, Mr. FRANKEN, Ms. MIKULSKI, Mrs. SHAHEEN, Ms. CANTWELL, Ms. STABENOW, Ms. BALDWIN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. SCHUMER, and 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. _____. MERIT-BASED POINTS TRACK ONE MODIFICATIONS.

(a) FINDINGS.—Congress finds the following:

(1) In many countries around the world, women do not have as many opportunities for education, choices for careers, or opportunities for career advancement as men do in those countries.

(2) It is important that our future immigration system—

(A) take into account the disparate treatment that women experience in other countries; and

(B) provide women a fair opportunity to immigrate to the United States through a merit-based point system.

(3) Under the current United States employment-based immigration system, green cards are awarded to men over women nearly four-to-one.

(4) Like the current employment-based system, the high-skill tier one in the merit point system is more likely to be used by men because of the greater opportunities available to men in other countries.

(5) The purpose of the third tier of the merit-based point system is to provide women a fairer opportunity to compete for green cards by focusing the point categories

on careers and experiences that are available to women in other countries.

(b) WORLDWIDE LEVEL OF MERIT-BASED IMMIGRANTS.—Section 201(e) (8 U.S.C. 1151(e)), as amended by section 2301(a)(1), 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 280,000.

''(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).''.

(c) MERIT-BASED IMMIGRANTS.—Section 203(c), as added by section 2301(a)(2) of this Act, is amended to read as follows:

''(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) CIVIC INVOLVEMENT.—An alien who has demonstrated significant civic involvement, including humanitarian and volunteer activities, shall be allocated 2 points.

''(D) 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.

''(E) HUMANITARIAN CONCERNS.—An alien who is or has been the primary caregiver of a United States citizen parent or sibling suffering an extreme hardship shall be allocated 10 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) 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) DEFINITIONS.—In this subsection:

''(A) HIGH DEMAND TIER 1 OCCUPATION.—The term 'high demand tier 1 occupation' means 1 of the 5 occupations for which the highest number of nonimmigrants described in section 101(a)(15)(H)(i) were sought to be admitted by employers during the previous fiscal year.

''(B) HIGH DEMAND TIER 2 OCCUPATION.—The term 'high demand tier 2 occupation' means 1 of the 5 occupations for which the highest number of positions were sought to become registered positions by employers under section 220(e) during the previous fiscal year.

''(C) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(D) ZONE 1 OCCUPATION.—The term 'zone 1 occupation' means an occupation that requires little or no preparation and is classified as a zone 1 occupation on—

''(i) the Occupational Information Network Database (O*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

''(E) ZONE 2 OCCUPATION.—The term 'zone 2 occupation' means an occupation that requires some preparation and is classified as a zone 2 occupation on—

''(i) the Occupational Information Network Database (O*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

''(F) ZONE 3 OCCUPATION.—The term 'zone 3 occupation' means an occupation that requires medium preparation and is classified as a zone 3 occupation on—

''(i) the Occupational Information Network Database (O*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

''(G) ZONE 4 OCCUPATION.—The term 'zone 4 occupation' means an occupation that requires considerable preparation and is classified as a zone 4 occupation on—

''(i) the Occupational Information Network Database (O*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

''(H) ZONE 5 OCCUPATION.—The term 'zone 5 occupation' means an occupation that requires extensive preparation and is classified as a zone 5 occupation on—

''(i) the Occupational Information Network Database (O*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

''(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.''.

(d) RULE OF CONSTRUCTION.—The amendments made by this section shall apply notwithstanding title II or any other section of this Act.

SA 1719. 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:

At the appropriate place, insert the following:

SEC. _____. AGRICULTURAL WORKERS.

(a) SUBMISSION OF BLUE CARD STATUS APPLICATIONS FROM OUTSIDE OF THE UNITED STATES.—The Secretary shall ensure that aliens residing outside of the United States who are eligible to submit an application for Blue Card status under section 2211 are able to do so through the United States Consulate in the alien's country of residence.

(b) RECORD OF EMPLOYMENT.—An employer shall not be required to provide, to the Secretary of Agriculture or to each alien granted blue card status who is employed by the employer, a written record of employment more than once per year.

(c) SUFFICIENT EVIDENCE.—An alien who cannot meet the burden of proof otherwise required under section 245F(e)(4)(A) of the Immigration and Nationality Act, as added by section 2212 of this Act, may, in an interview with the Secretary, establish that the alien has performed the days or hours of work referred to in such section by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) ALLOCATION OF VISAS.—Section 218A(c)(1)(B), as added by section 2232 of this Act, is amended to read as follows:

''(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 beginning January 1.

''(II) 30 percent shall be available beginning 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).''.

(e) TRANSITION OF H–2A WORKER PROGRAM.—Notwithstanding section 2233, an employer—

(1) may petition to employ an alien pursuant to section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (1101(a)(15)(H)(ii)(a)) until the date that is 3 years after the date on which the regulations issued pursuant to section 2241(b) become effective; and

(2) may not employ an alien described in paragraph (1) after the date specified in such paragraph.

(f) EFFECTIVE DATE.—Notwithstanding paragraph (4) of section 2233(b), the amendments made by such section shall take effect on the date that is 3 years after the effective date of the regulations issued pursuant to section 2241(b).

SA 1720. Mrs. MURRAY (for herself, Mr. PORTMAN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 25, 2013, at 10 a.m. to conduct a hearing entitled ''Private Student Loans: Regulatory Perspectives.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. 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 25, 2013, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 25, 2013, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Program Integrity: Oversight of Recovery Audit Contractors.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 25, 2013, at 3 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. 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, to conduct a hearing entitled ''Building a Foundation of Fairness: 75 Years of the federal Minimum Wage'' on June 25, 2013, at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 25, 2013, at 2:30 p.m.

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

SUBCOMMITTEE ON ENERGY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Energy of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 25, 2013, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON EMERGENCY MANAGEMENT, INTERGOVERNMENTAL RELATIONS, AND THE DISTRICT OF COLUMBIA

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Emergency Management, Intergovernmental Relations, and the District of Columbia of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 25, 2013, at 10 a.m. to conduct a hearing entitled ''Are We Prepared? Measuring the Impact of Preparedness Grants Since 9/11.''

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

CONGRATULATING THE MIAMI HEAT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 186.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 186) congratulating the Miami Heat for winning the 2013 National Basketball Association Finals.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 186) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, JUNE 26, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, June 26, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate resume consideration of S. 744, the comprehensive immigration reform bill, and the time until 11:30 a.m. be equally divided and controlled between the two managers or their designees; that the filing deadline for second-degree amendments to the committee-reported substitute and the bill be 10:30 tomorrow morning.

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

PROGRAM

Mr. REID. There will be three rollcall votes in relation to the immigration bill, as announced earlier, starting at 11:30 a.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Wednesday, June 26, 2013, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 25, 2013:

DEPARTMENT OF COMMERCE

PENNY PRITZKER, OF ILLINOIS, TO BE SECRETARY OF COMMERCE.